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

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 15CV28374

Plaintiff,

vs.

JOSE F. BALDERAS, JR.; CRYSTAL E. BALDERAS; KEYBANK NATIONAL ASSOCIATION; RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

WRIT OF EXECUTION IN FORECLOSURE

Defendants.

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on June 19, 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 redemption, if applicable), all of the interest which the Defendants had on November 29, 2007, the date of the foreclosed Deed of Trust which was recorded on December 4, 2007, as Instrument No. 2007-080495 in the official records of the Lane 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:

1 **Lender's Principal Judgment:**

2 Unpaid Principal Balance: \$164,127.14
3 Pre-Judgment Interest from October 1,
4 2013 to June 9, 2017, the date set forth
5 in the Judgment at 6.25%, per annum,
6 (\$28.10 per diem): \$37,837.35
7 Lender's Fees and Costs: \$25,377.06
8 Attorney's Fees and Costs: \$590.00
9 **Total Judgment Entered: \$227,931.55**

8 **Additional Pre-Judgment Interest:**

9 Accrued Interest from June 10, 2017,
10 the day after the date set forth in the
11 Judgment through June 19, 2017, the
12 date of entry of the Judgment, at 6.25%
13 per annum (\$28.10 per diem): \$252.90

12 **Total Judgment Entered Including**
13 **Additional Pre-Judgment Interest,**
14 **Attorney Fees, and Costs: \$228,184.45**

14 3.

15 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
16 legal rate of interest of 9% per annum, \$56.26 per diem, from June 20, 2017, to the date the real
17 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
18 this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

19 4.

20 The real property subject to this writ of execution is commonly known as 77828 Center
21 Street, Cottage Grove, OR 97424 ("Property") and described in Exhibit "1" attached hereto.

22 5.

23 The Judgment Creditor's name and address is:

24 U.S. Bank National Association

25 4801 Frederica Street

26 Owensboro, Kentucky 42301-7441

27 ///

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

2 U.S. Bank Trust, National Association
3 c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)
4 2112 Business Center Drive
5 Irvine, CA 92612
6 949-252-9400

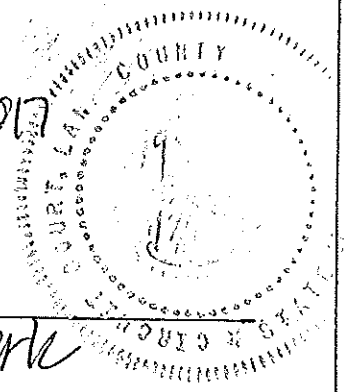
7 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
8 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
9 the Judgment, interest, fees, and costs.

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

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July 5, 2017

By: *[Signature]*
Court Clerk



Submitted by:

[Signature]
Douglas A. Kincaid, OSB #121032
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: dkincaid@mclaw.org

Dated: June 29, 2017

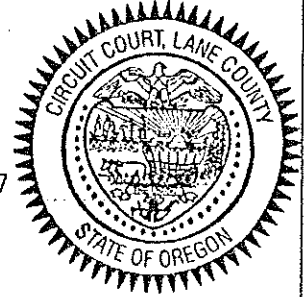


Exhibit "1"

LEGAL DESCRIPTION

All of Lot 3, EDEN VALLEY PARK, as platted and recorded at Page 15 of Volume 14, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO: Beginning at the Southwest corner of Lot 2, EDEN VALLEY PARK, as platted and recorded at Page 15, Volume 14, Lane County Oregon Plat Records, in Lane County, Oregon; thence North 21° 05' West 80 feet; thence North 68° 55' East 108.9 feet; thence South 21° 05' East 80 feet; thence South 68° 55' West 108.9 feet to the point of beginning, all in Lane County, Oregon.

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

U.S. BANK NATIONAL ASSOCIATION.

CASE NUMBER: 15CV28374

Plaintiff,

vs.

JOSE F. BALDERAS, JR.; CRYSTAL E. BALDERAS; KEYBANK NATIONAL ASSOCIATION; RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE; AND PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT HEREIN,

**GENERAL JUDGMENT OF FORECLOSURE AGAINST
1) JOSE F. BALDERAS, JR.
2) CRYSTAL E. BALDERAS
3) KEYBANK NATIONAL ASSOCIATION
4) RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE**

Defendants.

