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

BANK OF AMERICA, N.A.,

Plaintiff,

vs.

CASE NUMBER: 15CV19940

WRIT OF EXECUTION IN FORECLOSURE

ESTATE OF ROBERT C. WHITE, an estate;
JEFFREY WHITE, an heir; GREGORY
WHITE, an heir; BRIAN WHITE, an heir;
SHANNON WHITE, an heir; SAMANTHA
WHITE, an heir; UNKNOWN HEIRS OF
ROBERT C. WHITE, individuals; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION, a corporation; 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.

TO: THE SHERIFF OF KLAMATH COUNTY, OREGON:

1.

WHEREAS; on April 5, 2017, in the above-entitled Court, a General Judgment of
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

1 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby
2 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to
3 redemption, if applicable), all of the interest which the Defendants ESTATE OF ROBERT C.
4 WHITE, JEFFREY WHITE, GREGORY WHITE, BRIAN WHITE, SHANNON WHITE,
5 SAMANTHA WHITE, UNKNOWN HEIRS OF ROBERT C. WHITE, AND OREGON
6 AFFORDABLE HOUSING ASSISTANCE CORPORATION ("Defendants") had on October 19,
7 2010, the date of the foreclosed Deed of Trust which was recorded on October 25, 2010, as
8 Instrument No. 2010-012542 in the official records of the Klamath County Recorder's Office, and/or
9 all of the interest which Defendants had thereafter, in the real property described in the Judgment to
10 satisfy the Judgment as follows:

11 **Lender's Principal Judgment:**

12 Unpaid Principal Balance:	\$188,598.63
13 Pre-Judgment Interest from September	
14 1, 2014 to August 25, 2016, the date set	
15 forth in the Judgment at 4.500%, per	
16 annum, (\$23.57 per diem):	\$16,855.89
17 Lender's Fees and Costs:	\$6,624.05
18 Attorney's Fees and Costs:	\$4,707.70
19	
20 Total Judgment Entered:	\$216,786.27

21

22 **Additional Pre-Judgment Interest:**

23 Accrued Interest from August 26, 2016,	
24 the day after the date set forth in the	
25 Judgment through April 5, 2017, the	
26 date of entry of the Judgment, at 4.50%,	
27 per annum (\$23.57 per diem):	\$5,208.97
28	

1
2 **Total Judgment Entered Including**
3 **Additional Pre-Judgment**

4 **Interest: \$221,995.24**

5 3.

6 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$221,995.24** at
7 the legal rate of interest of 9% per annum, \$54.73 per diem, from April 6, 2017 to the date the real
8 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
9 this Writ, Sheriff's fees and sale costs, and all other recovered costs pursuant to law.

10 4.

11 The real property subject to this writ of execution is commonly known as 4949
12 LAURELWOOD DRIVE, KLAMATH FALLS, OR 97603 ("Property") and described in Exhibit
13 "1" attached hereto.

14 5.

15 The Judgment Creditor's name and address is:

16 BANK OF AMERICA, N.A.
17 c/o BSI Financial Services
18 7500 Old Georgetown Road, Suite 1350
19 Bethesda, Maryland 20814

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

21 BANK OF AMERICA, N.A.
22 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
23 2112 Business Center Drive
24 Irvine, CA 92612
25 949-252-9400

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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.



Marcela Flores
March 26, 2018 Court Clerk

Submitted by:

Dated:

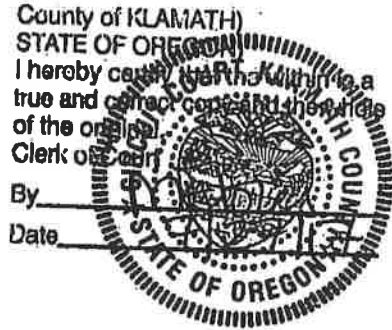
3/19/18

Nathan E. 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

LEGAL DESCRIPTION

Lot 11 in Block 15 of Tract No. 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon.



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

BANK OF AMERICA, N.A.,

CASE NUMBER: 15CV19940

Plaintiff,

vs.

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

**ESTATE OF ROBERT C. WHITE, an estate;
JEFFREY WHITE, an heir; GREGORY
WHITE, an heir; BRIAN WHITE, an heir;
SHANNON WHITE, an heir; SAMANTHA
WHITE, an heir; UNKNOWN HEIRS OF
ROBERT C. WHITE, individuals; OREGON
AFFORDABLE HOUSING ASSISTANCE
CORPORATION, a corporation; 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.**

- 1. ESTATE OF ROBERT C. WHITE,**
- 2. JEFFREY WHITE,**
- 3. GREGORY WHITE,**
- 4. BRIAN WHITE,**
- 5. SHANNON WHITE,**
- 6. SAMANTHA WHITE, AND**
- 7. OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION**

Defendants.

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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 ESTATE OF ROBERT C. WHITE, JEFFREY WHITE, GREGORY WHITE, BRIAN WHITE, SHANNON WHITE, SAMANTHA WHITE, AND OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an orders of defaults have been entered against them on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 4949 LAURELWOOD DRIVE, KLAMATH FALLS, OREGON 97603 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

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

3.

Plaintiff is the holder of that certain Promissory Note ("Note"), dated October 19, 2010, in the amount of \$201,921.00, and executed by ROBERT C. WHITE.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated October 18, 2010 and executed by ROBERT C. WHITE. The Deed of Trust was recorded on October 25, 2010 under the recording number 2010-012542 of the Official Records of Klamath County, Oregon, against the Property, which is legally described as: Lot 11 in Block 15 of Tract No. 1064, First Addition to Gatewood, according to the official plat thereof on file in the office of the County Clerk, Klamath County, Oregon. ("Property") and constitutes a valid lien against the Property.

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5.

Defendant ESTATE OF ROBERT C. WHITE failed to comply with the terms of the Note and Deed of Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust immediately due and payable.

6.

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

7.

A judgment of foreclosure in the amount of \$216,786.27 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.

///

1 CORPORATION. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

2 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**

3 **(Pursuant to Senate Bill 368)**

4 **18.**

5 Under the terms of the Deed of Trust and the Note dated October 19, 2010, in the original
6 principal amount of \$201,921.00, there is now due and owing the following amounts, to be
7 hereinafter described as the Amount Due:

8
9 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

- 10 **1. Judgment Creditor:** BANK OF AMERICA, N.A.
11 **Address:** c/o MALCOLM ♦ CISNEROS,
12 A Law Corporation
13 2112 Business Center Drive, 2nd Floor
14 Irvine, California 92612
15 **Judgment Attorney:** Nathan F. Smith
16 **Address:** MALCOLM ♦ CISNEROS, A Law Corporation
17 2112 Business Center Drive, 2nd Floor
18 Irvine, California 92612
19 **Telephone Number:** (949) 252-9400
- 20 **2. Persons or Public Bodies Entitled to**
21 **a Portion the Judgment:** N/A
- 22 **3. Judgment Amount:** \$212,078.57
- 23 **4. Pre-Judgment Interest:** Simple interest to accrue on \$188,598.63 from
24 August 27, 2016 to the date the Judgment is
25 entered into the Court's register at 4.5% per
26 annum, \$23.57 per diem.
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5. Post-Judgment Interest:

Simple interest to accrue on \$216,786.27 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.

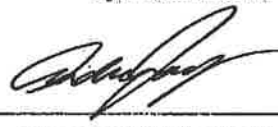
6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

An award of \$4,707.70 in attorney's fees and costs is made.

Signed: 4/5/2017 09:06 AM



Circuit Court Judge Andrea Janney

Submitted by:



Dated:

4/3/17

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