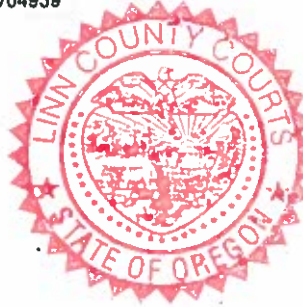


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LINN COUNTY SHERIFF'S OFFICE



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office. Trial Court Admin.

*K. Schubert 6/21/17*

Verified Correct Copy of Original 5/3/2017

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

U.S. Bank National Association,

CASE NUMBER: 16CV04939

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

Lucia A. Hogan, Heir of the Estate of John P. Brennan; UNKNOWN PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION,

Defendants.

TO: THE SHERIFF OF LINN COUNTY, OREGON:

1.

WHEREAS, on April 21, 2017, 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 LUCIA A HOGAN, HEIR OF THE ESTATE OF JOHN P. BRENNAN, and UNKNOWN PARTIES IN POSSESSION OR CLAIMING A RIGHT TO POSSESSION ("Defendants") had on June 14, 2005, the date of the foreclosed Deed of Trust which was recorded on June 20, 2005, as Recorder's No. 1725, pages 199 - 208 in the official records of the Linn 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:



1	<b><u>Lender's Principal Judgment:</u></b>	
2	Unpaid Principal Balance:	\$149,343.93
3	Pre-Judgment Interest from November	
4	1, 2011 to August 21, 2016, at 5.50%,	
5	per annum, (\$22.50 per diem):	\$40,169.44
6	Lender's Fees and Costs:	\$13,347.79 (-\$554.11)
7	Attorney's Fees and Costs	\$0.00
8	<b><i>Total Judgment Entered:</i></b>	<b><i>\$202,307.05</i></b>

9	<b><u>Additional Pre-Judgment Interest:</u></b>	
10	Accrued Interest from August 22, 2016,	
11	the day after the date set forth in the	
12	Judgment through April 21, 2017, the	
13	date of entry of the Judgment, at 5.50%	
14	per annum (\$22.50 per diem):	\$5,490.00
15	<b><i>Total Judgment Entered Including</i></b>	
16	<b><i>Additional Pre-Judgment</i></b>	
17	<b><i>Interest:</i></b>	<b><i>\$207,797.05</i></b>

3.

Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the legal rate of interest of 9% per annum, \$49.868 per diem, from April 21, 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 960 Poplar Street, Sweet Home, OR 97386 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. Bank National Association  
 c/o Malcolm Cisneros, A Law Corporation  
 2112 Business Center Drive, Second Floor  
 Irvine, California 92612

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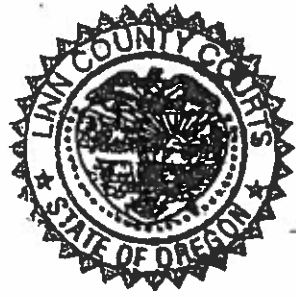
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The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. Bank National Association  
c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)  
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 receipt of this Writ.



Signed: 5/3/2017 01:08 PM

A handwritten signature in cursive script, reading "Elizabeth Fistel", is written over a horizontal line.

Elizabeth Fistel, Administrative Authority

Submitted by:

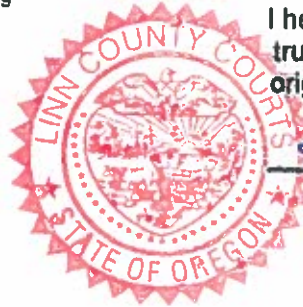
s/ Grant E. Courtney  
Grant E. Courtney, OSB #170159  
Attorney for Plaintiff  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: GCourtney@mclaw.org

Dated: May 3, 2017

# EXHIBIT 1

### Legal Description

Beginning at a point which is 133.32 feet West of the Northeast corner of Tract No. 1, PARK ADDITION, in the City of Sweet Home, Linn County, Oregon, according to the duly recorded plat thereof on file and of record in the Office of the Recorder of Conveyances for Linn County, Oregon; and running thence South 100 feet; thence East 66.66 feet; thence North 130 feet; thence West 66.66 feet; thence south 30 feet to the place of beginning.



I hereby certify this copy to be a true, full, and exact copy of the original now on file in my office.  
Trial Court Admin.

