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

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
HOLDERS OF NEW CENTURY HOME
EQUITY LOAN TRUST, SERIES 2005-A,
ASSET BACKED PASS-THROUGH
CERTIFICATES,

Plaintiff,

vs.

DANIEL E. BROWN, an individual;
BARBARA J. BROWN aka BARBARA
BROWN aka BARBARA JOANN JONES, 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.

CASE NUMBER: 16CV20441

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on September 11, 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

1 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to
2 redemption, if applicable), all of the interest which the Defendants DANIEL E. BROWN AND
3 BARBARA J. BROWN AKA BARBARA BROWN AKA BARBARA JOANN JONES
4 (“Defendants”) had on May 11, 2005, the date of the foreclosed Deed of Trust which was recorded
5 on May 24, 2005, as Instrument No. Reel: 2481 Page: 477 in the official records of the Marion
6 County Recorder’s Office, and/or all of the interest which Defendants had thereafter, in the real
7 property described in the Judgment to satisfy the Judgment as follows:

8
9 **Lender’s Principal Judgment:**

10 Unpaid Principal Balance:	\$135,175.61
11 Pre-Judgment Interest from December	
12 1, 2009 to August 31, 2017, the date set	
13 forth in the Judgment at 6.250%, per	
14 annum, (\$23.1465 per diem):	\$65,466.08
15 Lender’s Fees and Costs:	\$36,855.49
16 Attorney’s Fees and Costs:	\$2,379.50
17	
18 <i>Total Judgment Entered:</i>	<i>\$239,876.68</i>

19
20 **Additional Pre-Judgment Interest:**

21 Accrued Interest from September 1,	
22 2017, the day after the date set forth in	
23 the Judgment through September 11,	
24 2017, the date of entry of the Judgment,	
25 at 6.2500%, per annum (\$23.4165 per	
26 diem):	\$231.47

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**Total Judgment Entered Including
Additional Pre-Judgment**

Interest: \$240,108.15

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$240,108.15 at the legal rate of interest of 9% per annum, \$59.20 per diem, from September 12, 2017 to the date the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

The real property subject to this writ of execution is commonly known as 5353 NEWTON COURT N, KEIZER, OR 97303 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE HOLDERS OF
NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-A, ASSET BACKED PASS-
THROUGH CERTIFICATES
c/o BANK OF AMERICA
100 N. Tryon St.
Charlotte, NC 28255-4000

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

DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE HOLDERS OF
NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-A, ASSET BACKED PASS-
THROUGH CERTIFICATES
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

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.

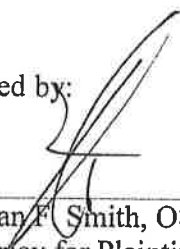
Signed: 10/2/2017 10:48 AM



Court Clerk



Submitted by:



Dated:

9/26/17

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

Exhibit 1

Legal Description

Lot 13, APPLE TREE ESTATES-PHASE I, in the City of Keizer, County of Marion and State of Oregon.

STATE OF OREGON }
County of Marion } ss
The foregoing copy has been compared
and is certified by me as a full, true and
correct copy of the original on file in my
office and in my custody.
In testimony whereof, I have hereunto set
my hand and affixed the seal of the
Court on:

CLERK OF THE COURT



10

REEL: 4004

PAGE: 378

October 16, 2017, 01:43 pm.

CONTROL #: 479894

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: \$ 51.00

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**

DEUTSCHE BANK NATIONAL TRUST
COMPANY AS TRUSTEE FOR THE
HOLDERS OF NEW CENTURY HOME
EQUITY LOAN TRUST, SERIES 2005-A,
ASSET BACKED PASS-THROUGH
CERTIFICATES,

Plaintiff,

vs.

DANIEL E. BROWN, an individual;
BARBARA J. BROWN aka BARBARA
BROWN aka BARBARA JOANN JONES, 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.

CASE NUMBER: 16CV20441

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. **DANIEL E. BROWN**
2. **BARBARA J. BROWN AKA
BARBARA BROWN AKA BARBARA
JOANN JONES**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE FOR THE HOLDERS OF NEW CENTURY HOME EQUITY LOAN TRUST, SERIES 2005-A, ASSET BACKED PASS-THROUGH CERTIFICATES ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants DANIEL E. BROWN and BARBARA J. BROWN aka BARBARA

1 BROWN aka BARBARA JOANN JONES ("Defendants") were duly served with the Summons and
2 Complaint as required by law; that Defendants failed to appear, that an order of default has been
3 entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General
4 Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 5353
5 NEWTON COURT N, KEIZER, OR 97303 ("Property") and extinguishing any and all interest of
6 the Defendants in the Property.

