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

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE BENEFIT OF THE CERTIFICATE
HOLDERS OF THE CWALT, INC.,
ALTERNATIVE LOAN TRUST 2006-23CB,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-23CB,

**CASE NO.: 15CV0264FC
WRIT OF EXECUTION**

Plaintiff,

vs.

RONNIE D. BURNETT, an individual;
CARRIE C. BURNETT, an individual; U.S.
BANK, NATIONAL ASSOCIATION, 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.

STATE OF OREGON)
) ss.
County of Deschutes)

TO THE SHERIFF OF DESCHUTES COUNTY OREGON:

WRIT OF EXECUTION -1-

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@zievelaw.com

1 WHEREAS, on January 17, 2017 by consideration of the Deschutes County Circuit
2 Court, there was entered a General Judgment of Foreclosure as to Defendants. Said General
3 Judgment of Foreclosure was duly enrolled and docketed in the Trial Court Administrator's
4 Office in said County on January 17, 2017; a true copy of the General Judgment of Foreclosure is
5 attached hereto and made a part hereof.

6 Judgment Creditor: THE BANK OF NEW YORK MELLON FKA THE
7 BANK OF NEW YORK AS TRUSTEE FOR THE
8 BENEFIT OF THE CERTIFICATE HOLDERS OF THE
9 CWALT, INC., ALTERNATIVE LOAN TRUST 2006-
23CB, MORTGAGE PASS-THROUGH CERTIFICATES,
SERIES 2006-23CB,

10 Judgment Creditor Address: 55 Beattie Place, Suite 100
11 Greenville, SC 29601-2743

12 NOW THEREFORE IN THE NAME OF THE STATE OF OREGON, you are
13 commanded to sell the real property as by said General Judgment of Foreclosure according to
14 law (subject to redemption) all of the interest that the Defendant Ronnie Burnett and Carrie C
15 Burnett had on the 12th day of June 2006, the date of the Mortgage, and also all of the interest
16 that Defendants had thereafter, in the real property described in the Judgment as:

17 Lot Three (3), Block Five (5), **CAGLE SUBDIVISION PLAT NO. 3**, Deschutes County,
18 Oregon. TOGETHER WITH Lot Two (2), EXCEPTING THEREFROM the North 200 feet of
19 said Lot 2, Block 5, **CAGLE SUBDIVISION PLAT NO. 3**, Deschutes County, Oregon.

20 Tax Parcel Number: **114212**

21 The street address of the real property to be levied upon is **52677 PINE DR, LA PINE,**
22 **OR 97739.**

23 The above referenced property shall be sold to satisfy the following sums: The base
24 judgment amount of \$110,098.81, plus prejudgment interest in the amount of \$49,147.88, plus
25

26 WRIT OF EXECUTION -2-

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@zieveclaw.com

1 Plaintiff's costs and reasonable attorney fees in the amount of \$4,554.50, plus post-judgment
2 interest accruing after January 17, 2017, at the rate of 9.0% per annum, of \$7,995.24 (\$40.38 per
3 diem x 193 days) for a grand total of \$171,796.43; Thus,

4 THE TOTAL AMOUNT OF EXECUTION REQUESTED HEREON, STATED AS OF
5 THE DATE OF SUBMISSION (January 17, 2017) IS AS FOLLOWS:


6	Base Judgment	\$110,098.81
7	Pre-judgment Interest	\$49,147.88
8	Plaintiff's Costs and Attorney Fees	\$4,554.50
9	Post-judgment Interest	\$7,995.24
10	Total due as of July 28, 2017	\$171,796.43 plus \$40.38 per diem thereafter until

11 paid.

12 The proceeds of sale shall be applied, delivered, and distributed according to ORS
13 18.950.

14 The Sheriff is hereby authorized to continue execution under the writ and delay making a
15 return on the writ to a date not later than 150 days after the sheriff receives the writ as long as the
16 execution sale occurs no later than 150 days after the sheriff receives the writ pursuant to ORS
17 18.872.

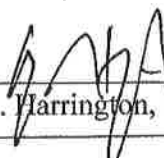
Signed: 10/10/2017 10:58 AM



Trial Court Administrator Jeffrey E. Hall



23 Submitted by:

24 
25 _____
Amy F. Harrington, OSB No. 123363

26 WRIT OF EXECUTION -3-

27 **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@zievelaw.com
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS CWALT, INC.,
ALTERNATIVE LOAN TRUST 2006-23CB,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-23CB,

Plaintiff,

vs.

