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

PNC BANK, NATIONAL ASSOCIATION,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES
OF GENEVIEVE MORENO; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; HOMECOMING FINANCIAL
NETWORK, INC.; LEA WOOD
HOMEOWNERS ASSOCIATION; JESSICA
MORENO; MICHAEL MORENO;
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 17CV48164

WRIT OF EXECUTION IN
FORECLOSURE

TO THE LANE COUNTY SHERIFF:

A Judgment of Foreclosure was entered and docketed in this case on April 3, 2018. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

PNC BANK, NATIONAL ASSOCIATION
c/o McCarthy & Holthus, LLP
920 SW 3rd Ave, 1st Floor
Portland, OR 97204

With the adjudicated amount due of \$135,968.05, plus post-judgment interest at the statutory rate of 9.0% per annum from April 3, 2018 to April 20, 2018 in the amount of \$569.95 and continuing to accrue at \$33.53 *per diem*, currently totaling \$136,538.00.

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

PNC BANK, NATIONAL ASSOCIATION,

Case No.: 17CV48164

Plaintiff,

v.

GENERAL JUDGMENT OF
FORECLOSURE

THE UNKNOWN HEIRS AND DEVISEES
OF GENEVIEVE MORENO; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; HOMECOMING
FINANCIAL NETWORK, INC.; LEA
WOOD HOMEOWNERS ASSOCIATION;
JESSICA MORENO; MICHAEL
MORENO; OCCUPANTS OF THE
PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion.

All Defendants ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

2.

IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

a. The real property to which this Judgment relates is located and situated in Lane County, Oregon, and is commonly known as 1361 City View Street, Eugene, OR 97402 (the "Subject

1 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.
2 1284916.

3 b. Plaintiff is entitled to enforce the note dated May 22, 2006 and made, delivered, and executed
4 by GENEVIEVE MORENO to HOMECOMINGS FINANCIAL NETWORK, INC. in the
5 amount of \$88,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of
6 possession and by indorsement set forth on the Note.

7 c. A deed of trust was made, executed, and delivered by Defendant GENEVIEVE MORENO
8 on or about May 24, 2006 (the “Deed of Trust”). The Deed of Trust was recorded on May 31,
9 2006 as Instrument No. 2006-037656 in the official records of Lane County, Oregon. The
10 Deed of Trust is a valid and perfected lien against all of the Property for and securing the
11 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the
12 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

13 d. The Borrower failed to make the payment that was due for September 1, 2011 and has not
14 cured the default. The amount of debt secured by the Deed of Trust that is now due and
15 owing is comprised of the following amounts (the “Amount Due”):

16	a) Unpaid principal balance:	\$88,000.00
17	b) Prejudgment interest accruing from	\$18,649.58
18	8/1/2011 through 3/21/2018 and	
19	continuing until the entry of	
	judgment at the current Note rate of	
	6.375%:	
20	c) Additional amounts due under the	\$24,530.75
21	terms of the loan:	
22	d) Attorney fees and costs:	\$4,702.72
23	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(b)):	
24	Total:	\$135,968.05

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1 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the
2 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%
3 per annum.

4 e. The interest of the Defendants and any successor in interest in the Subject Property is
5 foreclosed and terminated excepting only any statutory right of redemption as provided by
6 Oregon law.

7 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

8 g. All right, title and interest in the Subject Property that Defendant GENEVIEVE MORENO
9 had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by
10 the Lane County Sheriff's Office in accordance with the process for sale upon execution, and
11 the proceeds of sale shall be applied:

12 1) First, to the costs of sale not incurred by Plaintiff;

13 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of
14 entry of judgment through the date of the sale and any incurred costs of sale;

15 3) Third, the surplus, if any, to the Defendants in the priority as their interest may
16 appear, described *infra*, or to the clerk of the court to be distributed by the Court to
17 such party or parties as they may establish their right thereto.

18 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS
19 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from
20 the date of entry of judgment through the date of the sale and any incurred costs of sale.

21 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject
22 Property from and after the date of the sale and is entitled to such remedies as are available at
23 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a
24 writ of assistance if any Defendant, other party, or other person shall refuse to surrender
25 possession to the purchaser immediately upon the purchaser's demand for possession.

26 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be
27 entitled to any further or other judgment, including a judgment for the deficiency.

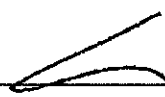
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k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be terminated.

l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the Deed of Trust are as follows:

- a. Defendants MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. and HOMECOMING FINANCIAL NETWORK, INC. may claim an interest in Subject Property by virtue of a deed of trust recorded May 31, 2006 as Instrument No. 2006-037657 in the official records of Lane County, Oregon, securing a promissory note in the amount of \$11,000.00;
- b. Defendant LEA WOOD HOMEOWNERS ASSOCIATION may claim an interest in Subject Property by virtue of a lien recorded September 25, 2015 as Instrument No. 2015-048056 in the official records of Lane County, Oregon, in the amount of \$1,429.00;
- c. Defendant JESSICA MORENO may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law;
- d. Defendant MICHAEL MORENO may claim a junior interest in the Property by virtue of intestate succession, devise or operation of law.

Signed 4/3/2018 11:54 AM



Suzanne B. Smith, Circuit Court Judge

I hereby certify that the requirements of UTCR 5.100 have been satisfied.

This proposed Judgment of Foreclosure is ready for judicial signature because:

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

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Dated: March 21, 2018 and submitted by:

McCarthy & Holthus, LLP

s/ Bryan Kidder

Bryan Kidder, OSB No. 140459
920 SW 3rd Ave, 1st Floor
Portland, OR 97204
Phone: (971) 201-3200
Fax: (971) 201-3202
bkidder@mccarthyholthus.com
Of Attorneys for Plaintiff

Lot 48, LEAWOOD P.U.D., as platted and recorded in File 73, Slides 87 and 88, Lane County Oregon Plat Records, in Lane County, Oregon.