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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF LANE**

U.S. ROF III LEGAL TITLE TRUST 2015-1,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

JUAN A. GARCIA, an individual; JUAN
GARCIA MARTINEZ, an individual; and all
other persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: 15CV12117

WRIT OF EXECUTION IN FORECLOSURE

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TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on June 27, 2016, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2.

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 upon (subject to redemption, if applicable), all of the interest which the Defendants JUAN A. GARCIA and JUAN GARCIA MARTINEZ ("Defendants") had on December 10, 2009, the date of the foreclosed Deed of Trust which was recorded on December 21, 2009, as Instrument No. 2009-070134 in the official records of the Lane County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

Unpaid Principal Balance:	\$270,249.47
Pre-Judgment Interest from January 1, 2011 to May 13, 2016, the date set forth in the Judgment at 5.375%, per annum, (\$40.39 per diem):	\$77,962.20
Lender's Fees and Costs:	\$26,539.31
Attorney's Fees and Costs:	\$2,635.00
Total Judgment Entered:	\$377,385.98

Additional Pre-Judgment Interest:

1 Accrued Interest from May 14, 2016,
2 the day after the date set forth in the
3 Judgment through June 27, 2016, the
4 date of entry of the Judgment, at
5 5.375%, per annum (\$39.80 per diem): \$1,751.20

6 Total Judgment Entered Including
7 Additional Pre-Judgment
8 Interest: \$379,137.18

9 3.

10 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$379,137.18 at
11 the legal rate of interest of 9% per annum, \$93.48 per diem, from June 28, 2016 to the date the real
12 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
13 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

14 4.

15 The real property subject to this writ of execution is commonly known as 848 JACKIES LN,
16 EUGENE, OR 97404 ("Property") and described in Exhibit "1" attached hereto.

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5.

The Judgment Creditor's name and address is:

U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee
c/o BSI Financial Services
314 S. Franklin St.
Titusville, PA 16354

The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.

April 19, 2017 By: *Nancy Court Clerk*

Submitted by:



Dated: *4/18/17*

Nathan F. Smith, OSB #120112
Attorney for Plaintiff
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

*For: Is/Elizabeth Rambo
Trial Court Administrator*



EXHIBIT 1

Lot 6, NEWELL PLAT, in the City of Eugene, as platted and recorded February 24, 2003, Reception No. 2003-016902,
Lane County Official Records, in Lane County, Oregon

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

U.S. ROF III LEGAL TITLE TRUST 2015-1,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

JUAN A. GARCIA, an individual; JUAN
GARCIA MARTINEZ, an individual; and all
other persons, parties, or occupants unknown
claiming any legal or equitable right, title,
estate, lien, or interest in the real property
described in the complaint herein, adverse to
Plaintiff's title, or any cloud on Plaintiff's title
to the Property.

Defendants.

CASE NUMBER: 15CV12117

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

- (1) JUAN A. GARCIA; AND
- (2) JUAN GARCIA MARTINEZ

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. ROF III Legal Title Trust 2015-1, by U.S. Bank National Association, as Legal Title Trustee ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants Juan A. Garcia and Juan Garcia Martinez ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS JUAN A. GARCIA, JUAN GARCIA MARTINEZ, AND ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN has been entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 848 Jackies Ln, Eugene, Oregon 97404 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

The Court being fully advised; it is hereby ORDERED AND ADJUDGED that:

3.

Plaintiff is the holder of that certain promissory note ("Note"), dated December 10, 2009, in the amount of \$274,069.00, and executed by Juan A. Garcia and Juan Garcia Martinez.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about December 15, 2009, by Juan A. Garcia and Juan Garcia Martinez. The Deed of Trust was recorded on December 21, 2009 under the recording number 2009-070134 of the Official Records of Lane County, Oregon, against the Property, which is legally described as:

See Exhibit "1" attached hereto.

("Property") and constitutes a valid lien against the Property.

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5.

Defendants Juan A. Garcia and Juan Garcia Martinez failed to comply with the terms of the Note and Deed of Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust immediately due and payable.

6.

The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any interest, lien, or claim of the Defendants and any other party in the Property, which are hereby foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants may be entitled under Oregon law.

