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

HSBC BANK USA, N.A., AS TRUSTEE ON BEHALF OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST AND FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST, SERIES 2007-HE2, ASSET BACKED PASS-THROUGH CERTIFICATES,

Plaintiff,

v.

NATHANAEL J. HOLCOMB; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC.; FIRST NLC FINANCIAL SERVICES, LLC, DBA THE LENDING CENTER; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV16037

WRIT OF EXECUTION IN FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 2, 2017.

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

HSBC BANK USA, N.A., AS TRUSTEE ON BEHALF OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST AND FOR THE REGISTERED HOLDERS OF ACE SECURITIES CORP. HOME EQUITY LOAN TRUST, SERIES 2007-HE2, ASSET BACKED PASS-THROUGH CERTIFICATES
c/o Jeremy Clifford
Attorney for Plaintiff

1 McCarthy & Holthus, LLP
2 920 SW 3rd Ave, 1st Floor
 Portland, OR 97204

3 With the adjudicated amount due of \$114,878.41, plus post judgment interest at the statutory rate
4 of 9.0% per annum from November 2, 2017 to April 26, 2018 in the amount of \$4,957.08, and
5 continuing with a per diem of \$28.33, currently totaling \$119,835.49.

6 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
7 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
8 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
9 about August 14, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
10 thereafter, in the real property described in the attached Exhibit 1, APN/Parcel #: 0957801 and
11 commonly known as: 47756 Portal Drive, Oakridge, OR 97463.

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

17 APR 25 2018

18 By: Angie Jones
19 court clerk



1 Dated: April 24, 2018 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 _ John Thomas OSB No. 024691
5 _ Robert Hakari OSB No. 114082
6 _ Andreanna Smith OSB No. 131336
7 _ Brady Godbout OSB No. 132708
8 _ Bryan Kidder OSB No. 140459
9 x Jeremy Clifford OSB No. 142987
10 _ Michael Scott OSB No. 973947
11 920 SW 3rd Ave, 1st Floor
12 Portland, OR 97204
13 Phone: (971) 201-3200
14 Fax: (971) 201-3202
15 jclifford@mccarthyholthus.com
16 Of Attorneys for Plaintiff
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Exhibit 1

Lot 9, Block 3, DIAMOND VIEW, as platted and recorded in Volume 21, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

EXHIBIT 1

Lot 9, Block 3, DIAMOND VIEW, as platted and recorded in Volume 21, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

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

HSBC BANK USA, N.A., AS TRUSTEE
ON BEHALF OF ACE SECURITIES
CORP. HOME EQUITY LOAN TRUST
AND FOR THE REGISTERED
HOLDERS OF ACE SECURITIES CORP.
HOME EQUITY LOAN TRUST, SERIES
2007-HE2, ASSET BACKED PASS-
THROUGH CERTIFICATES,

Plaintiff,

v.

NATHANAEL J. HOLCOMB;
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS INC.; FIRST
NLC FINANCIAL SERVICES, LLC, DBA
THE LENDING CENTER; OCCUPANTS
OF THE PROPERTY,

Defendants.

Case No.: 17CV16037

GENERAL JUDGMENT OF
FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion.

Defendants NATHANAEL J. HOLCOMB; MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS INC.; FIRST NLC FINANCIAL SERVICES, LLC, DBA THE LENDING
CENTER; OCCUPANTS OF THE PROPERTY ("Defendants") were duly served with
process and failed to appear; the default has been entered against Defendants, and it
appearing that Defendants are not incapacitated, protected persons, respondents as defined in
ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 1 a. The real property to which this judgment relates is located and situated in Lane County,
 2 Oregon, and is commonly known as 47756 Portal Drive, Oakridge, OR 97463 (the "Subject
 3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
 4 0957801.
- 5 b. Plaintiff is entitled to enforce the note dated August 14, 2006 and made, delivered, and
 6 executed by NATHANAEL J. HOLCOMB to FIRST NLC FINANCIAL SERVICES, LLC,
 7 DBA THE LENDING CENTER in the amount of \$96,000.00 (the "Note"). The Note was
 8 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 9 c. A deed of trust was made, executed, and delivered by Defendant NATHANAEL J.
 10 HOLCOMB on or about August 14, 2006 (the "Deed of Trust"). The Deed of Trust was
 11 recorded on August 23, 2006 as Instrument No. 2006-061093 in the official records of Lane
 12 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
 13 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
 14 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- 15 d. The Borrower failed to make the payment that was due for February 1, 2016 and has not
 16 cured the default. The amount of debt secured by the Deed of Trust that is now due and
 17 owing is comprised of the following amounts (the "Amount Due"):

18	a) Unpaid principal balance:	\$91,940.19
19	b) Prejudgment interest accruing from	
20	1/1/2016 through 10/24/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	6.9899%:	\$12,637.88
22	c) Additional amounts due under the	\$5,332.42
23	terms of the loan:	
24	d) Attorney fees and costs:	\$4,882.92
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	Total:	\$114,878.41

1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
2 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is
5 foreclosed and terminated excepting only any statutory right of redemption as provided by
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant NATHANAEL J.
9 HOLCOMB had as of the date of the Deed of Trust or thereafter acquired is hereby ordered
10 to be sold by the Lane County Sheriff's Office in accordance with the process for sale upon
11 execution, and the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
22 Property from and after the date of the sale and is entitled to such remedies as are available at
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
25 possession to the purchaser immediately upon the purchaser's demand for possession.

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.

1 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
2 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
3 terminated.

Signed: 11/2/2017 11:24 AM

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9 **Suzanne B. Chaudhri, Circuit Court Judge**

10 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

11 This proposed Judgment Of Foreclosure is ready for judicial signature because:

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

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

18 I have served a copy of this order or judgment on all parties entitled to service and:

19 No objection has been served on me.

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

23 After conferring about objections, _____ agreed to independently file
24 any remaining objection.

25 The relief sought is against an opposing party who has been found in default.

26 An order of default is being requested with this proposed judgment.

27 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
28 otherwise.

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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.

Other: _____

Dated: October 24, 2017 and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford
Jeremy Clifford OSB No. 142987
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
jclifford@mccarthyholthus.com
Of Attorneys for Plaintiff

EXHIBIT 1

Lot 9, Block 3, DIAMOND VIEW, as platted and recorded in Volume 21, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.