

1 After recording return to:
Daniel Ross, OSB No. 112979
2 Weinstein & Riley, P.S.
2001 Western Ave, Suite 400
3 Seattle, WA 98121
4

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

7 U.S. BANK, NATIONAL ASSOCIATION,
SUCCESSOR TRUSTEE TO BANK OF
8 AMERICA, N.A. AS SUCCESSOR TO
LASALLE BANK, N.A. AS TRUSTEE,
9 FOR MERRILL LYNCH FIRST
FRANKLIN MORTGAGE LOAN TRUST,
10 MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2007-3,
11

Case No. 16CV39503

WRIT OF EXECUTION ON REAL
PROPERTY

(Clerk's Action Required)

12 Plaintiff,

13 vs.

14 CHRISTINA M. LOPEZ AND KEITH D.
LOPEZ; CITIBANK SOUTH DAKOTA
NA; MIDLAND FUNDING, LLC;
15 OCCUPANTS OF THE SUBJECT REAL
PROPERTY, AND ALL OTHER PERSONS
16 OR PARTIES UNKNOWN, CLAIMING
ANY RIGHT, TITLE, INTEREST, LIEN OR
17 ESTATE IN THE PROPERTY HEREIN
DESCRIBED,
18

19 Defendants.

20 TO THE SHERIFF OF LANE COUNTY, OREGON:

21 WHEREAS, on March 29, 2017, in this Court, a General Judgment of Foreclosure
22 was enrolled and docketed in this cause, a true copy of which is attached and made a part
23 hereof; in favor of Plaintiff, U.S. Bank, National Association. Successor Trustee to Bank
24

25 WRIT OF EXECUTION ON REAL PROPERTY-

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Seattle, Washington 98121
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1 of America, N.A. as Successor to Lasalle Bank, N.A. as Trustee, For Merrill Lynch First
2 Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed Certificates, Series 2007-3,
3 regarding the real property commonly known as 1038 Quinalt St, Springfield, OR 97477,
4 legally described property as follows:

5 LOT 4, BLOCK 8, FIFTH ADDITION TO NORTHGATE, AS PLATTED AND
6 RECORDED IN BOOK 22, PAGE 3, LANE COUNTY OREGON PLAT
7 RECORDS, IN LANE COUNTY OREGON.

8 EXCEPTING THEREFROM THAT PORTION DEEDED TO THE STATE OF
9 OREGON UNDER PARCEL NO. 1, IN DEED RECORDED APRIL 7, 1958,
10 RECEPTION NO. 35937, LANE COUNTY OREGON RECORDS.

11 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are
12 hereby commanded to sell, in the manner prescribed by law for the sale of real property on
13 execution (subject to redemption), all of the interest that defendants had on March 21, 2007,
14 the date of the Deed of Trust, and also all of the interest that defendants had thereafter, in the
15 real property described in the judgment, to satisfy the principal judgment amount of
16 \$195,588.76, together with interest accrued to February 16, 2017, of \$33,852.55 and
17 thereafter at the interest rate of 7.9%; other recovery amounts of \$9,014.20; attorneys' costs
18 in the sum of \$3,036.34, and attorneys' fees of \$2,600.00, which bear interest at 9% per
19 annum, and the costs of this writ, making due return within 60 days after you receive this
20 writ. The total amount due on money award including interest as of June 9, 2017, is
21 \$249,093.24.

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25 WRIT OF EXECUTION ON REAL PROPERTY-

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DATED this 14 day of June, 2017.

Clerk of the Court

By: *Rorie*
Deputy

Presented by:

[Handwritten Signature]



Daniel Ross, OSB No. 112979
Attorneys for Plaintiff
Weinstein & Riley, P.S.
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Seattle, Washington 98121
DanielR@w-legal.com

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

U.S. BANK, NATIONAL ASSOCIATION,
SUCCESSOR TRUSTEE TO BANK OF
AMERICA, N.A. AS SUCCESSOR TO
LASALLE BANK, N.A. AS TRUSTEE, FOR
MERRILL LYNCH FIRST FRANKLIN
MORTGAGE LOAN TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-3,

Case No.: 16CV39503

GENERAL JUDGMENT OF
FORECLOSURE

(Clerk's Action Required)

Plaintiff,

vs.

CHRISTINA M. LOPEZ AND KEITH D.
LOPEZ; CITIBANK SOUTH DAKOTA NA;
MIDLAND FUNDING, LLC; OCCUPANTS
OF THE SUBJECT REAL PROPERTY, AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN, CLAIMING ANY RIGHT,
TITLE, INTEREST, LIEN OR ESTATE IN
THE PROPERTY HEREIN DESCRIBED,

Defendants.

THIS MATTER came on before the undersigned Judge on the Motion of the
Plaintiff for entry of a General Judgment of Foreclosure. An Order of Default as to All
Defendants has been submitted contemporaneously herewith. The Court, having read and
considered the Affidavits in support of entry of judgment, and further appearing that said
Defendants were not at the time of said service in the military service of the United States;
it further appearing that the Defendants are not believed to be financially incapable as

GENERAL JUDGMENT OF FORECLOSURE - 1

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1 defined by ORS 125.005(3), are not minors, a protected or incapacitated person, or a
2 respondent as defined by ORS 125.005.

