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

U.S. BANK NATIONAL ASSOCIATION,

**CASE NUMBER: 17CV34685**

Plaintiff,

vs.

**WRIT OF EXECUTION IN FORECLOSURE**

JEFFREY PAWLOWSKI, an individual;  
WASHINGTON TRUST BANK, a  
corporation; COI I, LLC, a limited liability  
company; THE RIDGE AT EAGLE CREST  
OWNERS ASSOCIATION, a nonprofit  
organization; 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.

**TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:**

1.

WHEREAS, on April 18, 2018, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding.  
Subsequently, on June 4, 2018, in the above-entitled Court, a Supplemental Judgment – ORCP  
68C(5)(b) was entered and docketed.

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 Jeffrey Pawlowski, Washington Trust Bank, COI I, LLC and The Ridge at Eagle Crest Owners Association ("Defendants") had on December 21, 2007, the date of the foreclosed Deed of Trust which was recorded on December 31, 2007, as Instrument No. 2007-66403 in the official records of the Deschutes 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:	\$163,994.25
Pre-Judgment Interest from June 1, 2010 to February 23, 2018, the date set forth in the Judgment at 6.250%, per annum, (\$28.08 per diem):	\$79,198.67
Lender's Fees and Costs:	\$17,195.26
Attorney's Fees and Costs:	\$1,796.95
<b><i>Total Judgment Entered:</i></b>	<b><i>\$262,185.13</i></b>

**Additional Pre-Judgment Interest:**

Accrued Interest from February 24, 2018, the day after the date set forth in the Judgment through June 4, 2018, the date of entry of the Judgment, at 6.250%, per annum (\$28.08 per diem):	\$2,808.00
---	------------

1  
2 **Total Judgment Entered Including**

3 **Additional Pre-Judgment**

4 **Interest: \$264,993.13**

5 3.

6 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on **\$264,993.13** at  
7 the legal rate of interest of 9% per annum, \$65.34 per diem, from June 5, 2018, the date after the  
8 supplemental judgment was entered, to the date the real property subject to the Judgment is sold by  
9 the County Sheriff at its foreclosure auction, plus costs of this Writ, Sherriff's fees and sale costs,  
10 and all other recovered costs pursuant to law.

11 4.

12 The real property subject to this writ of execution is commonly known as 597 HIGHLAND  
13 MEADOWS LOOP, REDMOND, OR 97756 ("Property") and described in Exhibit "1" attached  
14 hereto.

15 5.

16 The Judgment Creditor's name and address is:

17 U.S. BANK NATIONAL ASSOCIATION

18 4801 Frederica Street

19 Owensboro, Kentucky 42301-7441

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

21 U.S. BANK NATIONAL ASSOCIATION

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

23 2112 Business Center Drive

24 Irvine, CA 92612

25 949-252-9400

26 ///

27 ///

28 ///

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.

Signed: 11/28/2018 08:01 AM

*Jeffrey E. Hall*

Trial Court Administrator Jeffrey E. Hall



Submitted by:

*Nathan F. Smith*

Dated: 11/27/18

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”**

Lot 30 of RIDGE AT EAGLE CREST 38, Deschutes County, Oregon.

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

U.S. BANK NATIONAL ASSOCIATION,

Plaintiff,

vs.

JEFFREY PAWLOWSKI, an individual;  
WASHINGTON TRUST BANK, a  
corporation; COI I, LLC, a limited liability  
company; THE RIDGE AT EAGLE CREST  
OWNERS ASSOCIATION, a nonprofit  
organization; 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: 17CV34685**

**SUPPLEMENTAL JUDGMENT – ORCP  
68C(5)(b)**



**CERTIFIED TRUE COPY OF THE ORIGINAL**  
Dated this 21 day of Nov., 2018.  
**CIRCUIT COURT OF THE STATE OF OREGON**  
**FOR DESCHUTES COUNTY**  
BY: [Signature]  
COURT CLERK

Based on Plaintiff's Statement of Attorneys' Fees and Costs, and no objection having been lodged by Defendants JEFFREY PAWLOWSKI, WASHINGTON TRUST BANK, COI I, LLC and THE RIDGE AT EAGLE CREST OWNERS ASSOCIATION, it is hereby ordered that Plaintiff be awarded a supplemental judgment of \$1,796.95 in attorneys' fees and costs.

Pursuant to ORCP 68C(5)(b), this Judgment supplements the Declaration of Debt Secured by Deed of Trust in the General Judgment of Foreclosure entered on April 18, 2018, and is not a

1 monetary award against the JEFFREY PAWLOWSKI, WASHINGTON TRUST BANK, COI I,  
2 LLC and THE RIDGE AT EAGLE CREST OWNERS ASSOCIATION.

