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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

ROBIN R. O'BRIEN AKA ROBIN RENE
AKA ROBIN RENE O'BRIEN AKA ROBIN
RENE HEWSON AKA ROBIN RENE
ANDREWS AKA ROBIN RENE JOHNSON,
an individual; ROBERT C. O'BRIEN AKA
ROBERT CRONIN O'BRIEN AKA
ROBERT CRONIN SULLIVAN, an
individual; JONATHAN M. RANEY, an
individual; RAY KLEIN, INC., a foreign
business corporation; ARROW FINANCIAL
SERVICES, LLC., a foreign limited liability
corporation; DISCOVER BANK, a
corporation; STATE OF OREGON, a
government entity; 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: 15CV34239

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LANE COUNTY, OREGON:

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1.

WHEREAS, on December 13, 2017, 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 Defendants ROBIN R. O'BRIEN AKA ROBIN RENE AKA ROBIN RENE O'BRIEN AKA ROBIN RENE HEWSON AKA ROBIN RENE ANDREWS AKA ROBIN RENE JOHNSON, ROBERT C. O'BRIEN AKA ROBERT CRONIN O'BRIEN AKA ROBERT CRONIN SULLIVAN, JONATHAN M. RANEY, RAY KLEIN, INC., ARROW FINANCIAL SERVICES, LLC., DISCOVER BANK, and STATE OF OREGON ("Defendants") had on July 17, 1996, the date of the foreclosed Deed of Trust which was recorded on July 22, 1996, as Instrument No. 9649231 in the official records of the Lane County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as follows:

Lender's Principal Judgment:

| | |
|---|---------------------|
| Unpaid Principal Balance: | \$87,346.82 |
| Pre-Judgment Interest from June 7, 2013 to September 6, 2017, the date set forth in the Judgment at 8.000% per annum, (\$19.14 per diem): | \$23,149.17 |
| Lender's Fees and Costs: | \$16,265.17 |
| Attorney's Fees: | \$2,635.00 |
| Total Judgment Entered: | \$129,396.16 |

1 **Additional Pre-Judgment Interest:**

2 Accrued Interest from September 7,
3 2017, the day after the date set forth in
4 the Judgment through December 13,
5 2017, the date of entry of the Judgment,
6 at 8.000%, per annum (\$19.14 per
7 diem):

\$1,856.58

8
9 ***Total Judgment Entered Including***
10 ***Additional Pre-Judgment***

11 ***Interest:*** ***\$131,252.74***

12 3.

13 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$131,252.74 at
14 the legal rate of interest of 9% per annum, \$32.36 per diem, from December 14, 2017 to the date the
15 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
16 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

17 4.

18 The real property subject to this writ of execution is commonly known as 28241 LORANE
19 RD, COTTAGE GROVE, OREGON 97424 ("Property") and described in Exhibit "1" attached
20 hereto.

21 5.

22 The Judgment Creditor's name and address is:

23 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

24 c/o Caliber Home Loans

25 13801 Wireless Way

26 Oklahoma City, OK 73134

27 The Judgment Creditor's name and address for the purpose of this Writ is:
28

1 U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust

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

3 2112 Business Center Drive

4 Irvine, CA 92612

5 949-252-9400

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

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

10
11
12
13 MAR - 8 2018

14 By: *Angie Jones*
15 *court clerk*



Submitted by: *[Signature]*

Dated: *3/7/18*

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

Beginning at the Northeast corner of the John Crow Donation Land Claim No. 41, Notification No. 346, in Township 20 South, Range 4 West of the Willamette Meridian; run thence West along the North line of said Donation Land Claim 1011.30 feet to stone set in North and South line fences; thence South 0° 02' West 927 feet, more or less, to center of Norris Creek; thence run Easterly 438 feet, more or less, measured along center line of said creek; thence Southerly to a point in the Westerly right of way line of the Lorane-Cottage Grove Highway, County Road No. 2600, that is 350 feet 3 inches, more or less, Northerly of the center line of Crow Creek; thence Northeasterly along said Highway right of way line to its intersection with the Easterly line of the John Crow Donation Land Claim No. 41; thence Northerly along the Easterly line of said Donation Land Claim to the point of beginning, in Section 7, Township 20 South, Range 4 West of the Willamette Meridian, Lane County, Oregon.