*Robert 6/21/17*

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

U.S. BANK NATIONAL ASSOCIATION,  
  
Plaintiff,  
  
vs.  
  
LUCIA A. HOGAN, HEIR OF THE ESTATE  
OF JOHN P. BRENNAN, et al,  
  
Defendant.

**CASE NUMBER: 16CV04939**

**GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:**

- 1. LUCIA A. HOGAN, HEIR OF THE  
ESTATE OF JOHN P. BRENNAN**

2.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. Bank National Association ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant Lucia A. Hogan, Heir of the Estate Of John P. Brennan ("Defendant") was duly served with the Summons and Complaint as required by law; that Defendant failed to appear, that the order of default has been entered against her 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 960 Poplar Street, Sweet Home, OR 97386 ("Property") and extinguishing any and all interest of the Defendant in the Property.

3.

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

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4.

Plaintiff is the holder of that certain promissory note ("Note"), dated June 14, 2005, in the amount of \$165,716.00, and executed by John P. Brennan, who is now deceased.

5.

The Note is secured by that certain deed of trust ("Deed of Trust") dated June 14, 2005 and executed by John P. Brennan. The Deed of Trust was recorded on June 20, 2005 under the recording volume 1725, page numbers 199-208 of the Official Records of Linn County, Oregon, against the Property, which is legally described as: See Exhibit "1" attached hereto. ("Property") and constitutes a valid lien against the Property.

6.

Decedent John P. Brennan 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.

7.

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.

8.

A judgment of foreclosure in the amount of \$202,307.05 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").

9.

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.

10.

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

3 11.

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

9 12.

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

14 13.

15 Defendant Lucia A. Hogan is not entitled to a homestead exemption in the Property.

16 14.

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

19 15.

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

25 16.

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



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17.

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

18.

This suit does not constitute an attempt to collect the debt against Lucia A. Hogan. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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

19.

Under the terms of the Deed of Trust and the Note dated June 20, 2005, in the original principal amount of \$165,716.00, 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**

- |  |   |
|--|---|
| <b>1. Judgment Creditor:</b>                   | U.S. BANK NATIONAL ASSOCIATION  |
| Address:                                       | c/o MALCOLM ♦ CISNEROS,<br>A Law Corporation<br>2112 Business Center Drive, 2 <sup>nd</sup> Floor<br>Irvine, California 92612 |
| <b>Judgment Attorney:</b>                      | Steve Bonfiglio   |
| Address:                                       | MALCOLM ♦ CISNEROS, A Law Corporation<br>2112 Business Center Drive, 2 <sup>nd</sup> Floor<br>Irvine, California 92612        |
| Telephone Number:                              | (949) 252-9400  |
| <b>2. Persons or Public Bodies Entitled to</b> |   |
| <b>a Portion the Judgment:</b>                 | N/A   |
| <b>3. Judgment Amount:</b>                     | \$202,307.05  |

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**4. Pre-Judgment Interest:**

Simple interest to accrue on \$149,343.93 from August 21, 2016 to the date the Judgment is entered into the Court's register at 5.50% per annum, \$22.50 per diem.

**5. Post-Judgment Interest:**

Simple interest to accrue on \$202,307.05 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:**

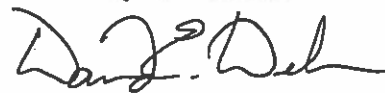
N/A

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

An award of \$0.00 in attorney's fees and costs is made.

Dated: April 21, 2017.

Signed: 4/21/2017 04:49 PM



David E. Delsman, Circuit Court Judge

Submitted by:

Dated: April 21, 2017

s/Steve Bonfiglio  
Steve Bonfiglio, OSB #051220  
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: sbonfiglio@mclaw.org

# EXHIBIT "1"

## Legal Description

Beginning at a point which is 133.32 feet West of the Northeast corner of Tract No. 1, PARK ADDITION, in the City of Sweet Home, Linn County, Oregon, according to the duly recorded plat thereof on file and of record in the Office of the Recorder of Conveyances for Linn County, Oregon; and running thence South 100 feet; thence East 66.66 feet; thence North 130 feet; thence West 66.66 feet; thence south 30 feet to the place of beginning.