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CIRCUIT COURT, LANE CO

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

U.S. ROF IV LEGAL TITLE TRUST 2015-1,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

DARWIN ANTHONY ISENHOUR, in his
capacity as the Personal Representative for the
Estate of Floyd Randolph Isenhour; 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: 161500387

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on February 2, 2018, 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 Defendant DARWIN ANTHONY
2 ISENHOUR, IN HIS CAPACITY AS THE PERSONAL REPRESENTATIVE FOR THE ESTATE
3 OF FLOYD RANDOLF ISENHOUR ("Defendant") had on June 25, 2010, the date of the foreclosed
4 Deed of Trust which was recorded on June 30, 2010, as Instrument No. 2010-030886 in the official
5 records of the Lane County Recorder's Office, and/or all of the interest which Defendants had
6 thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

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

9 Unpaid Principal Balance:	\$144,808.83
10 Pre-Judgment Interest from July 11, 11 2011 to January 31, 2018, the date set 12 forth in the Judgment at 5.250%, per 13 annum, (\$21.12 per diem):	\$50,049.66
14 Lender's Fees and Costs:	\$27,146.22
15 Attorney's Fees and Costs:	\$1,935.00
16	
17 <i>Total Judgment Entered:</i>	<i>\$223,939.71</i>

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

20 Accrued Interest from February 1, 2018 21 the day after the date set forth in the 22 Judgment through February 2, 2018, the 23 date of entry of the Judgment, at 5.25%, 24 per annum (\$21.12 per diem):	\$21.12
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25
26 ***Total Judgment Entered Including***

27 ***Additional Pre-Judgment***

28 <i>Interest:</i>	<i>\$223,960.83</i>
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3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$223,960.83 at the legal rate of interest of 9% per annum, \$55.22 per diem, from February 3, 2018 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 1578 S 4TH STREET, COTTAGE GROVE, OR 97424 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS
LEGAL TITLE TRUSTEE
c/o BSI FINANCIAL SERVICES
1425 Greenway Drive, Suite 400
Irving, TX 75038

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

U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS
LEGAL TITLE TRUSTEE
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

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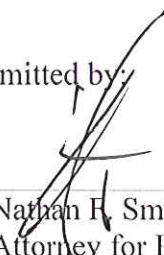
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THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

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

MAR - 8 2018

Submitted by:


Nathan R. 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

By: *Angie Jones*
court clerk

Dated: *2/28/18*



Exhibit 1

Lot 3, Block 1, WOODARD PLAT, as platted and recorded in Book 31, Page 24, Lane County Oregon Plat Records, in the City of Cottage Grove, Lane County, Oregon.

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

U.S. ROF IV LEGAL TITLE TRUST 2015-1,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

DARWIN ANTHONY ISENHOUR, in his
capacity as the Personal Representative for the
Estate of Floyd Randolph Isenhour, ; 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: 161500387

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

1. DARWIN ANTHONY
ISENHOUR, IN HIS CAPACITY AS THE
PERSONAL REPRESENTATIVE FOR
THE ESTATE OF FLOYD RANDOLF
ISENHOUR

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record
herein that Plaintiff, U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE TRUSTEE ("Plaintiff"), filed its Complaint for Foreclosure of
Deed of Trust; that Defendant DARWIN ANTHONY ISENHOUR, in his capacity as the Personal
Representative for the Estate of Floyd Randolph Isenhour ("Defendant") were duly served with the

1 Summons and Complaint as required by law; that Defendant failed to appear, that an order of default
2 has been entered against him on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a
3 General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as
4 1578 S 4TH STREET, COTTAGE GROVE, OR 97424 ("Property") and extinguishing any and all
5 interest of the Defendant in the Property.

6 2.

7 The Court being fully advised; it is hereby
8 ORDERED AND ADJUDGED that:

9 3.

10 Plaintiff is the holder of that certain promissory note ("Note"), dated June 25, 2010, in the
11 amount of \$146,880.00, and executed by Floyd Randolph Isenhour.

12 4.

13 The Note is secured by that certain deed of trust ("Deed of Trust") dated June 25, 2010 and
14 executed by Floyd Randolph Isenhour. The Deed of Trust was recorded on June 30, 2010 under the
15 recording number 2010-030886 of the Official Records of Lane County, Oregon, against the
16 Property, which is legally described as: SEE EXHIBIT "1" ("Property") and constitutes a valid lien
17 against the Property.

18 5.

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

21 6.

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

26 7.

27 A judgment of foreclosure in the amount of \$223,939.71 shall be granted in favor of Plaintiff,
28 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –

1 Not a Money Award ("Amount Owed").

2 8.

3 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the
4 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be
5 disbursed to such party or parties as may establish their right thereto.

6 9.

7 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary
8 costs and expenses incurred to enforcing the Note and Deed of Trust.

9 10.

10 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,
11 assessments, municipal charges, and such other items as may constitute liens on the Property,
12 together with insurance and repairs necessary to prevent the impairment of the Property, together
13 with interest thereon from the date of payment may also be added to the Amount Owed and paid
14 from the proceeds from the sale of the Property.

