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CLACKAMAS COUNTY SHERIFF

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

HSBC BANK USA, NATIONAL
ASSOCIATION AS TRUSTEE FOR
CITIGROUP MORTGAGE LOAN TRUST
INC., ASSET-BACKED PASS-THROUGH
CERTIFICATES SERIES 2004-HE1, its
successors interest and/or assigns,

Plaintiff,

v.

CATHERINE R IRELAN AKA CATHERINE
RENEE IRELAN AKA CATHERINE R
DIXON; LEORVAL W IRELAN;
BOYDSTUN METAL WORKS INC.;
UNITED STATES OF AMERICA; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.: 15CV34135

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on October 16, 2017.
A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Judgment Creditor:

HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE
FOR CITIGROUP MORTGAGE LOAN TRUST INC., ASSET-BACKED
PASS- THROUGH CERTIFICATES SERIES 2004-HE1
c/o Bryan Kidder
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$343,296.98, plus post-judgment interest at the statutory rate
of 9.0% per annum from October 16, 2017 to March 16, 2018 in the amount of \$12,781.93 and
continuing to accrue at \$84.65 *per diem*, currently totaling \$356,078.91.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about November 5, 1996, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described as follows in attached Exhibit 1, APN/Parcel #
6 00683193, and commonly known as: 24204 Southeast Filbert Rd, Eagle Creek, OR 97022.

7 Sale of the property is to satisfy the sum listed above, plus the costs incurred in
8 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under
9 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.
10 You are to make the return within 60 days after you receive this Writ. Should the sale be
11 continued, the writ may be automatically extended for 30 days.

12 *Dated: March 16, 2018.*



Dorothy Watson

15 Dated: 7 MARCH 2018 and submitted by:

17 **McCarthy & Holthus, LLP**

18 *Bryan Kidder*

19 _____
20 Bryan Kidder, OSB No. 140459
21 920 SW 3rd Ave, 1st Floor
22 Portland, OR 97204
23 Phone: (971) 201-3200
24 Fax: (971) 201-3202
25 bkidder@mccarthyholthus.com
26 Of Attorneys for Plaintiff

Court Administrator relies on the information provided by the person seeking issuance of this writ of execution and is not liable for any errors or omissions in the information

COURT CLERK HAS NOT VERIFIED FIGURES IN THIS WRIT. IF YOU HAVE ANY QUESTIONS REGARDING THIS WRIT, PLEASE CONTACT YOUR LEGAL COUNSEL, THE ISSUING ATTORNEY OR THE ISSUING COMPANY. DEBTOR MAY CONTEST THIS WRIT BY FILING A CLAIM OF EXEMPTION.

Exhibit 1
Legal Description

File No.: 7019-1538794

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF Clackamas, STATE OF OR, AND IS DESCRIBED AS FOLLOWS:

A tract of land in Section 32, Township 2 South, Range 4 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being a portion of Tract 19, ORCHARD HOMES, a recorded plat, described as follows:

Beginning at the Northeast corner of Tract 19, ORCHARD HOMES; thence Southerly along the East line of the tract

308.00 feet, more or less, to the Northeast corner of that tract of land conveyed to Dennis C. Lyons, et ux, recorded June 29, 1972 as Recorder's Fee No. 72 18909, Film Records; thence Westerly along the North line of the Lyons tract 137.70 feet to the Northwest corner thereof; thence Southerly along the West line of the Lyons tract 611.31 feet, more or less, to the Northerly line of Freeman Avenue, also known as Orchard Avenue, as traveled; thence Westerly along the said North line of Freeman Avenue, 258.21 feet, more or less, to the Easterly line of Orchard Avenue as traveled; thence Northerly along the Easterly line of Orchard Avenue, as traveled 903.28 feet, more or less, to the North line of Tract 19; thence Easterly along the North line of Tract 19, 382.48 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion awarded by Judgment of Adverse Possession entered October 24, 2005 as Case No. CCV 03110618, described as follows:

A tract of land located in Lot 19, ORCHARD HOMES, in the Southeast one quarter of Section 32, T2S, R4E, W.M., Clackamas County, Oregon, the said tract of land being more particularly described as follows:

Beginning at an iron rod as set by PS 10583, Clackamas County Survey Records, for the Northwest corner of Lot 19, ORCHARD HOMES in the east line of S.E. Filbert Avenue which bears S 89°49'58" W 1781.59, N 03°21'29" E 981.06 feet and N 89°58'01" E 40.07 feet from a brass cap at the Southeast corner of Section 32; thence along the north line as surveyed by PS 10583, N 89°58'01" E 392.06 feet to an iron rod at the Northwest corner of Parcel 2 of PARTITION PLAT NO. 1998-153, Clackamas County Survey Records; Thence along the West line of the said Parcel S 02°47'13" W 34.02 feet more or less to a point in an ancient fence line; thence tracing the said fence line S89°16'40" W 392.73 feet more or less to the point of intersection of the westerly extension of the said fence line and the east right of way of SE Filbert Avenue; thence N 03°23'29" E 38.66 feet more or less to the point of beginning.

