



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 22 day of 11, 2017.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

RCVD DISCOURT 19 DEC 17 12:38

BY: Chelsea Bethwell
COURT CLERK

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

BANK OF AMERICA, N.A.,

CASE NUMBER: 13CV0403

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

VICTORIA R. CABRERA, an individual;
MARTIN C. PADILLA, an individual; 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.

TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on January 7, 2015, in the above-entitled Court, a General Judgment of
Foreclosure *In Rem* ("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 VICTORIA R. CABRERA and MARTIN C. PADILLA ("Defendants") had on February 13, 2006, the date of the foreclosed Deed of Trust which was recorded on February 16, 2006, as Instrument No. 2006-11087 in the official records of the Deschutes 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: \$138,770.51

Pre-Judgment Interest from December 1, 2010 to August 30, 2013, the date set forth in the Judgment at 5.875%, per

annum, (\$22.3363 per diem): \$22,420.20

Lender's Fees and Costs: \$9,225.31

Attorney's Fees and Costs: \$2,693.00

Total Judgment Entered: \$173,109.02

Additional Pre-Judgment Interest:

Accrued Interest from August 31, 2013, the day after the date set forth in the Judgment through January 7, 2015, the date of entry of the Judgment, at

5.875%, per annum (\$22.3363 per diem): \$11,034.13

1 **Total Judgment Entered Including**

2 **Additional Pre-Judgment**

3 **Interest:** **\$184,143.15**

4 3.

5 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$184,143.15** at
6 the legal rate of interest of 9% per annum, \$45.40 per diem, from January 8, 2015 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 4.

10 The real property subject to this writ of execution is commonly known as 1831 NW FIR
11 AVENUE, REDMOND, OR 97756 ("Property") and described in Exhibit "1" attached hereto.

12 5.

13 The Judgment Creditor's name and address is:

14 Bank of America, N.A.
15 c/o CARRINGTON MORTGAGE SERVICES
16 1600 South Douglass Road, Suite 200-A
17 Anaheim, CA 92806

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

19 Bank of America, N.A.
20 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
21 2112 Business Center Drive
22 Irvine, CA 92612
23 949-252-9400

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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.
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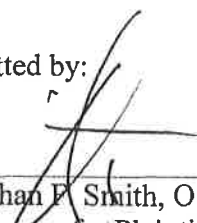
Signed: 11/20/2017 10:14 AM



Trial Court Administrator Jeffrey E. Hall



10 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: 11/16/17

EXHIBIT 1

Lot 2, Block 4, THE REMINGTON ARMS, Deschutes County, Oregon.

SEP 11 2013
Verified Correct Copy of Original 5/11/2017

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CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 22 day of 11, 2017.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: Chelsea Bighwell
COURT CLERK

FILED
CIRCUIT COURT
2015 JAN -7 AM 11:16
DESCHUTES COUNTY
OREGON

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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

VICTORIA R. CABRERA, an individual;
MARTIN C. PADILLA, an individual; and all
other persons or parties 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, collectively designated as DOES 1
through 50, inclusive.

Defendants.

CASE NUMBER: 13CV0403

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

1. VICTORIA R. CABRERA,
2. MARTIN C. PADILLA

AND MONEY AWARD AGAINST THE
REAL PROPERTY LOCATED AT 1831 NW
FIR AVENUE, REDMOND, OR 97756-0000.

1.

THIS MATTER coming on regularly before the Court on this day and it appearing from the record herein that Plaintiff Bank of America, N.A. ("Plaintiff") filed its Complaint for Foreclosure of Deed of Trust; that Defendants VICTORIA R. CABRERA and MARTIN C. PADILLA (collectively referred to as "Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, and that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS VICTORIA R. CABRERA AND MARTIN C. PADILLA ("Order of Default") has been entered against them on Plaintiff's Complaint.

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13CV0403
JGQM
Judgment - General Creates Lien
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2.

The Court being fully advised; so that this general judgment may herein be entered against the Defendants, and that the money award herein and made a party of this general judgment be entered solely against the real property located at 1831 NW FIR AVENUE, REDMOND, OR 97756, and not as against the Defendants personally. Said Defendants being hereby exempt from the Money Award portion of this general judgment, it is hereby

ORDERED AND ADJUDGED:

3.

That the Deed of Trust executed and delivered by American Brokers Conduit on February 13, 2006, and recorded on February 16, 2006, under the recording number 2006-11087 of the Official Records of Deschutes County, Oregon, and Plaintiff being in possession of the promissory note secured via the Deed of Trust by the property located at 1831 NW FIR AVENUE, REDMOND, OR 97756 ("Property") is a valid lien for the amount of Plaintiff's money award set forth herein against the Property situated in Deschutes County, Oregon, and described as follows:

LOT 2, BLOCK 4, THE REMINGTON ARMS, DESCHUTES COUNTY, OREGON

That the lien is superior to any interest, lien, or claim of the Defendants in the Property and that the Deed of Trust is hereby foreclosed by this Court on the Property.

