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

VENTURES TRUST 2013-I-H-R BY MCM
CAPITAL PARTNERS, LLC, ITS TRUSTEE,
a limited liability company,

**CASE NO.: 16CV01491
WRIT OF EXECUTION**

Plaintiff,

vs.

GUY A. BRANCATO, an individual;
SHAWNA L. BRANCATO, an individual;
THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWHEQ, INC., HOME EQUITY LOAN
ASSET BACKED CERTIFICATES, SERIES
2007-S1, a corporation; EUGENE WATER &
ELECTRIC BOARD, a public utility.

Defendants.

STATE OF OREGON)
) ss.
County of Lane)

TO THE SHERIFF OF LANE COUNTY OREGON:

WHEREAS, on April 10, 2017 by consideration of the Lane County Circuit Court, there was entered a General Judgment of Foreclosure as to Defendants. Said General Judgment of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's Office in said

1 County on April 10, 2017; a true copy of the General Judgment of Foreclosure is attached hereto
2 and made a part hereof.

3 Judgment Creditor: VENTURES TRUST 2013-I-H-R BY MCM CAPITAL
4 PARTNERS, LLC, ITS TRUSTEE, a limited liability
5 company,
6 Judgment Creditor Address: 393 W North Avenue, Ste. 680
7 Chicago, IL 60642

8 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
9 commanded to sell the real property as by said General Judgment of Foreclosure according to
10 law (subject to redemption) all of the interest that the Defendant Guy A Brancato had on the 7th
11 day of April 2004, the date of the Mortgage, and also all of the interest that Defendants had
12 thereafter, in the real property described in the Judgment as:

13 LOT 5, RON, AS PLATTED AND RECORDED IN BOOK 69, PAGE 9, LANE
14 COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

15 Tax Parcel Number: 1121738

16 The street address of the real property to be levied upon is 2259 Corinthian Court,
17 Eugene, OR 97405.

18 The above referenced property shall be sold to satisfy the following sums: The principal
19 balance amount of \$189,667.28; plus prejudgment interest in the amount of \$100,650.30; plus
20 Plaintiff's costs and reasonable attorney fees in the amount of \$2,600.00; plus interest from
21 5/1/2017 to today's date (June 27, 2017) in the amount of \$1,554.96; for a grand total of
22 \$294,472.54 together with interest on that amount since April 30, 2017 at the rate of 5.25% per
23 annum (\$27.28 per diem); Thus,

24 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
25 THE DATE OF SUBMISSION (June 27, 2017) IS AS FOLLOWS:

26 Principal Balance: \$189,667.28

27 WRIT OF EXECUTION -2-

28 **ZIEVE, BRODNAX & STEELE, LLP**
Amy F. Harrington, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
aharrington@zbslaw.com

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

VENTURES TRUST 2013-I-H-R BY MCM
CAPITAL PARTNERS, LLC, ITS TRUSTEE, a
limited liability company,

Plaintiff,

vs.

GUY A. BRANCATO, an individual;
SHAWNA L. BRANCATO, an individual;
THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWHEQ, INC., HOME EQUITY LOAN
ASSET BACKED CERTIFICATES, SERIES
2007-S1, a corporation; EUGENE WATER &
ELECTRIC BOARD, a public utility.

Defendants.

CASE NO.: 16CV01491

**NOTICE OF ENTRY OF A GENERAL
JUDGMENT OF FORECLOSURE**

///
///
///

Notice of Entry of Order -1-

ZIEVE, BRODNAX, & STEELE, LLP
Benjamin D. Petiprin, Esq.
One World Trade Center
121 Southwest Salmon St., 11th Floor
Portland, OR 97204
503-946-6558
bpetiprin@zbslaw.com

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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that a General Judgment of Foreclosure (“Judgment”) was entered on April 10, 2017 by the above-entitled Court. A true and correct copy of the Judgment is attached hereto as **Exhibit “1”**.