3 NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED as follows:

4 1. The real property to which this Judgment relates is commonly known as
5 1038 Quinalt St, Springfield, OR 97477, situated in Lane County, Oregon, legally
6 described as follows:

7 LOT 4, BLOCK 8, FIFTH ADDITION TO NORTHGATE, AS
8 PLATTED AND RECORDED IN BOOK 22, PAGE 3, LANE
9 COUNTY OREGON PLAT RECORDS, IN LANE COUNTY
10 OREGON.

11 EXCEPTING THEREFROM THAT PORTION DEEDED TO THE
12 STATE OF OREGON UNDER PARCEL NO. 1, IN DEED
13 RECORDED APRIL 7, 1958, RECEPTION NO. 35937, LANE
14 COUNTY OREGON RECORDS.

15 (hereinafter the "Property").

16 2. The Deed of Trust dated March 21, 2007, was made and delivered by the
17 Defendants, Christina M. Lopez and Keith D. Lopez, Wife and Husband, to Mortgage
18 Electronic Registration Systems, Inc. ("MERS"), a separate corporation acting solely as a
19 nominee for First Franklin Financial Corp., an Op. Sub. of MLB&T Co., FSB and its
20 successors and assigns, and recorded by the Clerk of Lane County, Oregon, on March 28,
21 2007, as File No. 2007-020729, and is a valid and perfected lien against all of the real
22 property for the amount of Plaintiff's Judgment as provided herein.

23 ////

24 ////

25 GENERAL JUDGMENT OF FORECLOSURE - 2
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1 3. The Deed of Trust was subsequently assigned to Plaintiff, U.S. Bank,
2 National Association, Successor Trustee to Bank of America, N.A. as Successor to LaSalle
3 Bank, N.A. as Trustee, for Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage
4 Loan Asset-Backed Certificates, Series 2007-3 under an Assignment of Deed of Trust dated
5 July 28, 2011, recorded by the Clerk of Lane County, Oregon, on August 5, 2011, as File No.
6 2011-035527.

7 4. The Note is endorsed by First Franklin Financial Corp., an Op. Sub. of
8 MLB&T Co., FSB to First Franklin Financial Corporation; then endorsed in blank by First
9 Franklin Financial Corporation, and Plaintiff, U.S. Bank, National Association, Successor
10 Trustee to Bank of America, N.A. as Successor to LaSalle Bank, N.A. as Trustee, for
11 Merrill Lynch First Franklin Mortgage Loan Trust, Mortgage Loan Asset-Backed
12 Certificates, Series 2007-3, is the true and legal holder of said Note, and beneficiary of the
13 Deed of Trust. *See* Affidavit in Support of Judgment.

14 5. The interest of each of the Defendants and any successor in the Property is
15 foreclosed and terminated excepting only any statutory right of redemption as provided by
16 Oregon law.

17 6. The lien of the Plaintiff is superior to any interest, lien, or claim of the
18 Defendants and shall remain in effect until issuance of a Sheriff's Deed.

19 7. The Defendants are not entitled to a homestead exception as against
20 Plaintiff's Judgment.

1 8. All rights, title and interest that Defendants Christina M. Lopez and Keith D.
2 Lopez had as of the date of the Deed of Trust, or thereafter acquired in the subject
3 Property, is hereby ordered to be sold by the Lane County Sheriff in accordance with the
4 process for sale upon execution, and the proceeds of sale shall be applied in the following
5 order: first, to the costs of sale; second to the satisfaction of the amounts awarded to
6 Plaintiff herein; third, any surplus, to the Defendants in the priority as their interest may
7 appear or to the Clerk of the Court to be distributed to such party or parties as may
8 establish their right thereto.

9
10 9. Plaintiff shall be entitled to recover any advances that plaintiff may be
11 required to pay after the entry of judgment herein for taxes, assessment, other items
12 constituting liens against the property, insurance and/or repairs for the protection and
13 preservation of the subject property;

14 10. Plaintiff or any other junior lienholders may become the purchaser at the
15 sale of the Property.

16 11. The purchaser at the sale is entitled to such remedies as are available at law
17 or in equity to secure possession.

18 12. The purchaser at the sale may apply to the Court for a writ of assistance if
19 any Defendants or any other party or person holding possession shall refuse to surrender
20 possession to the purchaser immediately on the purchaser's demand for possession.

