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

HSBC BANK USA, NATIONAL ASSOCIATION, AS
INDENTURE TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST, SERIES 2005-3,

Plaintiff,

vs.

G. JEFFERSON CAMPBELL, JR; HOLLY CLARKE
CAMPBELL; OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION; STATE OF OREGON
DEPARTMENT OF REVENUE; UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE; AND
PERSONS OR PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT HEREIN,

Defendants.

Case No.: 17CV24858
A179137

WRIT OF EXECUTION IN
FORECLOSURE

TO THE JACKSON COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on June 14, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

HSBC BANK USA, NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE OF THE FIELDSTONE MORTGAGE INVESTMENT TRUST, SERIES 2005-3
c/o Grace Chu
Attorney for Plaintiff
McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$422,671.97, plus pre judgment interest at the per diem of \$27.51 from 5/17/2022 to 6/15/2022 in the amount of \$797.79, plus post judgment interest at the statutory rate of 9.0% per annum from 6/15/2022 to 4/30/2024 in the amount of \$71,286.81, and continuing with a per diem of \$104.22, currently totaling \$494,756.57.

1 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are
2 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
3 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or
4 about November 17, 2005, the date of the Deed of Trust, and also the interest that the Defendant
5 had thereafter, in the real property described as follows:


6 LOT 5 AND 6, BLOCK 3, MEDFORD HEIGHTS ADDITION, IN THE CITY
7 OF MEDFORD, JACKSON COUNTY, OREGON.

8 and commonly known as: 120 Ashland Ave, Medford, OR 97504.

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

14 **DATED:** ____ day of _____, 20__.

4/24/2024 11:55:24 AM



Title Lynne Utter / Court Clerk

Title

By: _____



17 Dated: April 24, 2024 and submitted by:

18 McCarthy & Holthus, LLP

19
20
21
22 s/Grace Chu

23 Grace Chu OSB No. 220848
24 920 SW 3rd Ave, 1st Floor
25 Portland, OR 97204
26 Phone: (971) 201-3200
27 Fax: (971) 201-3202
28 gchu@mccarthyholthus.com
Of Attorneys for Plaintiff

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

HSBC BANK USA, NATIONAL
ASSOCIATION, AS INDENTURE
TRUSTEE OF THE FIELDSTONE
MORTGAGE INVESTMENT TRUST,
SERIES 2005-3,

Plaintiff,

vs.

G. JEFFERSON CAMPBELL, JR; HOLLY
CLARKE CAMPBELL; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; STATE OF OREGON
DEPARTMENT OF REVENUE; UNITED
STATES OF AMERICA, INTERNAL
REVENUE SERVICE; AND PERSONS OR
PARTIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, LIEN, OR INTEREST IN
THE PROPERTY DESCRIBED IN THE
COMPLAINT HEREIN,

Defendants.

Case No.: 17CV24858

GENERAL JUDGMENT OF
FORECLOSURE

1.

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

- a. A Limited Judgment has been entered with regard to Defendants Holly Clarke Campbell, Oregon Affordable Housing Assistance Corporation, State of Oregon Department of Revenue, United States of America, Internal Revenue Service, and Persons or Parties Unknown Claiming Any Right, Title, Lien, or Interest in The Property Described in the

1 Complaint Herein;

2 b. An Order granting Summary Judgment has been entered with regard to Defendant G.
3 Jefferson Campbell, Jr., now therefore,

4 2.

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

6 a. The real property to which this judgment relates is located and situated in Jackson County,
7 Oregon, and is commonly known as 120 Ashland Ave, Medford, OR 97504 (the "Subject
8 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
9 1-036717-1.

10 b. Plaintiff is entitled to enforce the note dated November 17, 2005 and made, delivered, and
11 executed by G. Jefferson Campbell, Jr. to Fieldstone Mortgage Company in the amount of
12 \$424,000.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession
13 and by indorsement set forth on the Note.

