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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

BARBARA K. PARMENTER, an individual;
UNITED STATES OF AMERICA, a
government entity; STATE OF OREGON, a
government entity; GERALD THOMAS, an
individual; UNITED STATES OF
AMERICA, a government entity; 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: 161421755

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on December 19, 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 UNITED STATES OF
3 AMERICA, STATE OF OREGON, GERALD THOMAS, and BARBARA K. PARMENTER
4 (“Defendants”) had on November 19, 2007, the date of the foreclosed Deed of Trust which was
5 recorded on November 27, 2007, as Instrument No. 2007-078954 in the official records of the Lane
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:	\$284,265.29
11 Pre-Judgment Interest from February	
12 10, 2010 to June 29, 2017, the date set	
13 forth in the Judgment at 6.875%, per	
14 annum, (\$53.54 per diem):	\$144,816.01
15 Lender’s Fees and Costs:	\$28,352.11
16	
17 <i>Total Judgment Entered:</i>	<i>\$457,433.41</i>

18

19 **Additional Pre-Judgment Interest:**

20 Accrued Interest from June 30, 2017,	
21 the day after the date set forth in the	
22 Judgment through December 19, 2017,	
23 the date of entry of the Judgment, at	
24 6.875%, per annum (\$53.54 per diem):	\$9,208.88

25

26 ***Total Judgment Entered Including***

27 ***Additional Pre-Judgment***

28 <i>Interest:</i>	<i>\$466,642.29</i>
----------------------------	----------------------------

1 3.

2 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$466,642.29 at
3 the legal rate of interest of 9% per annum, \$115.06 per diem, from December 20, 2017 to the date
4 the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
5 costs of this Writ, Sheriff's fees and sale costs, and all other recovered costs pursuant to law.

6 4.

7 The real property subject to this writ of execution is commonly known as 5409 Ivy Street,
8 Springfield, OR 97478 ("Property") and described in Exhibit "1" attached hereto.

9 5.

10 The Judgment Creditor's name and address is:

11 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust
12 c/o Caliber Home Loans, Inc.
13 13801 Wireless Way
14 Oklahoma City, Oklahoma 73134-2500

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

16 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust
17 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
18 2112 Business Center Drive
19 Irvine, CA 92612
20 949-252-9400

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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after you receive this Writ.

February 12, 2018



*By: [Signature]
Court Clerk*

Submitted by: *[Signature]*

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

A parcel of land lying in the Northeast 1/4 of Section 4, Township 18 South, Range 2 West of the Willamette Meridian, and being further described as follows:

Commencing at the intersection of South 55th Place with the centerline of Ivy Street; and run thence North 88 ° 00' West along the centerline of said Ivy Street and its Westerly extension, 460.33 feet; thence North 40 ° 34' 00" West, 38.03 feet to the Point of Beginning of the parcel herein described; from the Point of Beginning run thence South 40 ° 34' 00" East, 85.00 feet; thence South 49 ° 26' 00" West, 120.00 feet; thence North 40 ° 34' 00" West, 85.00 feet; thence North 49 ° 26' 00" East, 120.00 feet to the Point of Beginning, in Lane County, Oregon.

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

BARBARA K. PARMENTER, an individual;
UNITED STATES OF AMERICA, a
government entity; STATE OF OREGON, a
government entity; GERALD THOMAS, an
individual; UNITED STATES OF
AMERICA, a government entity; 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: 161421755

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

**1. UNITED STATES OF AMERICA,
STATE OF OREGON, GERALD THOMAS,
AND BARBARA K. PARMENTER**

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 LSF9 Master Participation Trust ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants UNITED

1 STATES OF AMERICA, STATE OF OREGON, GERALD THOMAS, and BARBARA K.
2 PARMENTER ("Defendants") were duly served with the Summons and Complaint as required by
3 law; that Defendants United States of America, State of Oregon and Gerald Thomas were ordered to
4 be in default, and that Summary Judgment was ordered in favor of the Plaintiff as to Ms. Parmenter,
5 Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the
6 property commonly known as 5409 IVY STREET, SPRINGFIELD, OR 97478 ("Property") and
7 extinguishing any and all interest of the Defendants in the Property.

