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5 IN THE CIRCUIT COURT OF THE STATE OF OREGON 6 FOR THE COUNTY OF LANE 7 8 CENTRAL MORTGAGE COMPANY, **CASE NUMBER: 161501248** 9 Plaintiff, 10 VS. WRIT OF EXECUTION IN FORECLOSURE 11 DAVID D. DAY, an individual; AMERICASH, a California corporation; 12 SECURED FUNDING CORP., a California 13 corporation; and all other persons, parties, or occupants unknown claiming any legal or 14 equitable right, title, estate, lien, or interest in 15 the real property described in the complaint herein, adverse to Plaintiff's title, or any cloud 16 on Plaintiff's title to the Property. 17 Defendants. 18 19 20 21

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

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Malcolm • Cisneros, A Law Corporation 2112 Business Center Drive, Second Floor Irvine, CA 92612

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	redemption, if applicable), all of the interest which the Defendants DAVID D. DAY, AMERICASH		
	and SECURED FUNDING CORP. ("Defendants") had on November 17, 2006, the date of the		
	foreclosed Deed of Trust which was recorded on December 15, 2006, as Instrument No. 2006-		
	089784 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:	\$142,454.46	
	Pre-Judgment Interest from December		
	1, 2012 to December 31, 2015, the date	,	
,	set forth in the Judgment at 6.625%, per		
	annum, (\$25.86 per diem):	\$29,118.36	
	Lender's Fees and Costs:	\$16,188.46	
	Attorney's Fees and Costs:	\$2,789.00	
	Total Judgment Entered:	\$190,550.28	
	Additional Pre-Judgment Interest:		
	Accrued Interest from January 1, 2016		
	the day after the date set forth in the		
	Judgment through April 12, 2016, the		
	date of entry of the Judgment, at	•	
	6.625%, per annum (\$25.86 per diem):	\$2,637.72	
	Total Judgment Entered Including		
	Additional Pre-Judgment		
	Interest:	\$193,188.00	
- 1			

3. 1 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$193,188.00 at 2 the legal rate of interest of 9% per annum, \$47.63 per diem, from April 13, 2016 to the date the real 3 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of 4 this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law. 5 6 4. The real property subject to this writ of execution is commonly known as 4787 Marshall 7 8 Avenue, Eugene, OR 97402 ("Property") and described in Exhibit "1" attached hereto. 5. 9 10 The Judgment Creditor's name and address is: 11 CENTRAL MORTGAGE COMPANY 12 801 John Barrow Road 13 Little Rock, AR 72205 14 The Judgment Creditor's name and address for the purpose of this Writ is: 15 CENTRAL MORTGAGE COMPANY 16 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith) 17 2112 Business Center Drive 18 Irvine, CA 92612 19 949-252-9400 20 /// /// 21 /// 22 23 $/\!/\!/$ 24 /// 25 /// 26 /// 27 ///

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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.



Dated:

Submitted by:

Nathan F. \$mith, 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

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° 41' 15" West 85.00 feet to the Southeast corner of said Lot A; thence North 89° 18' 45" West 80.00 feet; thence North 0° 10' East 85.00 feet to a point on the Northerly line of said Lot A; thence South 89° 18' 45" East 80.41 feet to the point of beginning, in Lane County, Oregon.

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 FORECLOSURE AGAINST:

OF

- 1, DAVID D. DAY
- 2. AMERICASH
- 3. SECURED FUNDING CORP.

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

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

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The Court being fully advised; it is hereby

ORDERED AND ADJUDGED that:

3.

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

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

5.

Defendant DAVID D. DAY failed to comply with the terms of the Note and Deed of Trust by failing to make the payments required by the terms of the Note and Deed of Trust. Pursuant to the terms of the Note and Deed of Trust, Plaintiff declared all sums due and owing under the Note and Deed of Trust 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 \$190,550.28 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described in the Declaration of Amount Owed-Not a Money Award ("Amount Owed").

