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CERTIFIED TRUE COPY OF THE ORIGINAL  
Dated this 4 day of Jan, 2019.

CIRCUIT COURT OF THE STATE OF OREGON  
FOR DESCHUTES COUNTY

BY: Sam Galan  
COURT CLERK

RCUD DES00JL28JAN19 12:26

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

U.S. BANK NATIONAL ASSOCIATION,

**CASE NUMBER: 18CV25660**

Plaintiff,

vs.

**WRIT OF EXECUTION IN FORECLOSURE**

ROSS E. RULE, and individual; DEANN J. RULE, and 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.

TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on November 7, 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 October 29,  
3 2018, the day after the date set forth in  
4 the Judgment through November 7,  
5 2018, the date of entry of the Judgment,  
6 at 6.99% per annum (\$21.96 per diem): \$197.64

7  
8 ***Total Judgment Entered Including***

9 ***Additional Pre-Judgment***

10 ***Interest:*** \$193,328.56

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$193,328.56 at  
13 the legal rate of interest of 9% per annum, \$47.67 per diem, from November 8, 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 52285 LECHNER  
18 LN, LA PINE, OR 97739 ("Property") and described in Exhibit "1" attached hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 U.S. BANK NATIONAL ASSOCIATION

22 4801 Frederica Street

23 Owensboro, Kentucky 42301-7441  
24  
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28 The Judgment Creditor's name and address for the purpose of this Writ is:

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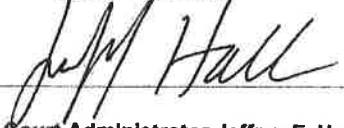
The Judgment Creditor's name and address for the purpose of this Writ is:

U.S. BANK NATIONAL ASSOCIATION  
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.

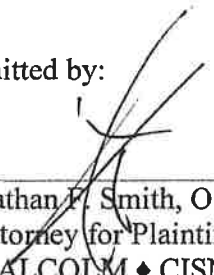
Signed: 11/15/2018 01:35 PM



Trial Court Administrator Jeffrey E. Hall



Submitted by:



Dated: 11/14/18

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"**

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**LEGAL DESCRIPTION**

Lot 5, Block 1, LECHNER ACRES, 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.

ROSS E. RULE, an individual; DEANN J. RULE, 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: 18CV25660

**GENERAL JUDGMENT OF FORECLOSURE AGAINST:**

- 1. **ROSS E. RULE**
- 2. **DEANN J. RULE**



CERTIFIED TRUE COPY OF THE ORIGINAL  
Dated this 15 day of Jan, 2019.  
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 ROSS E. RULE and DEANN J. RULE ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that orders of defaults have 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 property commonly known as 52285 LECHNER LN, LA PINE, OR 97739 ("Property") and extinguishing any and all interest of the Defendants in the Property.

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2.

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

3.

Plaintiff is the holder of that certain promissory note ("Note"), dated January 5, 2007, in the amount of \$132,568.00, and executed by ROSS E. RULE and DEANN J. RULE.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated January 5, 2007 and executed by ROSS E. RULE and DEANN J. RULE. The Deed of Trust was recorded on February 7, 2007 under the recording number 2007-07932 of the Official Records of Deschutes County, Oregon, against the Property, which is legally described as: SEE EXHIBIT "2" ATTACHED HERETO ("Property") and constitutes a valid lien against the Property.

5.

The terms of the Note and Deed of Trust are in breach, therefore, Plaintiff has now declared all sums due and owing under the Note and Deed of Trust as 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 \$193,130.92 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.



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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 ROSS E. RULE and DEANN J. RULE 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.

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

1 enter such additional order, judgment, or decree necessary for the purchaser at the foreclosure sale to  
2 obtain possession of the Property.

3 16.

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

6 17.

7 This suit does not constitute an attempt to collect the debt against Defendants ROSS E.  
8 RULE and DEANN J. RULE. Rather, it is a suit to execute upon the Property as security for the  
9 Amount Owed.

10 **DECLARATION OF DEBT SECURED BY DEED OF TRUST**  
11 **(Pursuant to Senate Bill 368)**

12 18.

13 Under the terms of the Deed of Trust and the Note dated January 5, 2007, in the original  
14 principal amount of \$132,568.00, there is now due and owing the following amounts, to be  
15 hereinafter described as the Amount Due:

16  
17 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

18	<b>1. Judgment Creditor:</b>	U.S. BANK NATIONAL ASSOCIATION
19	Address:	c/o MALCOLM ♦ CISNEROS,
20		A Law Corporation
21		2112 Business Center Drive, 2 <sup>nd</sup> Floor
22		Irvine, California 92612
23	<b>Judgment Attorney:</b>	Nathan F. Smith
24	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
25		2112 Business Center Drive, 2 <sup>nd</sup> Floor
26		Irvine, California 92612
27	Telephone Number:	(949) 252-9400

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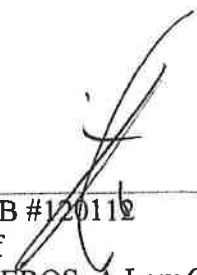
<b>2. Persons or Public Bodies Entitled to a Portion the Judgment:</b>	N/A
<b>3. Judgment Amount:</b>	\$188,334.42
<b>4. Pre-Judgment Interest:</b>	Simple interest to accrue on \$114,693.09 from October 29, 2018 to the date the Judgment is entered into the Court's register at 6.99% per annum% per annum, \$21.96 per diem.
<b>5. Post-Judgment Interest:</b>	Simple interest to accrue on \$193,130.92 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.
<b>6. Periodic accrual:</b>	N/A
<b>7. Attorney's Fees and Costs:</b>	An award of <b>\$4,796.50</b> in attorney's fees and costs is made.
<b>Attorney Fee</b>	\$2,645.00
<b>Litigation Guarantee</b>	\$583.00
<b>Filing Costs</b>	\$560.00
<b>Recording Costs</b>	\$216.00
<b>Process Service Costs</b>	\$557.50
<b>Other Filing Costs</b>	\$35.00
<b>Mediation Costs</b>	\$200.00
<b>Total Fess and Costs</b>	<b>\$4,796.50</b>



**Circuit Court Judge Stephen P. Forte**

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Submitted by:



Dated:

11/5/18

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