

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

ABC Legal Services

1001 SW 5th Ave.

#1100

Portland, OR 97204

MALHEUR COUNTY, OR 2018-1074

MWRIT EXECUT

03/29/2018 01:26 PM

Cnt=1 Pgs=6

Total:\$77.00



00048450201800010740060062

I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

let

Re: 2007-6361

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Writ of Execution in Foreclosure

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Gladys Benjamin; and all other persons, parties, or occupants unknown

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) - Amount in dollars or other

\$ 185,957.12

Other

5) SEND TAX STATEMENTS TO:

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE:
(If applicable)

FULL

PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF

TO CORRECT

PREVIOUSLY RECORDED IN BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

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IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF MALHEUR

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY
BUT SOLELY AS TRUSTEE FOR THE
RMAC TRUST, SERIES 2016-CTT,

CASE NUMBER: 17CV03673

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

GLADYS BENJAMIN, 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.

TO: THE SHERIFF OF MALHEUR COUNTY, OREGON:

1.

WHEREAS, on February 7, 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
redemption, if applicable), all of the interest which the Defendant GLADYS BENJAMIN
("Defendant") had on August 14, 2007, the date of the foreclosed Deed of Trust which was recorded
on August 21, 2007, as Instrument No. 2007-6361 in the official records of the Malheur County

1 Recorder's Office, and/or all of the interest which Defendant had thereafter, in the real property
2 described in the Judgment to satisfy the Judgment as follows:

3 **Lender's Principal Judgment:**

4 Unpaid Principal Balance:	\$174,606.31
5 Pre-Judgment Interest from May 1, 6 2016 to July 31, 2017, the date set forth 7 in the Judgment at 2.500%, per annum, 8 (\$11.96 per diem):	\$5,451.42
9 Lender's Fees and Costs:	\$2,588.89
10 Attorney's Fees and Costs:	\$3,310.50

11 ***Total Judgment Entered:*** ***\$185,957.12***

12 **Additional Pre-Judgment Interest:**

13 Accrued Interest from August 1, 2017, 14 the day after the date set forth in the 15 Judgment through February 7, 2018, the 16 date of entry of the Judgment, at 17 2.500%, per annum (\$11.96 per diem):	\$2,272.40
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18 ***Total Judgment Entered Including
19 Additional Pre-Judgment
20 Interest:***

\$188,229.52

21 3.

22 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on ***\$188,229.52*** at
23 the legal rate of interest of 9% per annum, \$46.41 per diem, from February 8, 2018 to the date the
24 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
25 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

26 4.

27 The real property subject to this writ of execution is commonly known as 1386 Frost Way,
28 Ontario, OR 97914 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC
Trust, Series 2016-CTT
c/o Rushmore Loan Management Services

1 15480 Laguna Canyon Road Suite 100

2 Irvine, California 92618-2132

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

4 U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC

5 Trust, Series 2016-CTT

6 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

7 2112 Business Center Drive

8 Irvine, CA 92612

9 949-252-9400

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

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



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21 *Andrea L. Oye*
3.15.18

Submitted by *[Signature]*

Dated: 3/12/18

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

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 9: A parcel of land in the NW1/4 NW1/4 SW1/4 more particularly described as follows:

Beginning at a point 335.7 feet South and 510 feet West of the Northeast corner of the NW1/4 NW1/4 SW1/4;

Thence South 150 feet;

Thence West 150 feet;

Thence North 150 feet;

Thence East 150 feet to the Point of Beginning.

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AFTER RECORDING RETURN TO:

ABC Legal Services

1001 SW 5th Ave.

#1100

Portland, OR 97204

MALHEUR COUNTY, OR 2018-1073
MJUDGMENT
03/29/2018 01:21 PM
Cnt=1 Pgs=10 Total:\$97.00



I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.