21 13. Plaintiff is awarded Judgment of the following amounts due and owing
22 under the Note and Deed of Trust:

1	Principal		\$195,588.76
2	Prejudgment interest from 1/1/2014 to 3/31/2015 at 2.0% per annum		\$4,889.70
3	Prejudgment interest from 4/1/2015 to 2/16/2017 at 7.9% per annum		\$28,962.85
4	Other Costs and fees (recoverable)		\$9,014.20
	Property Tax	\$6,218.71	
5	Hazard Insurance	\$3,210.00	
	Property Inspection	\$327.00	
6	Hazard loss	(\$741.51)	
7	Subtotal (Principal and Costs)		\$204,602.96
	Total (plus prejudgment interest)		\$238,455.51

8
9 14. . Attorneys fees and costs are awarded to Plaintiff as follows:

10	Costs		\$3,036.34
	Mediation Costs:	\$400.00	
11	Title Fees:	\$690.00	
	Filing Fees:	\$531.00	
12	Recording Fees:	\$62.48	
	Prevailing Party Fee:	\$275.00	
13	Process Service:	\$1,077.86	
14	Attorney Fees		\$2,600.00
15	Reasonable Fee Amount for Uncontested Judicial Foreclosure	\$2,600.00	
16	Total		\$5,636.34

17 15. Interest shall accrue on Principal Judgment amount of \$195,588.76 at the
18 interest rate of 7.9%, at a per diem rate of \$42.33, from February 17, 2017. Interest shall
19 accrue on the Other Recovery Amounts at the rate of 9.00% per annum from the date of
20 Judgment. Interest shall accrue on Attorneys Fees and Costs totaling \$5,636.34 at the rate
21 of 9.00% per annum from the date of judgment pursuant to ORS 82.010.

1 16. This Judgment shall not create a personal lien or liability against
2 Defendants Christina M. Lopez and Keith D. Lopez except as is customary or necessary to
3 execute such Judgment and for purposes of redemption. In no event should it be construed
4 as establishing personal liability for any persons whose debt has been extinguished in
5 bankruptcy or by an In Rem order granting relief from stay, but only to foreclose the Deed
6 of Trust mortgage. In the event the proceeds of sale are insufficient to pay the amounts
7 due to Plaintiff, Plaintiff shall not be entitled to any further judgment, including a
8 Judgment for deficiency.
9

10 17. Execution may issue for the aggregate amount found due Plaintiff herein as
11 detailed in Paragraphs 13 through 15 (collectively the "Amounts Due"). Plaintiff may
12 credit bid up to the Amounts Due plus such additional amounts as provided by ORS
13 18.936 or other applicable law.

14 18. If before sale such amount, including sheriff's fees for the execution, is
15 tendered to the court and paid to the Clerk, the execution, if issued, shall be recalled and
16 the effect of the judgment as to the amounts due shall be terminated.

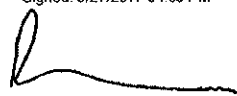
17 19. The Clerk of the Court is hereby ordered to Issue a Writ of Execution in
18 Foreclosure for the sale of the Property.

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1 20. The Court shall retain jurisdiction to enter such additional order or
2 judgment as necessary to enforce this judgment, the writ of execution or for the purchaser
3 at the execution sale to obtain possession.
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Signed: 3/27/2017 04:50 PM



R.Curtis Conover, Circuit Court Judge

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12 Presented by:



14 Daniel A. Ross, OSB No. 112979
15 WEINSTEIN & RILEY PS
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19 Attorneys for Plaintiff
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24 GENERAL JUDGMENT OF FORECLOSURE - 7

25 46766506

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

U.S. BANK, NATIONAL ASSOCIATION,
SUCCESSOR TRUSTEE TO BANK OF
AMERICA, N.A. AS SUCCESSOR TO
LASALLE BANK, N.A. AS TRUSTEE, FOR
MERRILL LYNCH FIRST FRANKLIN
MORTGAGE LOAN TRUST, MORTGAGE
LOAN ASSET-BACKED CERTIFICATES,
SERIES 2007-3,

Case No. 16CV39503

CERTIFICATE OF READINESS

UTCR 5.100(2)

Plaintiff,

v.

CHRISTINA M. LOPEZ AND KEITH D.
LOPEZ; CITIBANK SOUTH DAKOTA NA;
MIDLAND FUNDING, LLC; OCCUPANTS
OF THE SUBJECT REAL PROPERTY, AND
ALL OTHER PERSONS OR PARTIES
UNKNOWN, CLAIMING ANY RIGHT,
TITLE, INTEREST, LIEN OR ESTATE IN
THE PROPERTY HEREIN DESCRIBED,

Defendants.

Based on the requirements presented in UTCR 5.100(2), Daniel Ross of Weinstein and Riley, P.S., attorney for the Plaintiff herein, states that the proposed order or judgment is ready for judicial signature for the following reasons:

Pursuant to UTCR 5.100(2)(b), Plaintiff asserts that this proposed order or judgment is ready for judicial signature because of the following:

- 1. [] 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

CERTIFICATE OF READINESS
PURSUANT TO UTCR 5.100(2) - 1

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document being submitted.

2. [] 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.

3. [] I have served a copy of this order or judgment on all parties entitled to service.

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

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

6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise. Pursuant to UTCR 5.100(3)(b) "A proposed order or judgment that may be presented *ex parte* by law or rule and is so submitted."

7. [] 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.

As the Plaintiff has satisfied the requirements of UTCR 5.100, the attached proposed judgment or order is ready for judicial signature.

Executed this 21st day of March, 2017, at Seattle, Washington.



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