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IN THE CIRCUIT COURT FOR THE STATE OF OREGON
IN AND FOR THE COUNTY OF CLACKAMAS

HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR CITIGROUP MORTGAGE LOAN TRUST INC., ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2004-HE1, its successors interest and/or assigns,

Plaintiff,

v.

CATHERINE R IRELAN AKA CATHERINE RENEE IRELAN AKA CATHERINE R DIXON; LEORVAL W IRELAN; BOYDSTUN METAL WORKS, INC.; UNITED STATES OF AMERICA; AND OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 15CV34135

GENERAL JUDGMENT

DEFAULT JUDGMENT FOR FORECLOSURE AND SALE AGAINST DEFENDANTS:

- 1) BOYDSTUN METAL WORKS, INC.
- 2) UNITED STATES OF AMERICA; AND;
- 3) OCCUPANTS OF THE PREMISES

AND

STIPULATED JUDGMENT OF FORECLOSURE AND SALE AND SHORTENING OF REDEMPTION PERIOD AGAINST DEFENDANTS:

- 1) CATHERINE R IRELAN AKA CATHERINE RENEE IRELAN AKA CATHERINE R DIXON; and
- 2) LEORVAL W IRELAN

1.

Plaintiff HSBC Bank USA, National Association as Trustee for Citigroup Mortgage Loan Trust Inc., Asset-Backed Pass-Through Certificates Series 2004-HE1 ("Plaintiff"), by and through its

1 attorneys of record, RCO Legal, P.S. and Calvin Knickerbocker, and defendants Catherine R. Irelan aka
2 Catherine Renee Irelan aka Catherine R. Dixon and Leorval W. Irelan ("Defendants Irelan"), by and
3 through their attorney of record David P. Smith, hereby stipulate and agree to entry of this general
4 judgment of foreclosure and sale and shortening of redemption period against Defendants Irelan.

5
6 2.

7 Additionally, this matter coming regularly before the Court and it appearing from the record that
8 Plaintiff filed its Complaint for Deed of Trust Foreclosure and Sale and Declaratory Relief against
9 defendants Boydston Metal Works Inc., United States of America; and Occupants of the Premises; that
10 such defendants were duly served with the Summons and Complaint as required by law; that Orders of
11 Default were entered against such defendants; and consequently this General Judgment of Foreclosure
12 and Sale by default is submitted against such defendants herein.

13
14 3.

15 This General Judgment is submitted in accordance with UTCR 5.100 (2)(b)(1) and UTCR 5.100
16 (3)(c), and is supported by the accompanied Plaintiff's Declaration of Indebtedness.

17
18 4.

19 The Court having reviewed the supporting Declaration, records, and pleadings on file, being
20 fully advised in the premise, finding good cause exists so that this General Judgment may be entered
21 without further delay against all defendants, thereby resolving all claims raised against and remaining in
22 Plaintiff's Complaint, it is hereby

23 //

24 //

25 //

1 TRACT 19; THENCE EASTERLY ALONG THE NORTH LINE OF
2 TRACT 19, 382.48 FEET, MORE OR LESS, TO THE POINT OF
3 BEGINNING.

4 EXCEPTING THEREFROM THAT PORTION AWARDED BY
5 JUDGMENT OF ADVERSE POSSESSION ENTERED OCTOBER 24,
6 2005 AS CASE NO. CCV 03110618, DESCRIBED AS FOLLOWS:
7 A TRACT OF LAND LOCATED IN LOT 19, ORCHARD HOMES, IN
8 THE SOUTHEAST ONE QUARTER OF SECTION 32, T2S, R4E, W.M.,
9 CLACKAMAS COUNTY, OREGON, THE SAID TRACT OF LAND
10 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 BEGINNING AT AN IRON ROD AS SET BY PS 10583, CLACKAMAS
12 COUNTY SURVEY RECORDS, FOR THE NORTHWEST CORNER OF
13 LOT 19, ORCHARD HOMES IN THE EAST LINE OF S.E. FILBERT
14 AVENUE WHICH BEARS S 89°49'58" W 1781.59, N 03°21'29" E 981.06
15 FEET AND N 89°58'01" E 40.07 FEET FROM A BRASS CAP AT THE
16 SOUTHEAST CORNER OF SECTION 32; THENCE ALONG THE
17 NORTH LINE AS SURVEYED BY PS 10583, N 89°58'01" E 392.06
18 FEET TO AN IRON ROD AT THE NORTHWEST CORNER OF
19 PARCEL 2 OF PARTITION PLAT NO. 1998-153, CLACKAMAS
20 COUNTY SURVEY RECORDS; THENCE ALONG THE WEST LINE
21 OF THE SAID PARCEL S 02°47'13" W 34.02 FEET MORE OR LESS TO
22 A POINT IN AN ANCIENT FENCE LINE; THENCE TRACING THE
23 SAID FENCE LINE S89°16'40" W 392.73 FEET MORE OR LESS TO
24 THE POINT OF INTERSECTION OF THE WESTERLY EXTENSION
25 OF THE SAID FENCE LINE AND THE EAST RIGHT OF WAY OF SE
26 FILBERT AVENUE; THENCE N 03°23'29" E 38.66 FEET MORE OR
LESS TO THE POINT OF BEGINNING.

