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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

COLLEEN GREENE, in her capacity as the  
Personal Representative of the Estate of Scott  
M. Greene; 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: 15CV07798**

**WRIT OF EXECUTION IN FORECLOSURE**

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on November 18, 2015, 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 Scott M. Greene, deceased, ("Decedent  
Greene") had on September 22, 2010, the date of the foreclosed Deed of Trust which was recorded

1 on September 28, 2010, as Instrument No. 2010-048618 in the official records of the Lane County  
2 Recorder's Office, and/or all of the interest which Decedent Greene had thereafter, in the real  
3 property described in the Judgment to satisfy the Judgment as follows:

4  
5 **Lender's Principal Judgment:**

6 Unpaid Principal Balance:	\$257,915.83
7 Pre-Judgment Interest from April 1, 8 2014 to October 22, 2015, the date set 9 forth in the Judgment at 4.500%, per 10 annum, (\$31.7978 per diem):	\$18,376.42
11 Lender's Fees and Costs:	\$8,000.55
12 Attorney's Fees and Costs:	\$5,160.99

13 ***Total Judgment Entered:*** **\$289,453.79**

14 **Additional Pre-Judgment Interest:**

15 Accrued Interest from October 23, 16 2015, the day after the date set forth in 17 the Judgment through November 18, 18 2015, the date of entry of the Judgment, 19 at 4.500%, per annum (\$31.7978 per 20 diem):	\$826.74
--	----------

21 ***Total Judgment Entered Including  
22 Additional Pre-Judgment  
23 Interest:***

**\$290,280.53**

3.

24 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$290,280.53** at  
25 the legal rate of interest of 9% per annum, \$71.57 per diem, from November 19, 2015 to the date the  
26 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus  
27 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

28 The real property subject to this writ of execution is commonly known as 737 SILVER  
LANE, EUGENE, OR 97404 ("Property") and described in Exhibit "1" attached hereto.

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5.

The Judgment Creditor's name and address is:

BANK OF AMERICA, N.A.  
100 N. Tryon St  
Charlotte, North Carolina 28255

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

BANK OF AMERICA, N.A.  
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.

June 27, 2017

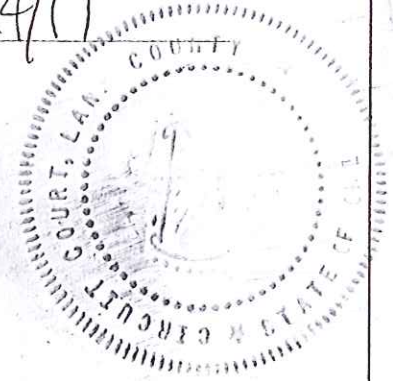
By: *[Signature]*  
COURT CLERK

Submitted by:

*[Signature]*

Dated: 5/24/17

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



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# EXHIBIT 1



## LEGAL DESCRIPTION

Lot 13, Block 14, THIRD ADDITION TO SUNVIEW PARK, as platted and recorded in Book 32, Page 23, Lane County Oregon Plat Records, in Lane County, Oregon.

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

**BANK OF AMERICA, N.A.,**

**Plaintiff,**

**vs.**

**COLLEEN GREENE, in her capacity as the  
Personal Representative of the Estate of Scott  
M. Greene; 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: 15CV07798**

**STIPULATED GENERAL JUDGMENT OF  
FORECLOSURE AGAINST DEFENDANT:**

**1. COLLEEN GREENE, IN HER  
CAPACITY AS THE PERSONAL  
REPRESENTATIVE OF THE ESTATE OF  
SCOTT M. GREENE**

**1.**

**BANK OF AMERICA, N.A. ("Plaintiff"), by and through its attorney of record, Nathan F. Smith of Malcolm & Cisneros, A Law Corporation and stipulating defendant COLLEEN GREENE, in her capacity as the Personal Representative of the Estate of Scott M. Greene by and through her attorney of record, Brian J. Millington of Thorp, Purdy, Jewett, Urness & Wilkinson, P.C. ("Stipulating Defendant") hereby stipulate as follows and agree to the entry of this Stipulated General Judgment of Foreclosure ("Judgment").**

**2.**

**Plaintiff filed a Complaint for Judicial Foreclosure and Breach of Promissory Note on March 31, 2015 in the Circuit Court of the State of Oregon for the County of Lane ("Complaint").**

**3.**

**That Plaintiff is the holder of the promissory note ("Note"), dated September 22, 2010, and**

1 made, executed, and delivered by Scott M. Greene ("Decedent") in the amount of \$274,389.00.

2 4.

3 That the Note is secured by the residential deed of trust made, executed and delivered by  
4 Decedent on or about September 23, 2010, recorded on September 28, 2010 under the recording  
5 number 2010-048618 of the Official Records of Lane County, Oregon, against the property located  
6 at 737 SILVER LANE, EUGENE, OREGON 97404, legally described as:

7 **LOT 13, BLOCK 14, THIRD ADDITION TO SUNVIEW PARK, AS PLATTED AND**  
8 **RECORDED IN BOOK 32, PAGE 23, LANE COUNTY OREGON PLAT RECORDS,**  
9 **IN LANE COUNTY, OREGON.**

10 ("Property") which constitutes a valid lien ("Deed of Trust").