Gayle V. Trotter - County Clerk

Leah

Re: 2007-6361

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

General Judgment of Foreclosure

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

U.S. Bank National Association, not in its individual capacity but solely as Trustee for the RMAC Trust, Series 2016-CTT

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Gladys Benjamin; and all other persons, parties, or occupants unknown

4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) – Amount in dollars or other

\$ 185,957.12 Other

5) SEND TAX STATEMENTS TO:

6) SATISFACTION of ORDER or WARRANT
ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED AT THE REQUEST OF _____

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

U.S. BANK NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY
BUT SOLELY AS TRUSTEE FOR THE
RMAC TRUST, SERIES 2016-CTT,

Plaintiff,

vs.

GLADYS BENJAMIN, 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: 17CV03673

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. GLADYS BENJAMIN

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS TRUSTEE FOR THE RMAC TRUST, SERIES 2016-CTT ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant GLADYS BENJAMIN ("Defendant") was duly served with the Summons and Complaint as required by law; that Defendant failed to appear, that an order of default has been entered against her on Plaintiff's

1 Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of
2 trust against the property commonly known as 1386 FROST WAY, ONTARIO, OREGON 97914
3 ("Property") and extinguishing any and all interest of the Defendant in the Property.

4 2.

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

7 3.

8 Plaintiff is the holder of that certain adjustable rate note ("Note"), dated August 14, 2007, in
9 the amount of \$188,000.00, and executed by GLADYS BENJAMIN.

10 4.

11 The Note is secured by that certain deed of trust ("Deed of Trust") dated August 14, 2007
12 and executed by GLADYS BENJAMIN. The Deed of Trust was recorded on August 21, 2007 under
13 the recording number 2007-6361 of the Official Records of Malheur County, Oregon, against the
14 Property, which is legally described as: Exhibit "1" attached hereto. ("Property") and constitutes a
15 valid lien against the Property.

16 5.

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

19 6.

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

24 7.

25 A judgment of foreclosure in the amount of \$185,957.12 shall be granted in favor of Plaintiff,
26 and its successors and/or assigns, as further described below in the Declaration of Amount Owed -
27 Not a Money Award ("Amount Owed").

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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.

Defendant 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 GLADYS BENJAMIN 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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17.

This suit does not constitute an attempt to collect the debt against Defendant GLADYS BENJAMIN. 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 August 14, 2007, in the original principal amount of \$188,000.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD

- 1. Judgment Creditor:** U.S. Bank National Association, not in its individual capacity but solely as trustee for the RMAC Trust, Series 2016-CTT
 Address: c/o MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, 2nd Floor
 Irvine, California 92612
- 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:** \$182,646.62

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4. Pre-Judgment Interest:

Simple interest to accrue on \$174,606.31 from August 1, 2017 to the date the Judgment is entered into the Court's register at 2.500% per annum, \$11.96 per diem.

5. Post-Judgment Interest:

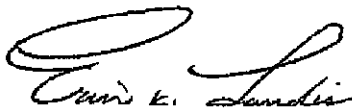
Simple interest to accrue on \$185,957.12 plus Pre-Judgment Interest from the day after the General Judgment is entered to the date upon which the Writ of Execution in Foreclosure is levied at the legal rate of interest or 9% per annum, whichever is greater.

6. Periodic accrual:

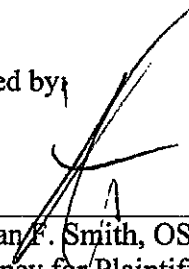
N/A

7. Attorney's Fees and Costs:

An award of \$3,310.50 in attorney's fees and costs is made.


Erin K. Landis, Circuit Court Judge
Signed: 2/7/2018 08:30 AM


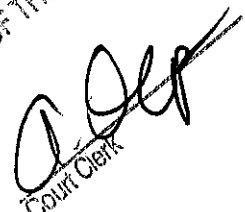
Submitted by:



Dated:

2/1/18

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


CERTIFIED TO BE A TRUE COPY OF THE ORIGINAL.

Court Clerk

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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: February 6, 2018

By: J. Mercuri
 Jessica Mercuri
 Paralegal
 MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, Second Floor
 Irvine, California 92612
 (949) 252-9400 (TELEPHONE)
 (949) 252-1032 (FAX)

EXHIBIT 1

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 9: A parcel of land in the NW1/4 NW1/4 SW1/4 more particularly described as follows:

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Thence South 150 feet;

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Thence East 150 feet to the Point of Beginning.