RONNIE D. BURNETT, an individual;
CARRIE C. BURNETT, an individual; U.S.
BANK, NATIONAL ASSOCIATION, 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: 15CV0264FC

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

1. RONNIE D. BURNETT
2. CARRIE C. BURNETT AND
3. U.S. BANK, NATIONAL ASSOCIATION

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-23CB, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-23CB

1 ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants RONNIE D.
2 BURNETT, CARRIE C. BURNETT and U.S. BANK, NATIONAL ASSOCIATION (collectively
3 referred to as "Defendants") were duly served with the Summons and Complaint as required by law;
4 that Defendants failed to appear, and that ORDERS FOR ENTRY OF DEFAULT AGAINST
5 DEFENDANTS RONNIE D. BURNETT, CARRIE C. BURNETT AND U.S. BANK, NATIONAL
6 ASSOCIATION have been entered against them on Plaintiff's Complaint, and that Plaintiff is
7 entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property
8 commonly known as 52677 PINE DR, LA PINE, OR 97739-9459 ("Property") and extinguishing
9 any and all interest of the Defendants in the Property.

10 2.

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

13 3.

14 Plaintiff is the holder of that certain promissory note ("Note"), dated June 12, 2006, in the
15 amount of \$117,000.00, and executed by Defendants RONNIE D. BURNETT and CARRIE C.
16 BURNETT.

17 4.

18 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about June
19 12, 2006, by Defendants RONNIE D. BURNETT and CARRIE C. BURNETT. The Deed of Trust
20 was recorded on June 16, 2006 under the recording number 2006-41876 of the Official Records of
21 Deschutes County, Oregon, against the Property, which is legally described in Exhibit "1," attached
22 hereto ("Property") and constitutes a valid lien against the Property.

23 5.

24 Defendants RONNIE D. BURNETT and CARRIE C. BURNETT failed to comply with the
25 terms of the Note and Deed of Trust by failing to make the payments required by the terms of the
26 Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all
27 sums due and owing under the Note and Deed of Trust immediately due and payable.

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6.

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

7.

A judgment of foreclosure in the amount of \$163,801.19 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below ("Judgment").

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Judgment 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 attorneys' 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 Judgment and paid from the proceeds from the sale of the Property.

11.

Defendants RONNIE D. BURNETT, CARRIE C. BURNETT and U.S. BANK, NATIONAL ASSOCIATION, and all parties claiming through or under 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.

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12.

Defendants RONNIE D. BURNETT and CARRIE C. BURNETT are not entitled to a homestead exemption on account of their interest 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 Judgment, plus interest from the date of this Judgment until sale, without advancing any cash except money required for the Sheriff's 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 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

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

16.

Under the Note, there is now due and owing to Plaintiff, the following amounts, to be hereinafter described as the Judgment.

17.

This suit does not constitute an attempt to collect the debt against Defendants RONNIE D. BURNETT, CARRIE C. BURNETT and U.S. BANK, NATIONAL ASSOCIATION. Rather, it is a suit to execute upon the Property as security for the Judgment.

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JUDGMENT

1. Judgment Creditor:

Address:

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK, AS TRUSTEE
FOR THE CERTIFICATEHOLDERS CWALT,
INC., ALTERNATIVE LOAN TRUST 2006-
23CB, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-23CB
c/o MALCOLM ♦ CISNEROS, A Law
Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612

Judgment Attorney:

Address:

Nathan F. Smith
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612

Telephone Number:

(949) 252-9400

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2. Judgment Debtor: RONNIE D. BURNETT
Address: 53780 Sombrio Ct
La Pine, OR 97739
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-1589
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

Judgment Debtor: CARRIE C. BURNETT
Address: 53780 Sombrio Ct
La Pine, OR 97739
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-7917
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

3. Persons or Public Bodies Entitled to a Portion the Judgment: N/A

4. Judgment Amount: \$159,246.69

5. Pre-Judgment Interest: Simple interest to accrue on \$110,098.81 from October 17, 2015, to the date the Judgment is entered into the Court's register at 6.3750% per annum, \$17.58 per diem.

6. Post-Judgment Interest: Simple interest to accrue on \$163,801.19 plus Pre-Judgment Interest from the day after the 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.

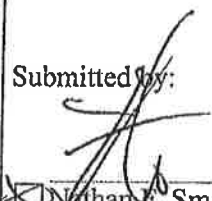
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7. Periodic accrual:	N/A
8. Attorney's Fees and Costs:	An award of \$4,554.50 in attorney's fees and costs is made for Judgment of Foreclosure
Total Attorney's Fees:	\$2,385
Litigation Guarantee Cost:	\$543.00
Filing Cost:	\$531.00
Recording Cost:	\$68.00
Service Cost:	\$800.00
Probate Cost:	\$27.50
Mediation Cost:	\$200.00
Total Attorney's Fees and Costs:	\$4,554.50

Signed: 1/17/2017 12:53 PM


Circuit Court Judge Alta J. Brady

Submitted by:



Dated: 1/14/16

- Nathan F. Smith, OSB #120112
- Richard J. Bayless, OSB #101826
Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, ALC
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org
Rbayless@mclaw.org

Exhibit “1”

Lot Three (3), Block Five (5), **CAGLE SUBDIVISION PLAT NO. 3**, Deschutes County, Oregon.
TOGETHER WITH Lot Two (2), EXCEPTING THEREFROM the North 200 feet of said Lot 2, Block 5,
CAGLE SUBDIVISION PLAT NO. 3, Deschutes County, Oregon.