3 **IT IS SO ORDERED.**

Signed: 5/24/2018 12:39 PM



---

Circuit Court Judge Bethany P. Flint

14  
15 PRESENTED BY:

16 s/ Steve Bonfiglio  
17 Steve Bonfiglio, OSB #051220  
18 Attorney for Plaintiff U.S. BANK  
19 NATIONAL ASSOCIATION  
20  
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1 **CERTIFICATE OF READINESS**

2 This proposed Order or Judgment is ready for judicial signature because:

- 3  Service is not required pursuant to subsection (3) of UTCR 5.100, or by statute, rule  
4 or otherwise.
- 5  The relief sought is against an opposing party who has been found in default.
- 6  An order of default is being requested with this proposed judgment.
- 7  Each opposing party affected by this order or judgment has stipulated to the order or  
8 judgment, as shown by each opposing party's signature on the document being  
9 submitted.
- 10  Each opposing party affected by this order or judgment has approved the order or  
11 judgment, as shown by signature on the document being submitted or by written  
12 confirmation of approval sent to me.
- 13  I have served a copy of this order or judgment on all parties entitled to service and:  
14  No objection has been served on me.  
15  I received objections that I could not resolve with the opposing party despite  
16 reasonable efforts to do so. I have filed a copy of the objections I received and  
17 indicated which objections remain unresolved.
- 18  After conferring about objections, [role and name of opposing party] agreed  
19 to independently file any remaining objection.
- 20  This is a proposed judgment that includes an award of punitive damages.

21 DATED: May 3<sup>rd</sup>, 2018

22 By: s/ May Flores  
23 Paralegal  
24 MALCOLM ♦ CISNEROS, A Law Corporation  
25 2112 Business Center Drive, Second Floor  
26 Irvine, California 92612  
27 (949) 252-9400 (TELEPHONE)  
28 (949) 252-1032 (FAX)  
Email: mflores@mclaw.org

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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a true copy of the foregoing **STATEMENT OF FEES AND COSTS and SUPPLEMENTAL JUDGMENT** on the below named individual(s) by mailing a copy in a sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Portland, Oregon:

Stephen T. Boyke  
Law Office of Stephen T. Boyke  
10211 SW Barbur Blvd., Ste. 206A  
Portland, OR 97219  
Attorney for Defendant Pawlowski

DATED: May 8<sup>th</sup>, 2018

MALCOLM ♦ CISNEROS, A Law Corporation

s/ May Flores  
Paralegal  
MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, Second Floor  
Irvine, California 92612  
Phone: (949) 252-9400  
Fax: (949) 252-1032  
Email: mflores@mclaw.org

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

U.S. BANK NATIONAL ASSOCIATION,

CASE NUMBER: 17CV34685

Plaintiff,

vs.

**GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:**

JEFFREY PAWLOWSKI, an individual;  
WASHINGTON TRUST BANK, a  
corporation; COI I, LLC, a limited liability  
company; THE RIDGE AT EAGLE CREST  
OWNERS ASSOCIATION, a nonprofit  
organization; 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.

1. **JEFFREY PAWLOWSKI,**
2. **WASHINGTON TRUST BANK,**
3. **COI I, LLC, AND**
4. **THE RIDGE AT EAGLE CREST  
OWNERS ASSOCIATION**

Defendants.



CERTIFIED TRUE COPY OF THE ORIGINAL  
Dated this 21 day of Nov, 2018  
CIRCUIT COURT OF THE STATE OF OREGON  
FOR DESCHUTES COUNTY  
BY: [Signature]  
COURT CLERK

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, U.S. BANK NATIONAL ASSOCIATION ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants JEFFREY PAWLOWSKI, WASHINGTON TRUST BANK, COI I, LLC, and THE RIDGE AT EAGLE CREST OWNERS ASSOCIATION ("Defendants") were duly served with the Summons and Complaint as required by law; that

1 Defendants WASHINGTON TRUST BANK, COI I, LLC, and THE RIDGE AT EAGLE CREST  
2 OWNERS ASSOCIATION failed to appear, that an order of default has been entered against them  
3 on Plaintiff's Complaint, and that Plaintiff is entitled to entry of a General Judgment foreclosing  
4 Plaintiff's deed of trust against the property commonly known as 597 HIGHLAND MEADOWS  
5 LOOP, REDMOND, OR 97756 ("Property") and extinguishing any and all interest of the  
6 Defendants in the Property.  
7

8 Defendant Pawlowski, through his attorney, stipulates to the facts and relief herein.

9  
10 2.

11 The Court being fully advised; it is hereby

12 ORDERED AND ADJUDGED that:

13 3.

14 Plaintiff is the holder of that certain balloon note ("Note"), dated December 21, 2007, in the  
15 amount of \$169,000.00, and executed by JEFFREY PAWLOWSKI.  
16

17 4.

