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FEB 21 2018

LINCOLN COUNTY SHERIFF'S OFFICE
NEWPORT, OR

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

U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN
INTEREST TO WILMINGTON TRUST
COMPANY, AS TRUSTEE, SUCCESSOR
IN INTEREST TO BANK OF AMERICA
NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR BY MERGER
TO LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR
LEHMAN XS TRUST MORTGAGE
PASS-THROUGH CERTIFICATES,
SERIES 2007-3

Case No. 17CV00938

Plaintiff,

WRIT OF EXECUTION

vs.

SANDRA ESPANA; SALVDOR ESPANA;
CORONADO SHORES BEACH CLUB,
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; USA
DIRECT FUNDING; AURORA LOAN
SERVICES LLC; AURORA
COMMERCIAL CORP.; CAPITAL ONE
BANK NA; PARTIES IN POSSESSION

Defendants.

TO: LINCOLN COUNTY SHERIFF

1- WRIT OF EXECUTION
S&S No. 16-119280

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 WHEREAS, on November 28, 2017, in the above-entitled court, a General Judgment of
2 Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and
3 was duly entered and docketed in the above-entitled cause

4 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
5 commanded to sell, in the manner prescribed by law for the sale of real property upon execution
6 (subject to redemption) all of the interest which the defendants had on December 20, 2006, the
7 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in
8 the real property described in the judgment:

9 LOT 256, BLOCK 13, CORONADO SHORES DIVISION NO. 3, IN LINCOLN COUNTY,
10 OREGON.

11 and commonly known as 5780 Hacienda Avenue, Gleneden Beach, OR 97388 to satisfy the sum
12 of \$204,146.70, as of January 24, 2018, together with additional post judgment interest of 9.00%
13 from that date (\$49.64 per day), and costs of this execution, making due return within 60 days
14 after you receive this writ.
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25 2- WRIT OF EXECUTION
26 S&S No. 16-119280

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1 U.S. Bank National Association, as Trustee, successor in interest to Wilmington Trust
2 Company, as Trustee, successor in interest to Bank of America National Association, as Trustee,
3 successor by merger to LaSalle Bank National Association, as Trustee for Lehman XS Trust
4 Mortgage Pass-Through Certificates, Series 2007-3 is the Judgment Creditor, and its address for
5 purpose of this writ only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite
6 255, Vancouver, WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the
7 Judgment Creditor.
8



Signed: 2/1/2018 01:22 PM

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

Circuit Court Clerk Steven Zalewski

Submitted by:
Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

By: A handwritten signature in black ink, appearing to read "J. Craft".

James A. Craft #090146 [jcraft@logs.com]
 Kelly D. Sutherland #87357 [ksutherland@logs.com]
 Cara J. Richter #094855 [crichter@logs.com]
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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 LINCOLN

U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE, SUCCESSOR IN INTEREST TO
WILMINGTON TRUST COMPANY, AS
TRUSTEE, SUCCESSOR IN INTEREST TO
BANK OF AMERICA NATIONAL
ASSOCIATION, AS TRUSTEE, SUCCESSOR BY
MERGER TO LASALLE BANK NATIONAL
ASSOCIATION, AS TRUSTEE FOR LEHMAN
XS TRUST MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2007-3,

Plaintiff,

vs.

SANDRA ESPANA; SALVDOR ESPANA;
CORONADO SHORES BEACH CLUB, INC.;
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.; USA DIRECT FUNDING;
AURORA LOAN SERVICES LLC; AURORA
COMMERCIAL CORP.; CAPITAL ONE BANK
NA; PARTIES IN POSSESSION,

Defendants.

