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JACKSON COUNTY
SHERIFF'S OFFICE

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

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,

vs.

ESTATE OF REBECCA CARSTENS AKA
REBECCA ADAMS; DECEASED;
UNKNOWN HEIRS AND DEVISEES OF
REBECCA ADAMS, DECEASED, JAMIE Q.
ADAMS; CAVALRY SPV I, LLC; QUIK
CHECK; SOUTHERN OREGON CREDIT
SERVICE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No.: 17CV23262

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on 10/24/2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 HSBC BANK USA, NATIONAL ASSOCIATION, AS TRUSTEE, FOR THE
REGISTERED HOLDERS OF NOMURA HOME EQUITY HOME LOAN, INC. ASSET-
BACKED CERTIFICATES, SERIES 2007-2

2 c/o John Thomas
3 Attorney for Plaintiff

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

6 With the adjudicated amount due of \$238,080.99, plus pre-judgment interest at note rate of
7 3.25%, in the amount of \$534.67, plus post judgment interest at the statutory rate of 9.0% per
8 annum from 10/24/2018 to 1/16/2019 in the amount of \$4,942.56, and continuing with a per
9 diem of \$58.84, currently totaling \$243,558.22.

10 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
11 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
12 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
13 about July 13, 2006, the date of the Deed of Trust, and also the interest that the Defendant had
14 thereafter, in the real property described as follows:

15 SEE ATTACHED EXHIBIT 1

16 and commonly known as: 48 N Peach St, Medford, OR 97501.

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: 1/25/2019 03:23 PM



Andrea Culbertson

Andrea Culbertson - Court Clerk

1 Dated: 1/21/19 and submitted by:

2 **McCarthy & Holthus, LLP**

3 

- 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 Cruz Turcott OSB No. 165531
9 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 jthomas@mccarthyholthus.com
16 Of Attorneys for Plaintiff
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EXHIBIT "1"

LEGAL DESCRIPTION

Lot Four (4) of LEWIS ADDITION in the City of Medford, Jackson County, Oregon, according to the official plat thereof, recorded in Volume 1, Page 132, Plat Records.

ALSO: Beginning at the northeast corner of Lot 4 in LEWIS ADDITION in the City of Central Point, Jackson County, Oregon, according to the official plat thereof, recorded in Volume 1, Page 132, Plat Records; thence East 1.0 feet; thence South 50.0 feet; thence West 1.0 feet; thence North 50.0 feet to the True Point of Beginning. Being a portion of alley vacated by Ordinance #8060, dated July 20, 1961, and recorded July 24, 1961, in Volume 510, page 403 of the Deed Records of Jackson County, Oregon.

MORE ACCURATELY DESCRIBED AS FOLLOWS:

Lot 4, Block 1, LEWIS ADDITION in the City of Medford, Jackson County, Oregon, according to the official plat thereof, recorded in Volume 1, Page 132, Plat Records.

ALSO: Beginning at the northeast corner of Lot 4, Block 1, in LEWIS ADDITION in the City of Central Point, Jackson County, Oregon, according to the official plat thereof, recorded in Volume 1, Page 132, Plat Records; thence East 1.0 feet; thence South 50.0 feet; thence West 1.0 feet; thence North 50.0 feet to the True Point of Beginning. Being a portion of alley vacated by Ordinance #8060, dated July 20, 1961, and recorded July 24, 1961, in Volume 510, page 403 of the Deed Records of Jackson County, Oregon.

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

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,

vs.

ESTATE OF REBECCA CARSTENS AKA
REBECCA ADAMS, DECEASED;
UNKNOWN HEIRS AND DEVISEES OF
REBECCA ADAMS, DECEASED; JAMIE
Q. ADAMS; CAVALRY SPV I, LLC; QUIK
CHECK; SOUTHERN OREGON CREDIT
SERVICE; AND PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE
PROPERTY DESCRIBED IN THE
COMPLAINT HERREIN.

Defendants.

Case No.: 17CV23262

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. Defendants ESTATE OF REBECCA CARSTENS AKA REBECCA ADAMS, DECEASED, UNKNOWN HEIRS AND DEVISEES OF REBECCA ADAMS, DECEASED, CAVALRY SPV I, LLC, QUIK CHECK, SOUTHERN OREGON CREDIT SERVICE and PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HERREIN ("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

1 incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the
2 military service of the United States;

3 b. An Order granting Summary Judgment has been entered with regard to Defendant JAMIE Q.
4 ADAMS, now therefore,

5 2.

