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

THE BANK OF NEW YORK MELLON ,  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE  
CWABS, INC. ASSET-BACKED  
CERTIFICATES SERIES 2006-BC3,

**CASE NUMBER: 15CV31107**

**WRIT OF EXECUTION IN FORECLOSURE**

Plaintiff,

vs.

MARY BETTY L. THOMPSON aka BETTY  
J. THOMPSON aka BETTY L. ALVAREZ  
aka BETTY L. BECERRIL aka BETTY L.  
MORA, an individual; WILLIAM J.  
THOMPSON aka WILLIAM J. THOMPSON  
dba IDENTITY SKATE SHOP aka BILL  
THOMPSON, an individual;  
CITIFINANCIAL, a corporation; FIRST  
EQUITY CARD CORPORATION, a  
corporation; STATE OF OREGON, a  
government entity; D.C. SHOES INC., a  
corporation; HSBC MORTGAGE  
SERVICES, a corporation; RIVERWALK  
HOLDINGS LTD, a limited company;  
CARTER JONES COLLECTION  
SERVICES, a corporation; KLAMATH  
IRRIGATION DISTRICT, a government  
entity; FOUR STAR DISTRIBUTION, 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.

1 TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

2 1.

3 WHEREAS, on February 26, 2016, in the above-entitled Court, a General Judgment of  
4 Foreclosure (“Judgment”) was entered and docketed in the above-entitled and numbered proceeding

5 2.

6 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
7 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to  
8 redemption, if applicable), all of the interest which the Defendants MARY BETTY L. THOMPSON  
9 aka BETTY J. THOMPSON aka BETTY L. ALVAREZ aka BETTY L. BECERRIL aka BETTY L.  
10 MORA, WILLIAM J. THOMPSON aka WILLIAM J. THOMPSON dba IDENTITY SKATE SHOP  
11 aka BILL THOMPSON, CITIFINANCIAL, FIRST EQUITY CARD CORPORATION, STATE OF  
12 OREGON, D.C. SHOES INC, HSBC MORTGAGE SERVICES, RIVERWALK HOLDINGS LTD,  
13 CARTER JONES COLLECTION SERVICES, KLAMATH IRRIGATION DISTRICT, AND  
14 FOUR STAR DISTRIBUTION (“Defendants”) had on December 14, 2005, the date of the  
15 foreclosed Deed of Trust which was recorded on December 19, 2005, as Instrument No. M05-71366  
16 in the official records of the Klamath County Recorder’s Office, and/or all of the interest which  
17 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as  
18 follows:

19  
20 **Lender’s Principal Judgment:**

21 Unpaid Principal Balance:	\$135,707.21
22 Pre-Judgment Interest from June 1,	
23 2009 to February 6, 2017, the date set	
24 forth in the Judgment at 5.875%, per	
25 annum, (\$21.7830 per diem):	\$69,560.80
26 Lender’s Fees and Costs:	\$37,345.49
27 Attorney’s Fees and Costs:	\$6,807.04

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**Total Judgment Entered: \$242,613.50**

**Additional Pre-Judgment Interest:**

Accrued Interest from February 7,  
2017, the day after the date set forth in  
the Judgment through February 15,  
2017, the date of entry of the Judgment,  
at 5.875%, per annum (\$21.783 per  
diem):

**\$174.26**

**Total Judgment Entered Including  
Additional Pre-Judgment**

**Interest: \$242,787.76**

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$242,787.76** at the legal rate of interest of 9% per annum, \$59.86 per diem, from February 16, 2016 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 1009 Merryman Drive, Klamath Falls, OR 97603 (“Property”) and described in Exhibit “1” attached hereto.

5.

The Judgment Creditor’s name and address is:  
The Bank of New York Mellon , fka The Bank of New York, as trustee for the certificate holders of  
the CWABS, Inc. Asset-Backed Certificates Series 2006-BC3  
c/o Ditech Financial LLC  
7360 S Kyrene T-108

1 Tempe, AZ 85283

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

3 The Bank of New York Mellon , fka The Bank of New York, as trustee for the certificate holders of

4 the CWABS, Inc. Asset-Backed Certificates Series 2006-BC3

5 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

6 2112 Business Center Drive

7 Irvine, CA 92612

8 949-252-9400

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

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



07/11/17 John M. Powell TCA  
Marrero Clerk

19 Submitted by:

20  
21 Dated: 6/28/17

22 Nathan F. Smith, OSB #120112  
23 Attorney for Plaintiff  
24 MALCOLM ♦ CISNEROS, A Law Corporation  
25 2112 Business Center Drive, Second Floor  
26 Irvine, California 92612  
27 Phone: (949) 252-9400  
28 Fax: (949) 252-1032  
Email: nathan@mclaw.org

# EXHIBIT 1

Lot 98 of MERRYMAN'S REPLAT OF VACATED PORTION OF OLD ORCHARD MANOR,  
according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.



