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

BANK OF AMERICA, N.A.,  
  
Plaintiff,

vs.

ERICA E. RAMIREZ, an individual; MICAH  
P. DAVIS, an individual; 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: 18CV03330**

**WRIT OF EXECUTION IN FORECLOSURE**

TO: THE SHERIFF OF MARION COUNTY, OREGON:

1.

WHEREAS, on September 12, 2018, in the above-entitled Court, a General Judgment of  
Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding



1 Additional Pre-Judgment Interest:  
2 Accrued Interest from July 18, 2018,  
3 the day after the date set forth in the  
4 Judgment through September 12, 2018,  
5 the date of entry of the Judgment, at  
6 6.75%, per annum (\$23.92 per diem): \$1,339.52

7  
8 Total Judgment Entered Including  
9 Additional Pre-Judgment  
10 Interest: \$255,552.10

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$255,552.10 at  
13 the legal rate of interest of 9% per annum, \$63.01 per diem, from September 13, 2018 to the date the  
14 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus  
15 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

16 4.

17 The real property subject to this writ of execution is commonly known as 2250 4TH ST NE,  
18 SALEM, OR 97303 ("Property") and described in Exhibit "1" attached hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 BANK OF AMERICA, N.A.  
22 100 N. Tryon St  
23 Charlotte, North Carolina 28255-4000  
24  
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The Judgment Creditor's name and address for the purpose of this Writ is:

BANK OF AMERICA, N.A.  
c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)  
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 you receive this Writ.

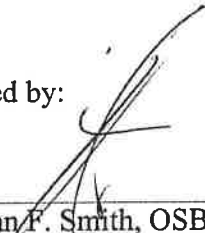
Signed: 9/24/2018 02:15 PM



Jamie Nightingale, Court Clerk



Submitted by:



Dated:



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**

**Lot 4, Block 11, RIVERVIEW PARK ADDITION, Marion County, Oregon.**

**ALSO: Beginning at a found cross in concrete marking the Southwest corner of Lot 3, Block 11, RIVERVIEW PARK ADDITION, Marion County, Oregon; thence North, coincident with the West boundary of said Lot, 2.40 feet to a 5/8 inch iron rod; thence South 89° 43'39" East 84.14 feet to a 5/8 inch iron rod in the East boundary line of said Lot 3; thence South 2.00 feet to a found 1/2 inch iron pipe; thence West 84.14 feet, more or less, to the point of beginning.**

*[Faint, illegible text, likely a signature or stamp]*



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

**BANK OF AMERICA, N.A.,**

**Plaintiff,**

**vs.**

**ERICA E. RAMIREZ, an individual; MICAH P. DAVIS, an individual; 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: 18CV03330**

**GENERAL JUDGMENT OF FORECLOSURE AGAINST:**

- 1. ERICA E. RAMIREZ**
- 2. MICAH P. DAVIS**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, BANK OF AMERICA, N.A. ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants ERICA E. RAMIREZ and MICAH P. DAVIS ("Defendants") were

1 duly served with the Summons and Complaint as required by law; that Defendants failed to appear,  
2 that an order of default have been entered against him/her/them on Plaintiff's Complaint, and that  
3 Plaintiff is entitled to entry of a General Judgment foreclosing Plaintiff's deed of trust against the  
4 property commonly known as 2250 4TH ST NE, SALEM, OR 97303 ("Property") and extinguishing  
5 any and all interest of the Defendants in the Property.

6 2.

7 The Court being fully advised; it is hereby  
8 ORDERED AND ADJUDGED that:

9 3.

10 Plaintiff is the holder of that certain promissory note ("Note"), dated May 22, 2006, in the  
11 amount of \$132,914.00, and executed by ERICA E RAMIREZ and MICAH P DAVIS.

12 4.

13 The Note is secured by that certain deed of trust ("Deed of Trust") dated May 22, 2006 and  
14 executed by ERICA E RAMIREZ and MICAH P DAVIS. The Deed of Trust was recorded on May  
15 25, 2006 under the recording number Reel 2652 Page 274 of the Official Records of Marion County,  
16 Oregon, against the Property, which is legally described as: See Exhibit "1" attached hereto.  
17 ("Property") and constitutes a valid lien against the Property.

18 5.

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

21 6.

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

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7.

A judgment of foreclosure in the amount of \$254,212.58 shall be granted in favor of Plaintiff, and its successors and/or assigns, as further described below in the Declaration of Amount Owed – Not a Money Award (“Amount Owed”).

8.

The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the satisfaction of Plaintiff's Amount Owed 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 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.

Defendants ERICA E RAMIREZ and MICAH P DAVIS are 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.



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**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 May 22, 2006, in the original principal amount of \$132,914.00, 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**

- 1. Judgment Creditor:** BANK OF AMERICA, N.A.  
**Address:** c/o MALCOLM ♦ CISNEROS,  
A Law Corporation  
2112 Business Center Drive, 2<sup>nd</sup> Floor  
Irvine, California 92612
- Judgment Attorney:** Nathan F. Smith  
**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:** \$251,504.08
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$129,359.68 from July 18, 2018 to the date the Judgment is entered into the Court's register at 6.75% per annum, \$23.92 per diem.

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**5. Post-Judgment Interest:**

Simple interest to accrue on \$254,212.58 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.

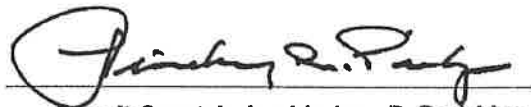
**6. Periodic accrual:**

N/A

**7. Attorney's Fees and Costs:**

An award of \$2,708.50 in attorney's fees and costs is made.

Signed: 9/11/2018 04:34 PM

  
Circuit Court Judge Lindsay R. Partridge

Submitted by:



Dated: 8/29/18

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

## LEGAL DESCRIPTION

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**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: 8/29, 2018

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