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CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 23rd day of Jan, 2018.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: Jamie Allen
COURT CLERK

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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

JIMMY G. HUNTLEY, an individual;
ROBIN S HUNTLEY AKA ROBIN S.
FOSTER-HUNTLEY AKA ROBIN SELINA
HUNTLEY, 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: 15CV25795

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on April 4, 2016, 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 JIMMY G. HUNTLEY AND
2 ROBIN S HUNTLEY AKA ROBIN S FOSTER-HUNTLEY AKA ROBIN SELINA HUNTLEY
3 (“Defendants”) had on April 3, 1996, the date of the foreclosed Deed of Trust which was recorded
4 on April 12, 1996, as Instrument No. 405-2796 in the official records of the Deschutes County
5 Recorder’s Office, and/or all of the interest which Defendants had thereafter, in the real property
6 described in the Judgment to satisfy the Judgment as follows:

7
8 **Lender’s Principal Judgment:**

9 Unpaid Principal Balance:	\$40,613.97
10 Pre-Judgment Interest from October 1,	
11 2012 to December 18, 2015, the date set	
12 forth in the Judgment at 7.500%, per	
13 annum, (\$8.3453 per diem):	\$9,787.79
14 Lender’s Fees and Costs:	\$5,151.05
15 Attorney’s Fees and Costs:	\$5,705.50
16	
17 <i>Total Judgment Entered:</i>	<i>\$61,258.31</i>

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

20 Accrued Interest from December 19,	
21 2015, the day after the date set forth in	
22 the Judgment through April 4, 2016, the	
23 date of entry of the Judgment, at	
24 7.500%, per annum (\$8.3453 per diem):	\$892.95

25	
26 <i>Total Judgment Entered Including</i>	
27 <i>Additional Pre-Judgment</i>	
28 <i>Interest:</i>	<i>\$62,151.26</i>

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3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$62,151.26 at the legal rate of interest of 9% per annum, \$15.32 per diem, from April 5, 2016 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 60228 CRATER ROAD, BEND, OR 97702 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

BANK OF AMERICA, N.A.
c/o Carrington Mortgage Services, LLC
1600 South Douglas Road
Suite 200-A
Anaheim, CA 92806

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

BANK OF AMERICA, N.A.
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

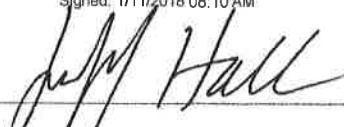
THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

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

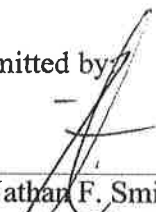
Signed: 1/11/2018 08:10 AM



Trial Court Administrator Jeffrey E. Hall



Submitted by



Dated: 1/4/18

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 20, Block KKK, DESCHUTES RIVER WOODS, Deschutes County, Oregon



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 23rd day of May 2017
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY Devi Allen
COURT CLERK

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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

JIMMY G. HUNTLEY, an individual;
ROBIN S HUNTLEY AKA ROBIN S.
FOSTER-HUNTLEY AKA ROBIN SELINA
HUNTLEY, 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: 15CV25795

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. **JIMMY G. HUNTLEY**
2. **ROBIN S HUNTLEY AKA ROBIN S. FOSTER-HUNTLEY AKA ROBIN SELINA HUNTLEY**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, Bank of America, N.A. ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants Jimmy G. Huntley and Robin S. Huntley AKA Robin S. Foster-Huntley AKA Robin Selina Huntley ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS JIMMY G. HUNTLEY AND ROBIN S HUNTLEY AKA ROBIN S. FOSTER- HUNTLEY AKA ROBIN SELINA HUNTLEY has been entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing

1 Plaintiff's deed of trust against the property commonly known as 60228 Crater Road, Bend, OR
2 97702 ("Property") and extinguishing any and all interest of the Defendants in the Property.

3 2.

4 The Court being fully advised; it is hereby

5 ORDERED AND ADJUDGED that:

6 3.

7 Plaintiff is the holder of that certain promissory note ("Note"), dated April 3, 1996, in the
8 amount of \$62,413.00, and executed by Defendants Jimmy G. Huntley and Robin S. Huntley AKA
9 Robin S. Foster- Huntley AKA Robin Selina Huntley.

10 4.

11 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about
12 April 8, 1996, by Defendants Jimmy G. Huntley and Robin S. Huntley AKA Robin S. Foster-
13 Huntley AKA Robin Selina Huntley. The Deed of Trust was recorded on April 12, 1996 under the
14 recording number 96-13150 of the Official Records of Deschutes County, Oregon, against the
15 Property, which is legally described as:

16 **LOT 20, BLOCK KKK, DESCHUTES RIVER WOODS, DESCHUTES COUNTY,**
17 **OREGON.**

18 ("Property") and constitutes a valid lien against the Property.

