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

DEUTSCHE BANK NATIONAL TRUST
COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF MORGAN
STANLEY ABS CAPITAL I INC. TRUST
2007-HE5 MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-HE5,

Case No.: 18CV04474

WRIT OF EXECUTION IN
FORECLOSURE

Plaintiff,

vs.

CARLA J. SPERBER AKA CARLA
SPERBER; JEFFERY SPERBER;
OCCUPANTS OF THE PROPERTY,

Defendants.

TO THE DESCHUTES COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on November 6, 2018.

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

Plaintiff:

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE
REGISTERED HOLDERS OF MORGAN STANLEY ABS CAPITAL I INC. TRUST
2007-HE5 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-HE5
c/o Jeremy Clifford
Attorney for Plaintiff

1 Dated: March 25, 2019, and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ Jeremy Clifford

4 _ John Thomas OSB No. 024691

5 x Jeremy Clifford OSB No. 142987

6 920 SW 3rd Ave, 1st Floor

7 Portland, OR 97204

8 Phone: (971) 201-3200

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11 Of Attorneys for Plaintiff

EXHIBIT "1"

LEGAL DESCRIPTION

That portion of the Southeast Quarter (SE1/4) of Section 1, Township 16 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the South quarter corner of said Section 1; thence along the Southerly line of said Section, North 89°46" East, 1049.05 feet; thence at right angles to said Southerly line North 00°15' West, 402.04 feet; thence North 17°20'00" East, 121.00 feet to the TRUE POINT OF BEGINNING for this description; thence North 19°20" East, 500.36 feet; thence South 88°57'00" East, 689.37 feet; thence South 09°50'07" West, 493.87 feet to a point which is South 87°59'08" East, 771.02 feet from the true point of beginning; thence North 87°59'08" West, 771.02 feet to the TRUE POINT OF BEGINNING.

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

7 DEUTSCHE BANK NATIONAL TRUST
8 COMPANY, AS TRUSTEE FOR THE
9 REGISTERED HOLDERS OF MORGAN
10 STANLEY ABS CAPITAL I INC. TRUST
11 2007-HE5 MORTGAGE PASS-THROUGH
12 CERTIFICATES, SERIES 2007-HE5,

13 Plaintiff,

14 vs.

15 CARLA J. SPERBER AKA CARLA
16 SPERBER; JEFFERY SPERBER;
17 OCCUPANTS OF THE PROPERTY,

18 Defendants.

Case No.: 18CV04474

GENERAL JUDGMENT OF
FORECLOSURE

19 1.

20 THIS MATTER came before the Court on Plaintiff's motion. Defendants CARLA J.
21 SPERBER AKA CARLA SPERBER; JEFFERY SPERBER; OCCUPANTS OF THE
22 PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the
23 default has been entered against Defaulted Defendants, and it appearing that Defaulted
24 Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005,
25 minors, or in the military service of the United States, now therefore,

26 2.

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

- 28 a. The real property to which this judgment relates is located and situated in Deschutes County,
Oregon, and is commonly known as 5017 SW Quarry Ave, Redmond, OR 97756 (the

1 "Subject Property"), legally described as shown in the attached *Exhibit 1*, and having
2 APN/Parcel No. 130383.

3 b. Plaintiff is entitled to enforce the note dated January 25, 2007 and made, delivered, and
4 executed by CARLA SPERBER and JEFFERY SPERBER to Decision One Mortgage
5 Company, LLC in the amount of \$400,000.00 (the "Note"). The Note was transferred to
6 Plaintiff by delivery of possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendants CARLA SPERBER and
8 JEFFERY SPERBER on or about January 25, 2007 (the "Deed of Trust"). The Deed of
9 Trust was recorded on January 31, 2007 as Instrument No. 2007-06387 in the official records
10 of Deschutes County, Oregon. The Deed of Trust is a valid and perfected lien against all of
11 the Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
12 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
13 Sheriff's Deed.

14 d. The Borrower failed to make the payment that was due for April 1, 2017 and has not cured
15 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
16 comprised of the following amounts (the "Amount Due"):

17	a) Unpaid principal balance:	\$253,245.24
18	b) Deferred principal balance:	\$111,799.66
19	c) Prejudgment interest accruing from	\$20,969.26
20	03/01/2017 through 10/26/2018 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	4.00%:	
22	d) Additional amounts due under the	\$3,135.23
23	terms of the loan:	
24	e) Attorney fees and costs:	\$6,453.61
25	f) Prevailing party fee (ORS 20.190	\$85.00
26	(1)(a)):	
27	Total:	\$395,688.00

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 Defendants CARLA SPERBER and
9 JEFFERY SPERBER had as of the date of the Deed of Trust or thereafter acquired is hereby
10 ordered to be sold by the Deschutes County Sheriff's Office in accordance with the process
11 for sale upon 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: 11/5/2018 09:36 AM



Circuit Court Judge A. Michael Adler

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

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

13 Each opposing party affected by this order or judgment has stipulated to the order or
14 judgment, as shown by each opposing party's signature on the document being
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
confirmation of approval sent to me.

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

18 No objection has been served on me.

19 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.

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

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

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

23 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
24 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: 10/28/2018 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Brady Godbout for Jeremy Clifford

8 John Thomas OSB No. 024691

9 x Jeremy Clifford OSB No. 142987

10 Brady Godbout, OBB No. 132708

11 920 SW 3rd Ave, 1st Floor

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