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CIRCUIT COURT, LANE CO

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

CENTRAL MORTGAGE COMPANY,

Plaintiff,

vs.

DAVID D. DAY, an individual;
AMERICASH, a California corporation;
SECURED FUNDING CORP., a California
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.

CASE NUMBER: 161501248

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF LANE COUNTY, OREGON:

1.

WHEREAS, on April 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

1 redemption, if applicable), all of the interest which the Defendants DAVID D. DAY, AMERICASH
2 and SECURED FUNDING CORP. ("Defendants") had on November 17, 2006, the date of the
3 foreclosed Deed of Trust which was recorded on December 15, 2006, as Instrument No. 2006-
4 089784 in the official records of the Lane County Recorder's Office, and/or all of the interest which
5 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as
6 follows:

7
8 **Lender's Principal Judgment:**

9 Unpaid Principal Balance:	\$142,454.46
10 Pre-Judgment Interest from December	
11 1, 2012 to December 31, 2015, the date	
12 set forth in the Judgment at 6.625%, per	
13 annum, (\$25.86 per diem):	\$29,118.36
14 Lender's Fees and Costs:	\$16,188.46
15 Attorney's Fees and Costs:	\$2,789.00
16	
17 <i>Total Judgment Entered:</i>	<i>\$190,550.28</i>

18
19 **Additional Pre-Judgment Interest:**

20 Accrued Interest from January 1, 2016	
21 the day after the date set forth in the	
22 Judgment through April 12, 2016, the	
23 date of entry of the Judgment, at	
24 6.625%, per annum (\$25.86 per diem):	\$2,637.72

25
26 ***Total Judgment Entered Including***

27 ***Additional Pre-Judgment***

28 <i>Interest:</i>	<i>\$193,188.00</i>
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3.

Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$193,188.00 at the legal rate of interest of 9% per annum, \$47.63 per diem, from April 13, 2016 to the date the real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

4.

The real property subject to this writ of execution is commonly known as 4787 Marshall Avenue, Eugene , OR 97402 ("Property") and described in Exhibit "1" attached hereto.

5.

The Judgment Creditor's name and address is:

CENTRAL MORTGAGE COMPANY
801 John Barrow Road
Little Rock, AR 72205

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

CENTRAL MORTGAGE COMPANY
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)
2112 Business Center Drive
Irvine, CA 92612
949-252-9400

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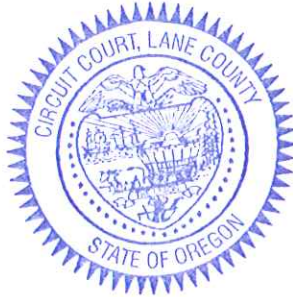
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1 THEREFORE, in the name of the State of Oregon, you are hereby commanded to seize and
2 sell the Property, in the manner prescribed by law; or so much thereof as may be necessary to satisfy
3 the Judgment, interest, fees, and costs.

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



March 12, 2018

By: Prince
Court Clerk

Submitted by:

A handwritten signature in black ink, appearing to be "Nathan F. Smith".

Dated: 2/1

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"

LEGAL DESCRIPTION

Beginning at the Northeast corner of Lot A, CANDLELIGHT PARK THIRD ADDITION, as platted and recorded in File 72, Slide 88, Lane County Plat Records; thence South $0^{\circ} 41' 15''$ West 85.00 feet to the Southeast corner of said Lot A; thence North $89^{\circ} 18' 45''$ West 80.00 feet; thence North $0^{\circ} 10'$ East 85.00 feet to a point on the Northerly line of said Lot A; thence South $89^{\circ} 18' 45''$ East 80.41 feet to the point of beginning, in Lane County, Oregon.

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

CENTRAL MORTGAGE COMPANY,

Plaintiff,

vs.

DAVID D. DAY, an individual;
AMERICASH, a California corporation;
SECURED FUNDING CORP., a California
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.

CASE NUMBER: 161501248

**GENERAL JUDGMENT OF
FORECLOSURE AGAINST:**

1. **DAVID D. DAY**
2. **AMERICASH**
3. **SECURED FUNDING CORP.**

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, CENTRAL MORTGAGE COMPANY ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants DAVID D. DAY, AMERICASH, and SECURED FUNDING CORP. (collectively referred to as "Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, and that the ORDER FOR ENTRY OF DEFAULT AGAINST DEFENDANTS DAVID D. DAY, AMERICASH, AND SECURED FUNDING CORP. has 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

1 property commonly known as 4787 MARSHALL AVENUE, EUGENE, OREGON 97402
2 (“Property”) and extinguishing any and all interest of the Defendants in the Property.

3 2.

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

6 3.

7 Plaintiff is the holder of that certain promissory note (“Note”), dated November 17, 2006, in
8 the amount of \$154,800.00, and executed by DAVID D. DAY.

9 4.

10 The Note is secured by that certain deed of trust (“Deed of Trust”) executed on or about
11 November 17, 2006, by DAVID D. DAY. The Deed of Trust was recorded on December 15, 2006
12 under the recording number 2006-089784 of the Official Records of Lane County, Oregon, against
13 the Property, which is legally described as: Attached hereto as Exhibit "1" (“Property”) and
14 constitutes a valid lien against the Property.

15 5.

16 Defendant DAVID D. DAY failed to comply with the terms of the Note and Deed of Trust
17 by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the
18 terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and
19 Deed of Trust immediately due and payable.

20 6.

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

25 7.

26 A judgment of foreclosure in the amount of \$190,550.28 shall be granted in favor of Plaintiff,
27 and its successors and/or assigns, as further described in the Declaration of Amount Owed-Not a
28 Money Award (“Amount Owed”).

1 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a
2 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
3 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

4 15.

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

8 16.

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

11 17.

12 This suit does not constitute an attempt to collect the debt against Defendants DAVID D.
13 DAY. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

14 **DECLARATION OF AMOUNT OWED- NOT A MONEY AWARD**

15	1. Judgment Creditor:	CENTRAL MORTGAGE COMPANY
16	Address:	c/o MALCOLM ♦ CISNEROS, A Law
17		Corporation
18		2112 Business Center Drive, 2 nd Floor
19		Irvine, California 92612
20	Judgment Attorney:	Nathan F. Smith
21	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
22		2112 Business Center Drive, 2 nd Floor
23		Irvine, California 92612
24	Telephone Number:	(949) 252-9400

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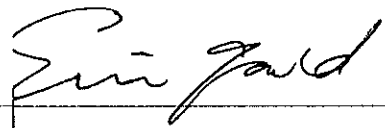
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8. Attorney's Fees and Costs:

An award of \$2,789.00 in attorney's fees and costs is made for Judgment of Foreclosure

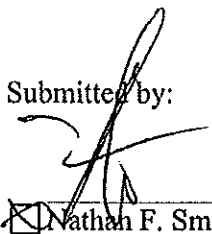
Attorney's Fees:	\$1,435.00
Litigation Guarantee:	\$653.00
Filing Fees:	\$531.00
Recording:	\$62.00
Service Costs:	\$108.00

Signed: 4/11/2016 03:04 PM

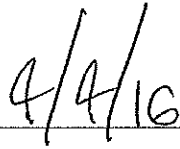


 Erin Gould, Pro Tem Judge

Submitted by:



Dated:



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

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