18 and commonly known as 24204 Southeast Filbert Road, Eagle Creek, OR 97022. situated in Clackamas
19 County, Oregon (hereinafter, the "Property").

20 7.

21 On Plaintiff's Second Claim for Relief, Judicial Foreclosure, that Plaintiff's Deed of Trust
22 is superior to any and all right, title, interest, claim, or lien held on and against the Property by the
23 defendants, their successors in interest and assigns, and that said Deed of Trust is hereby foreclosed by
24 this Court on and against the Property.
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8.

That the defendants, all of them, and all parties claiming by through or under them as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all right, interest, lien, or claim in and against the Property and every portion thereof excepting any statutory right of redemption provided by the laws of the State of Oregon.

9.

Defendants are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

10.

That all of the right, title and interest which all of the defendants have, including all of the right, title and interest all of defendants and any successor thereafter had in and to the Property, is hereby ordered to be sold by law, and the proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the satisfaction of the amount due and owing set forth in Paragraph 16 herein; and the surplus, if any, to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto; that no deficiency judgment is awarded Plaintiff and against the defendants, even for attorney fees and costs.

11.

That Plaintiff may bid and become the purchaser at the Sheriff's Sale of the Property; that Plaintiff may bid up to the aggregate amount of its Judgment with the amount due and owing set forth in Paragraph 16 herein plus interest from the date this judgment is signed by the judge, to the date of the Sheriff's Sale, without advancing any cash except the funds necessary to pay the Sheriff's fees and costs of sale; that the purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the Sale, and is entitled to such remedies as are

1 purchaser may apply for a
2 available at law to secure possession, ~~that the judgment entered herein have the same effect as a~~ Writ of
3 Assistance, if Defendants or any other party or person shall refuse to surrender possession of the
4 Property to the purchaser immediately upon the purchaser's demand for possession.

5 12.

6 That the Defendants Irelan have agreed that should Plaintiff be the successful bidder at the
7 Sheriff's Sale of the Property, Defendants Irelan's full rights of redemption under ORS 18.960 to
8 18.985, are and shall be reduced to a shortened time to exercise their right of redemption of the Property
9 under ORS 18.964(1), from the statutory period of 180 days after the date of Sheriff's Sale, to 60 days
10 following the Sheriff's Sale, the same period of time for redemption held by a lien claimant under ORS
11 18.964(2).

12 13.

13 Therefore, the redemption rights of Defendants Irelan shall be and are hereby shortened should
14 Plaintiff be the successful bidder of the Property, to 60 days following the Sheriff's Sale, the same
15 period of time for redemption held by a lien claimant under ORS 18.964(2); and that the Clackamas
16 County Sheriff is hereby ordered to issue the Sheriff's Deed for the Property to the Plaintiff, should it be
17 the purchaser of the Property at the Sheriff's Sale, 60 days following the date of the Sheriff's Sale.
18

19 14.

20 It is further ordered that upon issuance of the Sheriff's Deed for the Property to Plaintiff should
21 it be the purchaser of the Property at the Sheriff's Sale, it shall take absolute title to the Property, free of
22 any further right of redemption by Defendants Irelan. Should Plaintiff not be the purchaser of the
23 Property at the Sheriff's Sale, the Defendants Irelan's statutory rights of redemption shall be as provided
24 under ORS 18.960 to 18.985.
25
26

15.

That Plaintiff is entitled to, and is hereby awarded its attorney fees and costs incurred in this action, and that Plaintiff's attorney fees in the amount of \$2,971.00 and its litigation costs in the amount of \$1,219.09, shall be, and are hereby declared additional amounts secured by and hereinafter shall be made part of the amount of the debt secured by Plaintiff's Deed of Trust

DECLARATION OF DEBT SECURED BY DEED OF TRUST

(Pursuant to Senate Bill 368)

16.

