

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
27
28

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

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 2007-
HEI ASSET BACKED PASS-THROUGH
CERTIFICATES,

Plaintiff,

v.

ROSALBA CISNEROS ESPINOZA AKA
ROSALBA CISNEROS; COLUMBIA
COLLECTION SERVICE, INC.;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV15279

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

Defendants ROSALBA CISNEROS ESPINOZA AKA ROSALBA CISNEROS;
COLUMBIA COLLECTION SERVICE, INC.; 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 Clatsop County,
2 Oregon, and is commonly known as 1389 Stillwater Court, Seaside, OR 97138 (the "Subject
3 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
4 13504.

5 b. Plaintiff is entitled to enforce the note dated October 27, 2006 and made, delivered, and
6 executed by ROSALBA CISNEROS ESPINOZA to DB HOME LENDING LLC in the
7 amount of \$316,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of
8 possession and by indorsement set forth on the Note.

9 c. A deed of trust was made, executed, and delivered by Defendant ROSALBA CISNEROS
10 ESPINOZA on or about October 30, 2006 (the "Deed of Trust"). The Deed of Trust was
11 recorded on November 7, 2006 as Instrument No. 200612606 in the official records of
12 Clatsop County, Oregon. The Deed of Trust is a valid and perfected lien against all of the
13 Property for and securing the Amount Due. The lien of the Plaintiff is superior to any
14 interest, lien, or claim of the Defendants and shall remain in effect until issuance of a
15 Sheriff's Deed.

16 d. The Borrower failed to make the payment that was due for October 1, 2015 and has not cured
17 the default. The amount of debt secured by the Deed of Trust that is now due and owing is
18 comprised of the following amounts (the "Amount Due"):

- | | | |
|----|---------------------------------------|--------------|
| 19 | a) Unpaid principal balance: | \$252,771.38 |
| 20 | b) Deferred principal balance: | \$81,208.28 |
| 21 | c) Prejudgment interest accruing from | |
| 22 | 9/1/2015 through 11/6/2017 and | |
| 23 | continuing until the entry of | |
| | judgment at the current Note rate of | |
| | 3.375%: | \$18,602.38 |
| 24 | d) Additional amounts due under the | \$9,013.87 |
| 25 | terms of the loan: | |
| 26 | e) Attorney fees and costs: | \$5,118.75 |
| 27 | f) Prevailing party fee (ORS 20.190 | \$85.00 |
| 28 | (1)(a)): | |

- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
- 2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
- 4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
- 5 terminated.

Signed 11/7/2017 05:07 PM



Circuit Court Judge Dawn M. McIntosh

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

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

14 Each opposing party affected by this order or judgment has stipulated to the order or

15 judgment, as shown by each opposing party's signature on the document being

16 submitted.

17 Each opposing party affected by this order or judgment has approved the order or

18 judgment, as shown by signature on the document being submitted or by written

19 confirmation of approval sent to me.

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

No objection has been served on me.

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.

After conferring about objections, _____ agreed to independently file

any remaining objection.

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

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

25 Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or

26 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: November 6, 2017 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Jeremy Clifford

8 Jeremy Clifford OSB No. 142987

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 jclifford@mccarthyholthus.com

14 Of Attorneys for Plaintiff

EXHIBIT “1”

LEGAL DESCRIPTION

Lot 26, STILL WATER HEIGHTS NO. 2, in the City of Seaside, County of Clatsop, State of Oregon, recorded December 3, 1997 in Plat Book 14, page 92, Clatsop County Records.