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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 THE
REGISTERED HOLDERS OF NOMURA
HOME EQUITY HOME LOAN, INC.
ASSET-BACKED CERTIFICATES, SERIES
2007-2,

Plaintiff,

v.

WILLIAM A. RAY JR.; DAVID
LAWRENCE; HELICE SCHULZE;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15060182

WRIT OF EXECUTION IN
FORECLOSURE

TO THE CLACKAMAS COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on February 10, 2017.
A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the
Plaintiff:

HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, FOR THE
REGISTERED HOLDERS OF NOMURA HOME EQUITY HOME LOAN, INC.
ASSET-BACKED CERTIFICATES, SERIES 2007-2
c/o Jeremy Clifford
Attorney for Plaintiff

1 Dated: 10/29/18 and submitted by:

2 **McCarthy & Holthus, LLP**


3 
4 _____
5 _ John Thomas OSB No. 024691
6 x Jeremy Clifford OSB No. 142987
7 920 SW 3rd Ave, 1st Floor
8 Portland, OR 97204
9 Phone: (971) 201-3200
10 Fax: (971) 201-3202
11 jclifford@mccarthyholthus.com
12 Of Attorneys for Plaintiff
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EXHIBIT “1”

LEGAL DESCRIPTION

A tract in the Northeast one-quarter of the Northwest one-quarter of Section 22, Township 2 South, Range 4 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Commencing at the Northeast corner of said legal subdivision; thence South 89° 54' 45" West along the North line of said legal subdivision, a distance of 328.57 feet to the Northeast corner of the West one-half of the East one-half of said legal subdivision; thence South 0° 12' 25" East along the East line thereof, 945.50 feet to the true point of beginning; thence South 89° 54' 45" West parallel with the North line of said legal subdivision, 493.67 feet to a point in the West line of the East one-half of the East one-half of the West one-half of said legal subdivision; thence South 0° 09' 30" East along said West line, 355.11 feet to a point in the North line of Gunderson Road; thence North 89° 52' 40" East along said North line, 493.96 feet to a point that bears South 0° 12' 25" East 354.81 feet from the true point of beginning; thence North 0° 12' 25" West, 354.81 feet to the true point of beginning.

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HOME EQUITY HOME LOAN, INC.
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Plaintiff,

v.

WILLIAM A. RAY JR.; DAVID
LAWRENCE; HELICE SCHULZE;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: CV15060182

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants DAVID LAWRENCE, HELICE SCHULZE and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;
- b. An Order granting Summary Judgment has been entered with regard to Defendant WILLIAM A. RAY JR., now therefore,

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

- a. The real property to which this judgment relates is located and situated in Clackamas County, Oregon, and is commonly known as 34963 Southeast Gunderson Road, Sandy, OR 97055 (the "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. 00674997.
- b. Plaintiff is entitled to enforce the note dated 7/27/2006 and made, delivered, and executed by WILLIAM A. RAY JR. to AMERICAN MORTGAGE EXPRESS FINANCIAL DBA MILLENNIUM FUNDING GROUP in the amount of \$360,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- c. A deed of trust was made, executed, and delivered by Defendant WILLIAM A. RAY JR. on or about 7/27/2006 (the "Deed of Trust"). The Deed of Trust was recorded on 8/7/2006 as Instrument No. 2006-072391 in the official records of Clackamas County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.
- d. The Borrower failed to make the payment that was due for 4/1/2014 and has not cured the default. The amount of debt secured by the Deed of Trust that is now due and owing is comprised of the following amounts (the "Amount Due"):

- a) Unpaid principal balance: \$441,118.94
- b) Prejudgment interest accruing from 3/1/2014 through 12/13/2016 and continuing until the entry of judgment at the current Note rate of 2.0%: \$24,727.20
- c) Additional amounts due under the terms of the loan: \$6,549.29

d) Attorney fees and costs:	\$3,623.88
e) Prevailing party fee (ORS 20.190 (2)(a)):	\$300.00
Total:	\$476,319.31

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

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

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

g. All right, title and interest in the Subject Property that Defendant, WILLIAM A. RAY JR., had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Clackamas County Sheriff's Office in accordance with the process for sale upon execution, and the proceeds of sale shall be applied:

- 1) First, to the costs of sale not incurred by Plaintiff;
- 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of entry of judgment through the date of the sale and any incurred costs of sale;
- 3) Third, the surplus, if any, to the Defendants in the priority as their interest may appear, described *infra*, or to the clerk of the court to be distributed by the Court to such party or parties as they may establish their right thereto.

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

i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject Property from and after the date of the sale and is entitled to such remedies as are available at

1 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
2 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
3 possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

9 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of
10 Trust are as follows:

- 11 1) Defendant DAVID LAWRENCE and HELICE SCHULZE may claim an interest in
12 Subject Property by virtue of a judgment entered on November 17, 2008 in the
13 Circuit Court of Clackamas County, Case No. FE081909, in the amount of \$988.00
14 for attorneys' fees.

Signed: 1/31/2017 04:31 PM

17 
18 _____
19 Circuit Court Judge Michael C. Wetzel

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

21 On 12/16/16, a copy of the proposed General Judgment of Foreclosure was:

22 Served on:

23 not less than 3 days prior to submission to the court.

24 Accompanied by a stipulation by that no objection exists as to the judgment or order.

25 Mailed to:

26 William A. Ray
27 34963 Southeast Gunderson Road
Sandy, OR 97055

1 not less than 7 days prior to submission to the court with a notice of the time period to
2 object.

3 This proposed General Judgment of Foreclosure is ready for judicial signature because:

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

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

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

11 No objection has been served on me.

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

15 After conferring about objections, _____ agreed to independently file
16 any remaining objection.

17 The relief sought against THE REMAINING PARTIES is against parties who have
18 been found in default.

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

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

22 This is a proposed judgment that includes an award of punitive damages and notice
23 has been served on the Director of the Crime Victims' Assistance Section as required
24 by subsection (4) of this rule.

25 Other: _____

26 Dated this 30th day of December, 2016, and presented by:

27 **McCarthy & Holthus, LLP**

28 s/ Casey C. Pence

Casey C. Pence, OSB No. 975271

920 SW 3rd Ave, 1st Floor

Portland, OR 97204

Phone: (971) 201-3200

Fax: (971) 201-3202

cpence@mccarthyholthus.com

Of Attorneys for Plaintiff

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