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

CIT BANK, N.A.,

Plaintiff,

vs.

ESTATE OF ROBERT G. CROWE, an
estate; JEFFREY CROWE, heir and possible
successor trustee; LYND A BOYDELL, heir
and possible successor trustee; UNKNOWN
HEIRS OF ROBERT G. CROWE, unknown
heirs; THE CROWE LIVING TRUST
DATED APRIL 1, 1996, AND ANY
AMENDMENTS, AS PROVIDED BY
INSTRUMENT RECORDED JULY 25,
2003, AS INSTRUMENT NO. 2003-017830,
OF OFFICIAL RECORDS, SUBJECT TO
ITEM NO(S). 14, a Trust; 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: 17CV00629

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON:

I.

WHEREAS, on June 1, 2017, in the above-entitled Court, a General Judgment of Foreclosure

1 ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

2 2.

3 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
4 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to
5 redemption, if applicable), all of the interest which the Defendants ESTATE OF ROBERT G.
6 CROWE, JEFFREY CROWE, LYNDA BOYDELL, UNKNOWN HEIRS OF ROBERT G.
7 CROWE, THE CROWE LIVING TRUST DATED APRIL 1, 1996, AND ANY AMENDMENTS,
8 AS PROVIDED BY INSTRUMENT RECORDED JULY 25, 2003, AS INSTRUMENT NO. 2003-
9 017830, OF OFFICIAL RECORDS, SUBJECT TO ITEM NO(S). 14, and ALL OTHER PERSONS,
10 PARTIES, OR OCCUPANTS UNKNOWN ("Defendants") had on March 3, 2006, the date of the
11 foreclosed Deed of Trust which was recorded on March 8, 2006, as Instrument No. 2006-004984 in
12 the official records of the Josephine County Recorder's Office, and/or all of the interest which
13 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as
14 follows:

15
16 **Lender's Principal Judgment:**

17 Unpaid Principal Balance:	\$174,275.66
18 Pre-Judgment Interest from July 15, 19 2016 to May 17, 2017, the date set forth 20 in the Judgment at 2.500%, per annum, 21 (\$16.06 per diem):	\$42,891.31
22 Lender's Fees and Costs:	\$18,587.30
23 Attorney's Fees and Costs:	\$4,179.00
24	
25 <i>Total Judgment Entered:</i>	<i>\$239,933.27</i>
26	

27 **Additional Pre-Judgment Interest:**

1 Accrued Interest from May 18, 2017,
2 the day after the date set forth in the
3 Judgment through June 1, 2017, the
4 date of entry of the Judgment, at
5 2.500%, per annum (\$16.06 per diem): **\$224.84**

6
7 **Total Judgment Entered Including**
8 **Additional Pre-Judgment**

9 **Interest:** **\$240,158.11**

10 3.

11 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$240,158.11 at
12 the legal rate of interest of 9% per annum, \$59.21 per diem, from June 2, 2017 to the date the real
13 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
14 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

15 4.

16 The real property subject to this writ of execution is commonly known as 892 MESMAN
17 DRIVE, GRANTS PASS, OREGON 97527 ("Property") and described in Exhibit "1" attached
18 hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 CIT Bank, N.A.

22 c/o Financial Freedom

23 888 East Walnut Street

24 Pasadena, California 91101

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

26 CIT Bank, N.A.

27 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

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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.

Submitted by:



JUL 10 2017
JUL 10 2017

Sarah Myerick



Dated:

7/7/17

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

EXHIBIT 1

LOT 12, MESMAN ESTATES SUBDIVISION, JOSEPHINE COUNTY, OREGON.

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Certified True Copy Of The Original
Dated This JUL 13 2017
Trial Court Administrator
By: [Signature]

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

CIT BANK, N.A.,

CASE NUMBER: 17CV00629

Plaintiff,

vs.

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

ESTATE OF ROBERT G. CROWE, an estate; JEFFREY CROWE, heir and possible successor trustee; LYNDA BOYDELL, heir and possible successor trustee; UNKNOWN HEIRS OF ROBERT G. CROWE, unknown heirs; THE CROWE LIVING TRUST DATED APRIL 1, 1996, AND ANY AMENDMENTS, AS PROVIDED BY INSTRUMENT RECORDED JULY 25, 2003, AS INSTRUMENT NO. 2003-017830, OF OFFICIAL RECORDS, SUBJECT TO ITEM NO(S). 14, a Trust; 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.

