

RCUD DOCD00L 21MAY18 14:02

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLEY AS TURSTEE
FOR MFRA TRUST 2015-1, its successors in
interest and/or assigns,

Plaintiff,

vs.

ROGER L. EASTER; LISA A. EASTER AKA
LISA GROSHENS AKA LISA A.
GROSHENS AKA LISA EASTER;
WHISPERING PINES HOMEOWNERS
ASSOCIATION; OREGON ACCOUNT
SYSTEMS INC.; FORD MOTOR CREDIT
COMPANY; RAY KLEIN, INC. DBA
PROFESSIONAL CREDIT SERVICE;
OREGON COLLECTIONS, INC.; CASCADE
CREDIT CONSULTING INC.; VELOCITY
INVESTMENTS, LLC; NORTH STAR
CAPITAL ACQUISITION LLC; DISCOVER
BANK; HSBC BANK NEVADA, N.A.;
OCCUPANTS OF THE PREMISES,

Defendants.

Case No.: 16CV38240

WRIT OF EXECUTION IN
FORECLOSURE

TO THE DESCHUTES COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on September 20, 2017.

A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

1 WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL
2 CAPACITY, BUT SOLEY AS TURSTEE FOR MFRA TRUST 2015-1

3 c/o Andreanna Smith
4 Attorney for Plaintiff
5 McCarthy & Holthus, LLP
6 920 SW 3rd Ave, 1st Floor
7 Portland, OR 97204

8 With the adjudicated amount due of \$58,374.15, plus post judgment interest at the statutory rate
9 of 9.0% per annum from September 20, 2017 to April 2, 2018 in the amount of \$2,791.66, and
10 continuing with a per diem of \$14.39, currently totaling \$61,165.81.

11 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON,** you are
12 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
13 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
14 about July 26, 2000, the date of the Deed of Trust, and also the interest that the Defendant had
15 thereafter, in the real property described in the attached *Exhibit 1*, and commonly known as:
16 65685 78th Street, Bend, OR 97701.

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

Signed: 4/3/2018 09:48 AM

22 

23 **Circuit Court Supervisor Christie Combs**

24 **For Jeff Hall, Trial Court Administrator**



1 Dated: 3/30/2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Andreanna C. Smith

4

Andreanna Smith OSB No. 131336

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 ansmith@mccarthyholthus.com

10 Of Attorneys for Plaintiff

Exhibit 1

Legal Description

Lot 16, Block 21, **SECOND ADDITION TO WHISPERING PINES ESTATES**, Deschutes County,
Oregon.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

WILMINGTON TRUST, NATIONAL
ASSOCIATION, NOT IN ITS INDIVIDUAL
CAPACITY, BUT SOLELY AS TRUSTEE
FOR MFRA TRUST 2015-1, its successors in
interest and/or assigns,

Plaintiff,

v.

ROGER L. EASTER; LISA A. EASTER AKA
LISA GROSHENS AKA LISA A. GROSHENS
AKA LISA EASTER; WHISPERING PINES
HOMEOWNERS ASSOCIATION; OREGON
ACCOUNT SYSTEMS INC.; FORD MOTOR
CREDIT COMPANY; RAY KLEIN, INC. DBA
PROFESSIONAL CREDIT SERVICE;
OREGON COLLECTIONS, INC.; CASCADE
CREDIT CONSULTING INC.; VELOCITY
INVESTMENTS, LLC; NORTH STAR
CAPITAL ACQUISITION LLC; DISCOVER
BANK; HSBC BANK NEVADA, N.A.; AND
OCCUPANTS OF THE PREMISES,

Defendants.

Case No. 16CV38240

GENERAL JUDGMENT OF
FORECLOSURE AND SALE
AGAINST:

- (1) ROGER L. EASTER;
- (2) LISA A. EASTER AKA LISA
GROSHENS AKA LISA A.
GROSHENS AKA LISA EASTER;
- (3) WHISPERING PINES
HOMEOWNERS ASSOCIATION;
- (4) OREGON ACCOUNT SYSTEMS
INC.;
- (5) FORD MOTOR CREDIT COMPANY;
- (6) RAY KLEIN, INC. DBA
PROFESSIONAL CREDIT SERVICE;
- (7) OREGON COLLECTIONS, INC.;
- (8) CASCADE CREDIT CONSULTING
INC.;
- (9) VELOCITY INVESTMENTS, LLC;
- (10) NORTH STAR CAPITAL
ACQUISITION LLC;
- (11) DISCOVER BANK; AND
- (12) HSBC BANK NEVADA, N.A.;

1.