8 2.
9 The Court being fully advised; it is hereby
10 ORDERED AND ADJUDGED that:

11 3.
12 Plaintiff is the holder of that certain note ("Note"), dated November 19, 2007, in the amount
13 of \$292,000.00, and executed by BARBARA K. PARMENTER.

14 4.
15 The Note is secured by that certain deed of trust ("Deed of Trust") dated November 19, 2007
16 and executed by BARBARA K. PARMENTER. The Deed of Trust was recorded on November 27,
17 2007 under the recording number 2007-078954 of the Official Records of Lane County, Oregon,
18 against the Property, which is legally described as:

19 See Legal Description attached as Exhibit 1.

20 5.
21 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared
22 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

23 6.
24 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
25 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
26 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
27 may be entitled under Oregon law.

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7.

A judgment of foreclosure in the amount of \$457,433.41 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.

Defendant BARBARA K. PARMENTER is 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 Defendant BARBARA K. PARMENTER. 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 November 19, 2007, in the original principal amount of \$292,000.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

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7. Attorney's Fees and Costs:

Attorneys' Fees and Costs May be Awarded
Pursuant to ORCP 68C

GRANTED.

DENIED.

November 22, 2017



Karrie K. McIntyre, Circuit Court Judge

Submitted by:

Dated: October 31, 2017

s/ Steve Bonfiglio

Steve Bonfiglio, OSB #051220
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: sbonfiglio@mclaw.org

EXHIBIT 1

BLT - 54093
Page 1 of 1
Legal Description

EXHIBIT A

A parcel of land lying in the Northeast $\frac{1}{4}$ of Section 4, Township 18 South, Range 2 West of the Willamette Meridian, and being further described as follows:

Commencing at the intersection of the centerline of South 55th Place with the centerline of Ivy Street; and run thence North 88° 00' West along the centerline of said Ivy Street and its Westerly extension 478.00 feet; thence North 20° 00' West 9.70 feet to the Point of Beginning of the parcel herein described from the Point of Beginning; run thence South 20° 00' East 85.00 feet; thence South 70° 00' West 120 feet; thence North 20° 00' West 85.00 feet; thence North 70° 00' East 120.00 feet to the Point of Beginning, in Springfield, Lane County, Oregon.

1 **CERTIFICATE OF READINESS**

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

- 3 Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule
4 or otherwise.
- 5 The relief sought is against an opposing party who has been found in default.
- 6 An order of default is being requested with this proposed judgment.
- 7 Each opposing party affected by this order or judgment has stipulated to the order or
8 judgment, as shown by each opposing party's signature on the document being
9 submitted.
- 10 Each opposing party affected by this order or judgment has approved the order or
11 judgment, as shown by signature on the document being submitted or by written
12 confirmation of approval sent to me.
- 13 I have served a copy of this order or judgment on all parties entitled to service and:
14 No objection has been served on me.
15 I received objections that I could not resolve with the opposing party despite
16 reasonable efforts to do so. I have filed a copy of the objections I received and
17 indicated which objections remain unresolved.
- 18 After conferring about objections, [role and name of opposing party] agreed
19 to independently file any remaining objection.
- 20 This is a proposed judgment that includes an award of punitive damages.

20 DATED: October 31, 2017

21 By: s/ Steve Bonfiglio
22 Steve Bonfiglio, OSB #051220
23 Attorney for Plaintiff
24 MALCOLM ♦ CISNEROS, A Law Corporation
25 2112 Business Center Drive, Second Floor
26 Irvine, California 92612
27 (949) 252-9400 (TELEPHONE)
28 (949) 252-1032 (FAX)
Email: sbonfiglio@mclaw.org

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing **GENERAL JUDGMENT OF FORECLOSURE** 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:

Barbara K. Parmenter
5409 Ivy Street
Springfield, OR 97478

DATED: October 31, 2017

MALCOLM ♦ CISNEROS, A Law Corporation

s/ May Flores
May Flores
MALCOLM ♦ CISNEROS, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: mflores@mclaw.org