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The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Judgment 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 DAVID D. DAY, AMERICASH and SECURED FUNDING CORP., and all parties claiming through or under 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 DAVID D. DAY is not entitled to a homestead exemption on account of his interest 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 interest from the date of this Judgment until sale, without advancing any cash except money required for the Sheriff's Sale.

14.

The purchaser of the Property at the Sheriff's Sale is entitled to exclusive and immediate possession of the Property from and after the date of the sale, and is entitled to such remedies as are

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1	available at law to secure possession of the Property, and may apply to the Clerk of the Court for			
2	writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrende			
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 obta			
7	possession of the Property.			
8	16.			
9	Under the Note, there is now due and owing to Plaintiff, the following amounts, to b			
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 M	ORTGAGE COMPANY	
16	Address:	c/o MALCOL	M ♦ CISNEROS, A Law	
17		Corporation		
18		2112 Business	s Center Drive, 2 nd Floor	
19		Irvine, Califor	nia 92612	
20	Judgment Attorney:	Nathan F. Sm	ith	
21	Address:	MALCOLM (CISNEROS, A Law Corporation	
22		2112 Business	s Center Drive, 2 nd Floor	
23		Irvine, Califor	nia 92612	
24	Telephone Number:	(949) 252-940	0	
25	///			
26	<i>///</i>			
27	///			
28	///			
	PAGE 4 C	BENERAL JUDGMENT OF FORECLOSURE	Malcolm ♦ Cisneros, A Law Corporation 2112 Business Center Drive, Second Floor Irvine, CA 92612	

1	2. Judgment Debtor:	DAVID D. DAY
2	Address:	17628 26 th Dr SE
3		Bothell, WA 98012
4	Year of Birth:	Unknown
5	Final 4 digits of Social Security number:	XXX-XX-0581
6	Driver's license number and issuing state:	Unknown
7	Judgment Debtor Attorney:	N/A
8		
9	3. Persons or Public Bodies Entitled to	
10	a Portion the Judgment:	N/A
11	4. Judgment Amount:	\$187,761.28
12	5. Pre-Judgment Interest:	Simple interest to accrue on \$142,454.46 from
13		January 1, 2016 to the date the Judgment is
14		entered into the Court's register at 6.625% per
15		annum, \$25.86 per diem.
16	6. Post-Judgment Interest:	Simple interest to accrue on \$190,550.28 plus
17		Pre-Judgment Interest from the day after the
18	## * * * * * * * * * * * * * * * * * *	Judgment is entered to the date upon which the
19		Writ of Execution in Foreclosure is levied at the
20		legal rate of interest or 9% per annum,
21		whichever is greater.
22	7. Periodic accrual:	N/A
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1	8. Attorney's Fees and Costs:	An award of \$2,789.00 in attorney's fees and
2		costs is made for Judgment of Foreclosure
3	Attorney's Fees:	\$1,435.00
4	Litigation Guarantee:	\$653.00
5	Filing Fees:	\$531.00
6	Recording:	\$62.00
7	Service Costs:	\$108.00
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10	Signati All'Amore 02.04 DIA	
11	Signed: 4/11/2016 03:04 PM	
12		Sin gald
13		Erin Gould, Pro Tem Judge
14		Elli Godia, Floriani ang
15		
16	Submitted by:	/ /
17	A	2/4/10
18	Nathan F. Smith, OSB #120112	Dated: 4/16
19	Richard J. Bayless, OSB #101826	
20	Attorneys for Plaintiff MALCOLM ♦ CISNEROS, ALC	
21	2112 Business Center Drive Irvine, California 92612 Phone: (949) 252-9400 Fax: (949) 252-1032 Email: nathan@mclaw.org	
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24	Rbayless@mclaw.org	
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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° 41' 15" West 85.00 feet to the Southeast corner of said Lot A; thence North 89° 18' 45" West 80.00 feet; thence North 0° 10' East 85.00 feet to a point on the Northerly line of said Lot A; thence South 89° 18' 45" East 80.41 feet to the point of beginning, in Lane County, Oregon.