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

BAYVIEW LOAN SERVICING, LLC,

Plaintiff,

vs.

EUGENE M. WASHINGTON, an individual;
TERRI L. WASHINGTON, an individual;
OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION, a
corporation; 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: 1403350CV

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

1.

WHEREAS, on June 20, 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 EUGENE M. WASHINGTON,
2 TERRI L. WASHINGTON, AND OREGON AFFORDABLE HOUSING ASSISTANCE
3 CORPORATION (“Defendants”) had on December 15, 2006, the date of the foreclosed Deed of
4 Trust which was recorded on January 3, 2007, as Instrument No. 2007-000083 in the official records
5 of the Klamath County Recorder’s Office, and/or all of the interest which Defendants had thereafter,
6 in the real property described in the Judgment to satisfy the Judgment as follows:

7
8 **Lender’s Principal Judgment:**

| | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| 9 Unpaid Principal Balance: | \$218,325.61 |
| 10 Pre-Judgment Interest from June 1, 11 2012 to April 24, 2017, the date set 12 forth in the Judgment at 6.750%, per 13 annum, (\$40.94 per diem): | \$72,157.27 |
| 14 Lender’s Fees and Costs: | \$21,522.82 |
| 15 Attorney’s Fees and Costs: | \$4,213.50 |

16 ***Total Judgment Entered:*** **\$316,219.20**

17
18 **Additional Pre-Judgment Interest:**

| | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 19 Accrued Interest from April 25, 2017, 20 the day after the date set forth in the 21 Judgment through June 20, 2017, the 22 date of entry of the Judgment, at 6.75%, 23 per annum (\$40.94 per diem): | \$2,261.28 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|

24 ***Total Judgment Entered Including
25 Additional Pre-Judgment
26 Interest:*** **\$318,480.48**

27 3.

28 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$318,480.48** at
the legal rate of interest of 9% per annum, \$78.52 per diem, from June 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 9018
MCLAUGHLIN LANE, KLAMATH FALLS, OR 97601 (“Property”) and described in Exhibit “1”

1 attached hereto.

2 5.

3 The Judgment Creditor's name and address is:

4 Bayview Loan Servicing, LLC
5 4425 Ponce de Leon Blvd - 5th Floor
6 Coral Gables, Florida 33146-1837

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

8 Bayview Loan Servicing, LLC
9 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
10 2112 Business Center Drive
11 Irvine, CA 92612
12 949-252-9400

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

16 MAKE RETURN HEREOF within 60 days after you receive this Writ.



17
18
19
20 07/11/17 John M. Powell - TCA
21 Maricela M. - Clerk

21 Submitted by:

22
23 *[Handwritten signature]*

23 Dated: 6/23/17

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

EXHIBIT 1

Lot 4 in Block 1 of FOREST GREEN SUBDIVISION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.



00207905201700087230110114

08/03/2017 09:39:55 AM

Fee: \$71.00

THIS SPACE RESERVED FOR USE BY
THE COUNTY RECORDING OFFICE

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

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

Bayview Loan Servicing, LLC

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

Eugene M. Washington; Terri L. Washington; Oregon Affordable Housing Assistance Corporation; 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 _____."

County of KLAMATH
 STATE OF OREGON
 I hereby certify that the within is a
 true and correct copy and the whole
 of the original.
 Clerk of Court
 By _____
 Date JULY 29 2017

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

BAYVIEW LOAN SERVICING, LLC,

CASE NUMBER: 1403350CV

Plaintiff,

vs.

**GENERAL JUDGMENT OF
 FORECLOSURE AGAINST:**

EUGENE M. WASHINGTON, an individual;
 TERRI L. WASHINGTON, an individual;
 OREGON AFFORDABLE HOUSING
 ASSISTANCE CORPORATION, a
 corporation; 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) TERRI L. WASHINGTON
(2) OREGON AFFORDABLE HOUSING
ASSISTANCE CORPORATION

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record
 herein that Plaintiff, Bayview Loan Servicing, LLC ("Plaintiff"), filed its Complaint for Foreclosure
 of Deed of Trust; that Defendants TERRI L. WASHINGTON and OREGON AFFORDABLE
 HOUSING ASSISTANCE CORPORATION ("Defendants") were duly served with the Summons
 and Complaint as required by law; that Defendants failed to appear, that orders of default have been
 entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General

1 Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 9018
2 MCLAUGHLIN LANE, KLAMATH FALLS, OREGON 97601 ("Property") and extinguishing any
3 and all interest of the Defendants in the Property.

4 2.

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

7 3.

8 Plaintiff is the holder of that certain promissory note ("Note"), dated December 15, 2006, in
9 the amount of \$235,000.00, and executed by EUGENE M. WASHINGTON.

10 4.

11 The Note is secured by that certain deed of trust ("Deed of Trust") dated December 15, 2006
12 and executed by EUGENE M. WASHINGTON and TERRI L. WASHINGTON. The Deed of Trust
13 was recorded on January 3, 2007 under the recording number 2007-000083 of the Official Records
14 of Klamath County, Oregon, against the Property, which is legally described in Exhibit "1" attached
15 hereto ("Property") and constitutes a valid lien against the Property.

16 5.

17 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
18 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

19 6.

20 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
21 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
22 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
23 may be entitled under Oregon law.

24 7.

25 A judgment of foreclosure in the amount of \$316,219.20 shall be granted in favor of Plaintiff,
26 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
27 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.

Defendants 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 TERRI L. WASHINGTON 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

1 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
2 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

3 15.

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

7 16.

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

10 17.

11 This suit does not constitute an attempt to collect the debt against Defendants TERRI L.
12 WASHINGTON and OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION.
13 Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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

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

16 18.

17 Under the terms of the Deed of Trust and the Note dated December 15, 2006, in the original
18 principal amount of \$235,000.00, there is now due and owing the following amounts, to be
19 hereinafter described as the Amount Due:

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DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1. Judgment Creditor:** Bayview Loan Servicing, LLC
Address: c/o MALCOLM ♦ CISNEROS,
A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
- Judgment Attorney:** Nathan F. Smith
Address: MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
Telephone Number: (949) 252-9400
- 2. Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. Judgment Amount:** \$312,005.70
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$218,325.61 from April 25, 2017 to the date the Judgment is entered into the Court's register at 6.75% per annum, \$40.38 per diem.
- 5. Post-Judgment Interest:** Simple interest to accrue on \$316,219.20 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.

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6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

An award of \$4,213.50 in attorney's fees and costs is made.

Signed: 6/19/2017 03:06 PM

Roxanne Osborne
Circuit Court Judge Roxanne Osborne

Submitted by:



Dated:

6/16/17

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

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EXHIBIT 1

Lot 4 in Block 1 of FOREST GREEN SUBDIVISION, according to the official plat thereof on file in the office of the County Clerk of Klamath County, Oregon.