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LANE COUNTY S.O. CIVIL
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BRYAN

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

U.S. Bank National Association,

CASE NUMBER: 16CV21676

Plaintiff,

vs.

WRIT OF EXECUTION IN
FORECLOSURE

Richard B Mathis; William Richard Mathis;
Victoria Anne Reinhard; Ronald John Mathis;
and Helene Janet Romanyk; UNKNOWN
PARTIES IN POSSESSION OR CLAIMING
A RIGHT TO POSSESSION,

Defendants.

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on December 12, 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 redemption, if applicable), all of the interest which the Defendants RICHARD B. MATHIS, WILLIAM RICHARD MATHIS, VICTORIA ANNE REINHARD, RONALD JOHN MATHIS and HELENE JANET ROMANYK and UNKNOWN PARTIES IN POSSESSION OR CLAIMING A

1 RIGHT TO POSSESSION ("Defendants") had on July 9, 2009, the date of the foreclosed Deed of
2 Trust which was recorded on July 13, 2009, as Recorder's No. 2009-040167 in the official records of
3 the Lane County Recorder's Office, and/or all of the interest which Defendants had thereafter, in the
4 real property described in the Judgment to satisfy the Judgment as follows:

5

6 **Lender's Principal Judgment:**

Unpaid Principal Balance:	\$199,989.15
Pre-Judgment Interest through October 7 15, 2016 at 5.00%, per annum, (\$27.40 8 per diem):	\$63,777.22
Lender's Fees and Costs:	\$34,547.96 (-\$1,526.25)
Attorney's Fees and Costs	\$270.00
<i>Total Judgment Entered:</i>	<i>\$297,058.08</i>

12 **Additional Pre-Judgment Interest:**

Accrued Interest from October 16, 13 2016, the day after the date set forth in 14 the Judgment through December 12, 15 2016, the date of entry of the Judgment, at 5.00% per annum (\$27.40 per diem):	\$1,561.80
<i>Total Judgment Entered Including 16 Additional Pre-Judgment 17 Interest:</i>	<i>\$298,619.88</i>

18 3.

19

20 Additionally, Plaintiff is entitled to the continued accrual of post-judgment interest at the
21 legal rate of interest of 9% per annum, \$73.247 per diem, from December 12, 2016, to the date the
22 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus
23 costs of this writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

24 4.

25 The real property subject to this writ of execution is commonly known as 5253 Golden Eagle
26 Drive, Eugene, OR 97402 ("Property") and described in Exhibit "1" attached hereto.

27 5.

28 The Judgment Creditor's name and address is:
U.S. Bank National Association

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c/o Malcolm Cisneros, A Law Corporation
2112 Business Center Drive, Second Floor
Irvine, California 92612

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

U.S. Bank National Association
c/o Malcolm & Cisneros, ALC (Attention: Jennifer Yoon)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

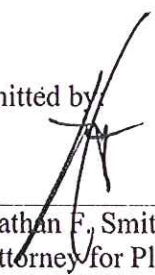
THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy the Judgment, interest, fees, and costs.

MAKE RETURN HEREOF within 60 days after receipt of this Writ.

JAN - 2 2018

By: Angie Jones
court clerk

Submitted by:



Dated: 12/28/17

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

Parcel Number: _____

SEE ATTACHED LEGAL DESCRIPTION

Parcel ID:

Lot 155, West Eugene Village 2nd Addition, as platted and recorded
September 8, 2006, Receptin No. 2006-065576, Lane County Oregon
Plat Records, in: Lane County, Oregon

1 Katrina E. Glogowski, OSB#035386
 Allegiant Law Group
 2 22000 64th Ave W #2F
 Mountlake Terrace, WA 98043
 3 (206) 903-9966
 Fax (206) 405-2701
 4 Katrina@AllegiantLawGroup.com

5 IN THE CIRCUIT COURT OF THE STATE OF OREGON
 6 FOR THE COUNTY OF LANE

7 U.S. Bank National Association,)	Case No.: 16CV21676
)	
8 Plaintiff,)	
)	GENERAL JUDGMENT OF
9 vs.)	FORECLOSURE
)	
10 Richard Mathis; et al)	
)	
11 Defendants.)	

12 This matter came before this court on motion of Plaintiff, appearing by and
 13 through its attorney, Katrina E. Glogowski, for a General Judgment of Foreclosure and
 14 Order of Sale against Defendants.

15 It further appearing that this matter involves real property commonly known as
 16 5253 Golden Eagle Dr, Eugene, OR 97402 (the "Property"), parcel number 1783271, and
 17 legally described as: LOT 155, WEST EUGENE VILLAGE 2ND ADDITION, AS
 18 PLATTED AND RECORDED SEPTEMBER 8,2006, RECEPTION NO. 2006-065576,
 19 LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON; and

20 The court having previously entered orders of default as follows:

21 Richard Mathis	Pending
22 William Richard Mathis	Pending
23 Victoria Anne Reinhard	Pending
Ronald John Mathis	Pending
24 Helene Janet Romanyk	Pending

25 Now, therefore, it is hereby:

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IT IS HEREBY ORDERED AND ADJUDGED as follows:

1. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

Description	Amount	Total
Principal	\$199,989.15	
Interest at 5.0% through 10/15/2016 (accruing thereafter until entry of judgment in the amount of \$27.40 per day pursuant to the terms of the Note)	\$63,777.22	
Late Charges	\$0.00	
Other Recoverable Fees and Costs: Property Insurance \$16,558.00 Taxes \$13,396.96 Property Preservation \$4,593.00 Attorney Costs \$270.00 Credits -\$1,526.25		
Total		\$297,058.08

2. Post judgment interest on all amounts shall accrue from the date of judgment at the legal rate of 9.0% per annum pursuant to ORS 82.010.

