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

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

vs.

SYLVIA R. HURTADO; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION; U.S. BANK N.A.; AND
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, LIEN,
OR INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
HEREIN,

Defendants.

CASE NUMBER: 15CV27842

**WRIT OF EXECUTION IN
FORECLOSURE**

TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on December 12, 2016, 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 Defendant SYLVIA R. HURTADO ("Defendant") had on January 21, 2009, the date of the foreclosed Deed of Trust which was recorded

1 on January 23, 2009, as Instrument No. Reel 3027, Page 350 in the official records of the Marion
2 County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real
3 property described in the Judgment to satisfy the Judgment as follows:

4 **Lender's Principal Judgment:**

5 Unpaid Principal Balance:	\$139,798.25
6 Pre-Judgment Interest from March 1, 7 2013 to November 4, 2016, at 4.75% 8 (\$18.19 per diem):	\$24,402.86
9 Lender's Fees and Costs:	\$9,764.35
Credit for Amounts Due to Borrower:	(\$724.99)
Attorney's Fees and Costs	\$628.00

10 ***Total Judgment Entered:*** **\$173,868.47**

11 **Additional Pre-Judgment Interest:**

12 Accrued Interest from November 5, 13 2016, the day after the date set forth in 14 the Judgment through December 12, 15 2016, the date of entry of the Judgment, at 4.75% per annum (\$18.19 per diem):	\$673.03
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16 ***Total Judgment Entered Including
17 Additional Pre-Judgment
18 Interest:***

\$174,541.50

3.

19 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
20 legal rate of interest of 9% per annum, \$43.03 per diem, from December 13, 2016, to the date the
21 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
22 costs of this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

23 The real property subject to this writ of execution is commonly known as 920 Fabry Road
24 SE, Salem, OR 97306 ("Property") and described in Exhibit "1" attached hereto.

5.

25 The Judgment Creditor's name and address is:

26 U.S. Bank National Association
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4801 Frederica Street

Owensboro, Kentucky 42301-7441

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

U.S. Bank National Association

c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)

2112 Business Center Drive

Irvine, CA 92612

949-252-9400

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

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

Signed: 4/19/2017 09:24 AM

J. Tolman

J. Tolman, Court Clerk



Submitted by:

Douglas A. Kincaid

Dated: April 6, 2017

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

Exhibit "1"

LEGAL DESCRIPTION

LOT 2, BLOCK 1 LAKEWOOD PARK, A PLANNED UNIT DEVELOPMENT, IN
THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON.

TOGETHER WITH AN EASEMENT OVER THE STREETS AND DRIVEWAYS AS
SAME ON THE RECORDED PLAT.

NOTED AND RECORDED IN THE
OFFICE OF THE CLERK OF THE
SUPERIOR COURT OF THE STATE OF OREGON
ON THIS 15th DAY OF JANUARY 2009
AT SALEM, OREGON
CLERK OF THE SUPERIOR COURT



REEL: 3951

PAGE: 151

June 01, 2017, 02:18 pm.

CONTROL #: 461222

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 46.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

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

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 15CV27842

Plaintiff,

vs.

SYLVIA R. HURTADO; OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION; U.S. BANK N.A.; 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 DEFENDANTS SYLVIA R. HURTADO, OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, AND U.S. BANK N.A.

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 Complaint for Foreclosure of Deed of Trust; that Defendants were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that the ORDER OF DEFAULT 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 920 Fabry Road SE, Salem, Oregon 97306 ("Property") and extinguishing any and all interest of the Defendants in the Property.

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2.

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

3.

Plaintiff is the holder of that certain promissory note ("Note"), dated January 21, 2009, in the amount of \$150,350.00, and executed by SYLVIA R. HURTADO.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about January 21, 2009, by SYLVIA R. HURTADO. The Deed of Trust was recorded on January 23, 2009 under the recording number Reel 3027, Page 350 of the Official Records of Marion County, Oregon, against the Property, which is legally described in Exhibit "1" attached hereto ("Property") and constitutes a valid lien against the Property.