Case No. 17CV00938

GENERAL JUDGMENT OF
FORECLOSURE AND SALE

Defaults having been granted against Defendant, Aurora Loan Services LLC and Default
having been entered against Defendants, Sandra L. Espana, Salvdor Espana a/k/a Salvador
Espana, Coronado Shores Beach Club, Inc., Mortgage Electronic Registration Systems, Inc.,
USA Direct Funding, Aurora Commercial Corp. and Capital One Bank NA and Defendant(s),
Parties in Possession, having been dismissed and Defendant, USA Direct Funding, having
stipulated to entry of judgment:

1 - GENERAL JUDGMENT OF FORECLOSURE AND
SALE
S&S No. 16-119280

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1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683
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1 It is hereby

2 ORDERED AND ADJUDGED:

3 1. The real property to which this judgment relates (hereafter the "Property") is situated in
4 Lincoln County, Oregon is commonly known as 5780 Hacienda Avenue, Gleneden Beach,
5 OR 97388 and is legally described as follows:

6 Lot 256, Block 13, CORONADO SHORES DIVISION NO. 3, in Lincoln County,
7 Oregon.

8 2. The Deed of Trust executed and delivered by Defendant, Sandra Espana ("Borrower") on or
9 about December 20, 2006 and recorded on December 28, 2006 as Document No. 2006-
10 19656 in the official records of Lincoln County, Oregon, is a valid and perfected lien against
11 all of the Property for the amount of Plaintiff's judgment as provided herein.

12 3. The Plaintiff is the holder of the original note dated December 20, 2006 and made by Sandra
13 Espana in the amount of \$196,000.00. A copy of the Note was attached to the complaint as
14 Exhibit "2". Plaintiff is the holder of the Note and the beneficial interest in the Deed of
15 Trust (together the "Loan").

16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in
17 interest in the Property is foreclosed and terminated excepting only any statutory right of
18 redemption as provided by Oregon law.
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25 2 - GENERAL JUDGMENT OF FORECLOSURE AND
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- 1 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining
2 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to
3 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment
4 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment
5 interests and priorities.
- 6
- 7 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 8 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
9 thereafter acquired in the subject Property, is hereby ordered to be sold by the Lincoln
10 County Sheriff's Office in accordance with the process for sale upon execution, and the
11 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
12 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
13 as their interest may appear or to the clerk of the court to be distributed to such party of
14 parties as may establish their right thereto.
- 15
- 16 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 17 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
18 from and after the date of the sale and is entitled to such remedies as are available at law or
19 in equity to secure possession.
- 20
- 21 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
22 any person holding possession under or through such Defendant(s) shall refuse to surrender
23 possession to the purchaser immediately on the purchaser's demand for possession.

24 //

11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Principal	\$178,320.16	
Prejudgment interest at 4.75% through April 14, 2017 (accruing thereafter until entry of judgment at \$23.21 per diem)		\$8,474.68
Late Charges	\$0.00	
Other Costs and fees (recoverable)	3,631.00	
Property Tax	\$933.00	
Hazard Insurance	\$1,354.00	
Property Inspections	\$165.00	
Property Preservation	\$1,179.00	
Subtotal		\$181,951.16
Total plus Prejudgment Interest		\$190,425.84

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

Costs		\$2,849.50
Title Search Cost	\$648.00	
Skip Trace Costs	\$100.00	
Filing Fee	\$531.00	
Lis Pendens Recording Fee	\$58.00	
Service Costs	\$1,237.50	
Prevailing Party Fee	\$275.00	
Attorney fees		\$2,750.00
Total		\$5,599.50

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

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4 - GENERAL JUDGMENT OF FORECLOSURE AND SALE
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no
3 event should it be construed as establishing personal liability for any persons whose debt has
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be
7 entitled to any further judgment, including a judgment for deficiency.
8

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

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

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS
20 18.936.
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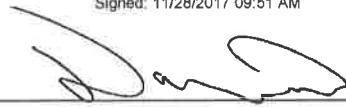
25 5 - GENERAL JUDGMENT OF FORECLOSURE AND
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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the
3 foreclosure sale to obtain possession.
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Signed: 11/29/2017 09:51 AM



Circuit Court Judge David V. Cramer

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12
13
14 **Certificate of Readiness under UTCR 5 100**

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

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

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

2 5. 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
3 this rule.

4 6. Other: _____

5 Submitted by:

6 Attorneys for Plaintiff,
SHAPIRO & SUTHERLAND, LLC

11-27-17

7 By: _____

- 8 James A. Craft #090146 [jcraft@logs.com]
9 Kelly D. Sutherland #87357 [ksutherland@logs.com]
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