



CERTIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 27 DAY OF July 2017
CIRCUIT COURT
CROOK COUNTY,
STATE OF OREGON

BY: Spille Combs
Lorille Combs COURT CLERK

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

SENIOR HOMEOWNER ASSISTANCE
PROGRAM 2012-1, SERIES I,

CASE NUMBER: 14CV17795

Plaintiff,

WRIT OF EXECUTION IN FORECLOSURE

vs.

BRIAN LEE WHITCOMB, in his capacity as
the Personal Representative of the Estate of
Donelda O. Whitcomb; UNKNOWN HEIRS
OF DONELDA O. WHITCOMB, individuals;
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 CROOK COUNTY, OREGON:

1.

WHEREAS, on April 18, 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

1 redemption, if applicable), all of the interest which the Defendants BRIAN LEE WHITCOMB, in
2 his capacity as the Personal Representative of the Estate of Donelda O. Whitcomb AND
3 UNKNOWN HEIRS OF DONELDA O. WHITCOMB, AND ALL OHER PERSONS, PARTIES,
4 OR OCCUPANTS UNKNOWN ("Defendants") had on September 14, 2007, the date of the
5 foreclosed Deed of Trust which was recorded on November 20, 2007, as Instrument No. 2007-
6 225309 in the official records of the Crook County Recorder's Office, and/or all of the interest
7 which Defendants had thereafter, in the real property described in the Judgment to satisfy the

8 Judgment as follows:

9 **Lender's Principal Judgment:**

10 Unpaid Principal Balance:	\$351,997.20
11 Pre-Judgment Interest from July 16, 12 2012 to June 8, 2015, the date set forth 13 in the Judgment at 3.9819%, per annum, 14 (\$46.41 per diem):	\$44,643.71
15 Lender's Fees and Costs:	\$24,337.80
16 Attorney's Fees and Costs:	\$4,464.00

17 ***Total Judgment Entered:*** **\$425,442.71**

18 **Additional Pre-Judgment Interest:**

19 Accrued Interest from June 9, 2015, the 20 day after the date set forth in the 21 Judgment through April 18, 2017, the 22 date of entry of the Judgment, at 23 3.981%, per annum (\$46.41 per diem):	\$31,512.39
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24 ***Total Judgment Entered Including
25 Additional Pre-Judgment***

26 ***Interest:*** **\$456,955.10**

27 3.

28 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$456,955.10** at
the legal rate of interest of 9% per annum, \$112.67 per diem, from April 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 8490 NE Ochoco

1 Highway 26, Prineville, OR 97754 ("Property") and described in Exhibit "1" attached hereto.

2 5.

3 The Judgment Creditor's name and address is:

4 Senior Homeowner Assistance Program 2012-1, Series I

5 c/o Reverse Mortgage Solutions, Inc.

6 8930 S. Beck Avenue, Suite 111

7 Tempe, Arizona 85284-2864

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

9 Senior Homeowner Assistance Program 2012-1, Series I

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

11 2112 Business Center Drive

12 Irvine, CA 92612


13 949-252-9400

14 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
15 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
16 the Judgment, interest, fees, and costs.

17 MAKE RETURN HEREOF within 60 days after you receive this Writ. Issued: 6/28/17 4:16 PM

18
19 
20 **Amy Bonkosky, Trial Court Administrator**

21 Submitted by:

22 
23 _____
24 Nathan F. Smith, OSB #120112
25 Attorney for Plaintiff
26 MALCOLM ♦ CISNEROS, A Law Corporation
27 2112 Business Center Drive, Second Floor
28 Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org

Dated: 6/28/17

EXHIBIT 1

The land referred to in this Guarantee is situated in the County of Crook, State of Oregon, and is described as follows:

Beginning at a point located South $0^{\circ}01'40''$ East 1192.08 feet and South $37^{\circ}32'00''$ East 853.52 feet from the Northwest corner of Section 6 in Township 15 South, Range 17 East of the Willamette Meridian, said point being on the center line of the irrigation canal, as located and constructed, thence North $55^{\circ}25'04''$ East 73.76 feet, thence North $59^{\circ}26'10''$ East 99.52 feet, thence North $66^{\circ}39'14''$ East 145.81 feet, thence North $77^{\circ}39'25''$ East 170.35 feet along said canal center line, thence South $0^{\circ}03'00''$ West 950.82 feet to the East-West center line of said Section 6, thence North $89^{\circ}53'00''$ West 445.79 feet along said center line, thence North $0^{\circ}03'00''$ East 762.08 feet to the point of beginning.

