

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

LANE COUNTY S.O. CIVIL
05.25.18
7875 411

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

HSBC BANK USA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR OWNIT
MORTGAGE LOAN TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2005-2,
Plaintiff,

Case No. 17CV16977

WRIT OF EXECUTION

v.

TIFFANY N. OLSEN; HSBC BANK USA,
NATIONAL ASSOCIATION, AS TRUSTEE
FOR OWNIT MORTGAGE LOAN TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-2; RAY
KLEIN INC. AN OREGON CORPORATION
DBA PROFESSIONAL CREDIT SERVICE;
ASSET ACCEPTANCE, LLC; MIDLAND
FUNDING LLC; STATE OF OREGON
DEPARTMENT OF JUSTICE CHILD
SUPPORT DIVISION AND ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 847 S 38TH ST.,
SPRINGFIELD, OR 97478,
Defendant.

TO THE LANE COUNTY SHERIFF:

On March 26, 2018, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE FOR OWNIT MORTGAGE LOAN TRUST, MORTGAGE

1 LOAN ASSET-BACKED CERTIFICATES, SERIES 2005-2 c/o Aldridge Pite, LLP, 111 SW
2 Columbia St., Ste. 950, Portland, OR 97201.

3 The real property to be sold at public auction is commonly known as 847 S 38TH
4 STREET, SPRINGFIELD, OR 97478 ("Subject Property"), and legally described as:

5 LOT 5, BLOCK 2, REDWOOD ESTATES, IN THE CITY OF SPRINGFIELD, AS
6 PLATTED AND RECORDED IN BOOK 31, PAGE 21, LANE COUNTY OREGON PLAT
7 RECORDS, IN LANE COUNTY, OREGON.

8 The total amount due and owing on the Judgment as of March 29, 2018;

9	Judgment:	Principal	\$158,215.70
10			
11	Pre-Judgment:	Interest(6.500%, \$23.69/day)	\$3,553.50 (10/28/17 through 3/26/18)
12		Attorney Fees	\$5,026.25
13		Costs	\$3,395.00
14		Prevailing Party Fee	\$300.00
15	Post-Judgment:	Interest(9.000%, \$42.11/day)	\$126.33 (3/27/18 through 3/29/18)
16		Attorney Fees	\$305.00

17 **TOTAL: \$170,921.78**

18 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
19 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
20 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
21 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
22 holder of the certificate of sale.

23 //
24 //
25 //
26 //

1 By the signature of the attorney for the judgment creditor, the person that requested
2 issuance of the Writ hereby authorizes the sheriff to continue execution under the Writ and delay
3 making a return on the writ to a date up to 150 days after receipt.

COURT ADMINISTRATOR FOR
LANE COUNTY CIRCUIT COURT

APR - 2 2018

By: Angie Jones
Court Clerk

8 Presented by:
ALDRIDGE PITE, LLP

9 By: Christina Andreoni
10 { Hunter Zook, OSB #095578
11 { Katie Riggs, OSB #095861
12 { Sarah Mathenia, OSB #120681
13 { Shannon K. Calt, OSB #121855
14 { Christina Andreoni, OSB #160875
of Attorneys for Judgment Creditor
(858) 750-7600
(503) 222-2260 (facsimile)
orecourtnotices@aldridgepite.com



15
16
17
18
19
20
21
22
23
24
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

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

HSBC BANK USA, NATIONAL
ASSOCIATION, AS TRUSTEE FOR OWNIT
MORTGAGE LOAN TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2005-2,

Plaintiff,

v.

TIFFANY N. OLSEN; HSBC BANK USA,
NATIONAL ASSOCIATION, AS TRUSTEE
FOR OWNIT MORTGAGE LOAN TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-2; RAY
KLEIN INC. AN OREGON CORPORATION
dba PROFESSIONAL CREDIT SERVICE;
ASSET ACCEPTANCE, LLC; MIDLAND
FUNDING LLC; STATE OF OREGON
DEPARTMENT OF JUSTICE CHILD
SUPPORT DIVISION and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN, OR
INTEREST IN THE REAL PROPERTY
COMMONLY KNOWN AS 847 S 38TH ST.,
SPRINGFIELD, OR 97478,

Defendants.

Case No. 17CV16977

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT AND
STIPULATION**

ORCP Rule 69

PURSUANT TO SB368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

Based upon the stipulation of Defendant State of Oregon Department of Justice, Child Support Division ("Stipulating Defendant"), the Court's Order of Default against defendants Tiffany N. Olsen; HSBC Bank USA, National Association, as Trustee for Ownit Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2005-2; Ray Klein Inc. an Oregon

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND STIPULATION

1 Corporation dba Professional Credit Service; Asset Acceptance, LLC; Midland Funding LLC;
2 State of Oregon Department of Justice Child Support Division and All Other Persons or Parties
3 Unknown Claiming Any Right, Title, Lien, or Interest in The Real Property Commonly Known
4 as 847 S 38th St., Springfield, OR 97478, the records on file herein, and pursuant to the Motion
5 for General Judgment and Declaration of Amount Due by Default and Stipulation by Plaintiff
6 HSBC Bank USA, National Association, As Trustee For Ownit Mortgage Loan Trust, Mortgage
7 Loan Asset-Backed Certificates, Series 2005-2 ("Plaintiff"),

8 **IT IS HEREBY ADJUDGED:**

9 1. Plaintiff's security interest in the real property located at 847 S 38th Street,
10 Springfield, OR 97478 ("Subject Property"), as evidenced by the Deed of Trust recorded January
11 27, 2005 in the official records of LANE County as instrument number 2005-006874 ("Deed of
12 Trust"), is a viable first priority lien, superior to the interests of all the Defendants. All rights,
13 claims, ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien
14 as created by the Note and Deed of Trust. The Subject Property is legally described as follows:

15 LOT 5, BLOCK 2, REDWOOD ESTATES, IN THE CITY OF SPRINGFIELD, AS
16 PLATTED AND RECORDED IN BOOK 31, PAGE 21, LANE COUNTY OREGON
17 PLAT RECORDS, IN LANE COUNTY, OREGON.

