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JACKSON COUNTY
SHERIFF'S OFFICE

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

REVERSE MORTGAGE SOLUTIONS,
INC.,

Plaintiff,

vs.

BONNIE LEE PECH, an individual; STATE
OF OREGON, a government entity; 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: 17CV13067

WRIT OF EXECUTION IN FORECLOSURE

TO: THE SHERIFF OF JACKSON COUNTY, OREGON:

1.

WHEREAS, on January 23, 2019, 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 June 6, 2017, the
3 day after the date set forth in the
4 Judgment through January 23, 2019, the
5 date of entry of the Judgment, at 4.09%,
6 per annum (\$27.82 per diem): \$16,580.72

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

9 ***Additional Pre-Judgment***

10 ***Interest:*** \$237,583.14

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$237,583.14 the
13 legal rate of interest of 9% per annum, \$58.58 per diem, from January 24, 2019 to the date the real
14 property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus costs of
15 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 815 Old Trail
18 Creek Road, Trail, OR 97541 ("Property") and described in Exhibit "1" attached hereto.

19 5.

20 The Judgment Creditor's name and address is:

21 Reverse Mortgage Solutions, Inc.
22 c/o 14405 Walters Road, Suite 200
23 Houston, Texas 77014-1345
24
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The Judgment Creditor's name and address for the purpose of this Writ is:

Reverse Mortgage Solutions, Inc.
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: 1/25/2019 02:27 PM

Andrea Culbertson

Andrea Culbertson - Court Clerk

Submitted by:

Dated: 1/24/19

Nathan F. Smith
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

All that portion of the South half of the South half of the Northwest Quarter of the Southeast Quarter of Section 33 in Township 33 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, lying Westerly of the centerline of Trail Creek Road.

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

REVERSE MORTGAGE SOLUTIONS,
INC.,

Plaintiff,

vs.

BONNIE LEE PECH, an individual; STATE OF OREGON, a government entity; 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: 17CV13067

GENERAL JUDGMENT OF FORECLOSURE AGAINST:

- 1. BONNIE LEE PECH**
- 2. STATE OF OREGON**

1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, Reverse Mortgage Solutions, Inc. ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants BONNIE LEE PECH and STATE OF OREGON ("Defendants"), were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that orders of default 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 815 Old Trail Creek Road, Trail, OR 97541 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

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

3 3.
4 Plaintiff is the holder of that certain ("Note"), dated April 24, 2008, in the amount of
5 \$345,000.00, and executed by BONNIE LEE PECH.

6 4.
7 The Note is secured by that certain deed of trust ("Deed of Trust") dated April 24, 2008 and
8 executed by BONNIE LEE PECH. The Deed of Trust was recorded on April 30, 2008 under the
9 recording number 2008-016176 of the Official Records of Jackson County, Oregon, against the
10 Property, which is legally described as: See **Exhibit "1"** attached hereto. ("Property") and
11 constitutes a valid lien against the Property.

12 5.
13 The terms of the Note and Deed of Trust are in breach; therefore, Plaintiff has now declared
14 all sums due and owing under the Note and Deed of Trust as immediately due and payable.

15 6.
16 The Deed of Trust is a valid first priority lien encumbering the Property, is superior to any
17 interest, lien, or claim of the Defendants and any other party in the Property, which are hereby
18 foreclosed and terminated, excepting only any statutory right of redemption to which the Defendants
19 may be entitled under Oregon law.

20 7.
21 A judgment of foreclosure in the amount of \$221,002.42 shall be granted in favor of Plaintiff,
22 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
23 Not a Money Award ("Amount Owed").

24 8.
25 The Property is hereby ordered to be sold by law and the proceeds of sale applied toward the
26 satisfaction of Plaintiff's Amount Owed herein; and the surplus, if any to the Clerk of the Court to be
27 disbursed to such party or parties as may establish their right thereto.

28 9.

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

3 10.

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

9 11.

10 Defendants and all parties claiming an interest in the Property as purchasers, encumbrancers,
11 or otherwise, are forever barred and foreclosed of all interests, liens, or claims in the Property and
12 every portion thereof, excepting only any statutory right of redemption provided by the laws of the
13 State of Oregon.

14 12.

15 Defendants BONNIE LEE PECH and STATE OF OREGON are not entitled to a homestead
16 exemption in the Property.

17 13.

18 Plaintiff may become purchaser at the Sheriff's Sale of the Property and may bid up to the
19 aggregate amount of its Amount Owed, plus any additional interest and reasonable costs until sale.

20 14.

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

26 15.

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

1 obtain possession of the Property.

2 16.

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

5 17.

6 This suit does not constitute an attempt to collect the debt against Defendants BONNIE LEE
7 PECH and STATE OF OREGON. Rather, it is a suit to execute upon the Property as security for the
8 Amount Owed.

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

10 (Pursuant to Senate Bill 368)

11 18.

12 Under the terms of the Deed of Trust and the Note dated April 24, 2008, in the original
13 principal amount of \$154,790.00, there is now due and owing the following amounts, to be
14 hereinafter described as the Amount Due:

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

16	1. Judgment Creditor:	Reverse Mortgage Solutions, Inc.
17	Address:	c/o MALCOLM ♦ CISNEROS,
18		A Law Corporation
19		2112 Business Center Drive, 2 nd Floor
20		Irvine, California 92612
21	Judgment Attorney:	Nathan F. Smith
22	Address:	MALCOLM ♦ CISNEROS, A Law Corporation
23		2112 Business Center Drive, 2 nd Floor
24		Irvine, California 92612
25	Telephone Number:	(949) 252-9400
26	2. Persons or Public Bodies Entitled to	
27	a Portion the Judgment:	N/A
28	3. Judgment Amount:	\$218,279.97

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4. Pre-Judgment Interest:

Simple interest to accrue on \$218,279.97 from June 6, 2017 to the date the Judgment is entered into the Court's register at 4.09% per annum, \$27.82 per diem.

5. Post-Judgment Interest:

Simple interest to accrue on \$221,002.42 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.

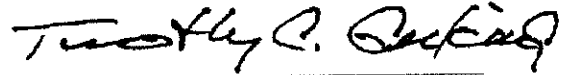
6. Periodic accrual:

N/A

7. Attorney's Fees and Costs:

An award of \$2,722.45 in attorney's fees and costs is made.

Signed: 1/22/2019 11:45 AM



Circuit Court Judge -- Judge Timothy C. Gerking

Submitted by:

Dated: _____

s/ Nathan F. Smith
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

All that portion of the South half of the South half of the Northwest Quarter of the Southeast Quarter of Section 33 in Township 33 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon, lying Westerly of the centerline of Trail Creek Road.

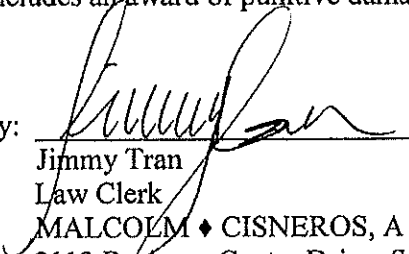
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CERTIFICATE OF READINESS

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: 1/17, 2019

By: 
 Jimmy Tran
 Law Clerk
 MALCOLM ♦ CISNEROS, A Law Corporation
 2112 Business Center Drive, Second Floor
 Irvine, California 92612
 (949) 252-9400 (TELEPHONE)
 (949) 252-1032 (FAX)