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

7 a. The real property to which this judgment relates is located and situated in Jackson County,
8 Oregon, and is commonly known as 48 N Peach St, Medford, OR 97501 (the "Subject
9 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
10 10396006.

11 b. Plaintiff is entitled to enforce the note dated July 13, 2006 and made, delivered, and executed
12 by REBECCA CARSTENS to AMERICAN MORTGAGE EXPRESS FINANCIAL DBA
13 MILLENNIUM FUNDING GROUP in the amount of \$214,200.00 (the "Note"). The Note
14 was transferred to Plaintiff by delivery of possession and by indorsement set forth on the
15 Note.

16 c. A deed of trust was made, executed, and delivered by Defendant REBECCA CARSTENS on
17 or about July 13, 2006 (the "Deed of Trust"). The Deed of Trust was recorded on July 18,
18 2008 as Instrument No. 2006-036035 in the official records of Jackson County, Oregon. The
19 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
20 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
21 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

22 d. The Borrower failed to make the payment that was due for October 1, 2016 and has not cured
23 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
24 comprised of the following amounts (the "Amount Due"):

25 a) Unpaid principal balance: \$211,519.40

26 b) Prejudgment interest accruing from
27 9/1/2016 through 9/25/2018 and
28 continuing until the entry of

1 judgment at the current Note rate of
3.25%: \$14,264.43

2 c) Additional amounts due under the \$8,839.16
3 terms of the loan:

4 d) Attorney fees and costs: \$3,373.00

5 e) Prevailing party fee (ORS 20.190 \$85.00
6 (1)(a)):

7 **Total: \$238,080.99**

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

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

14 f. The Borrower is not entitled to a homestead exception as against Plaintiff's judgment.

15 g. All right, title and interest in the Subject Property that Borrower REBECCA CARSTENS
16 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by
17 the Jackson County Sheriff's Office in accordance with the process for sale upon execution,
18 and the proceeds of sale shall be applied:

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

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

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

25 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
26 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
27 the date of entry of judgment through the date of the sale and any incurred costs of sale.

- 1 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
2 Property from and after the date of the sale and is entitled to such remedies as are available at
3 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
4 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
5 possession to the purchaser immediately upon the purchaser's demand for possession.
- 6 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
7 entitled to any further or other judgment, including a judgment for the deficiency.
- 8 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
9 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
10 terminated.
- 11 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
12 Deed of Trust are as follows:
- 13 1) Defendant SOUTHERN OREGON CREDIT SERVICE may claim interest in the
14 Subject Property by virtue of a Judgment Lien entered on 5/10/2012, in the official
15 records of Jackson County, Oregon, as Case No. 120003656S.
- 16 2) Defendant QUIK CHECK may claim interest in the Subject Property by virtue of a
17 Judgment Lien entered on 9/24/2014, in the official records of Jackson County,
18 Oregon, as Case No. 14SC15173.

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1 3) Defendant CAVALRY SPV I, LLC may claim interest in the Subject Property by
2 virtue of a Judgment Lien entered on 4/22/2016, in the official records of Jackson
3 County, Oregon, as Case No. 15CV17355.
4

5 Signed: 10/24/2018 08:01 AM

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7 

8
9 **Circuit Court Judge – Judge Timothy C. Gerking**

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

12 On 10/2/18, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees
13 And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

14 Served on:

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

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

17 Mailed to:

18 Jamie Q. Adams
19 48 N Peach St
20 Medford, OR 97501

21 Estate of Rebecca Carstens aka Rebecca Adams, deceased
22 48 N Peach St
23 Medford, OR 97501

24 Unknown Heirs and Devisees of Rebecca Adams, deceased
25 48 N Peach St
26 Medford, OR 97501

27 Cavalry SPV I, LLC
28 711 Capitol Way S Suite 204
Olympia, WA 98501

1 Quik Check
255 Capitol St NE Suite 151
Salem, OR 97310

3 Southern Oregon Credit Service Inc.
2400 Poplar Dr
4 Medford, OR 97504

5 Persons or parties unknown claiming any right, title, lien or interest in the property
described in the complaint herein
6 48 N Peach St
Medford, OR 97501

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

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

10 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
11 submitted.

12 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
13 confirmation of approval sent to me.

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

15 No objection has been served on me.

16 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.

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

18 The relief sought is against an opposing party who has 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.

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

4 [] Other: _____

5 Dated: 10/23/18 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ John Thomas

8 _____
9 John Thomas OSB No. 024691

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 jthomas@mccarthyholthus.com

15 Of Attorneys for Plaintiff

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