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

ABC Legal Services

310 SW 4th Ave

Ste 440

Portland, OR 97204

Crook County Official Records

LIEN-WRITX

Pgs=6

\$30.00 \$11.00 \$5.00 \$2.00

\$21.00

2017-282066

08/10/17 12:00 PM

Total:\$69.00



01115910201702820660060069

I, Cheryl Seely, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Writ of Execution in Foreclosure

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Senior Homeowners Assistance Program 2012-1, Series 1

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Brian Lee Whitcomb, in his capacity as the Personal Representative of the Estate of Donelda O.

Whitcomb; Unknown Heirs of Donelda O. Whitcomb, individuals; and all other persons, parties,

or occupants unknown

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) – Amount in dollars or other

\$ _____

Other

5) SEND TAX STATEMENTS TO:

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL

(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in

accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____

TO CORRECT _____

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."



CERTIFIED TRUE COPY OF THE ORIGINAL
DATED THIS 27 DAY OF July 20 17
CIRCUIT COURT
CROOK COUNTY,
STATE OF OREGON

BY: Lorielle Combs
Lorielle Combs COURT CLERK

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

SENIOR HOMEOWNER ASSISTANCE
PROGRAM 2012-1, SERIES I,

CASE NUMBER: 14CV17795

Plaintiff,

vs.

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

BRIAN LEE WHITCOMB, in his capacity as
the Personal Representative of the Estate of
Donelda O. Whitcomb; UNKNOWN HEIRS
OF DONELDA O. WHITCOMB, individuals;
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) BRIAN LEE WHITCOMB, IN HIS
CAPACITY AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE
OF DONELDA O. WHITCOMB**
- (2) UNKNOWN HEIRS OF DONELDA O.
WHITCOMB**
- (3) 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, Senior Homeowner Assistance Program 2012-1, Series I ("Plaintiff"), filed its
Complaint for Foreclosure of Deed of Trust; that Defendants BRIAN LEE WHITCOMB, in his

1 capacity as the Personal Representative of the Estate of Donelda O. Whitcomb, UNKNOWN HEIRS
2 OF DONELDA O. WHITCOMB and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS
3 UNKNOWN ("Defendants") were duly served with the Summons and Complaint as required by
4 law; that Defendants failed to appear, that an order of default has been entered against them on
5 Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing
6 Plaintiff's deed of trust against the property commonly known as 8490 NE Ochoco Highway 26,
7 Prineville, OR 97754 ("Property") and extinguishing any and all interest of the Defendants in the
8 Property.

9 2.

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

12 3.

13 Plaintiff is the holder of that certain home equity line of credit agreement and promissory
14 note ("Note"), dated September 14, 2007, in the amount of \$595,000.00, and executed by Donelda
15 O. Whitcomb ("Decedent Whitcomb").

16 4.

17 The Note is secured by that certain deed of trust ("Deed of Trust") dated September 14, 2007
18 and executed by Donelda O. Whitcomb. The Deed of Trust was recorded on November 20, 2007
19 under the recording number 2007-225309 of the Official Records of Crook County, Oregon, against
20 the Property, which is legally described in Exhibit "1" attached hereto ("Property") and constitutes a
21 valid lien against the Property.

22 5.

23 On or about July 16, 2012, Decedent Whitcomb died. Based upon the death of Decedent
24 Whitcomb, all amounts due and owing under the promissory note and deed of trust are now due and
25 payable.

26 6.

27 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
28 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby

1 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
2 may be entitled under Oregon law.

3 7.

4 A judgment of foreclosure in the amount of \$425,442.71 shall be granted in favor of Plaintiff,
5 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
6 Not a Money Award (“Amount Owed”).

7 8.