11 5.

12 That Decedent failed to comply with the terms of the Note and Deed of Trust by failing to  
13 make the payments due and owing according to the terms of the Note and Deed of Trust. Pursuant to  
14 the terms of the Note and Deed of Trust, Plaintiff has now declared all sums due and owing under  
15 the Note and Deed of Trust as immediately due and payable.

16 6.

17 That the Deed of Trust is a valid first priority lien encumbering the Property and is superior  
18 to any interest, lien, or claim of defendant or any other party in the Property and that the Deed of  
19 Trust is hereby foreclosed by this Court on the Property.

20 7.

21 That a judgment of foreclosure in the amount of \$289,453.79 shall be granted against  
22 Stipulating Defendant and in favor of Plaintiff or its successors or assigns, as further described in the  
23 Money Award below.

24 8.

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

28 ///





1 demand for possession.

2 15.

3 On or about October 24, 2014, Plaintiff submitted a claim to the personal representative of  
4 the Estate of Scott M. Greene (Lane County Case #50-14-14823) in the amount of \$272,091.47 for  
5 the payment on the Note. Said claim was partially disallowed by the personal representative on or  
6 about November 12, 2014, to the extent the claim exceeds the value of the security interest. No  
7 request for summary determination of the claim was filed by Plaintiff.

8 16.

9 No deficiency judgment will be sought by Plaintiff. While entry of this Judgment and the  
10 corresponding money award shall be entered against Stipulating Defendant, Plaintiff will not seek to  
11 collect the Money Award from Stipulating Defendant but will seek to execute upon the Property as a  
12 full satisfaction of the Money Award to the Plaintiff. Furthermore, Plaintiff stipulates that any  
13 deficiency remaining after application of the proceeds of the foreclosure sale shall be deemed  
14 satisfied.

15 17.

16 Stipulating Defendant expressly waives her statutory right of redemption, if any.

17 18.

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

21 19.

22 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be  
23 hereinafter described as the Money Award.

24 20.

25 This suit does not constitute an attempt to collect the debt against Stipulating Defendant  
26 under the Note. Rather, it is a suit to execute upon the Property as security for the Money Award to  
27 the Plaintiff.

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**6. Post-Judgment Interest:**

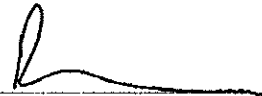
Simple interest to accrue on \$289,453.79 plus Pre-Judgment Interest from the day after the Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

**7. Periodic accrual:**

N/A

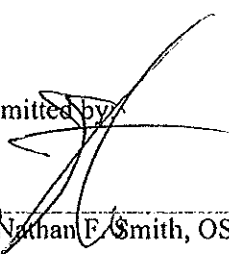
**8. Attorney's Fees and Costs:**

Signed: 11/18/2015 09:28 AM



CIRCUIT COURT JUDGE  
R. Curtis Conover, Circuit Court Judge

Submitted by:



Dated: 11/6/15

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

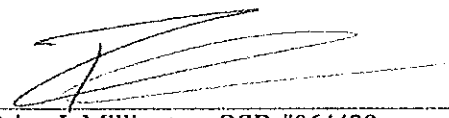
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**APPROVED AND AGREED TO:**  
**FOR BANK OF AMERICA, N.A.**  
Accepted this 19 day of November, 2015



Nathan F. Smith, OSB #120112  
 Richard J. Bayless, OSB #101826  
Attorneys for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX)

**APPROVED AND AGREED TO:**  
**FOR COLLEEN M. GREENE**  
Accepted this 20 day of October, 2015



Brian J. Millington, OSB #064428  
Attorney for Defendant  
Thorp, Purdy, Jewett, Urness & Wilkinson, P.C.,  
Attorneys at Law  
1011 Harlow Road, Suite 300  
Springfield, Oregon 97477-1187  
(541) 747-3354 (TELEPHONE)  
(541) 747-3367 (FAX)

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**CERTIFICATE OF SERVICE**

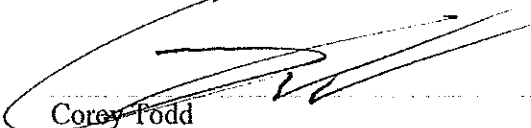
I hereby certify that I have served a true copy of the foregoing  
1 STIPULATED GENERAL JUDGMENT OF FORECLOSURE AGAINST DEFENDANT: 1.  
COLLEEN GREENE, IN HER CAPACITY AS THE PERSONAL REPRESENTATIVE OF THE  
ESTATE OF SCOTT M. GREENE

on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as  
set forth below and deposited in the U.S. Mail at Irvine, California:

THORP, PURDY, JEWETT, URNESS & WILKINSON, P.C.  
BRIAN J. MILLINGTON  
ATTORNEY FOR COLLEEN GREENE  
1011 HARLOW ROAD, SUITE 300  
SPRINGFIELD, OREGON 91477-1187

DATED: 11-10-, 2015

MALCOLM ♦ CISNEROS, A Law Corporation



Corey Todd  
Assistant Paralegal  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
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PAGE 1

CERTIFICATE OF SERVICE

Malcolm ♦ Cisneros, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, CA 92612