18 2. Stipulating Defendant holds a valid and subsisting lien against the real property
19 described in the Complaint by virtue of a judgment in Lane County Circuit Court, Case No.
20 171407043 against defendant Tiffany N. Olsen, entered on April 11, 2014. The balance due on
21 the judgment is \$2,565.23 as of July 11, 2017.

22 3. No money award of any kind shall be granted against Stipulating Defendant as a
23 result of the entry of the stipulated limited judgment or general judgment.

24 4. The Deed of Trust is foreclosed and upon entry of this Judgment the court
25 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,

1 in the manner provided by law;

2 5. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
3 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
4 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
5 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

6 6. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
7 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
8 68(C), which amount may be added to the outstanding obligation due and owing under the Note
9 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
10 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
11 by sale of the Subject Property as directed under this Judgment;

12 7. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
13 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
14 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
15 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
16 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

17 8. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
18 sale of the Subject Property as directed under this Judgment.

19 9. The Sheriff shall make a return on the writ of execution to the court administrator
20 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
21 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
22 awarded herein; and the surplus, if any, to the Stipulating Defendant in the priority as its interest
23 may appear or to the clerk of the court to be distributed to such party or parties as may establish
24 its or their right thereto. The Defendants and all persons claiming through or under Defendants,
25 whether lien claimants, judgment creditors, claimants arising under junior mortgages or deeds of
26

1 trust, purchasers, encumbrances or otherwise, shall be barred and foreclosed from all rights,
2 claims, interest or equity of redemption in the Subject Property and every part of the Subject
3 Property when the time for redemption has elapsed;

4 10. Plaintiff or any other party to this action may become a purchaser at the
5 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
6 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
7 successor in interest may apply to this Court for a writ of assistance to gain possession of the
8 subject property if Defendants or any other party or person refuses to surrender possession;

9 DECLARATION OF AMOUNT DUE BY DEFAULT

10 (PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES NOT
11 CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

- 12 1. The amount of the judgment is \$158,215.70
13 2. Simple interest at the variable rate currently at 6.500% (\$23.69 *per diem*) from
14 October 28, 2017 through the date of sale.
15 3. Attorney fees of \$5,026.25 plus \$305.00, through the date of sale.
16 4. Costs of \$3,395.00, plus costs accrued through the date of sale.
17 5. Prevailing party fee: \$300.00.
18 6. Post-judgment interest thereafter on the total judgment amount at the contract rate
19 of interest or 9.000% per annum, whichever is greater, through the date of sale.
20

21 IT IS SO ADJUDGED.

Signed: 3/26/2018 10:31 AM

22 

23
24
25 **Karsten H. Rasmussen, Circuit Court Judge**

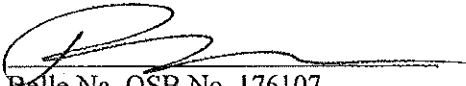
26 Page 4 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
STIPULATION

1 IT IS SO STIPULATED:

2 Submitted and stipulated to by:
3 ALDRIDGE PITE, LLP

4
5 /s/ Sarah M. Mathenia
6 Sarah M. Mathenia, OSB No. 120681
7 Aldridge Pite, LLP
8 *Of Attorneys for Plaintiff*

Date February 9, 2018

9 
10 Belle Na, OSB No. 176107
11 Assistant Attorney General / Civil Enforcement Division
12 Oregon Department of Justice
13 1162 Court Street NE, Salem, OR 97301-4096
14 *Of Attorneys for Defendant State of Oregon*

Date 2/9/18

15 By signing above the Parties hereby acknowledge the following: (1) that they were provided a
16 reasonable period of time to review and consider this Stipulated Judgment; (2) that they were
17 advised to and have sought and received the advice of their attorney prior to signing this
18 Stipulated Judgment, or had the opportunity to consult with an attorney and chose not to do so;
19 (3) that they understand that they are waiving legal rights by signing this Stipulated Judgment;
20 (4) that they have reviewed this Stipulated Judgment, that this Stipulated Judgment is written in a
21 manner that is understandable to them, and that they indeed understand the entirety of this
22 Stipulated Judgment and the effect(s) of signing this Stipulated Judgment; and (5) that they sign
23 this Stipulated Judgment of their own free act and deed, without any coercion or duress, and that
24 they hereby release the rights and claims set forth above in exchange for the consideration set
25 forth in this Stipulated Judgment

26
CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- 27 1. Each party affected by this order or judgment has stipulated to the order or judgment,
28 as shown by each party's signature on the document being submitted.
- 29 2. Each party affected by this order or judgment has approved the order or judgment, as
30 shown by each party's signature on the document being submitted or by written
31 confirmation of approval sent to me.

32 Page 5 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT AND
33 STIPULATION

Aldridge Pite, LLP
111 SW Columbia Street, Suite 950
Portland, OR 97201
(858) 750-7600

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. 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 a 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 objecting 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.
- 5. 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 (5) of this rule.
- 6. Other:

Presented By:
ALDRIDGE PITE, LLP

/s/ Sarah M. Mathenia
Sarah M. Mathenia, OSB No. 120681
Aldridge Pite, LLP
Of Attorneys for Plaintiff

Date: February 9, 2018