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

BANK OF NEW YORK MELLON, F/K/A  
THE BANK OF NEW YORK, AS TRUSTEE,  
ON BEHALF OF THE HOLDERS OF THE  
ALTERNATIVE LOAN TRUST 2007-5CB,  
MORTGAGE PASS-THROUGH  
CERTIFICATES, SERIES 2007-5CB ,

Case No.: 16CV24173

WRIT OF EXECUTION IN  
FORECLOSURE

Plaintiff,

vs.

VICKI A. ESTRADA AKA VICKI  
ESTRADA; DANIEL A. ESTRADA AKA  
DANIEL ESTRADA; OREGON  
COMMUNITY CREDIT UNION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on 6/19/2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

BANK OF NEW YORK MELLON, F/K/A THE BANK OF NEW YORK, AS TRUSTEE, ON BEHALF OF THE HOLDERS OF THE ALTERNATIVE LOAN TRUST 2007-5CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2007-5CB

c/o Brady Godbout  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204



# **EXHIBIT “1”**

The East 30 feet of Lot 14, Block 13 of EDBLOM'S ADDITION TO EUGENE, as platted and recorded at Page 47 of Volume 4, 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 NEW YORK MELLON, F/K/A  
THE BANK OF NEW YORK, AS  
TRUSTEE, ON BEHALF OF THE  
HOLDERS OF THE ALTERNATIVE  
LOAN TRUST 2007-5CB, MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2007-5CB ,

Case No.: 16CV24173

GENERAL JUDGMENT OF  
FORECLOSURE

Plaintiff,

vs.

VICKI A. ESTRADA AKA VICKI  
ESTRADA; DANIEL A. ESTRADA AKA  
DANIEL ESTRADA; OREGON  
COMMUNITY CREDIT UNION;  
OCCUPANTS OF THE PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion.

All defendants ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- a. The real property to which this judgment relates is located and situated in Lane County, Oregon, and is commonly known as 820 W 18th Avenue, Eugene, OR 97402 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
2 0617108.

3 b. Plaintiff is entitled to enforce the note dated December 27, 2006 and made, delivered, and  
4 executed by VICKI A. ESTRADA AKA VICKI ESTRADA and DANIEL A. ESTRADA  
5 AKA DANIEL ESTRADA to SIERRA PACIFIC MORTGAGE COMPANY, INC. in the  
6 amount of \$119,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of  
7 possession and by indorsement set forth on the Note.

8 c. A deed of trust was made, executed, and delivered by Defendants VICKI A. ESTRADA  
9 AKA VICKI ESTRADA and DANIEL A. ESTRADA AKA DANIEL ESTRADA on or  
10 about January 2, 2006 (the “Deed of Trust”). The Deed of Trust was recorded on January 4,  
11 2007 as Instrument No. 2007-000629 in the official records of Lane County, Oregon. The  
12 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
13 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
14 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

15 d. The Borrower failed to make the payment that was due for November 1, 2013 and has not  
16 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
17 owing is comprised of the following amounts (the “Amount Due”):

18	a) Unpaid principal balance:	\$107,877.92
19	b) Prejudgment interest accruing from	
20	10/1/2013 through 6/12/2017 and	
21	continuing until the entry of	
	judgment at the current Note rate of	
	6.375%:	\$25,423.66
22	c) Additional amounts due under the	\$5,548.47
23	terms of the loan:	
24	d) Attorney fees and costs:	\$3,683.84
25	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
26	<b>Total:</b>	<b>\$142,618.89</b>

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1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
2 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is  
5 foreclosed and terminated excepting only any statutory right of redemption as provided by  
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendants VICKI A. ESTRADA  
9 AKA VICKI ESTRADA and DANIEL A. ESTRADA AKA DANIEL ESTRADA had as of  
10 the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the Lane  
11 County Sheriff's Office in accordance with the process for sale upon execution, and the  
12 proceeds of sale shall be applied:

13 1) First, to the costs of sale not incurred by Plaintiff;

14 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
15 entry of judgment through the date of the sale and any incurred costs of sale;

16 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
17 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
18 such party or parties as they may establish their right thereto.

19 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
20 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
21 the date of entry of judgment through the date of the sale and any incurred costs of sale.

22 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
23 Property from and after the date of the sale and is entitled to such remedies as are available at  
24 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
25 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
26 possession to the purchaser immediately upon the purchaser's demand for possession.  
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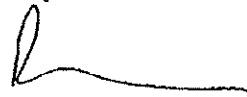
- 1 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
- 2 entitled to any further or other judgment, including a judgment for the deficiency.
- 3 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,
- 4 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be
- 5 terminated.
- 6 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the
- 7 Deed of Trust are as follows:
  - 8 1) Defendant OREGON COMMUNITY CREDIT UNION may claim a junior interest in
  - 9 Subject Property by virtue of a judgment lien entered on May 5, 2015 as Case
  - 10 No. 161502239 in the Circuit Court of Lane County, Oregon.
  - 11 2) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior
  - 12 interest in Subject Property by virtue of a judgment lien entered on July 7, 2015 as
  - 13 Case No. 161502237 in the Circuit Court of Lane County, Oregon.
  - 14 3) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior
  - 15 interest in Subject Property by virtue of a judgment lien entered on July 10, 2015 as
  - 16 Case No. 161502236 in the Circuit Court of Lane County, Oregon.

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- 1 4) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
2 interest in Subject Property by virtue of a judgment lien entered on July 10, 2015 as  
3 Case No. 161502238 in the Circuit Court of Lane County, Oregon.
- 4 5) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
5 interest in Subject Property by virtue of a judgment lien entered on September 24,  
6 2015 as Case No. 161502238 in the Circuit Court of Lane County, Oregon.
- 7 6) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
8 interest in Subject Property by virtue of a judgment lien entered on November 12,  
9 2015 as Case No. 161502236 in the Circuit Court of Lane County, Oregon.
- 10 7) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
11 interest in Subject Property by virtue of a judgment lien entered on November 12,  
12 2015 as Case No. 161502237 in the Circuit Court of Lane County, Oregon.
- 13 8) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
14 interest in Subject Property by virtue of a judgment lien entered on November 12,  
15 2015 as Case No. 161502238 in the Circuit Court of Lane County, Oregon.
- 16 9) Defendant OREGON COMMUNITY CREDIT UNION may also claim a junior  
17 interest in Subject Property by virtue of a judgment lien entered on November 12,  
18 2015 as Case No. 161502238 in the Circuit Court of Lane County, Oregon.

Signed: 6/15/2017 04:12 PM



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R.Curtis Conover, Circuit Court Judge

1 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

2 This proposed Judgment Of Foreclosure is ready for judicial signature because:

3  
4 The relief sought is against an opposing party who has been found in default.

5 Dated: June 12, 2017 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ Brady Godbout

8 Brady Godbout OSB No. 132708

9 920 SW 3rd Ave, 1st Floor

10 Portland, OR 97204

11 Phone: (971) 201-3200

12 Fax: (971) 201-3202

13 bgodbout@mccarthyholthus.com

14 Of Attorneys for Plaintiff

# EXHIBIT "1"

The East 30 feet of Lot 14, Block 13 of EDBLOM'S ADDITION TO EUGENE, as platted and recorded at Page 47 of Volume 4, Lane County Oregon Plat Records, in Lane County, Oregon.