THIS MATTER coming regularly before the Court on this day and it appearing from the record herein that plaintiff Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2015-1, its successors in interest and/or assigns ("Plaintiff"), filed its

1 Complaint for deed of trust foreclosure and declaratory relief; that defendants Roger L. Easter; Lisa A.
2 Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines Homeowners
3 Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc. dba
4 Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity
5 Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A
6 were duly served with the Summons and Complaint as required by law; that defendants Roger L.
7 Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines
8 Homeowners Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc.
9 dba Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity
10 Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A
11 failed to appear; and that an Order of Default has been entered against them on Plaintiff's Complaint
12 and, consequently this General Judgment of foreclosure is submitted in accordance with UTCR 5.100
13 (3)(c).
14
15

16 2.

17 Plaintiff hereby requests this general judgment for foreclosure and sale be entered into the
18 Court's register to accomplish the following: to foreclose any and all interest of defendants Roger L.
19 Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines
20 Homeowners Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc.
21 dba Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity
22 Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A in
23 the real property subject to this foreclosure action, located at 65685 78th Street, Bend, Oregon 97701-
24 8455 (the "Property").
25
26

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

3.

The court being fully advised in the Premise, finding good cause exists so this general judgment of foreclosure and sale may be entered in favor of Plaintiff and against defendants Roger L. Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines Homeowners Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc. dba Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A, all of them, it is hereby

ORDERED AND ADJUDGED:

4.

That the Deed of Trust dated July 25, 2000, executed by Roger L. Easter and Lisa A. Easter for the benefit of Advanta Finance Corp., ("Deed of Trust"), recorded on July 31, 2000 as Instrument No. VOL:2000 PAGE: 30302 in the official records of Deschutes County, Oregon, and subsequently assigned to Plaintiff by way of an assignment recorded on November 18, 2015 as Instrument No. 2015-047081, is a valid lien for the amount due and owing as set forth in Paragraph 12 herein, against the Property situated in Deschutes County, Oregon, and described as follows

LOT 16, BLOCK 21, SECOND ADDITION TO WHISPERING PINES
ESTATES, DESCHUTES COUNTY, OREGON.

5.

That the lien of the Deed of Trust is superior to any interest, lien, or claim of defendants Roger L. Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines Homeowners Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc. dba Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity

1 Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A in
2 the Property, and that said Deed of Trust is hereby foreclosed by this Court on the Property.

3
4 6.

5 That defendants Roger L. Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka
6 Lisa Easter; Whispering Pines Homeowners Association; Oregon Account Systems Inc.; Ford Motor
7 Credit Company; Ray Klein, Inc. dba Professional Credit Service; Oregon Collections, Inc.; Cascade
8 Credit Consulting Inc.; Velocity Investments, LLC; North Star Capital Acquisition LLC; Discover
9 Bank; HSBC Bank Nevada, N.A, each of them, and all parties claiming by, through, or under them as
10 purchasers, encumbrances, or otherwise, are forever barred and foreclosed of all interests, liens, or
11 claims in the Property, and every portion thereof, excepting only the statutory right of redemption
12 provided by the laws of the State of Oregon.

13
14 7.

15 That defendants Roger L. Easter; Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka
16 Lisa Easter; Whispering Pines Homeowners Association; Oregon Account Systems Inc.; Ford Motor
17 Credit Company; Ray Klein, Inc. dba Professional Credit Service; Oregon Collections, Inc.; Cascade
18 Credit Consulting Inc.; Velocity Investments, LLC; North Star Capital Acquisition LLC; Discover
19 Bank; HSBC Bank Nevada, N.A, all of them, are not entitled to a homestead exemption as against
20 Plaintiff's Deed of Trust.

21
22 8.

23 That all of the right, title and interest which Roger L. Easter and Lisa A. Easter had on July 25,
24 2000, the date of the Deed of Trust, and all of the right, title and interest defendants Roger L. Easter;
25 Lisa A. Easter aka Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines
26

1 Homeowners Association; Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc.
2 dba Professional Credit Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity
3 Investments, LLC; North Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A
4 and any successor thereafter had in and to the real Property is hereby ordered to be sold by law, and the
5 proceeds of sale shall be applied first toward the sheriff's fees and costs of sale, then toward the
6 satisfaction of the amount due and owing set forth in Paragraph 12 herein; and the surplus, if any, to the
7 Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.
8

9 9.

10 That Plaintiff may become purchaser at the sheriff's sale of the Property and may bid up to the
11 aggregate amount due and owing set forth in Paragraph 12 herein, plus interest from the date of this
12 Judgment until sale without advancing any cash except money required for the sheriff's sale.
13

14 10.