18 The Note is secured by that certain deed of trust ("Deed of Trust") dated December 21, 2007  
19 and executed by JEFFREY PAWLOWSKI. The Deed of Trust was recorded on December 31, 2007  
20 under the recording number 2007-66403 of the Official Records of Deschutes County, Oregon,  
21 against the Property, which is legally described in Exhibit "1" attached hereto ("Property") and  
22 constitutes a valid lien against the Property.  
23

24 5.

25 The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared  
26 all sums due and owing under the Note and Deed of Trust as immediately due and payable.  
27

28 6.

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

5  
6 7.

7 A judgment of foreclosure in the amount of \$260,388.18 shall be granted in favor of Plaintiff,  
8 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –  
9 Not a Money Award (“Amount Owed”). This is the amount due and owing as of February 23, 2018.

10  
11 8.

12 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the  
13 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be  
14 disbursed to such party or parties as may establish their right thereto.

15  
16 9.

17 Plaintiff is entitled to recover its reasonable attorney's fees and all reasonable and necessary  
18 costs and expenses incurred to enforcing the Note and Deed of Trust.

19  
20 10.

21 Any increased interest or any such additional amounts as Plaintiff may advance for taxes,  
22 assessments, municipal charges, and such other items as may constitute liens on the Property,  
23 together with insurance and repairs necessary to prevent the impairment of the Property, together  
24 with interest thereon from the date of payment may also be added to the Amount Owed and paid  
25 from the proceeds from the sale of the Property.  
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11.

Defendants and all parties claiming an interest in the Property 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 JEFFREY PAWLOWSKI is not entitled to a homestead exemption 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 any additional interest and reasonable costs until 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 available at law to secure possession of the Property, and may apply to the Clerk of the Court for a writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender possession of the Property to the purchaser immediately on the purchaser's demand for possession.

15.

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

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16.

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

17.

This suit does not constitute an attempt to collect the debt against Defendants JEFFREY PAWLOWSKI, WASHINGTON TRUST BANK, COI I, LLC, and THE RIDGE AT EAGLE CREST OWNERS ASSOCIATION. Rather, it is a suit to execute upon the Property as security for the Amount Owed.

**DECLARATION OF DEBT SECURED BY DEED OF TRUST**

**(Pursuant to Senate Bill 368)**

18.

Under the terms of the Deed of Trust and the Note dated December 21, 2007, in the original principal amount of \$169,000.00, there is now due and owing the following amounts, to be hereinafter described as the Amount Due:

**DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

<b>1. Judgment Creditor:</b>	U.S. BANK NATIONAL ASSOCIATION
Address:	c/o MALCOLM ♦ CISNEROS, A Law Corporation 2112 Business Center Drive, 2 <sup>nd</sup> Floor Irvine, California 92612

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**Judgment Attorney:** Steve Bonfiglio  
**Address:** MALCOLM ♦ CISNEROS, A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612  
**Telephone Number:** (949) 252-9400

- 2. Persons or Public Bodies Entitled to a Portion the Judgment:** N/A
- 3. Judgment Amount:** \$260,388.18
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$163,994.25 from February 24, 2018 to the date the Judgment is entered into the Court's register at 6.250% per annum, \$28.08 per diem.
- 5. Post-Judgment Interest:** Simple interest to accrue on \$260,388.18 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 and Costs:** An award of attorneys fees and costs shall be made pursuant to ORCP 68.

Signed: 4/18/2018 01:13 PM



Circuit Court Judge Bethany P. Flint

**\*\*note: signature line shall have at least 2 lines of text on page.**



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Submitted by:

Dated: April 4, 2018

s/ Steve Bonfiglio  
Steve Bonfiglio, OSB # 051220  
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: sbonfiglio@mclaw.org

Stephen T. Boyke  
Stephen T. Boyke, OSB #881628  
Attorney for Defendant Jeffrey Pawlowski  
Law Office of Stephen T. Boyke  
10211 SW Barbur Blvd., Suite 206A  
Portland, OR 97219  
Phone: (503) 227-0417  
Email: steve@boykelaw.com

Dated: 4/3/18

# EXHIBIT 1

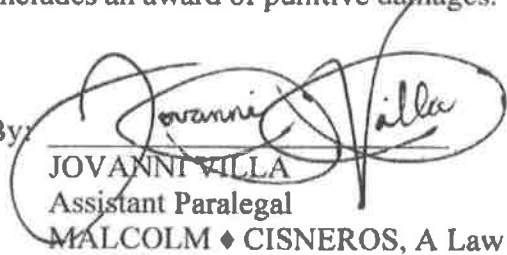
Lot 30 of RIDGE AT EAGLE CREST 38, Deschutes County, Oregon.

**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: 4/4, 2018

By:   
 JOVANNI VILLA  
 Assistant Paralegal  
 MALCOLM ♦ CISNEROS, A Law Corporation  
 2112 Business Center Drive, Second Floor  
 Irvine, California 92612  
 (949) 252-9400 (TELEPHONE)  
 (949) 252-1032 (FAX)