15 11.

16 Defendant and all parties claiming an interest in the Property as purchasers, encumbrancers,
17 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and
18 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
19 State of Oregon.

20 12.

21 Floyd Randolph Isenhour is not entitled to a homestead exemption in the Property.

22 13.

23 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the
24 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

25 14.

26 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate
27 possession of the Property from and after the date of the sale, and is entitled to such remedies as are
28 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 Defendant, 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 Defendant DARWIN
12 ANTHONY ISENHOUR, in his capacity as the Personal Representative for the Estate of Floyd
13 Randolph Isenhour. Rather, it is a suit to 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 June 25, 2010, in the original
18 principal amount of \$146,880.00, there is now due and owing the following amounts, to be
19 hereinafter described as the Amount Due:

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

22 **1. Judgment Creditor:** U.S. ROF IV LEGAL TITLE TRUST 2015-1,
23 Address: BY U.S. BANK NATIONAL ASSOCIATION,
24 AS LEGAL TITLE TRUSTEE
25 c/o MALCOLM ♦ CISNEROS,
26 A Law Corporation
27 2112 Business Center Drive, 2nd Floor
28 Irvine, California 92612

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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

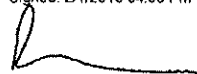
- 2. Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. Judgment Amount:** \$222,004.71
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$144,808.83 from February 1, 2018 to the date the Judgment is entered into the Court's register at 5.25% per annum, \$21.1180 per diem.
- 5. Post-Judgment Interest:** Simple interest to accrue on \$223,939.71 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

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7. Attorney's Fees:

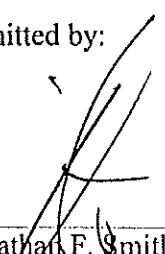
An award of \$1,935.00 in attorney's fees is made.

Signed: 2/1/2018 04:00 PM



R. Curtis Conover, Circuit Court Judge

Submitted by:



Dated:

1/19/18

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

Lot 3, Block 1, WOODARD PLAT, as platted and recorded in Book 31, Page 24, Lane County Oregon Plat Records, in the City of Cottage Grove, Lane County, Oregon.

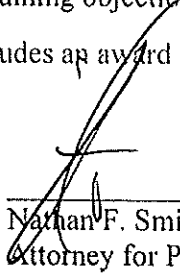
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CERTIFICATE OF READINESS

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: 1/19, 2018

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)

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

U.S. ROF IV LEGAL TITLE TRUST 2015-1,
BY U.S. BANK NATIONAL
ASSOCIATION, AS LEGAL TITLE
TRUSTEE,

Plaintiff,

vs.

DARWIN ANTHONY ISENHOUR, in his
capacity as the Personal Representative for the
Estate of Floyd Randolph Isenhour; 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: 161500387

**ASSIGNMENT OF GENERAL JUDGMENT
OF FORECLOSURE**

U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S. BANK NATIONAL ASSOCIATION, AS
LEGAL TITLE TRUSTEE hereby sells, transfers, conveys, and assigns to HMC Assets, LLC solely
in its capacity as Separate Trustee of CAM XVIII Trust that certain General Judgment of
Foreclosure against DARWIN ANTHONY ISENHOUR, in his capacity as the Personal
Representative for the Estate of Floyd Randolph Isenhour, in Lane County Circuit Court Case No.


1 161500387 signed and entered on May 25, 2017, together with all related rights and interests. A
2 copy of the General Judgment of Foreclosure issued by the Multnomah County Circuit Court dated
3 February 2, 2018 is attached hereto as Exhibit "1" and is incorporated herein by this reference.

4 The Assignee herein, HMC Assets, LLC solely in its capacity as Separate Trustee of CAM
5 XVIII Trust, may take all lawful means for the recovery of the money due and to become due on the
6 Judgment, may take any available legal action, and exercise all available legal rights. without
7 limitation. No part of the judgment has been paid to date.

8 The Clerk of the Court shall note this assignment in the court's records. The County Records
9 Clerk shall record this Assignment in the Lane County, Oregon records.

10 Dated this 7th day February, 2018.

11 U.S. ROF IV LEGAL TITLE TRUST 2015-1, BY U.S.
12 BANK NATIONAL ASSOCIATION, AS LEGAL
13 TITLE TRUSTEE

14 By: 
15 Nathan F. Smith, OSB #120112
16 Attorney for Plaintiff

17 A notary public or other office completing this
18 certificate verifies only the identity of the
19 individual who signed the document to which this
20 certificate is attached, and not the truthfulness,
accuracy, or validity of that document.

21 State of California

22 County of Orange

23 Subscribed and Sworn to (or affirmed) before me on this 7 day of February, 2018,
24 by Nathan F. Smith, proved to me on the basis of satisfactory
25 (insert name of signer)
evidence to be the person(s) who appeared before me.

26 (Seal)



27 Signature

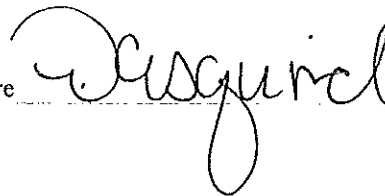


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