Under the terms of the Deed of Trust and promissory note, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

Attorneys' Fees and Costs

Attorneys' Fees		\$2,971.00
Title Report - Litigation Guarantee	\$100.00	
Filing Fee - Complaint	\$531.00	
Recording Fee - Lis Pendens	\$77.00	
Courier and Mailing Costs	\$46.09	
Process Service Fees	\$465.00	
	Total Costs	\$1,219.09
	<i>Total Attorneys' Fees and Costs</i>	<i>\$4,190.09</i>

Lenders' Principal and Interest

Principal Balance	\$148,319.10	
Accrued Interest from April 1, 2009, to February 21, 2017, the date calculated by the declarant in the declaration of indebtedness @ 13.25% per annum	\$155,019.70	
	<i>Total Principal & Interest</i>	<i>\$303,338.80</i>

Lenders' Fees and Costs

Accum. Late Charges	\$88.76
Hazard Insurance Disbursements	\$17,286.00

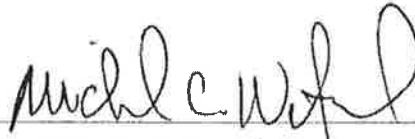
1	Corporate Advance (Property Preservation)	\$773.75
	Tax Disbursements	\$17,717.08
2	Credits	(\$97.50)
3		
4	<i>Total Lenders' fees and costs:</i>	\$35,768.09
5	<i>Total Lenders' Principal, Interest, Fees, and Costs:</i>	\$339,106.89
6	<i>Total Amount Due</i>	\$343,296.98

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1 Additional pre-judgment interest to accrue pursuant to
2 ORS 18.042 from February 22, 2017 until the date of
3 entry of this judgment into the Court's register at the
4 contract rate of interest of 13.25% (\$53.84 per diem)

5 Post-Judgment interest thereafter at the contract rate
6 of interest of 13.25% on the Total Amount Due, or
7 9.00% per annum, whichever is greater.

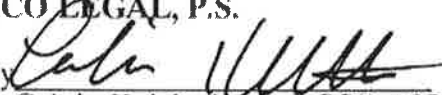
Signed: 10/9/2017 03:06 PM

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9
10 Circuit Court Judge Michael C. Wetzel

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13
14 So Stipulated to by:

15 **RCO LEGAL, P.S.**

16 By  Dated: 8/10/2017

17 Calvin Knickerbocker, OSB # 050110
18 Attorneys for Plaintiff
19 511 SW 10th Ave., Ste. 400
20 Portland, OR 97205
21 (503) 977-7840, Fax (503) 977-7963
22 cknickerbocker@rcolegal.com

23 and

24 **THE SMITH FIRM, P.C.**

25 By  Dated: 2/21/17

26 David P. Smith, OSB # 96430
Attorneys for Defendants
511 SW 10th Ave., Ste. 400
Portland, OR 97205
(503) 657-6550, Fax (866) 710-0666
dave@thesmithfirm.com

CERTIFICATE OF UTCR 5.100 COMPLIANCE

This Proposed order or judgment is ready for judicial signature because:

A. [] The order or judgment was served on the opposing counsel not less than 3 days prior to submission to the court, or mailed to a self-represented party at the party's last known address not less than 7 days prior to submission to the court with a notice of the time period to object.

B. [] The order or judgment is accompanied by a stipulation by opposing counsel that no objection exists as to the judgment or order.

C. [] The judgment or order is exempt from UTCR 5.100(1) because:

a. [] The judgment or order is a proposed order or judgment presented in open court with the parties present.

b. [] The judgment or order is of a kind for which service is not required by statute, rule, or otherwise;

c. [] The judgment is a proposed judgment after an order for default has already been entered or is being simultaneously requested against the opposing party.

d. [] The proposed judgment is subject to UTCR 10.0099

e. [] The proposed judgment or order is an uncontested probate and protective proceeding.

f. [] This matter is certified to the court under ORS 416.422, 416.430, 416.435, or 416.448.

D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why the proposed judgment or order is ready for a judicial signature:

1. [] Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.

2. [X] Each opposing party affected by this order or judgment has approved the order or judgment, as shown by signature on the document being submitted or by written confirmation of approval sent to me.

3. [] I have served a copy of this order or judgment on all parties entitled to service and:

a. [] No objection has been served on me.

b. [] I received objections that I could not resolve with the opposing party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.


c. [] After conferring about objections, [role and name of opposing party] agreed to independently file any remaining objection.

4. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise

1 5. This is a proposed judgment that includes an award of punitive damages and notice has been
2 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of this
3 rule.

4 6. Other: _____

5 Dated this 10 day of August 2017

6 By, 
7 Calvin Knickerbocker OSB#050110
8 Attorney for Plaintiff