IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

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-HE5, ASSET BACKED PASS-THROUGH CERTIFICATES, Plaintiff, vs. LAUREEN GILBERT AKA LAUREEN ANNE GILBERT; MECHELLE GILBERT AKA MECHELLE AMBER GILBERT; OCCUPANTS OF THE PROPERTY, Defendants.	Case No.: 19CV29736 Judge: Channing J. Bennett WRIT OF EXECUTION IN FORECLOSURE

TO THE MARION COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on February 4, 2020. 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-HE5, ASSET BACKED PASS-THROUGH CERTIFICATES
c/o Michael Scott
Attorney for Plaintiff

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With the adjudicated amount due of $273,441.75, plus post judgment interest at the statutory rate of 9.0% per annum from 2/5/2020 to 2/15/2022 in the amount of $49,961.18, and continuing thereafter with a per diem of $67.42, totaling $323,402.93.

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property on execution (subject to redemption of 180 days), all of the interest that the Defendant had on or about February 20, 2007, the date of the Deed of Trust, and also the interest that the Defendant had thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: R80717 and commonly known as: 920 Academy Street North East, Salem, OR 97301.

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

2/22/2022 1:33:10 PM

Circuit Court Judge Channing Bennett

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Dated February 16, 2022, and submitted by:

McCarthy & Holthus, LLP

s/ Michael Scott

_ John Thomas OSB No. 024691
X Michael Scott OSB No. 973947
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Of Attorneys for Plaintiff

Exhibit 1

LEGAL DESCRIPTION

Lot Twelve (12), Block Two (2), LAUREL PARK ADDITION TO SALEM, in the City of Salem, Marion county, State of Oregon. (Page Volume 11, Page 29)

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MARION

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-HE5, ASSET BACKED PASS-THROUGH CERTIFICATES, Plaintiff, vs. LAUREEN GILBERT AKA LAUREEN ANN GILBERT; MECHELLE GILBERT AKA MECHELLE AMBER GILBERT; OCCUPANTS OF THE PROPERTY, Defendants.	Case No.: 19CV29736 Judge: Channing J Bennett GENERAL JUDGMENT OF FORECLOSURE

1.

THIS MATTER came before the Court on Plaintiff's motion. Defendants LAUREEN GILBERT AKA LAUREEN ANN GILBERT; MECHELLE GILBERT AKA MECHELLE AMBER GILBERT; 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, now therefore,

2.

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 Marion County, Oregon, and is commonly known as 920 Academy Street North East, Salem, OR 97301 (the

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"Subject Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No. R80717.

b. Plaintiff is entitled to enforce the note dated February 20, 2007 and made, delivered, and executed by MECHELLE GILBERT and LAUREEN GILBERT to DCG HOME LOANS, INC., A CORPORATION in the amount of $161,500.00 (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 Defendants MECHELLE GILBERT and LAUREEN GILBERT on or about February 20, 2007 (the "Deed of Trust"). The Deed of Trust was recorded on February 28, 2007 as Reel 2779, Page 236 in the official records of Marion 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 April 1, 2015 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:	$155,726.37
b) Prejudgment interest accruing from 3/1/2015 through 2/3/2020 and continuing until the entry of judgment at the current Note rate of 8.25%:	$64,056.66
c) Additional amounts due under the terms of the loan:	$50,591.82
d) Attorney fees and costs:	$1,261.90
e) Prevailing party fee (ORS 20.190 (1)(a)):	$85.00
Total:	**$273,441.75**

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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 Defendants MECHELLE GILBERT and LAUREEN GILBERT had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Marion 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 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant, other party, or other person shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

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

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

Signed: 2/4/2020 10:13 AM

Circuit Court Judge Channing Bennett

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

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

[ ] 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 submitted.

[ ] 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 confirmation of approval sent to me.

[ ] 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 reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
[ ] After conferring about objections, _____ agreed to independently file any remaining objection.

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

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

[x] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or 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: February 3, 2020, and submitted by:

McCarthy & Holthus, LLP

s/ Jeremy Clifford

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Of Attorneys for Plaintiff

Exhibit 1

LEGAL DESCRIPTION

Lot Twelve (12), Block Two (2), LAUREL PARK ADDITION TO SALEM, in the City of Salem, Marion county, State of Oregon. (Page Volume 11, Page 29)