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

THE BANK OF NEW YORK MELLON ,  
FKA THE BANK OF NEW YORK, AS  
TRUSTEE FOR THE  
CERTIFICATEHOLDERS OF THE  
CWABS, INC. ASSET-BACKED  
CERTIFICATES SERIES 2006-BC3,

Plaintiff,

vs.

MARY BETTY L. THOMPSON aka BETTY  
J. THOMPSON aka BETTY L. ALVAREZ  
aka BETTY L. BECERRIL aka BETTY L.  
MORA, an individual; WILLIAM J.  
THOMPSON aka WILLIAM J. THOMPSON  
dba IDENTITY SKATE SHOP aka BILL  
THOMPSON, an individual;  
CITIFINANCIAL, a corporation; FIRST  
EQUITY CARD CORPORATION, a  
corporation; STATE OF OREGON, a  
government entity; D.C. SHOES INC., a  
corporation; HSBC MORTGAGE  
SERVICES, a corporation; RIVERWALK  
HOLDINGS LTD, a limited company;  
CARTER JONES COLLECTION  
SERVICES, a corporation; KLAMATH  
IRRIGATION DISTRICT, a government  
entity; FOUR STAR DISTRIBUTION, 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: 15CV31107**

**GENERAL JUDGMENT OF  
FORECLOSURE BY DEFAULT AGAINST  
MARY BETTY L. THOMPSON AKA  
BETTY J. THOMPSON AKA BETTY L.  
ALVAREZ AKA BETTY L. BECERRIL  
AKA BETTY L. MORA, WILLIAM J.  
THOMPSON AKA WILLIAM J.  
THOMPSON DBA IDENTITY SKATE  
SHOP AKA BILL THOMPSON, HSBC  
MORTGAGE SERVICES, STATE OF  
OREGON, CITIFINANCIAL, RIVERWALK  
HOLDINGS LTC, FIRST EQUITY CARD  
CORPORATION AND CARTER JONES  
COLLECTION SERVICES**

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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 OF THE CWABS, INC. ASSET-BACKED CERTIFICATES SERIES 2006-BC3 (“Plaintiff”), filed its Complaint for Foreclosure of Deed of Trust; that Defendants MARY BETTY L. THOMPSON AKA BETTY J. THOMPSON AKA BETTY L. ALVAREZ AKA BETTY L. BECERRIL AKA BETTY L. MORA, WILLIAM J. THOMPSON AKA WILLIAM J. THOMPSON DBA IDENTITY SKATE SHOP AKA BILL THOMPSON, HSBC MORTGAGE SERVICES, STATE OF OREGON, CITIFINANCIAL, RIVERWALK HOLDINGS LTC, FIRST EQUITY CARD CORPORATION AND CARTER JONES COLLECTION SERVICES (“Defendants”) were duly served with the Summons and Complaint as required by law; that Defendants MARY BETTY L. THOMPSON AKA BETTY J. THOMPSON AKA BETTY L. ALVAREZ AKA BETTY L. BECERRIL AKA BETTY L. MORA, WILLIAM J. THOMPSON AKA WILLIAM J. THOMPSON DBA IDENTITY SKATE SHOP AKA BILL THOMPSON, HSBC MORTGAGE SERVICES, STATE OF OREGON, CITIFINANCIAL, RIVERWALK HOLDINGS LTC, FIRST EQUITY CARD CORPORATION AND CARTER JONES COLLECTION SERVICES failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS MARY BETTY L. THOMPSON AKA BETTY J. THOMPSON AKA BETTY L. ALVAREZ AKA BETTY L. BECERRIL AKA BETTY L. MORA, WILLIAM J. THOMPSON AKA WILLIAM J. THOMPSON DBA IDENTITY SKATE SHOP AKA BILL THOMPSON, HSBC MORTGAGE SERVICES, STATE OF OREGON, CITIFINANCIAL, RIVERWALK HOLDINGS LTC, FIRST EQUITY CARD CORPORATION AND CARTER JONES COLLECTION SERVICES has been entered against them on Plaintiff’s Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff’s deed of trust against the property commonly known as 1009 Merryman Drive, Klamath Falls, OR 97603 (“Property”) and extinguishing any and all interest of the Defendants in the Property.



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

2.

Plaintiff is the holder of that certain promissory note (“Note”), dated December 14, 2005, in the amount of \$140,000, and executed by WILLIAM J. THOMPSON and MARY BETTY L. THOMPSON.

3.

The Note is secured by that certain deed of trust (“Deed of Trust”) dated December 14, 2005, by WILLIAM J. THOMPSON and MARY BETTY L. THOMPSON. The Deed of Trust was recorded on December 19, 2005 under the recording number M05-71366 of the Official Records of Klamath County, Oregon, against the Property, which is legally described as:

**LOT 98 OF MERRYMAN’S REPLAT OF VACATED PORTION OF OLD ORCHARD MANOR, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE IN THE OFFICE OF THE COUNTY CLERK OF KLAMATHE COUNTY, OREGON. A.P.N. #R443504**

4.

Defendants WILLIAM J. THOMPSON and MARY BETTY L. THOMPSON failed to comply with the terms of the Note and Deed of Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust immediately due and payable.