DATED: April 13, 2017

ZIEVE, BRODNAX, & STEELE, LLP

By: /s/Benjamin D. Petiprin
Benjamin D. Petiprin, OSB No. 136031
Attorney for Plaintiff
Ventures Trust 2013-I-H-R by MCM
Capital Partners, LLLP FKA MCM Capital
Partners, LLC, its Trustee, a limited
liability company

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CERTIFICATE OF MAILING

I HEREBY CERTIFY that I am an employee of the Zieve, Brodnax & Steele, LLP, and not a party to nor interested in the within matter; that on the 13th day of April 2017, service of the **NOTICE OF ENTRY OF A GENERAL JUDGMENT OF FORECLOSURE** was made:

- () by serving the following parties electronically through CM/ECF as set forth below;
- () by depositing a copy in the United States Mail postage prepaid to the parties listed below:
- (X) by certified mail and return receipt required

Guy A. Brancato
2259 Corinthian Court
Eugene, OR 97405
Defendant

Shawna L. Brancato
2259 Corinthian Court
Eugene, OR 97405
Defendant

Bank of New York Mellon fka The Bank of New York, as trustee for the Certificateholders of CWHEQ, Inc., Home Equity Loan Asset Backed Certificates, Series 2007-S1
818 West Seventh St. Suite 930
Los Angeles, CA 90017
Defendant

/s/Andrew Ampil
Andrew Ampil, an employee of
Zieve, Brodnax & Steele, LLP

EXHIBIT 1

EXHIBIT 1

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

VENTURES TRUST 2013-I-H-R BY MCM
CAPITAL PARTNERS, LLC, ITS TRUSTEE,
a limited liability company,

Plaintiff,

vs.

GUY A. BRANCATO, an individual;
SHAWNA L. BRANCATO, an individual;
THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS OF
CWHEQ, INC., HOME EQUITY LOAN
ASSET BACKED CERTIFICATES, SERIES
2007-S1, a corporation; EUGENE WATER &
ELECTRIC BOARD, a public utility.

Defendants.

CASE NO. 16CV01491

**GENERAL JUDGMENT OF
FORECLOSURE
(WITHOUT MONEY AWARD –
JUDGMENT DOES NOT
CREATE A LIEN)**

1 Based upon the Motion for Order of Default and Entry of a General Judgment of
2 Foreclosure filed by plaintiff, Ventures Trust 2013-I-H-R by MCM Capital Partners, LLLP FKA
3 MCM Capital Partners, LLC, its Trustee ("Plaintiff") and against defendants Guy A. Brancato
4 ("Borrower 1"), Shawna L. Brancato ("Borrower 2" together with Borrower 1, collectively
5 "Borrowers"), and Bank of New York Mellon fka The Bank of New York, as trustee for the
6 Certificateholders of CWHEQ, Inc., Home Equity Loan Asset Backed Certificates, Series 2007-
7 S1 ("BNYM" together with Borrowers, collectively "Defendants"), and that Plaintiff has filed a
8 Statement for Attorney Fees, Costs, and Disbursements,

9 **IT IS HEREBY ORDERED AND ADJUDGED:**

10 **1.**

11 Plaintiff is awarded judgment against Defendants and all persons claiming through or
12 under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all
13 interest, lien or claim in the real property described above and every portion thereof excepting
14 only any satisfactory right of redemption as Defendants, or any of them, may have therein.

15 On or about March 23, 2016, Eugene Water & Electric Board ("EWEB") was dismissed
16 from the case.

17 **2.**

18 Writ of execution upon this General Judgment of Foreclosure shall issue.

19 **3.**

20 The Deed of Trust executed by Borrower and recorded on April 14, 2004, in the Lane
21 County Recorder's Office as instrument number 2004-027170, is a valid mortgage lien for the
22 amount of Plaintiff's judgment set forth in paragraph 1 against all the real property, located in
23 Lane County, Oregon commonly referred to as 2259 Corinthian Court, Eugene, OR 97405, with
24 a legal description as follows:

25 Lot 5, RON, as platted and recorded in Book 69, Page 9, Lane County Oregon Plat Records, in
26 Lane County, Oregon.

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4.

Said mortgage lien is superior to any interest, lien or claim of the Defendants in the real property, and all other interest in the property gained by him thereafter, or so much interest as may be necessary to satisfy the judgment of the Plaintiff shall be sold by the Sheriff of Lane County, Oregon in the manner provided by law and in accordance with the practice of this Court.

5.

