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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

CRAIG M. SHUEY, an individual; M&I
BANK FSB, 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: 15CV28559

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

1.

WHEREAS, on March 15, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

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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 redemption, if applicable), all of the interest which the Defendants CRAIG M. SHUEY and M&I BANK FSB ("Defendants") had on October 28, 2002, the date of the foreclosed Deed of Trust which was recorded on November 1, 2002, as Instrument No. Vol M02 Page 63212 in the official records of the Klamath County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

| | |
|--|--------------------|
| Unpaid Principal Balance: | \$58,249.43 |
| Pre-Judgment Interest from July 17, 2014, to August 12, 2016, the date set forth in the Judgment at 7.398%, per annum, (\$11.97 per diem): | \$8,930.13 |
| Lender's Fees and Costs: | \$2,767.24 |
| Attorney's Fees and Costs: | \$4,562.00 |
| Total Judgment Entered: | \$74,508.80 |

Additional Pre-Judgment Interest:

| | |
|---|------------|
| Accrued Interest from August 13, 2016, the day after the date set forth in the Judgment through March 15, 2017, the date of entry of the Judgment, at 7.398%, per annum (\$11.77 per diem): | \$2,518.78 |
|---|------------|

1 **Total Judgment Entered Including**

2 **Additional Pre-Judgment**

3 **Interest: \$77,027.58**

4 3.

5 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$77,027.58 at the
6 legal rate of interest of 9% per annum, \$18.99 per diem, from March 16, 2017 to the date the real
7 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
8 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

9 3.

10 The real property subject to this writ of execution is commonly known as 902 MITCHELL
11 STREET, KLAMATH FALLS, OR 97601 ("Property") and described in Exhibit "1" attached
12 hereto.

13 4.

14 The Judgment Creditor's name and address is:

15 U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST
16 c/o Caliber Home Loans
17 13801 Wireless Way
18 Oklahoma City, OK 73134

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

20 U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST
21 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
22 2112 Business Center Drive
23 Irvine, CA 92612
24 949-252-9400

25 ///

26 ///

27 ///

28

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

4 MAKE RETURN HEREOF within 60 days after you receive this Writ.
5
6
7

8 June 30, 2017
9  Sub A
10 CIRCUIT COURT CLERK
11 Submitted by: [Signature]
12 Dated: 6/29/17

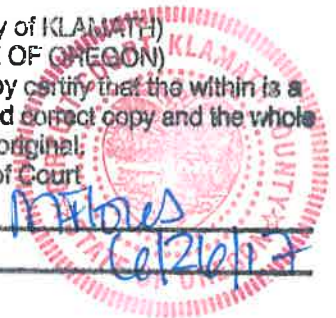
13 Nathan F. Smith, OSB #120112
14 Attorney for Plaintiff
15 MALCOLM ♦ CISNEROS, A Law Corporation
16 2112 Business Center Drive, Second Floor
17 Irvine, California 92612
18 Phone: (949) 252-9400
19 Fax: (949) 252-1032
20 Email: nathan@mclaw.org

EXHIBIT 1

Lot 640 in Block 119, Mills Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

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 M. Hobbes
Date 6/21/17



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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

CRAIG M. SHUEY, an individual; M&I
BANK FSB, 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: 15CV28559

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

- 1. CRAIG M. SHUEY**
- 2. M&I BANK FSB**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION TRUST ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants CRAIG M. SHUEY and M&I BANK FSB ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS CRAIG M. SHUEY, M&I BANK FSB AND ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN 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 902 MITCHELL

1 STREET, KLAMATH FALLS, OR 97601 ("Property") and extinguishing any and all interest of the
2 Defendants in the Property.

3 2.

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

6 3.

7 Plaintiff is the holder of that certain promissory note ("Note"), dated October 28, 2002 in the
8 amount of \$72,119.57, and executed by CRAIG M. SHUEY.

9 4.

10 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about
11 October 28, 2002, by CRAIG M. SHUEY. The Deed of Trust was recorded on November 1, 2002
12 under the recording number Vol M02 Page 63212 of the Official Records of Klamath County,
13 Oregon, against the Property, which is legally described in Exhibit "1" attached hereto ("Property")
14 and constitutes a valid lien against the Property.

15 5.

16 Defendant CRAIG M. SHUEY failed to comply with the terms of the Note and Deed of
17 Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant
18 to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note
19 and Deed of Trust immediately due and payable.

20 6.

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

25 7.

26 A judgment of foreclosure in the amount of \$74,508.80 shall be granted in favor of Plaintiff,
27 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
28 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 CRAIG M. SHUEY 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 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender

1 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

2 15.

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

6 16.

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

9 17.

10 This suit does not constitute an attempt to collect the debt against Defendants CRAIG M.
11 SHUEY and M&I BANK FSB. Rather, it is a suit to execute upon the Property as security for the
12 Amount Owed.

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

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

15 18.

16 Under the terms of the Deed of Trust and the Note October 28, 2002, in the original principal
17 amount of \$72,119.57, there is now due and owing the following amounts, to be hereinafter
18 described as the Amount Due:

19
20 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

| | |
|---------------------------------|---|
| 21 1. Judgment Creditor: | U.S. BANK TRUST, N.A., AS TRUSTEE FOR |
| 22 Address: | LSF9 MASTER PARTICIPATION TRUST |
| 23 | c/o MALCOLM ♦ CISNEROS, |
| 24 | A Law Corporation |
| 25 | 2112 Business Center Drive, 2 nd Floor |
| 26 | Irvine, California 92612 |
| 27 Judgment Attorney: | Nathan F. Smith |
| 28 Address: | MALCOLM ♦ CISNEROS, A Law Corporation |
| | 2112 Business Center Drive, 2 nd Floor |
| | Irvine, California 92612 |
| | Telephone Number: (949) 252-9400 |

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2. Persons or Public Bodies Entitled to a Portion the Judgment:

N/A

3. Judgment Amount:

\$69,946.80

4. Pre-Judgment Interest:

Simple interest to accrue on \$58,249.43 from August 13, 2016 to the date the Judgment is entered into the Court's register at @7.398% per annum, \$11.77 per diem.

5. Post-Judgment Interest:

Simple interest to accrue on \$74,508.80 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.

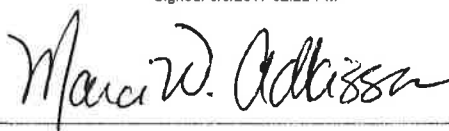
6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:


An award of \$4,562.00 in attorney's fees and costs is made.

Signed: 3/9/2017 02:22 PM



Circuit Court Judge Marci W. Adkisson

Submitted by:


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

Dated:

2/3/17

EXHIBIT 1

Lot 640 in Block 119, Mills Addition to the City of Klamath Falls, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.

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
19 DATED: 2/3/17

20
21 By: 

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 (949) 252-9400 (TELEPHONE)
28 (949) 252-1032 (FAX)