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LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
TRUST.

Plaintiff,

vs.

DAVID W. COLLETT, an individual;
BARBARA COLLETT AKA BARBARA D.
COLLETT, 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: 17CV08529

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LINCOLN COUNTY, OREGON:

1.

WHEREAS, on December 1, 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

1 redemption, if applicable), all of the interest which the Defendants DAVID W. COLLETT and
2 BARBARA COLLETT AKA BARBARA D. COLLETT ("Defendants") had on April 25, 2006, the
3 date of the foreclosed Deed of Trust which was recorded on April 27, 2006, as Instrument No.
4 200606308.1 in the official records of the Lincoln County Recorder's Office, and/or all of the
5 interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the
6 Judgment as follows:

7
8 **Lender's Principal Judgment:**

9 Unpaid Principal Balance:	\$107,540.30
10 Pre-Judgment Interest from May 1, 11 2013 to November 3, 2017, the date set 12 forth in the Judgment at 6.840% per 13 annum. (\$20.15 per diem):	\$33,141.23
14 Lender's Fees and Costs:	\$13,967.17
15 Attorney's Fees and Costs:	\$4,220.45
16	
17 <i>Total Judgment Entered:</i>	<i>\$158,869.15</i>

18
19 **Additional Pre-Judgment Interest:**

20 Accrued Interest from November 4, 21 2017, the day after the date set forth in 22 the Judgment through December 1, 23 2017, the date of entry of the Judgment, 24 at 6.840% per annum (\$20.15 per 25 diem):	\$544.05
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Total Judgment Entered Including

Additional Pre-Judgment

Interest: \$159,413.20

3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$159,413.20 at the legal rate of interest of 9% per annum, \$39.30 per diem, from December 2, 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 3408 Harlan Burtwoods Rd, Blodgett, OR 97326 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust
c/o Caliber Home Loans, Inc.
13801 Wireless Way
Oklahoma City, Oklahoma 73134-2500

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

U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust
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: 2/7/2018 09:38 AM

A handwritten signature in black ink, appearing to read "St. Zalewski".

Circuit Court Clerk Steven Zalewski

Lincoln County Circuit Court
Certified to be a true
and correct
copy of the original

A handwritten signature in blue ink, appearing to read "St. Zalewski".



Submitted by:

A handwritten signature in black ink, appearing to read "Nathan F. Smith".

Dated:

2/6/18

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

Beginning at the Southeast corner of Section 28, Township 11 South, Range 8 West, of the Willamette Meridian, in Lincoln County, Oregon; thence North 89° 55' 37" West along the South line of said section 843.60 feet to a 5/8 inch iron rod; thence North 00° 00' 23" East 980 feet to a 5/8 inch iron rod; thence South 84° 22' 01" East 847.20 feet to a 5/8 inch iron rod on the East line of said section; thence South 00° 01' 31" East 898.27 feet to the place of beginning.

EXCEPTING THEREFROM that portion lying within Burnt Woods-Harlan Road No. 547.

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**IN THE CIRCUIT COURT OF THE STATE OF OREGON
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U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF10 MASTER PARTICIPATION
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Plaintiff.

vs.

DAVID W. COLLETT, an individual;
BARBARA COLLETT AKA BARBARA D.
COLLETT, 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: 17CV08529

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

- (1) DAVID W. COLLETT**
- (2) BARBARA COLLETT AKA BARBARA D. COLLETT**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF10 Master Participation Trust ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants DAVID W. COLLETT and BARBARA COLLETT AKA BARBARA D. COLLETT ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an order of default has been entered against them on Plaintiff's Complaint, and that Plaintiff is

1 entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property
2 commonly known as 3408 Harlan Burtwoods Rd, Blodgett, OR 97326 ("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 loan agreement ("Note"), dated April 25, 2006, in the
9 amount of \$116,942.78. and executed by DAVID W. COLLETT and BARBARA COLLETT AKA
10 BARBARA D. COLLETT.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") dated April 25, 2006 and
13 executed by DAVID W. COLLETT and BARBARA COLLETT AKA BARBARA D. COLLETT.
14 The Deed of Trust was recorded on April 27, 2006 under the recording number 200606308.1 of the
15 Official Records of Lincoln County, Oregon, against the Property, which is legally described as:
16 Attached hereto as Exhibit "1" ("Property") and constitutes a valid lien against the Property.

17 5.

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

20 6.

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

25 7.

26 A judgment of foreclosure in the amount of \$158,869.15 shall be granted in favor of Plaintiff,
27 and its successors and/or assigns, as further described below in the Declaration of Amount Owed -
28 Not a Money Award ("Amount Owed").

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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 DAVID W. COLLETT and BARBARA COLLETT AKA BARBARA D. COLLETT 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.

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

1 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
2 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

3 15.

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

7 16.

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

10 17.

11 This suit does not constitute an attempt to collect the debt against Defendants DAVID W.
12 COLLETT and BARBARA COLLETT AKA BARBARA D. COLLETT. Rather, it is a suit to
13 execute upon the Property as security for the Amount Owed.

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

16 18.

17 Under the terms of the Deed of Trust and the Note dated April 25, 2006, in the original
18 principal amount of \$116,942.78, there is now due and owing the following amounts, to be
19 hereinafter described as the Amount Due:

20 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

21 1. Judgment Creditor:	U.S. Bank Trust, N.A., as Trustee for LSF10
22 Address:	Master Participation Trust
23	c/o MALCOLM ♦ CISNEROS,
24	A Law Corporation
	2112 Business Center Drive, 2 nd Floor
	Irvine, California 92612
25 Judgment Attorney:	Nathan F. Smith
26 Address:	MALCOLM ♦ CISNEROS, A Law Corporation
	2112 Business Center Drive, 2 nd Floor
	Irvine, California 92612
27 Telephone Number:	(949) 252-9400
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2. Persons or Public Bodies Entitled to a Portion the Judgment:

N/A

3. Judgment Amount:

\$154,648.70

4. Pre-Judgment Interest:

Simple interest to accrue on \$107,540.30 from November 4, 2017 to the date the Judgment is entered into the Court's register at 6.840% per annum, \$20.15 per diem.

5. Post-Judgment Interest:

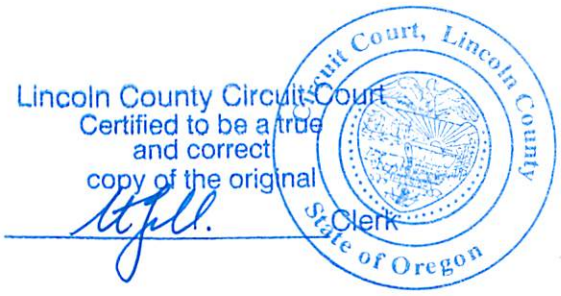
Simple interest to accrue on \$158,869.15 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

An award of \$4,220.45 in attorney's fees and costs is made.



Signed: 11/30/2017 01:28 PM

Circuit Court Judge David V. Cramer

Submitted by:

Dated: 11/28/17

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

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EXCEPTING THEREFROM that portion lying within Burnt Woods-Harlan Road No. 547.

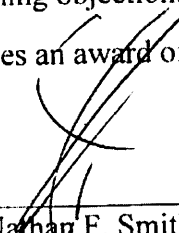
CERTIFICATE OF READINESS

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: 11/28, 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)