14 c. A deed of trust was made, executed, and delivered by Defendant G. Jefferson Campbell, Jr.
15 on or about November 17, 2005 (the "Deed of Trust"). The Deed of Trust was recorded on
16 November 22, 2005 as Instrument No. 2005-071302 in the official records of Jackson
17 County, Oregon. The Deed of Trust is a valid and perfected lien against all of the Property
18 for and securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or
19 claim of the Defendants and shall remain in effect until issuance of a Sheriff's Deed.

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

- 23 a) Unpaid principal balance: \$297,548.44
24 b) Deferred principal balance: \$34,207.30
25 c) Prejudgment interest accruing from \$35,500.27
26 6/1/2016 through 5/17/2022 and
27 continuing until the entry of
judgment at the current Note rate of
3.37500%:

| | |
|--|---------------------|
| d) Additional amounts due under the terms of the loan: | \$45,814.21 |
| e) Attorney fees and costs: | \$9,516.75 |
| f) Prevailing party fee (ORS 20.190 (1)(b)(A)): | \$85.00 |
| Total: | \$422,671.97 |

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. Pursuant to 38 U.S.C. § 3720 (d), because the United States' lien is subordinate to the Plaintiff's lien and is guaranteed/insured by the FHA, the federal government does not have a 28 U.S.C. § 2410(c) one-year redemption right in this case.
- g. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- h. All right, title and interest in the Subject Property that Defendant G. Jefferson Campbell, Jr. had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Jackson 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.

- 1 i. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 j. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
5 Property from and after the date of the sale and is entitled to such remedies as are available at
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 k. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 l. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
13 terminated.
- 14 m. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
15 Deed of Trust are as follows:
- 16 1) Defendant Holly Clarke Campbell, named in the caption of the Complaint, claim
17 some right, title, interest, lien or estate in and to said real property by virtue of a Lien.
- 18 2) Defendant Oregon Affordable Housing Assistance Corporation, named in the caption
19 of the Complaint, claim some right, title, interest, lien or estate in and to said real
20 property by virtue of a Lien.
- 21 3) Defendant State of Oregon Department of Revenue, named in the caption of the
22 Complaint, claim some right, title, interest, lien or estate in and to said real property
23 by virtue of a Lien.
- 24 4) Defendant United States of America, Internal Revenue Service, named in the caption
25 of the Complaint, claim some right, title, interest, lien or estate in and to said real
26 property by virtue of a Lien.

1 n. Further, judgment is entered in favor of Plaintiff on each and every one of Defendant G.
2 Jefferson Campbell, Jr.'s Counterclaims.

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8 ~~Circuit Court Judge – Judge Timothy C. Gerking~~

9
10 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

11 On 5/27/2022, a copy of the Motion For Entry Of Judgment, Declaration of amounts Due
12 and Owing, Declaration Of Attorney Fees And Costs For Plaintiff, Declaration Of Amounts Due,
Proposed Judgment Of Foreclosure was:

13 Served on:

14 Joseph T. McCormick III
15 612 S. Lucile Street, Suite 300
Seattle, WA 98108

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

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

18 Mailed to:

19 G. Jefferson Campbell Jr
20 120 Ashland Ave
Medford, OR 97504

21 not less than 7 days prior to submission to the court

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

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

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

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

- 1 No objection has been served on me.
2 I received objections that I could not resolve with the opposing party despite
3 reasonable efforts to do so. I have filed a copy of the objections I received and
4 indicated which objections remain unresolved.
5 After conferring about objections, _____ agreed to independently file
6 any remaining objection.

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

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

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

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

14 Other: _____

15 Dated: 6/10/2022 and submitted by:

16 **McCarthy & Holthus, LLP**

17 s/ John Thomas

18 John Thomas OSB No. 024691

19 920 SW 3rd Ave, 1st Floor

20 Portland, OR 97204

21 Phone: (971) 201-3200

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24 Of Attorneys for Plaintiff