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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

CASE NUMBER: 15CV33385

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

vs.

ROGER F. JONES, 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.

TO: THE SHERIFF OF JOSEPHINE COUNTY, OREGON:

1.

WHEREAS, on May 18, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

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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 Defendant ROGER F. JONES ("Defendant") had on October 13, 2006, the date of the foreclosed Deed of Trust which was recorded on December 1, 2006, as Instrument No. 2006-024196 in the official records of the Josephine County Recorder's Office, and/or all of the interest which Defendant had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

Unpaid Principal Balance:	\$174,995.48
Pre-Judgment Interest from October 17, 2014 to March 13, 2017, the date set forth in the Judgment at 3.49%, per annum, (\$16.73 per diem):	\$13,496.15
Lender's Fees and Costs:	\$11,044.68
Attorney's Fees and Costs:	\$3,758.00
Total Judgment Entered:	\$203,294.31

Additional Pre-Judgment Interest:

Accrued Interest from March 14, 2017, the day after the date set forth in the Judgment through May 18, 2017, the date of entry of the Judgment, at 3.49%, per annum (\$16.73 per diem):	\$1,087.45
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Total Judgment Entered Including

Additional Pre-Judgment

Interest: \$204,381.76

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$204,381.76 at the legal rate of interest of 9% per annum, \$50.39 per diem, from May 19, 2017, to the date the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

The real property subject to this writ of execution is commonly known as 1205 SW VIOLA DR, GRANTS PASS, OR 97526 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust
c/o Caliber Home Loans
13801 Wireless Way
Oklahoma City, Oklahoma 73134

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

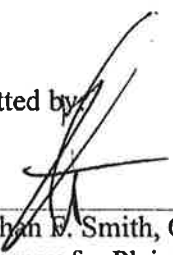
U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

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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: 

Nathan E. 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


Court Clerk

Dated: 6/29/17



EXHIBIT 1

①

LEGAL DESCRIPTION

Lot 9, VIOLA SUBDIVISION the City of Grants Pass, Josephine County, Oregon.

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

ROGER F. JONES, 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.

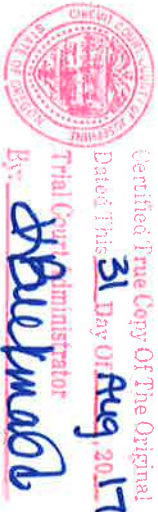
CASE NUMBER: 15CV33385

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. ROGER F. JONES

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant ROGER F. JONES ("Defendant") were duly served with the Summons and Complaint as required by law; that Defendant failed to appear, that an order of default has been entered against him 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 1205 SW VIOLA DR, GRANTS PASS, OR 97526 ("Property") and extinguishing any and all interest of the Defendant in the Property.



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2.

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

3.

Plaintiff is the holder of that certain equity maximizer agreement and disclosure statement
note ("Note"), dated October 13, 2006, in the amount of \$190,000.00, and executed by ROGER F.
JONES.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated October 13, 2006
and executed by ROGER F. JONES. The Deed of Trust was recorded on December 1, 2006 under
the recording number 2006-024196 of the Official Records of Josephine County, Oregon, against the
Property, which is legally described in Exhibit "1" attached hereto ("Property") and constitutes a
valid lien against the Property.

5.

Defendant ROGER F. JONES 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 Defendant and any other party in the Property, which are hereby
foreclosed and terminated, excepting only any statutory right of redemption to which the Defendant
may be entitled under Oregon law.

7.

A judgment of foreclosure in the amount of \$203,294.31 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").

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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.

11.

Defendant 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.

Defendant ROGER F. JONES is 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 Defendant, any of them, or any other party or person shall refuse to surrender

1 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

2 15.

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

6 16.

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

9 17.

10 This suit does not constitute an attempt to collect the debt against Defendant ROGER F.
11 JONES. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

12 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

13 **(Pursuant to Senate Bill 368)**

14 18.

15 Under the terms of the Deed of Trust and the Note dated October 13, 2006, in the original
16 principal amount of \$190,000.00, there is now due and owing the following amounts, to be
17 hereinafter described as the Amount Due:

18
19 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

- | | |
|---|---|
| 20 1. Judgment Creditor: | U.S. Bank Trust, N.A., as Trustee for LSF9 |
| 21 Address: | Master Participation Trust |
| | c/o MALCOLM ♦ CISNEROS, |
| | A Law Corporation |
| | 2112 Business Center Drive, 2 nd Floor |
| | Irvine, California 92612 |
| 24 Judgment Attorney: | Nathan F. Smith |
| 25 Address: | MALCOLM ♦ CISNEROS, A Law Corporation |
| | 2112 Business Center Drive, 2 nd Floor |
| | Irvine, California 92612 |
| 26 Telephone Number: | (949) 252-9400 |
| 27 2. Persons or Public Bodies Entitled to | |
| 28 a Portion the Judgment: | N/A |

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3. Judgment Amount:

\$199,536.31

4. Pre-Judgment Interest:

Simple interest to accrue on \$174,995.48 from March 14, 2017 to the date the Judgment is entered into the Court's register at 3.49% per annum, \$16.73 per diem.

5. Post-Judgment Interest:

Simple interest to accrue on \$203,294.31 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:

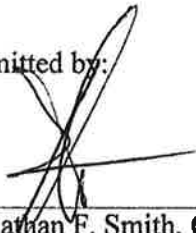
An award of \$3,758.00 in attorney's fees and costs is made.

Signed: 5/16/2017 05:05 PM



Circuit Court Judge Thomas M. Hull

Submitted by:



Dated:

4/5/17

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

LEGAL DESCRIPTION

Lot 9, VIOLA SUBDIVISION the City of Grants Pass, 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 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.

DATED: 4/5, 2017

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