The proceeds of sale shall first be applied to the costs of sale; then toward the satisfaction of Plaintiff's judgment awarded herein, calculated as of the date of sale; and any resulting surplus shall then be tendered to the Clerk of the Court to be distributed to such other party or parties as may establish their right thereto.

6.

Defendants and all persons claiming through or under Defendants, as purchasers, encumbrances, or otherwise, are forever foreclosed of all interest, lien or claim in the real property described above and every portion thereof excepting only any satisfactory right of redemption as Defendants may have.

7.

Plaintiff or any other party to this suit or third party purchase may become the purchaser at the sale of the real property. The purchaser is entitled to exclusive possession of the real property from and after the date of sale and is entitled to such remedies as are available at law to secure possession, including writ of assistance, if the Defendants and any other party or person shall refuse to surrender possession to the purchaser immediately on the purchaser's demand for possession.

SECURED DEBT

1. Judgment Creditor:	Ventures Trust 2013-I-H-R by MCM Capital Partners, LLLP FKA MCM Capital Partners, LLC, its Trustee, a limited liability company c/o Zieve, Brodnax, & Steele, LLP
-----------------------	---

1 One World Trade Center
2 121 Southwest Salmon St., 11th Floor
3 Portland, OR 97204
4 503-946-6558

5 2. Judgment Creditor's Attorney: Benjamin D. Petiprin
6 Zieve, Brodnax, & Steele, LLP
7 One World Trade Center
8 121 Southwest Salmon St., 11th Floor
9 Portland, OR 97204
10 503-946-6558

11 3. Person or public body entitled to any portion of money award herein: None

12 4. Total Amount of Secured Debt:

13 a. Lenders' Principal and Interest

14 Principal Balance \$ 189,667.28

15 Accrued interest and fees on \$ 100,650.30
16 the principal balance through
17 4/30/17

18 **Total Principal and Interest**
19 **Through 4/30/17 at the rate of**
20 **5.25% per annum plus \$27.28**
21 **per diem thereafter. \$290,317.58**

22 b. Attorneys' Fees and Costs

23 Attorney Fees Judicial Flat Rate \$ 2,600.00

24 **Total Secured Debt (Judgment) \$ 292,917.58**

25 ///

26 ///

27 ///

1 Said Judgment is meant to be for the purposes of foreclosure *only* and from which a Writ
2 of Execution will issue. This judgment is not and is not intended to be a monetary judgment
3 against the Borrowers.
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8 Signed: 4/10/2017 12:40 PM

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11 **Charles D. Carlson, Circuit Court Judge**
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17 Submitted By:

18 /s/Benjamin D. Petiprin

19 Benjamin D. Petiprin, OSB No.136031
20 Attorney for Plaintiff
21 Ventures Trust 2013-I-H-R by MCM
22 Capital Partners, LLLP FKA MCM
23 Capital Partners, LLC, its Trustee, a trust
24 company
25
26

1 CERTIFICATE

2 I HEREBY CERTIFY that this proposed order or judgment is ready for judicial
3 signature because:

4 1. [] Each opposing party affected by this order or judgment has stipulated to the order or
5 judgment, as shown by each opposing party's signature on the document being submitted.

6 2. [] Each opposing party affected by this order or judgment has approved the order or
7 judgment, as shown by signature on the document being submitted or by written confirmation
8 of approval sent to me.

9 3. [X] I have served a copy of this order or judgment on all parties entitled to service and:

10 a. [X] No objection has been served on me.

11 b. [] I received objections that I could not resolve with the opposing party despite
12 reasonable efforts to do so. I have filed a copy of the objections I received and indicated which
13 objections remain unresolved.

14 c. [] After conferring about objections, [role and name of opposing party] agreed to
15 independently file any remaining objection.

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

17 5. [] An order of default is being requested with this proposed judgment.

18 6. [] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or
19 otherwise.

20 7. [] This is a proposed judgment that includes an award of punitive damages and notice has
21 been served on the Director of the Crime Victims' Assistance Section as required by subsection
22 (4) of this rule.

23
24 /s/Benjamin D. Petiprin
25 Benjamin D. Petiprin, OSB No.136031
26 Attorney for Plaintiff
27 Ventures Trust 2013-I-H-R by MCM
28 Capital Partners, LLC, its Trustee, a
limited liability company