7 2.

8 The Court being fully advised; it is hereby

9 ORDERED AND ADJUDGED that:

10 3.

11 Plaintiff is the holder of that certain promissory note ("Note"), dated May 11, 2005, in the
12 amount of \$143,650.00, and executed by DANIEL E. BROWN and BARBARA J. BROWN aka
13 BARBARA BROWN aka BARBARA JOANN JONES.

14 4.

15 The Note is secured by that certain deed of trust ("Deed of Trust") dated May 11, 2005 and
16 executed by DANIEL E. BROWN and BARBARA J. BROWN aka BARBARA BROWN aka
17 BARBARA JOANN JONES. The Deed of Trust was recorded on May 24, 2005 under the recording
18 number Reel: 2481 Page: 477 of the Official Records of Marion County, Oregon, against the
19 Property, which is legally described as: See Exhibit "1" attached hereto. ("Property") and constitutes
20 a valid lien against the Property.

21 5.

22 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
23 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

24 6.

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

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7.

A judgment of foreclosure in the amount of \$239,876.68 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 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.

Defendants DANIEL E. BROWN and BARBARA J. BROWN aka BARBARA BROWN aka BARBARA JOANN JONES are 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.

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

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 Defendants DANIEL E. BROWN and BARBARA J. BROWN aka BARBARA BROWN aka BARBARA JOANN JONES. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

DECLARATION OF DEBT SECURED BY DEED OF TRUST
(Pursuant to Senate Bill 368)

18.

Under the terms of the Deed of Trust and the Note dated May 11, 2005, in the original principal amount of \$143,650.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

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DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

1. Judgment Creditor: DEUTSCHE BANK NATIONAL TRUST
Address: COMPANY AS TRUSTEE FOR THE
HOLDERS OF NEW CENTURY HOME
EQUITY LOAN TRUST, SERIES 2005-A,
ASSET BACKED PASS-THROUGH
CERTIFICATES
c/o MALCOLM ♦ CISNEROS,
A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612

Judgment Attorney: Nathan F. Smith
Address: MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, California 92612
Telephone Number: (949) 252-9400

**2. Persons or Public Bodies Entitled to
a Portion the Judgment:** N/A

3. Judgment Amount: \$237,497.18

4. Pre-Judgment Interest: Simple interest to accrue on \$135,175.61 from
September 1, 2017 to the date the Judgment is
entered into the Court's register at 6.2500% per
annum, \$23.1465 per diem.

1 **5. Post-Judgment Interest:**

Simple interest to accrue on \$239,876.68 plus
2 Pre-Judgment Interest from the day after the
3 General Judgment is entered to the date upon
4 which the Writ of Execution in Foreclosure is
5 levied at the legal rate of interest or 9% per
6 annum, whichever is greater.

7 **6. Periodic accrual:**

N/A

8 **7. Attorney's Fees and Costs:**

An award of \$2,379.50 in attorney's fees and
9 costs is made.

Signed: 9/11/2017 02:57 PM



Circuit Court Judge Mary M. James

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18 Submitted by:



Dated:

9/7/17

19
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21
22 Nathan F. Smith, OSB #120112
Attorney for Plaintiff
23 MALCOLM ♦ CISNEROS, A Law Corporation
24 2112 Business Center Drive, Second Floor
Irvine, California 92612
25 Phone: (949) 252-9400
26 Fax: (949) 252-1032
Email: nathan@mclaw.org

Exhibit 1

Legal Description

Lot 13, APPLE TREE ESTATES-PHASE I, in the City of Keizer, County of Marion and State of Oregon.


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CERTIFICATE OF READINESS

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

- Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule or otherwise.
- The relief sought is against an opposing party who has been found in default.
- An order of default is being requested with this proposed judgment.
- Each opposing party affected by this order or judgment has stipulated to the order or judgment, as shown by each opposing party's signature on the document being submitted.
- Each opposing party affected by this order or judgment has approved the order or judgment, as shown by 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 all parties entitled to service and:
 - No objection has been served on me.
 - I received objections that I could not resolve with the opposing 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 opposing party] agreed to independently file any remaining objection.
- This is a proposed judgment that includes an award of punitive damages.

DATED: 9/7, 2017

By: 
 Nathan F. Smith, OSB #120112
 Attorney for Plaintiff
 MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, Second Floor
 Irvine, California 92612
 (949) 252-9400 (TELEPHONE)
 (949) 252-1032 (FAX)



CERTIFICATE OF READINESS

Malcolm ♦ Cisneros, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, CA 92612

REEL: 3996

PAGE: 310

September 25, 2017, 03:42 pm.

CONTROL #: 477128

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.