5.

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.

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6.

A judgment of foreclosure in the amount of \$242,613.50 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

7.

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.

8.

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.

9.

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.

10.

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.

11.

Defendants WILLIAM J. THOMPSON and MARY BETTY L. THOMPSON are not entitled to a homestead exemption in the Property.

12.

1 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the  
2 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

3 13.

4 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate  
5 possession of the Property from and after the date of the sale, and is entitled to such remedies as are  
6 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a  
7 writ of assistance, if Defendants, or any other party or person shall refuse to surrender possession of  
8 the Property to the purchaser immediately on the purchaser's demand for possession.

9 14.

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

13 15.

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

16 16.

17 This suit does not constitute an attempt to collect the debt against Defendants MARY  
18 BETTY L. THOMPSON AKA BETTY J. THOMPSON AKA BETTY L. ALVAREZ AKA BETTY  
19 L. BECERRIL AKA BETTY L. MORA, WILLIAM J. THOMPSON AKA WILLIAM J.  
20 THOMPSON DBA IDENTITY SKATE SHOP AKA BILL THOMPSON, HSBC MORTGAGE  
21 SERVICES, STATE OF OREGON, CITIFINANCIAL, RIVERWALK HOLDINGS LTC, FIRST  
22 EQUITY CARD CORPORATION AND CARTER JONES COLLECTION SERVICES. Rather, it  
23 is a suit to execute upon the Property as security for the Amount Owed.  
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**DECLARATION OF DEBT SECURED BY DEED OF TRUST**

**1. Judgment Creditor:** THE BANK OF NEW YORK MELLON, FKA  
THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS OF THE  
CWABS, INC. ASSET-BACKED  
**Address:** CERTIFICATES SERIES 2006-BC3  
c/o MALCOLM ♦ CISNEROS,  
A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612

**2. Judgment Attorney:** Steve Bonfiglio  
**Address:** MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612  
**Telephone Number:** (949) 252-9400

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

**4. Judgment Amount:** \$242,613.50

**5. Pre-Judgment Interest:** Simple interest to accrue on \$135,707.21 from  
February 7, 2017 to the date the Judgment is  
entered into the Court's register at 5.875% per  
annum, \$21.783 per diem.

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**6. Post-Judgment Interest:**

Simple interest to accrue on \$242,613.50 plus Post-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.

**7. Periodic accrual:**

N/A

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**8. Attorney's Fees and Costs:**

<b>Attorney's Fees:</b>	<b>\$1,975.00</b>
<b>Complaint Filing Cost:</b>	<b>\$531.00</b>
<b>Lis Pendens:</b>	<b>\$62.00</b>
<b>Service Cost:</b>	<b>\$1,700.00</b>
<b>OFA Mediation:</b>	<b>\$200.00</b>
<b>Litigation Guarantee:</b>	<b>\$600.00</b>
<b>Costs Advanced:</b>	<b>\$3,714.04</b>
<b>Total:</b>	<b>\$6,807.04</b>

**IT IS SO ORDERED.**

Signed: 2/10/2017 03:07 PM



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**Circuit Court Judge Dan Bunch**

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PRESENTED BY:

s/ Steve Bonfiglio  
Nathan F. Smith, OSB#120112  
Steve Bonfiglio, OSB #051220  
Attorneys for Plaintiff  
MALCOLM ♦ CISNEROS, A Law  
Corporation  
2112 Business Center Drive, Second  
Floor  
Irvine, California 92612  
(949) 252-9400 (TELEPHONE)  
(949) 252-1032 (FAX).  
E-mail: sbonfiglio@mclaw.org

1 **CERTIFICATE OF READINESS**

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

- 3  Service is not required under UTCR 5.100 because the other party has been found in  
4 default or an order of default is being requested with this proposed Order or Judgment;  
5 because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this  
6 Order or Judgment is being submitted in open court with all parties present.
- 7  Each party affected by this Order or Judgment has stipulated to or approved the Order or  
8 Judgment, as shown by the signatures on the Order or Judgment.
- 9  I have served a copy of this Order or Judgment and written notice of the objection period  
10 set out in UTCR 5.100 on all parties entitled to service and:
- 11  No objections have been served on me within that time frame;
- 12  I received objections that I could not resolve with the other party despite  
13 reasonable efforts to do so. I have filed with the Court a copy of the objections I  
14 received and indicated which objections remain unresolved.
- 15  After conferring about objections, the other party agreed to file any remaining  
16 objection with the Court.

17

18 DATED: February 9<sup>th</sup>, 2017

19 By: s/ Steve Bonfiglio

20  Nathan F. Smith, OSB #120112

21  Steve Bonfiglio, OSB #051220  
22 Attorneys for Plaintiff  
23 MALCOLM ♦ CISNEROS, A Law Corporation  
24 2112 Business Center Drive, Second Floor  
25 Irvine, California 92612  
26 (949) 252-9400 (TELEPHONE)  
27 (949) 252-1032 (FAX)  
28 E-mail: sbonfiglio@mclaw.org