15 That the Plaintiff, if the successful purchaser of the Property at the sheriff's sale, reserves the
16 right to motion the court after sale for exclusive and immediate possession of the Property through the
17 issuance and enforcement of a writ of assistance, should defendants Roger L. Easter; Lisa A. Easter aka
18 Lisa Groshens aka Lisa A. Groshens aka Lisa Easter; Whispering Pines Homeowners Association;
19 Oregon Account Systems Inc.; Ford Motor Credit Company; Ray Klein, Inc. dba Professional Credit
20 Service; Oregon Collections, Inc.; Cascade Credit Consulting Inc.; Velocity Investments, LLC; North
21 Star Capital Acquisition LLC; Discover Bank; HSBC Bank Nevada, N.A refuse to surrender possession
22 of the Property immediately upon the purchaser's demand for possession.
23

24 //

25 //

11.

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 \$3,500.00 and its litigation costs in the amount of \$5,594.40, shall be, and is 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)

14.

Under the terms of the Deed of Trust and the promissory note dated July 25, 2000, in the principal amount of \$41,976.93, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

Attorneys' Fees and Costs

Attorneys' Fees		\$3,500.00
Title Conversion/Assured/Date Down Endorsements	\$500.00	
Filing Fee - Complaint	\$252.00	
Recording Fee - Lis Pendens	\$67.00	
Mailing Costs	\$98.40	
Process Service Fees	\$1,620.00	
Publication Costs	\$2,997.00	
SCRA active checks for Service	\$60.00	
	Total Costs	\$5,594.40
	Total Attorneys' Fees and Costs	\$9,094.40

Lenders' Principal and Interest

Principal Balance	\$18,966.34	
Accrued Interest from December 4, 2011, to July 31, 2017, the date calculated by the in the declaration in support of judgment @ .1135 per annum	\$12,184.76	
	Total Principal & Interest	\$31,151.10

//

1 **Lenders' Fees and Costs**

2 Escrow Advance \$11,719.19
3 Recoverable Balance \$6,409.46
4 ***Total Lenders' Fees and Costs: \$18,128.65***
5 ***Total Lenders' Principal, Interest, Fees, and Costs: \$49,279.75***

6 Additional pre-judgment interest pursuant to ORS
7 18.042 from July 31, 2017 to the date entry of
8 judgment at the contract rate of interest as defined by
9 Section 6 of the Note

10 Post-Judgment interest thereafter on the Total
11 Amount Due at the contract rate of interest as defined
12 by Section 6 of the note, or 9.000% per annum,
13 whichever is greater.

14 ***Total Amount Due \$58,374.15***

Signed: 9/20/2017 03:49 PM

15
16 
17 **Circuit Court Judge Alta J. Brady**

18 Presented by:

19 **RCO LEGAL, P.C.**

20 By  DATED 9-14-17

21 Calvin Knickerbocker, OSB # 050110
22 Attorneys for Plaintiff
23 511 SW 10th Ave., Ste. 400
24 Portland, OR 97205
25 Telephone (503) 977-7840 Facsimile (503) 977-7963
26 cknickerbocker@rcolegal.com

1 **CERTIFICATE OF UTCR 5.100 COMPLIANCE**


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

- 3 A. The order or judgment was served on the opposing counsel not less than 3 days prior to
4 submission to the court, or mailed to a self-represented party at the party's last known
5 address not less than 7 days prior to submission to the court with a notice of the time period
6 to object.
- 7 B. The order or judgment is accompanied by a stipulation by opposing counsel that no objection
8 exits as to the judgment or order.
- 9 C. The judgment or order is exempt from UTCR 5.100(1) because:
10 a. The judgment or order is a proposed order or judgment presented in open court with
11 the parties present.
12 b. The judgment or order is of a kind that may be presented *ex parte* and has been
13 submitted either in person or by mail *ex parte*.
14 c. The judgment is a proposed judgment after an order for default has already been
15 entered or is being simultaneously requested against the opposing party.
16 d. The proposed judgment is subject to UTCR 10.0099
17 e. The proposed judgment or order is an uncontested probate and protective proceeding.
18 f. This matter is certified to the court under ORS 416.422, 416.430, 416.435, or
19 416.448.
- 20 D. In compliance with UTCR 5.100(2)(b), the drafting party certifies the following as to why
21 the proposed judgment or order is ready for a judicial signature:
- 22 1. Each opposing party affected by this order or judgment has stipulated to the order or
23 judgment, as shown by each opposing party's signature on the document being submitted.
- 24 2. Each opposing party affected by this order or judgment has approved the order or judgment,
25 as shown by signature on the document being submitted or by written confirmation of
26 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. The relief sought is against an opposing party who has been found to be in default.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

- 5. [] An order of default is being requested with this proposed judgment.
- 6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise noted.
- 7. [] This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Dated this 13 day of September, 2017

By, 
Calvin Knickerbocker OSB#050110
Attorney for Plaintiff