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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MALHEUR

U.S. BANK NATIONAL ASSOCIATION
AS INDENTURE TRUSTEE FOR CIM
TRUST 2015-3AG MORTGAGE-
BACKED NOTES, SERIES 2015-3AG

Case No. 17CV21089

Plaintiff,

WRIT OF EXECUTION

vs.

PATRICK H. OVIEDO; ORALIA G.
OVIEDO; PARTIES IN POSSESSION

Defendants.

TO: MALHEUR COUNTY SHERIFF

WHEREAS, on December 21, 2017, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

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 execution (subject to redemption) all of the interest which the defendants had on January 25, 2000, the date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in the real property described in the judgment:

1- WRIT OF EXECUTION
S&S No. 16-119775

SHAPIRO & SUTHERLAND, LLC
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
Telephone (360)260-2253 (800)970-5647
Fax (360)260-2285
ksutherland@logs.com

1 LAND IN OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND
2 ADDITION, IN SECTION 33, TOWNSHIP 17 SOUTH, RANGE 47 EAST OF WILLAMETTE
3 MERIDIAN, MALHEUR COUNTY, OREGON, ACCORDING TO THE CORRECTED PLAT
4 THEREOF, AS FOLLOWS:

5 IN BLOCK 5: THE NORTH 100 FEET OF THE EAST 175 FEET OF LOT 16, EXCEPTING
6 THEREFROM THE NORTH 67 FEET OF THE EAST 87 FEET THEREOF.

7 and commonly known as 1108 NW 22nd Avenue, Ontario, OR 97914 to satisfy the sum of
8 \$52,105.55, as of December 27, 2017, together with additional post judgment interest of 9.00%
9 from that date (\$12.83 per day), and costs of this execution, making due return within 60 days
10 after you receive this writ.

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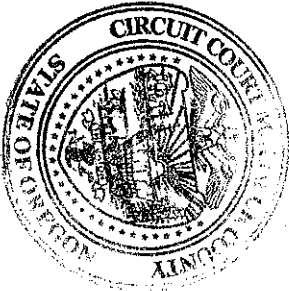
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25 2- WRIT OF EXECUTION
26 S&S No. 16-119775

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28

1 U.S. Bank National Association as Indenture Trustee for CIM Trust 2015-3AG
2 Mortgage-Backed Notes, Series 2015-3AG is the Judgment Creditor, and its address for purpose
3 of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255,
4 Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
5 Judgment Creditor.
6
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Andrea L. Orem
1/23/18

17 Submitted by:
18 Attorneys for Plaintiff,
19 SHAPIRO & SUTHERLAND, LLC

20 By: _____

21
22
23
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26
27
28

James A. Craft #090146 [jcraft@logs.com]
 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 Cara J. Richter #094855 [crichter@logs.com]
 Holger Uhl #950143 [huhl@logs.com]*
 Joshua R. Orem # 116872 [jorem@logs.com]*
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7632 SW Durham Road, Suite 350, Tigard, OR 97224*
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3- WRIT OF EXECUTION
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IN THE CIRCUIT COURT OF THE STATE OF OREGON
IN AND FOR THE COUNTY OF MALHEUR

U.S. BANK NATIONAL ASSOCIATION AS
INDENTURE TRUSTEE FOR CIM TRUST 2015-
3AG MORTGAGE-BACKED NOTES, SERIES
2015-3AG,

Case No. 17CV21089

Plaintiff,

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

vs.

PATRICK H. OVIEDO; ORALIA G. OVIEDO;
PARTIES IN POSSESSION,

Defendants.

Defendant, Parties in Possession, having been dismissed and Summary Judgment having
been granted against Defendants, Patrick H. Oviedo and Oralia G. Oviedo:

It is hereby

ORDERED AND ADJUDGED:

1. The real property to which this judgment relates (hereafter the "Property") is situated in
Malheur County, Oregon is commonly known as 1108 NW 22nd Avenue, Ontario, OR
97914 and is legally described as follows:

Land in OREGON AND WESTERN COLONIZATION SUBDIVISION SECOND
ADDITION, in Section 33, Township 17 South, Range 47 East of Willamette
Meridian, Malheur County, Oregon, according to the Corrected plat thereof, as
follows:

In Block 5: The North 100 feet of the East 175 feet of Lot 16, EXCEPTING
THEREFROM the North 67 feet of the East 87 feet Thereof.