19 5.

20 Defendants failed to comply with the terms of the Note and Deed of Trust by failing to make
21 the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note
22 and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust
23 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 \$61,258.31 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 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 the Defendants. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

1. Judgment Creditor:	BANK OF AMERICA, N.A.
Address:	c/o MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive, 2 nd Floor Irvine, California 92612
Judgment Attorney:	Nathan F. Smith
Address:	MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive, 2 nd Floor Irvine, California 92612
Telephone Number:	(949) 252-9400

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2. Judgment Debtor: JIMMY G. HUNTLEY
Address: 60228 Crater Rd., Bend, OR 97702
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-5198
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

Judgment Debtor 2: ROBIN S. HUNTLEY AKA ROBIN S.
FOSTER-HUNTLEY AKA ROBIN SELINA
HUNTLEY
Address: 60228 Crater Rd., Bend, OR 97702
Year of Birth: Unknown
Final 4 digits of Social Security number: XXX-XX-5535
Driver's license number and issuing state: Unknown
Judgment Debtor Attorney: N/A

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

4. Judgment Amount: \$55,552.81

5. Pre-Judgment Interest: Simple interest to accrue on \$40,613.97 from
December 19, 2015 to the date the Judgment is
entered into the Court's register at 7.500% per
annum, \$8.3453 per diem.

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6. Post-Judgment Interest:

Simple interest to accrue on \$61,258.31 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.

7. Periodic accrual:

N/A

8. Attorney's Fees and Costs:

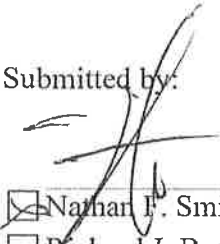
An award of \$5,705.50 in attorney's fees and costs is made.

Signed: 3/31/2016 07:46 AM



Circuit Court Judge Stephen P. Forte

Submitted by:



Dated:

3/28/16

- Nathan F. Smith, OSB #120112
 - Richard J. Bayless, OSB #101826
- Attorneys for Plaintiff
MALCOLM ♦ CISNEROS, ALC
2112 Business Center Drive
Irvine, California 92612
Phone: (949) 252-9400
Fax: (949) 252-1032
Email: nathan@mclaw.org
Rbayless@mclaw.org

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing
1 MOTION FOR JUDGMENT BY DEFAULT AGAINST DEFENDANTS;
2 DECLARATION OF PLAINTIFF'S ATTORNEY IN SUPPORT OF ATTORNEY'S FEES,
3 COSTS AND DISBURSEMENTS;
4 DECLARATION OF PLAINTIFF'S ATTORNEY IN SUPPORT OF MOTION FOR
5 JUDGMENT BY DEFAULT AGAINST DEFENDANTS;
6 DECLARATION OF PLAINTIFF IN SUPPORT OF GENERAL JUDGMENT OF
7 FORECLOSURE AGAINST DEFENDANTS;
8 DECLARATION OF NON-MILITARY STATUS;
9 GENERAL JUDGMENT OF FORECLOSURE AGAINST: JIMMY G. HUNTLEY AND ROBIN
10 S HUNTLEY;

on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as
11 set forth below and deposited in the U.S. Mail at Irvine, California:

12
13
14
15 JIMMY G. HUNTLEY
16 60228 CRATER RD
17 BEND, OR 97702

18 ROBIN S HUNTLEY
19 60228 Crater Road
20 Bend, OR 97702

21 DATED: 03/28/16

MALCOLM ♦ CISNEROS, A Law Corporation

22
23 
24 Roger Bains

25 MALCOLM ♦ CISNEROS, A Law Corporation
26 2112 Business Center Drive, Second Floor
27 Irvine, California 92612
28 Phone: (949) 252-9400
Fax: (949) 252-1032
Email: rbains@mclaw.org

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CERTIFICATE OF READINESS

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

- Service is not required under UTCR 5.100 because the other party has been found in default or an order of default is being requested with this proposed Order or Judgment; because this Order or Judgment is submitted ex parte as allowed by statute or rule; or this Order or Judgment is being submitted in open court with all parties present.
- Each party affected by this Order or Judgment has stipulated to or approved the Order or Judgment, as shown by the signatures on the Order or Judgment.
- I have served a copy of this Order or Judgment and written notice of the objection period set out in UTCR 5.100 on all parties entitled to service and:
 - No objections have been served on me within that time frame;
 - I received objections that I could not resolve with the other party despite reasonable efforts to do so. I have filed with the Court a copy of the objections I received and indicated which objections remain unresolved.
 - After conferring about objections, the other party agreed to file any remaining objection with the Court.