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

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

ROBIN R. O'BRIEN AKA ROBIN RENE
AKA ROBIN RENE O'BRIEN AKA ROBIN
RENE HEWSON AKA ROBIN RENE
ANDREWS AKA ROBIN RENE JOHNSON,
an individual; ROBERT C. O'BRIEN AKA
ROBERT CRONIN O'BRIEN AKA
ROBERT CRONIN SULLIVAN, an
individual; JONATHAN M. RANEY, an
individual; RAY KLEIN, INC., a foreign
business corporation; ARROW FINANCIAL
SERVICES, LLC., a foreign limited liability
corporation; DISCOVER BANK, a
corporation; STATE OF OREGON, a
government entity; 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: 15CV34239

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. ROBIN R. O'BRIEN AKA ROBIN RENE AKA ROBIN RENE O'BRIEN AKA ROBIN RENE HEWSON AKA ROBIN RENE ANDREWS AKA ROBIN RENE JOHNSON,
2. ROBERT C. O'BRIEN AKA ROBERT CRONIN O'BRIEN AKA ROBERT CRONIN SULLIVAN,
3. JONATHAN M. RANEY,
4. RAY KLEIN, INC.,
5. ARROW FINANCIAL SERVICES, LLC.,
6. DISCOVER BANK, AND
7. STATE OF OREGON

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants ROBIN R. O'BRIEN AKA ROBIN RENE AKA ROBIN RENE O'BRIEN AKA ROBIN RENE HEWSON AKA ROBIN RENE ANDREWS AKA ROBIN RENE JOHNSON, ROBERT C. O'BRIEN AKA ROBERT CRONIN O'BRIEN AKA ROBERT CRONIN SULLIVAN, JONATHAN M. RANEY, RAY KLEIN, INC., ARROW FINANCIAL SERVICES, LLC., DISCOVER BANK, and STATE OF OREGON ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that orders of default 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 28241 LORANE RD, COTTAGE GROVE, OREGON 97424 ("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 beneficial credit line account agreement ("Note"), dated July 17, 1996, in the amount of \$88,000.00, and executed by ROBIN R. O'BRIEN and ROBERT C. O'BRIEN.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated July 17, 1996 and executed by ROBIN R. O'BRIEN and ROBERT C. O'BRIEN. The Deed of Trust was recorded on July 22, 1996 under the recording number 9649231 of the Official Records of Lane County, Oregon, against the Property, which is legally described in Exhibit "1," attached hereto ("Property") and constitutes a valid lien against the Property.

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5.

The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust as 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 \$129,396.16 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,

1 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and
2 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
3 State of Oregon.

4 12.

5 Defendants ROBIN R. O'BRIEN AKA ROBIN RENE AKA ROBIN RENE O'BRIEN AKA
6 ROBIN RENE HEWSON AKA ROBIN RENE ANDREWS AKA ROBIN RENE JOHNSON and
7 ROBERT C. O'BRIEN AKA ROBERT CRONIN O'BRIEN AKA ROBERT CRONIN SULLIVAN
8 are not entitled to a homestead exemption in the Property.

9 13.

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

12 14.

13 The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate
14 possession of the Property from and after the date of the sale, and is entitled to such remedies as are
15 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a
16 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
17 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

18 15.

19 This Court shall retain jurisdiction to enforce all provisions of this General Judgment and to
20 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to
21 obtain possession of the Property.

22 16.

23 Under the Note, there is now due and owing to Plaintiff, the following amounts, to be
24 hereinafter described as the Amount Owed.

25 17.

26 This suit does not constitute an attempt to collect the debt against Defendants ROBIN R.
27 O'BRIEN AKA ROBIN RENE AKA ROBIN RENE O'BRIEN AKA ROBIN RENE HEWSON
28

1 AKA ROBIN RENE ANDREWS AKA ROBIN RENE JOHNSON, ROBERT C. O'BRIEN AKA
2 ROBERT CRONIN O'BRIEN AKA ROBERT CRONIN SULLIVAN, JONATHAN M. RANEY,
3 RAY KLEIN, INC., ARROW FINANCIAL SERVICES, LLC., DISCOVER BANK, and STATE
4 OF OREGON. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

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5. Post-Judgment Interest:

Simple interest to accrue on \$129,396.16 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.

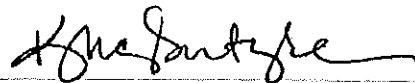
6. Periodic accrual:

N/A

7. Attorney's Fees:

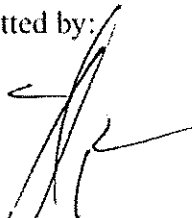
An award of \$2,635.00 in attorney's fees is made.

Signed: 12/11/2017 11:28 AM



Karrie K. McIntyre, Circuit Court Judge

Submitted by:



Dated:

12/4/17

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

EXHIBIT 1

Beginning at the Northeast corner of the John Crow Donation Land Claim No. 41, Notification No. 346, in Township 20 South, Range 4 West of the Willamette Meridian; run thence West along the North line of said Donation Land Claim 1011.30 feet to stone set in North and South line fences; thence South $0^{\circ} 02'$ West 927 feet, more or less, to center of Norris Creek; thence run Easterly 438 feet, more or less, measured along center line of said creek; thence Southerly to a point in the Westerly right of way line of the Lorane-Cottage Grove Highway, County Road No. 2600, that is 350 feet 3 inches, more or less, Northerly of the center line of Crow Creek; thence Northeasterly along said Highway right of way line to its intersection with the Easterly line of the John Crow Donation Land Claim No. 41; thence Northerly along the Easterly line of said Donation Land Claim to the point of beginning, in Section 7, Township 20 South, Range 4 West of the Willamette Meridian, Lane County, Oregon.

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: 12/4, 2017

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)