4.

That the Defendants, and each of them, and all parties claiming through or under them as purchasers, encumbrancers, or otherwise, are forever barred and foreclosed of all interest, lien, or claim in the Property and every portion thereof, excepting only any statutory right of redemption provided by the laws of the State of Oregon.

5.

That the Defendants are not entitled to a homestead exemption as against Plaintiff's Deed of Trust.

6.

That all of the right, title, and interest which American Brokers Conduit had on the date of the Deed of Trust, and all of the right, title, and interest the Defendants and any successor thereafter

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had in and to the real Property is hereby ordered to be sold by law and the proceeds of sale shall be applied toward the satisfaction of Plaintiff's money award 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.

7.

That Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the aggregate amount of its money award plus interest from the date of this general judgment until sale without advancing any cash except money required for the Sheriff's Sale.

8.

That 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 that the Judgment entered herein shall have the same effect as 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.

MONEY AWARD

- 1. Judgment Creditor: Bank of America, N.A.
c/o Malcolm Cisneros
2112 Business Center Drive, Second Floor
Irvine, CA 92612
 - 2. Judgment Creditor's Attorney: Nathan F. Smith
 - 3. Judgment Debtor: *In Rem* against the property located at 1831 NW
FIR AVENUE, REDMOND, OR 97756.
Social Security Number: N/A
Date of Birth: N/A
Driver's License: N/A
Name of Attorney: N/A
- Person or public body entitled to any portion of the money award herein: None
- 4. Total Amount of Money Award: \$173,059.02

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Attorney's Fees and Costs:

Attorney's Fees	\$1,485.00	- PBM 1/6/15
Case Management Conference Fees	\$250.00	
Filing Cost	\$505.00	
Recording Cost - Lis Pendens	\$53.00	
Process Service Cost	\$400.00	
Total Attorney's Fees and Costs	\$2,643.00	\$2,693.00 - PBM 1/6/15

Lender's Principal and Interest:

Principal Balance:	\$138,770.51
Accrued Interest from December 1, 2010 to August 30, 2013	\$22,420.20
Total Principal and Interest	\$161,190.71

Lender's Fees and Costs:

Tax Disbursements	\$2,074.94
MIPPMI Insurance	\$1,416.96
Hazard Insurance Disbursements	\$1,975.48
Title Fees	\$1,173.00
Property Inspections/Preservation	\$2,028.70
Other	\$556.23
Total Lender's Fees and Costs	\$9,225.31
Total Lender's Principal, Interest, Fees, and Costs	\$170,416.02

Additional Pre-Judgment interest to accrue pursuant to ORS 18.042 from the date of submission of this general judgment to the date it is entered into the Court's register at 5.875% per annum (\$22.3363 per diem).

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Post-Judgment interest thereafter on the total money award amount at the legal rate of interest or 9% per annum, whichever is greater.

Total Money Award (Judgment):

~~\$173,059.02~~
173109.02

DATED this: 6 day of January, 2018^{ES}



CIRCUIT COURT JUDGE
BETH M. BAGLEY

Submitted by:



Dated: 9/5/13

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

Verified Correct Copy of Original 5/11/2017

CERTIFICATE OF SERVICE

FILED
COURT
2013 SEP 11 AM 11:01
DESCHUTES COURT

I hereby certify that I have served a true copy of the foregoing

(1) MOTION FOR JUDGMENT BY DEFAULT AGAINST DEFENDANTS VICTORIA R. CABRERA AND MARTIN C. PADILLA

(2) DECLARATION OF PLAINTIFF IN SUPPORT OF GENERAL JUDGMENT OF FORECLOSURE AGAINST DEFENDANTS VICTORIA R. CABRERA AND MARTIN C. PADILLA

(3) DECLARATION OF PLAINTIFF'S ATTORNEY IN SUPPORT OF PLAINTIFF'S MOTION FOR JUDGMENT BY DEFAULT AGAINST DEFENDANTS VICTORIA R. CABRERA AND MARTIN C. PADILLA

(4) GENERAL JUDGMENT OF FORECLOSURE AGAINST: VICTORIA R. CABRERA, MARTIN C. PADILLA AND MONEY AWARD AGAINST THE REAL PROPERTY LOCATED AT 1831 NW FIR AVENUE, REDMOND, OR 97756

on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Irvine, California:

VICTORIA R. CABRERA
1502 COLEMAN RD
KARNACK, TX 75661

MARTIN C. PADILLA
1502 COLEMAN RD
KARNACK, TX 75661

DATED: September 6, 2013

MALCOLM ♦ CISNEROS, A Law Corporation

Colleen Humfreville
Colleen Humfreville
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
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