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

BANK OF AMERICA, N. A.,
Plaintiff,
v.
JESSE ELIZONDO III; EUGENIA
ELIZONDO; AVALON VILLAGE
HOMEOWNER'S ASSOCIATION, INC.;
AND ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
5256 WALES DR, EUGENE, OR 97402,
Defendant.

Case No. 16CV33963
WRIT OF EXECUTION

TO THE LANE COUNTY SHERIFF:

On May 26, 2017, a General Judgment of Foreclosure and Declaration of Amount Due by Default was entered by the LANE County Circuit Court, foreclosing Plaintiff's Deed of Trust and directing that the property subject to the Deed of Trust be sold to satisfy the unpaid debt due to Plaintiff.

The mailing address for the judgment creditor is: BANK OF AMERICA, N. A. c/o Aldridge Pite, LLP, 111 SW Columbia St., Ste. 950, Portland, OR 97201.

The real property to be sold at public auction is commonly known as 5256 WALES DR, EUGENE, OR 97402 ("Subject Property"), and legally described as:

LOT 121, AVALON VILLAGE, PHASE 3, AS PLATTED AND RECORDED IN FILE 75, SLIDES 818, 819, 820, 821 & 822, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

1 The total amount due and owing on the Judgment as of September 13, 2017;

2	Judgment:	Principal	\$211,129.71
3	Pre-Judgment:	Interest(5.00%, \$24.47/day)	\$97.88 (5/23/17 through 5/26/17)
4		Attorney Fees	\$1,911.00
5		Costs	\$2,015.71
6		Prevailing Party Fee	\$300.00
7	Post-Judgment:	Interest(5.00%, \$24.47/day)	\$2,862.99 (5/27/17 through 9/20/17)
8		Attorney Fees	\$410.00
9		Costs	\$0.00

10 **TOTAL: \$218,727.29**

11 In the name of the State of Oregon, you are hereby directed to proceed to notice for sale
12 and sell the Subject Property. After the sale, you are directed to issue a certificate of sale to the
13 purchaser and file a return on the writ of execution, depositing the sale proceeds with the Court.
14 Further, you are directed to execute, after the time for redemption has elapsed, a deed to the
15 holder of the certificate of sale.

16 DATED Sept 26, 2017

17 COURT ADMINISTRATOR FOR LANE
18 COUNTY CIRCUIT COURT

19 By: Angie Jones

20 Presented by:
21 ALDRIDGE PITE, LLP

22 

23 X
24 Christina Andreoni, OSB #160875
25 (858) 750-7600
26 (503) 222-2260 (Facsimile)
candreoni@aldridgepite.com



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

BANK OF AMERICA, N. A.,

Plaintiff,

v.

JESSE ELIZONDO III; EUGENIA
ELIZONDO; AVALON VILLAGE
HOMEOWNER'S ASSOCIATION, INC.; and
ALL OTHER PERSONS OR PARTIES
UNKNOWN CLAIMING ANY RIGHT,
TITLE, LIEN, OR INTEREST IN THE REAL
PROPERTY COMMONLY KNOWN AS
5256 WALES DR, EUGENE, OR 97402,

Defendants.

Case No. 16CV33963

**GENERAL JUDGMENT OF
FORECLOSURE AND DECLARATION OF
AMOUNT DUE BY DEFAULT**

ORCP Rule 69

PURSUANT TO SB 368, THIS IS A
JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD
AGAINST ANY DEFENDANT

16 Based upon the Court's Order of Default against defendants JESSE ELIZONDO III;
17 EUGENIA ELIZONDO; AVALON VILLAGE HOMEOWNER'S ASSOCIATION, INC.; and
18 ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN,
19 OR INTEREST IN THE REAL PROPERTY COMMONLY KNOWN AS 5256 WALES DR,
20 EUGENE, OR 97402, the records on file herein, and pursuant to the Motion for General
21 Judgment and Declaration of Amount Due by Default by Plaintiff BANK OF AMERICA, N. A.
22 ("Plaintiff"),

IT IS HEREBY ADJUDGED:

24 1. Plaintiff's security interest in the real property located at 5256 WALES DRIVE,
25 EUGENE, OR 97402 ("Subject Property"), as evidenced by the Deed of Trust recorded in the
26 official records of LANE County as instrument number 2009-020853 ("Deed of Trust"), is a

Page 1 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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111 SW Columbia Street, Suite 950
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1 viable first priority lien, superior to the interests of all the Defendants. All rights, claims,
2 ownerships, liens, titles and demands of all Defendants are subsequent to Plaintiff's lien as
3 created by the Note and Deed of Trust. The Subject Property is legally described as follows:

4 LOT 121, AVALON VILLAGE, PHASE 3, AS PLATTED AND RECORDED IN FILE
5 75, SLIDES 818, 819, 820, 821 & 822, LANE COUNTY OREGON PLAT RECORDS,
6 IN LANE COUNTY, OREGON.