7.

A judgment of foreclosure in the amount of \$377,385.98 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be disbursed to such party or parties as may establish their right thereto.

9.

Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary costs and expenses incurred to enforcing the Note and Deed of Trust.

10.

Any increased interest or any such additional amounts as Plaintiff may advance for taxes, assessments, municipal charges, and such other items as may constitute liens on the Property, together with insurance and repairs necessary to prevent the impairment of the Property, together with interest thereon from the date of payment may also be added to the Amount Owed and paid from the proceeds from the sale of the Property.

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11.

Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and every portion thereof, excepting only any statutory right of redemption provided by the laws of the State of Oregon.

12.

Defendants Juan A. Garcia and Juan Garcia Martinez are not entitled to a homestead exemption in the Property.

13.

Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are available at law to secure possession of the Property, ~~and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.~~

15.

This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to obtain possession of the Property.

16.

Under the Note, there is now due and owing to Plaintiff, the following amounts, to be hereinafter described as the Amount Owed.

17.

This suit does not constitute an attempt to collect the debt against Defendants Juan A. Garcia and Juan Garcia Martinez. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

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1. Judgment Creditor: U.S. ROF III Legal Title Trust 2015-1, by U.S.
Bank National Association, as Legal Title
Trustee
Address: c/o MALCOLM ♦ CISNEROS,
A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
Judgment Attorney: Nathan F. Smith
Address: MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
Telephone Number: (949) 252-9400

2. Judgment Debtor: Juan A. Garcia
Address: 848 Jackies Ln, Eugene, Oregon 97404
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-0733
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

Judgment Debtor: Juan Garcia Martinez
Address: 848 Jackies Ln, Eugene, Oregon 97404
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-9673
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

**3. Persons or Public Bodies Entitled to
a Portion the Judgment:** N/A

4. Judgment Amount: \$374,750.98

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5. Pre-Judgment Interest:

Simple interest to accrue on \$270,249.47 from May 14, 2016 to the date the Judgment is entered into the Court's register at 5.375% per annum, \$39.80 per diem.

6. Post-Judgment Interest:

Simple interest to accrue on \$377,385.98 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

7. Periodic accrual:

N/A

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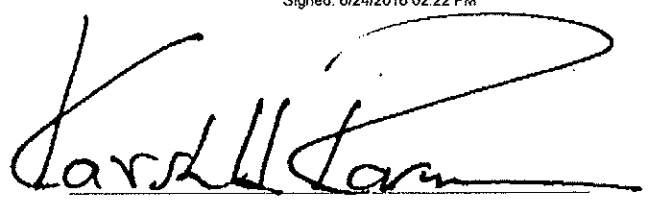
8. Attorney's Fees:

An award of \$2,635.00 in attorney's fees is made.

Attorney's Fees

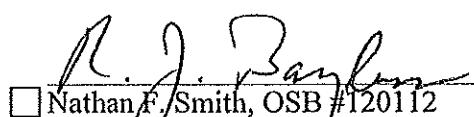
\$2,635.00

Signed: 6/24/2016 02:22 PM



Karsten H. Rasmussen, Circuit Court Judge

Submitted by:



Dated: 5/31/16

- Nathan F. Smith, OSB #120112
- Richard J. Bayless, OSB #101826
Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, ALC
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org
Rbayless@mclaw.org

EXHIBIT 1

Lot 6, NEWELL PLAT, in the City of Eugene, as platted and recorded February 24, 2003, Reception No. 2003-015902,
Lane County Official Records, in Lane County, Oregon

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CERTIFICATE OF READINESS

This proposed Order or Judgment is ready for judicial signature because:

- Service is not required under UTCR 5.100 because the other party has been found in default or an order of default is being requested with this proposed Order or Judgment; because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this Order or Judgment is being submitted in open court with all parties present.
- Each party affected by this Order or Judgment has stipulated to or approved the Order or Judgment, as shown by the signatures on the Order or Judgment.
- I have served a copy of this Order or Judgment and written notice of the objection period set out in UTCR 5.100 on all parties entitled to service and:
 - No objections have been served on me within that time frame;
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the Court.