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119775

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- 1 2. The Deed of Trust executed and delivered by Defendant, Patrick H. Oviedo and Oralia G.
2 Oviedo ("Borrower") on or about January 25, 2000 and recorded on January 31, 2000 as
3 Instrument No. 2000-582 in the official records of Malheur County, Oregon, is a valid and
4 perfected lien against all of the Property for the amount of Plaintiff's judgment as provided
5 herein.
6
7 3. The Plaintiff is the holder of the original note dated January 25, 2000 and made by Patrick
8 H. Oviedo and Oralia G. Oviedo in the amount of \$46,212.41. A copy of the Note was
9 attached to the complaint as Exhibit "2". Plaintiff is the holder of the Note and the
10 beneficial interest in the Deed of Trust (together the "Loan").
11
12 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
13 interest in the Property is foreclosed and terminated excepting only any statutory right of
14 redemption as provided by Oregon law.
15
16 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
17 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
18 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
19 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
20 interests and priorities.
21
22 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
23
24 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
25 thereafter acquired in the subject Property, is hereby ordered to be sold by the Malheur
26 County Sheriff's Office in accordance with the process for sale upon execution, and the

1 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
 2 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
 3 as their interest may appear or to the clerk of the court to be distributed to such party of
 4 parties as may establish their right thereto.

- 5
 6 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
 7 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
 8 from and after the date of the sale and is entitled to such remedies as are available at law or
 9 in equity to secure possession.
 10 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
 11 any person holding possession under or through such Defendant(s) shall refuse to surrender
 12 possession to the purchaser immediately on the purchaser's demand for possession.
 13
 14 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal		\$36,895.05	
Prejudgment interest at 12% through September 26, 2017 (accruing thereafter until entry of judgment at \$12.30 per diem)			\$4,679.58
Late Charges		\$0.00	
Other Costs and fees (recoverable)		4,264.14	
	Property Tax	\$2,615.94	
	Hazard Insurance	\$963.00	
	Flood Insurance	\$340.20	
	Appraisal/BPO	\$90.00	
	Property Inspections	\$255.00	
	Subtotal		\$41,159.19
	Total plus Prejudgment Interest		\$45,838.77

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 26 3 - GENERAL JUDGMENT OF FORECLOSURE AND
 SALE
 S&S No. 16-119775

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1 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

2

Costs			\$1,032.00
	Title Search Cost	\$248.00	
	Filing Fee	\$252.00	
	Lis Pendens Recording Fee	\$57.00	
	Service Costs	\$200.00	
	Prevailing Party Fee	\$275.00	
Attorney fees			\$4,100.00
Total			\$5,132.00

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8 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from
9 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

10 14. This Judgment shall not create a personal lien or liability against Borrower except as is
11 customary or necessary to execute on such Judgment and for purposes of redemption. In no
12 event should it be construed as establishing personal liability for any persons whose debt has
13 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
14 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
15 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
16 entitled to any further judgment, including a judgment for deficiency.

17
18 15. Execution may issue against the subject property for the aggregate amount found due
19 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").
20 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by
21 ORS 18.936 or other applicable law.
22

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25 4 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
S&S No. 16-119775

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1 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the
2 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the
3 judgment as to the amounts due shall be terminated.


4 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
5 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
6 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
7 18.936.
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
25 s - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
27 S&S No. 16-119775
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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11 **Erin K. Landis, Circuit Court Judge**
Signed: 12/20/2017 01:22 PM

12 **Notice:** This proposed order will be submitted to the court for signature unless the undersigned
13 receives a written objection within 3 days 7 days [mark one] (excluding mailing).

14 Submitted by:  **DEC 05 2017**
15 By: _____
16 Holger Uhl #950143 [huhl@logs.com]
17 7632 SW Durham Road, Suite 350, Tigard, OR 97224
(360)260-2253; Fax (360)260-2285

18 **Certificate of Readiness under UTCR 5 100**

19 This proposed order or judgment is ready for judicial signature because:

- 20 1. Each party affected by this order or judgment has stipulated to the order or judgment, as shown
21 by each party's signature on the document being submitted.
22 2. Each party affected by this order or judgment has approved the order or judgment, as shown
23 by each party's signature on the document being submitted or by written confirmation of approval
24 sent to me.
25 3. I have served a copy of this order or judgment on each party entitled to service and:
a. No objection has been served on me.
b. I received objections that I could not resolve with a party despite reasonable efforts to do so. I
26 have filed a copy of the objections I received and indicated which objections remain unresolved.
c. After conferring about objections, [role and name of objecting party] agreed to independently

27 6 - GENERAL JUDGMENT OF FORECLOSURE AND
28 SALE
S&S No. 16-119775

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1 file any remaining objection.

2 4. Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.
3 UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

4 5. This is a proposed judgment that includes an award of punitive damages and notice has been
5 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of
6 this rule.

7 6. Other: _____

8 Submitted by:
9 Attorneys for Plaintiff,
10 SHAPIRO & SUTHERLAND, LLC

11 By: _____
12 James A. Craft #090146 [jcraft@logs.com]
13 Kelly D. Sutherland #87357 [ksutherland@logs.com]
14 Cara J. Richter #094855 [crichter@logs.com]
15 Holger Uhl #950143 [huhl@logs.com]*
16 Joshua R. Orem # 116872 [jorem@logs.com]*
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25 7 - GENERAL JUDGMENT OF FORECLOSURE AND
26 SALE
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