

RCJD DC500VL 08 JUN 18 10:47



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 01 day of 05, 2018.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY
BY: C. B. Thumell
COURT CLERK

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

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-26,

CASE NUMBER: 14CV0239FC

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

CRISTINA WOODARD, 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 DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on November 25, 2015, 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 Defendant CRISTINA WOODARD
2 (“Defendant”) had on November 20, 2006, the date of the foreclosed Deed of Trust which was
3 recorded on November 29, 2006, as Instrument No. 2006-78260 in the official records of the
4 Deschutes County Recorder’s Office, and/or all of the interest which Defendant had thereafter, in the
5 real property described in the Judgment to satisfy the Judgment as follows:

6 **Lender’s Principal Judgment:**

7 Unpaid Principal Balance:	\$222,385.87
8 Pre-Judgment Interest from April 1, 9 2009 to October 7, 2015, the date set 10 forth in the Judgment at 7.000%, per 11 annum, (\$42.6493 per diem):	\$101,548.09
Lender’s Fees and Costs:	\$27,894.59
Attorney’s Fees and Costs:	\$4,219.00

12 ***Total Judgment Entered:*** **\$356,047.55**

13 **Additional Pre-Judgment Interest:**

14 Accrued Interest from October 8, 2015, 15 the day after the date set forth in the 16 Judgment through November 25, 2015, 17 the date of entry of the Judgment at 18 7.000%, per annum (\$42.6493 per 19 diem):	\$2,047.17
--	------------

20 ***Total Judgment Entered Including
Additional Pre-Judgment
Interest:*** **\$358,094.72**

21 **Post-Judgment Interest**

22 Accrued Post-Judgment Interest from 23 November 26, 2015, the date after 24 entry of the Judgment, through July 27, 25 2016, the date the Writ 26 was requested at the legal rate of 27 interest at 9%, per annum (\$88.29 per 28 diem):	\$21,542.76
---	-------------

Current Total Amount Owing on the Judgment: **\$379,637.48**

6.

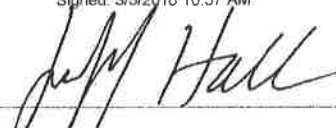
The Judgment Creditor's name and address for the purpose of this Writ is:
THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR
THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES,
SERIES 2006-26

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.

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

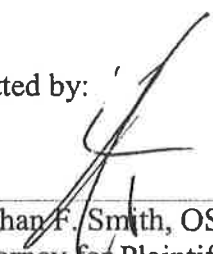
Signed: 3/5/2018 10:37 AM



Trial Court Administrator Jeffrey E. Hall



Submitted by:



Dated:

3/1/18

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



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 28 day of 09, 2017.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: Chelsea Bethune
COURT CLERK

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

THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
TRUSTEE FOR THE
CERTIFICATEHOLDERS OF THE
CWABS, INC., ASSET-BACKED
CERTIFICATES, SERIES 2006-26,

Plaintiff,

vs.

CRISTINA WOODARD, 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: 14CV0239FC

GENERAL JUDGMENT OF
FORECLOSURE AGAINST:

1. CRISTINA WOODARD

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, THE BANK OF NEW YORK MELLON FKA THE BANK OF NEW YORK, AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2006-26 ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendant CRISTINA WOODARD (hereafter referred to as "Defendant") were duly served with the Summons and Complaint as required by law; that Defendant failed to appear, and that ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANT CRISTINA WOODARD has been entered against her on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General

1 Judgment foreclosing Plaintiff's deed of trust against the property commonly known as 17521 NE
2 JUNO COURT, LA PINE, Oregon 97739 ("Property") and extinguishing any and all interest of the
3 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 promissory note ("Note"), dated November 20, 2006, in
9 the amount of \$220,000.00, and executed by CRISTINA WOODARD.

10 4.

11 The Note is secured by that certain deed of trust ("Deed of Trust") executed on or about
12 November 22, 2006, by Defendant CRISTINA WOODARD. The Deed of Trust was recorded on
13 November 29, 2006 under the recording number 2006-78260 of the Official Records of Deschutes
14 County, Oregon, against the Property, which is legally described as:

15 **Lot 28, Block 9, NEWBERRY ESTATES PHASE II, Deschutes County, Oregon.**
16 ("Property") and constitutes a valid lien against the Property.

17 5.

18 Defendant CRISTINA WOODARD failed to comply with the terms of the Note and Deed of
19 Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant
20 to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note
21 and Deed of Trust immediately due and payable.

22 6.

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

27 7.

28 A judgment of foreclosure in the amount of \$356,047.55 shall be granted in favor of Plaintiff,

1 and its successors and/or assigns, as further described below (“Judgment”).

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 Judgment 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 attorneys’ 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 Judgment and paid from the
14 proceeds from the sale of the Property.

15 11.

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

20 12.

21 Defendant CRISTINA WOODARD is not entitled to a homestead exemption on account of
22 his interest in the Property.

23 13.

24 Plaintiff may become purchaser at the Sheriff’s Sale of the Property and may bid up to the
25 aggregate amount of its Judgment, plus interest from the date of this Judgment until sale, without
26 advancing any cash except money required for the Sheriff’s Sale.

27 14.

28 The purchaser of the Property at the Sheriff’s Sale is entitled to exclusive and immediate

1 possession of the Property from and after the date of the sale, and is entitled to such remedies as are
2 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a
3 writ of assistance, if Defendant, or any other party or person shall refuse to surrender possession of
4 the Property to the purchaser immediately on the purchaser's demand for possession.

5 15.

6 This Court shall retain jurisdiction to enforce all provisions of the Judgment and to enter such
7 additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to obtain
8 possession of the Property.

9 16.

10 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be
11 hereinafter described as the Judgment.

12 17.

13 This suit does not constitute an attempt to collect the debt against Defendant CRISTINA
14 WOODARD. Rather, it is a suit to execute upon the Property as security for the Judgment.

15 **JUDGMENT**

16 **1. Judgment Creditor:**

17 THE BANK OF NEW YORK MELLON FKA
18 THE BANK OF NEW YORK, AS TRUSTEE
19 FOR THE CERTIFICATEHOLDERS OF THE
20 CWABS, INC., ASSET-BACKED
21 CERTIFICATES, SERIES 2006-26
22 MALCOLM ♦ CISNEROS, A Law Corporation
23 2112 Business Center Drive, 2nd Floor
24 Irvine, California 92612

25 Address:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8. Attorney's Fees and Costs:

An award of \$4,219.00 in attorney's fees and costs is made for Judgment of Foreclosure

Attorney's Fees:	\$2,385.00
Filing Fee (Motions):	\$45.00
Filing Cost:	\$541.00
Recording Cost:	\$58.00
Service Cost:	\$327.00
Litigation Guarantee:	\$663.00
Mediation Cost	\$200.00

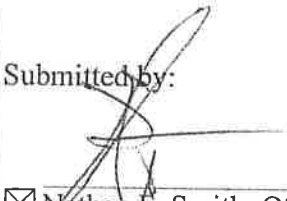
DATED this: ___ day of _____, 2015

Signed: 11/25/2015 01:07 PM



Nathan P. Forte

Submitted by:



Dated: 11/22/15

- 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