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

11 9.

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

14 10.

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

20 11.

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

25 12.

26 Decedent Whitcomb is not entitled to a homestead exemption in the Property.

27 13.

28 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the

1 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

2 14.

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

8 15.

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

12 16.

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

15 17.

16 This suit does not constitute an attempt to collect the debt against Defendants BRIAN LEE
17 WHITCOMB, in his capacity as the Personal Representative of the Estate of Donelda O. Whitcomb,
18 UNKNOWN HEIRS OF DONELDA O. WHITCOMB and ALL OTHER PERSONS, PARTIES,
19 OR OCCUPANTS UNKNOWN. Rather, it is a suit to execute upon the Property as security for the
20 Amount Owed.

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

23 18.

24 Under the terms of the Deed of Trust and the Note dated September 14, 2007, in the original
25 principal amount of \$595,000.00, there is now due and owing the following amounts, to be
26 hereinafter described as the Amount Due:

27 ///

28 ///

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1
2 **1. Judgment Creditor:** Senior Homeowner Assistance Program 2012-1,
3 Address: Series I
4 c/o MALCOLM ♦ CISNEROS,
5 A Law Corporation
6 2112 Business Center Drive, 2nd Floor
7 Irvine, California 92612
- 8 **Judgment Attorney:** Nathan F. Smith
9 Address: MALCOLM ♦ CISNEROS, A Law Corporation
10 2112 Business Center Drive, 2nd Floor
11 Irvine, California 92612
12 Telephone Number: (949) 252-9400
- 13 **2. Persons or Public Bodies Entitled to**
14 **a Portion the Judgment:** N/A
- 15 **3. Judgment Amount:** \$420,978.71
- 16 **4. Pre-Judgment Interest:** Simple interest to accrue on \$351,997.20 from
17 June 9, 2015 to the date the Judgment is entered
18 into the Court's register at 3.981% per annum,
19 \$46.41 per diem.
- 20 **5. Post-Judgment Interest:** Simple interest to accrue on \$425,442.71 plus
21 Pre-Judgment Interest from the day after the
22 General Judgment is entered to the date upon
23 which the Writ of Execution in Foreclosure is
24 levied at the legal rate of interest or 9% per
25 annum, whichever is greater.
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6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

An award of \$4,464.00 in attorney's fees and costs is made.



Signed: 4/18/2017 03:39 PM

Circuit Court Judge, Daniel J. Ahern

Submitted by:

Dated: April 3, 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

The land referred to in this Guarantee is situated in the County of Crook, State of Oregon, and is described as follows:

Beginning at a point located South 0°01'40" East 1192.08 feet and South 37°32'00" East 853.52 feet from the Northwest corner of Section 6 in Township 15 South, Range 17 East of the Willamette Meridian, said point being on the center line of the irrigation canal, as located and constructed, thence North 55°25'04" East 73.76 feet, thence North 59°26'10" East 99.52 feet, thence North 66°39'14" East 145.81 feet, thence North 77°39'25" East 170.35 feet along said canal center line, thence South 0°03'00" West 950.82 feet to the East-West center line of said Section 6, thence North 89°53'00" West 445.79 feet along said center line, thence North 0°03'00" East 762.08 feet to the point of beginning.

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: April 3, 2017

By: s/ Steve Bonfiglio
Steve Bonfiglio, OSB #051220
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)

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ABC Legal Services

310 SW 4th Ave

Ste 440

Portland, OR 97204

Crook County Official Records
MTG-
F561RJDGMT
\$50.00 \$11.00 \$2.00 \$5.00

2017-282067
08/10/17 12:04 PM
Total: \$68.00



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I, Cheryl Seely, County Clerk for Crook County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Cheryl Seely - County Clerk



1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

General Judgment of Foreclosure

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Senior Homeowners Assistance Program 2012-1, Series 1

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

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Whitcomb; Unknown Heirs of Donelda O. Whitcomb, individuals; and all other persons, parties,

or occupants unknown

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) – Amount in dollars or other

\$ _____ Other

5) SEND TAX STATEMENTS TO:

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL

(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

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accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____

TO CORRECT _____

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."