3. This Judgment shall not create a personal lien or liability against Defendants Richard Mathis, William Richard Mathis, Victoria Anne Reinhard, Ronald John Mathis, Helene Janet Romanyk, except as is necessary and customary to execute on such judgment and for purposes of redemption. In no event shall it be construed as establishing personal liability for any persons whose debt has been extinguished in bankruptcy or by an in rem order granting relief from stay, but only to foreclose the deed of trust. In the event the proceeds of the Sheriff's Sale are insufficient to pay the amounts due to Plaintiff, Plaintiff shall not be entitled to any further judgment.

4. This Judgment relates to real property described as: 5253 Golden Eagle Dr, Eugene, OR 97402, parcel number 1783271, and legally described as LOT 155, WEST EUGENE VILLAGE 2ND ADDITION, AS PLATTED AND RECORDED SEPTEMBER 8,2006, RECEPTION NO. 2006-065576, LANE COUNTY OREGON PLAT RECORDS, IN LANE COUNTY, OREGON.

1 5. Plaintiff's deed of trust recorded on 07/13/2009 under Recorder's File No.
2 2009-040167 against the Property is a valid lien against the Property and that lien is
3 superior to any interest, lien or claim of the Defendants (or any of them), in the Property.

4 6. Plaintiff is the holder of the original note at issue in this matter and holds
5 the beneficial interest in the Deed of Trust and has standing to pursue this matter.

6 7. The interest of each of the Defendants and any successor in interest in the
7 Property is foreclosed and terminated excepting only any statutory right of redemption as
8 provided by Oregon law.

9 8. The lien of the Plaintiff is superior to any interest, lien, or claim of the
10 Defendants and shall remain in effect until issuance of a Sheriff's Deed. In its sole
11 discretion, Plaintiff may move to rescind the foreclosure judgment and reinstate the Loan
12 prior to the Sheriff's sale, returning the parties to their prejudgment interest and priorities.

13 9. Defendants are not entitled to a homestead exemption as against Plaintiff's
14 Deed of Trust.

15 10. The deed of trust is foreclosed and all interest that Defendant Richard
16 Mathis has in the Property on or after 07/09/2009 in the Property shall be sold by the
17 Sheriff of Lane County, in the manner provided by law and in accordance with the
18 practice of this Court. The proceeds of sale shall be applied first toward the costs of the
19 sale and for the necessary care and preservation of the Property; then toward satisfaction
20 of the Plaintiff's judgment awarded herein; and the surplus, if any, to the Court Clerk to
be distributed to such party or parties as may establish their right thereto.

21 11. That Plaintiff may credit bid and any junior lien holder is allowed to bid at
22 the sale. That Plaintiff may bid up to the aggregate amount of its general judgment and
23 money award plus interest until sale without advancing any cash except money required
24 for the Sheriff's fees and sale costs pursuant to ORS 18.936.

25 12. The purchaser at the Sheriff's Sale is entitled to such remedies as are
available at law or in equity to secure possession, including applying to the Court for a

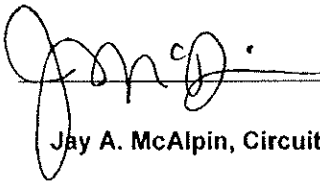
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writ of assistance if any person holding possession shall refuse to surrender possession to the purchaser immediately upon the purchaser's demand for possession.

13. If before a Sheriff's Sale the amounts due, including Sheriff's Fees for execution, is tendered to the court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the amounts due shall be terminated.

14. The Court shall retain jurisdiction to enter such additional order judgment or decree necessary to enforce this judgment, the writ of execution or for the purchaser at the foreclosure sale to obtain possession.

Signed: 12/12/2016 04:54 PM



Jay A. McAlpin, Circuit Court Judge

Submitted by:

/s/ Katrina E. Glogowski
Katrina E. Glogowski, OSB#035386

1 **UTCR 5.100 CERTIFICATION**

2 This proposed order or judgment is ready for judicial signature because:

3 1. Each opposing party affected by this order or judgment has stipulated to
4 the order or judgment, as shown by each opposing party's signature on the document
5 being submitted.

6 2. Each opposing party affected by this order or judgment has approved the
7 order or judgment, as how by signature on the document being submitted or by written
8 confirmation of approval sent to me.

9 3. I have served a copy of this order or judgment on all parties entitled to
10 services and:

11 a. No objection has been served on me.

12 b. I received objections that I could not resolve with the opposing
13 party despite reasonable efforts to do so. I have filed a copy of the objections I received
14 and indicated which objections remain unresolved.

15 c. After conferring about objections, _____, agreed
16 to independently file any remaining objection.

17 4. The relief sought is against an opposing party who has been found in
18 default.

19 5. An order of default is being requested with this proposed judgment.

20 6. Services is not required pursuant to subsection (3) of this rule, or by state,
21 rule or otherwise. (Ex Parte)

22 7. This is a proposed judgment that includes an award of punitive damages
23 and notice has been served on the Director of the Crime Victims' Assistance Section as
24 required by subsection (4) of this rule.

25 **I hereby declare that the above statement is true to the best of my knowledge and
belief, and that I understand it is made for use as evidence in court and is subject to
penalty for perjury.**

DATED: December 8, 2016

Allegiant Law Group

/s/ Katrina E. Glogowski
Katrina E. Glogowski, OSB #035386