5.

Defendant SYLVIA R. HURTADO 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.

6.

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

7.

A judgment of foreclosure in the amount of \$173,868.47 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").

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the

1 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be
2 disbursed to such party or parties as may establish their right thereto.

3 9.

4 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary
5 costs and expenses incurred to enforcing the Note and Deed of Trust.

6 10.

7 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
8 assessments, municipal charges, and such other items as may constitute liens on the Property,
9 together with insurance and repairs necessary to prevent the impairment of the Property, together
10 with interest thereon from the date of payment may also be added to the Amount Owed and paid
11 from the proceeds from the sale of the Property.

12 11.

13 Defendant SYLVIA R. HURTADO and all parties claiming an interest in the Property as
14 purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interests, liens, or
15 claims in the Property and every portion thereof, excepting only any statutory right of redemption
16 provided by the laws of the State of Oregon.

17 12.

18 Defendant SYLVIA R. HURTADO is not entitled to a homestead exemption in the Property.

19 13.

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

22 14.

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

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15.

This Court shall retain jurisdiction to enforce all provisions of this General 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 Amount Owed.

17.

This suit does not constitute an attempt to collect the debt against Defendant SYLVIA R. HURTADO. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1. Judgment Creditor:** U.S. BANK NATIONAL ASSOCIATION
- Address: c/o MALCOLM ♦ CISNEROS,
A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
- Judgment Attorney:** Douglas A. Kincaid
- Address: MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
- Telephone Number: (949) 252-9400
- 2. Judgment Debtor:** SYLVIA R. HURTADO
- Address: 920 Fabry Rd SE, Salem, OR 97306
- Year of Birth: Unknown
- Final 4 digits of Social Security number: XXX-XX-8974
- Driver's license number and issuing state: Unknown
- Judgment Debtor Attorney: N/A

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3. Persons or Public Bodies Entitled to

a Portion the Judgment: N/A

4. Judgment Amount (exclusive of future interest, fees, and costs):

\$173,240.47

5. Pre-Judgment Interest:

Simple interest to accrue on \$139,798.25 from November 5, 2016, to the date the Judgment is entered into the Court's register at 4.75% per annum, \$18.19 per diem.

6. Post-Judgment Interest:

Simple interest to accrue on \$173,868.47 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.

7. Periodic accrual:

N/A

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8. Attorney's Fees and Costs:

An award of \$628.00 in attorney's fees and costs
is made.

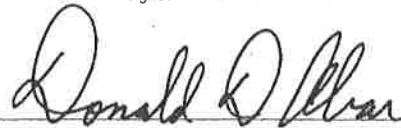
Attorney's Fees

\$0.00

Litigation Guarantee

\$628.00

Signed: 12/12/2016 11:21 AM



Circuit Court Judge Donald D. Abar

Submitted by:



Dated: December 9, 2016

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

Exhibit "1"

LEGAL DESCRIPTION

LOT 2, BLOCK 1 LAKEWOOD PARK, A PLANNED UNIT DEVELOPMENT, IN
THE CITY OF SALEM, COUNTY OF MARION AND STATE OF OREGON.

TOGETHER WITH AN EASEMENT OVER THE STREETS AND DRIVEWAYS AS
SAME ON THE RECORDED PLAT.

CERTIFICATE OF READINESS

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

- Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
- Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
- I have served a copy of this order or judgment on each party entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.
- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule, or otherwise (ORCP 9: Party in default for failure to appear).
- This is a proposed judgment that includes an award of punitive damages and notice has been served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of UTCR 5.100.
- Other: _____

DATED: December 9, 2016

By: _____

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



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REEL: 3951

PAGE: 153

June 01, 2017, 02:23 pm.

CONTROL #: 461224

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 96.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.