7 2. The Deed of Trust is foreclosed and upon entry of this Judgment the court
8 administrator shall upon request of Plaintiff issue a writ of execution for the sale, by the Sheriff,
9 in the manner provided by law;

10 3. Plaintiff has submitted a Declaration of Amount Due and is owed the total amount
11 due under the Note and Deed of Trust and any future advances and/or fees that may be made or
12 incurred pursuant to the terms of the Note and Deed of Trust up to the date of the execution sale.
13 This amount is to be satisfied by sale of the Subject Property as directed under this Judgment;

14 4. Plaintiff is owed reasonable attorney fees plus the remaining flat rate fees for an
15 uncontested execution on the Judgment, pursuant to the Note and Deed of Trust and ORCP Rule
16 68(C), which amount may be added to the outstanding obligation due and owing under the Note
17 and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant to the Deed of
18 Trust, these fees continue to accrue to the date of the execution sale. This amount to be satisfied
19 by sale of the Subject Property as directed under this Judgment;

20 5. Plaintiff is owed costs of suit pursuant to the Note and Deed of Trust, ORCP Rule
21 68(A)(2) and ORS 20.115(4), which may be added to the outstanding obligation due and owing
22 under the Note and Deed of Trust and recovered from the proceeds of the sheriff's sale. Pursuant
23 to the Deed of Trust, these costs continue to accrue to the date of the execution sale. This
24 amount to be satisfied by sale of the Subject Property as directed under this Judgment;

25 6. Plaintiff is owed the prevailing party fee of \$300.00, this amount to be satisfied by
26 sale of the Subject Property as directed under this Judgment.

Page 2 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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1 7. The Sheriff shall make a return on the writ of execution to the court administrator
2 along with the proceeds of the sale, if any. The proceeds of the sale, if any, shall be applied first
3 toward the costs of the sale; then toward the satisfaction of Plaintiff's Judgment of Foreclosure
4 awarded herein; and the surplus, if any, to the clerk of the court to be distributed to such party or
5 parties as may establish their right thereto. The Defendants and all persons claiming through or
6 under Defendants, whether lien claimants, judgment creditors, claimants arising under junior
7 mortgages or deeds of trust, purchasers, encumbrances or otherwise, shall be barred and
8 foreclosed from all rights, claims, interest or equity of redemption in the Subject Property and
9 every part of the Subject Property when the time for redemption has elapsed;

10 8. Plaintiff or any other party to this action may become a purchaser at the
11 foreclosure sale, and such purchaser shall be immediately let into possession of the subject
12 property, until redemption of the property, if any. The purchaser at the foreclosure sale or any
13 successor in interest may apply to this Court for a writ of assistance to gain possession of the
14 subject property if Defendants or any other party or person refuses to surrender possession;

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Page 3 – GENERAL JUDGMENT AND DECLARATION OF AMOUNT DUE BY DEFAULT

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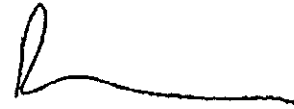
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DECLARATION OF AMOUNT DUE BY DEFAULT
(PURSUANT TO SB 368, THIS IS A JUDGMENT OF FORECLOSURE AND DOES
NOT CONSTITUTE A MONEY AWARD AGAINST ANY DEFENDANT)

1. The amount of the judgment is \$211,129.71.
2. Simple interest at the variable rate currently at 5.00% (\$744.98 *per month* after 5/22/17, through the date of sale.
3. Attorney fees of \$1,911.00, plus \$410.00, through the date of sale.
4. Costs of \$2,015.71, plus costs accrued through the date of sale.
5. Prevailing party fee: \$300.00.

IT IS SO ADJUDGED

Signed: 5/25/2017 02:41 PM



R.Curtis Conover, Circuit Court Judge

CERTIFICATE OF READINESS

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

1. 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.
2. 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.
3. I have served a copy of this Order or Judgment on all parties entitled to service and:
 - a. No objections have been served on me within that time frame;
 - b. I received objections that I could not resolve with the opposing party despite

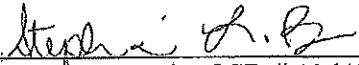
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reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved;

c. After conferring about objections, [Opposing Party] agreed to independently file any remaining objection with the Court.

- 4. The relief sought is against an opposing party who has been found in default.
- 5. An order of default is being requested with this proposed judgment.
- 6. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
- 7. This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (4) of this rule.

Presented By:
ALDRIDGE PITE, LLP



Date: May 19, 2017

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Of Attorneys for Plaintiff