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK NATIONAL ASSOCIATION ("Plaintiff"), filed its Foreclosure Complaint; that Defendants were duly served with the Summons and Complaint as required by law; that Defendants JOSE F. BALDERAS, JR., CRYSTAL E. BALDERAS, and RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE failed to appear, that the ORDER OF DEFAULT has been entered against them on Plaintiff's Complaint; that Defendant KEYBANK NATIONAL ASSOCIATION has stipulated to the judgment by an Order entered on July 27, 2016; and that

1 Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the
2 property commonly known as 77828 Center Street, Cottage Grove, OR 97424 ("Property") and
3 extinguishing any 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 November 29, 2007, in
9 the amount of \$178,500.00, and executed by JOSE F. BALDERAS, JR., and CRYSTAL E.
10 BALDERAS.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about
13 November 29, 2007, by JOSE F. BALDERAS, JR., and CRYSTAL E. BALDERAS. The Deed of
14 Trust was recorded on December 4, 2007, under the recording number 2007-080495 of the Official
15 Records of Lane County, Oregon, against the Property, which is legally described in Exhibit "1"
16 attached hereto ("Property") and constitutes a valid lien against the Property.

17 5.

18 JOSE F. BALDERAS, JR., and CRYSTAL E. BALDERAS failed to comply with the terms
19 of the Note and Deed of Trust by failing to make the payments required by the terms of the Note and
20 Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due
21 and owing under the Note and Deed of Trust immediately due and payable.

22 6.

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

27 ///

1 claiming an interest in the Property as purchasers, encumbrancers, or otherwise, are forever barred
2 and foreclosed of all interests, liens, or claims in the Property and every portion thereof, excepting
3 only any statutory right of redemption provided by the laws of the State of Oregon.

4 13.

5 Defendants JOSE F. BALDERAS, JR., and CRYSTAL E. BALDERAS are not entitled to a
6 homestead exemption in the Property.

7 14.

8 Plaintiff and/or Defendant KEYBANK NATIONAL ASSOCIATION may become purchaser
9 at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its Amount Owed,
10 plus any additional interest and reasonable costs until sale.

11 15.

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

17 16.

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

21 17.

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

24 18.

25 This suit does not constitute an attempt to collect the debt against Defendants JOSE F.
26 BALDERAS, JR., and CRYSTAL E. BALDERAS or any other Defendant. Rather, it is a suit to
27 execute upon the Property as security for the Amount Owed.

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7. Attorney's Fees and Costs:


An award of \$590.00 in attorney's fees and costs is made.

Signed: 6/19/2017 01:39 PM



Charles D. Carlson, Circuit Court Judge

Submitted by:


 Nathan F. Smith, OSB #120112
 Douglas A. Kincaid, OSB #121032
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
dkincaid@mclaw.org

Dated: June 13, 2017

LEGAL DESCRIPTION

All of Lot 3, EDEN VALLEY PARK, as platted and recorded at Page 15 of Volume 14, Lane County Oregon Plat Records, in Lane County, Oregon.

ALSO: Beginning at the Southwest corner of Lot 2, EDEN VALLEY PARK, as platted and recorded at Page 15, Volume 14, Lane County Oregon Plat Records, in Lane County, Oregon; thence North 21° 05' West 80 feet; thence North 68° 55' East 108.9 feet; thence South 21° 05' East 80 feet; thence South 68° 55' West 108.9 feet to the point of beginning, all in Lane County, Oregon.


1 **CERTIFICATE OF READINESS**

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

- 3 Each party affected by this order or judgment has stipulated to the order or judgment, as shown by
- 4 each party's signature on the document being submitted.
- 5 Each party affected by this order or judgment has approved the order or judgment, as shown by
- 6 each party's signature on the document being submitted or by written confirmation of approval sent
- 7 to me. (written approval received, KEYBANK NATIONAL ASSOCIATION)
- 8 I have served a copy of this order or judgment on each party entitled to service and:
- 9 No objection has been served on me.
- 10 I received objections that I could not resolve with a party despite reasonable efforts to do so. I
- 11 have filed a copy of the objections I received and indicated which objections remain unresolved.
- 12 After conferring about objections, [role and name of objecting party] agreed to independently
- 13 file any remaining objection.
- 14 Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule, or otherwise
- 15 (ORCP 9: Parties in default for failure to appear, JOSE F. BALDERAS, JR., CRYSTAL E.
- 16 BALDERAS, and RAY KLEIN INC. DBA PROFESSIONAL CREDIT SERVICE).
- 17 This is a proposed judgment that includes an award of punitive damages and notice has been served
- 18 on the Director of the Crime Victims' Assistance Section as required by subsection (5) of UTCR
- 19 5.100.
- 20 Other: _____

21 DATED: June 13, 2017

22 By:



- 23 Nathan F. Smith, OSB #120112
- 24 Douglas A. Kincaid, OSB #121032
- 25 Attorneys for Plaintiff
- 26 MALCOLM ♦ CISNEROS, A Law Corporation
- 27 2112 Business Center Drive, Second Floor
- 28 Irvine, California 92612
- (949) 252-9400 (TELEPHONE)
- (949) 252-1032 (FAX)
- nathan@mclaw.org
- dkincaid@mclaw.org