1. ESTATE OF ROBERT G. CROWE,
2. JEFFREY CROWE,
3. LYNDA BOYDELL,
4. UNKNOWN HEIRS OF ROBERT G. CROWE,
5. THE CROWE LIVING TRUST DATED APRIL 1, 1996, AND ANY AMENDMENTS, AS PROVIDED BY INSTRUMENT RECORDED JULY 25, 2003, AS INSTRUMENT NO. 2003-017830, OF OFFICIAL RECORDS, SUBJECT TO ITEM NO(S). 14, AND
6. ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, CIT Bank, N.A. ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants ESTATE OF ROBERT G. CROWE, JEFFREY CROWE, LYNDA

2

1 BOYDELL, UNKNOWN HEIRS OF ROBERT G. CROWE, THE CROWE LIVING TRUST
 2 DATED APRIL 1, 1996, AND ANY AMENDMENTS, AS PROVIDED BY INSTRUMENT
 3 RECORDED JULY 25, 2003, AS INSTRUMENT NO. 2003-017830, OF OFFICIAL RECORDS,
 4 SUBJECT TO ITEM NO(S). 14, and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS
 5 UNKNOWN ("Defendants") were duly served with the Summons and Complaint as required by
 6 law; that Defendants failed to appear, that an order of default has been entered against them on
 7 Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing
 8 Plaintiff's deed of trust against the property commonly known as 892 MESMAN DRIVE, GRANTS
 9 PASS, OREGON 97527 ("Property") and extinguishing any and all interest of the Defendants in the
 10 Property.

11 2.

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

14 3.

15 Plaintiff is the holder of that certain adjustable rate note ("Note"), dated March 3, 2006, in
 16 the amount of \$351,975.00, and executed by ROBERT G. CROWE and MARGARET L. CROWE.

17 4.

18 The Note is secured by that certain deed of trust ("Deed of Trust") dated March 3, 2006 and
 19 executed by ROBERT G. CROWE and MARGARET L. CROWE. The Deed of Trust was recorded
 20 on March 8, 2006 under the recording number 2006-004984 of the Official Records of Josephine
 21 County, Oregon, against the Property, which is legally described in Exhibit "1" attached hereto
 22 ("Property") and constitutes a valid lien against the Property.

23 5.

24 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
 25 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

26 6.

27 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
 28

1 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
2 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
3 may be entitled under Oregon law.

4 7.

5 A judgment of foreclosure in the amount of \$239,933.27 shall be granted in favor of Plaintiff,
6 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
7 Not a Money Award (“Amount Owed”).

8 8.

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

12 9.

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

15 10.

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

21 11.

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

26 12.

27 Defendant ESTATE OF ROBERT G. CROWE is not entitled to a homestead exemption in
28

1 the Property.

2 13.

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

5 14.

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

11 15.

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

15 16.

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

18 17.

19 This suit does not constitute an attempt to collect the debt against Defendants ESTATE OF
20 ROBERT G. CROWE, JEFFREY CROWE, LYNDA BOYDELL, UNKNOWN HEIRS OF
21 ROBERT G. CROWE, THE CROWE LIVING TRUST DATED APRIL 1, 1996, AND ANY
22 AMENDMENTS, AS PROVIDED BY INSTRUMENT RECORDED JULY 25, 2003, AS
23 INSTRUMENT NO. 2003-017830, OF OFFICIAL RECORDS, SUBJECT TO ITEM NO(S). 14,
24 and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN. Rather, it is a suit to
25 execute upon the Property as security for the Amount Owed.

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DECLARATION OF DEBT SECURED BY DEED OF TRUST
(Pursuant to Senate Bill 368)

18.

Under the terms of the Deed of Trust and the Note dated March 3, 2006, in the original principal amount of \$351,975.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1. Judgment Creditor:** CIT Bank, N.A.
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. Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. Judgment Amount:** \$235,754.27
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$174,275.66 from May 18, 2017 to the date the Judgment is entered into the Court's register at 2.500% per annum, \$16.06 per diem.

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5. Post-Judgment Interest:

Simple interest to accrue on \$239,933.27 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.

6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

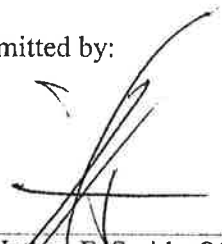
An award of \$4,179.00 in attorney's fees and costs is made.

Signed: 6/1/2017 10:12 AM



Circuit Court Judge Thomas M. Hull

Submitted by:



Dated: 5/30/17

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

EXHIBIT 1

LOT 12, MESMAN ESTATES SUBDIVISION, JOSEPHINE COUNTY, OREGON.

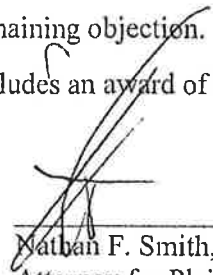
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CERTIFICATE OF READINESS

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

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- 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.
- 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, [role and name of opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 5/30, 2017

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