

FILED DESCHUTES COUNTY OR 19 11:52

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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: 18CV01382

Plaintiff,

vs.

WRIT OF EXECUTION IN FORECLOSURE

MICHAEL M. STEINER,; ROBERT C. STEINER; PRONGHORN COMMUNITY ASSOCIATION, INC,; 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.



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 22 day of Apr, 2019.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: Sarah Geelan
COURT CLERK

TO: THE SHERIFF OF DESCHUTES COUNTY, OREGON:

1.

WHEREAS, on March 14, 2019, in the above-entitled Court, a General Judgment of Foreclosure ("Judgment") was entered and docketed and a Supplemental Judgment-ORCP 68C(5)(b) was entered on April 1, 2019, in the above-entitled and numbered proceeding

1 Additional Pre-Judgment Interest:
2 Accrued Interest from March 11, 2019,
3 the day after the date set forth in the
4 Judgment through March 14, 2019, the
5 date of entry of the Judgment, at 6.5%,
6 per annum (\$62.88 per diem): \$188.64

7
8 Total Judgment Entered Including
9 Additional Pre-Judgment
10 Interest: \$567,722.32

11 3.

12 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$567,722.32 at
13 the legal rate of interest of 9% per annum, \$139.98 per diem, from March 15, 2019 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 LOT 17 ESTATE
18 AT PRONGHORN, BEND, OR 97701 ("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
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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.

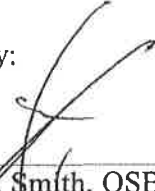
MAKE RETURN HEREOF within 60 days after you receive this Writ.

Signed: 4/11/2019 10:05 AM


Trial Court Administrator Jeffrey E. Hall



Submitted by:


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

Dated:

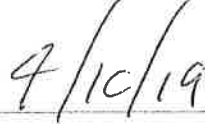


EXHIBIT 1

LEGAL DESCRIPTION

Lot Seventeen, ESTATES AT PRONGHORN, PHASE I, 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,

CASE NUMBER: 18CV01382

Plaintiff,

vs.

MICHAEL M. STEINER; ROBERT C. STEINER; Pronghorn Community Association, Inc. ; 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.

GENERAL JUDGMENT OF FORECLOSURE AGAINST DEFENDANTS PRONGHORN COMMUNITY ASSOCIATION, INC, MICHAEL M. STEINER AND ROBERT C. STEINER

Defendants.



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 22 day of Apr, 20 19
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

BY: *Seanh Gerdan*
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 Defendant Pronghorn Community Association, Inc., MICHAEL M. STEINER and ROBERT C. STEINER ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendant Pronghorn Community Association was ordered to be in default on October 11, 2018, and that Plaintiff and Defendants Michael M. Steiner and Robert C.

1 Steiner have stipulated as follows, the Plaintiff is entitled to entry of a General Judgment foreclosing
2 Plaintiff's deed of trust against the property commonly known as LOT 17 ESTATE AT
3 PRONGHORN, BEND, OR 97701 ("Property") and extinguishing any and all interest of the
4 Defendants in the Property.

5 2.

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

8 3.

9 Plaintiff is the holder of that certain promissory note ("Note"), dated July 28, 2008, in the
10 amount of \$364,000.00, and executed by MICHAEL M. STEINER and ROBERT C. STEINER.

11 4.

12 The Note is secured by that certain deed of trust ("Deed of Trust") dated July 28, 2008 and
13 executed by MICHAEL M. STEINER and ROBERT C. STEINER. The Deed of Trust was recorded
14 on July 31, 2008 under the recording number 2008-32125 of the Official Records of Deschutes
15 County, Oregon, against the Property, which is legally described as: see attached hereto as Exhibit
16 "A" and constitutes a valid lien against the Property.

17 5.

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

20 6.

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

25 7.

26 A judgment of foreclosure in the amount of \$560,063.23 shall be granted in favor of Plaintiff,
27 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –
28 Not a Money Award ("Amount Owed").

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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 MICHAEL M. STEINER and ROBERT C. STEINER 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

1 writ of assistance, if Defendants, any of them, or any other party or person shall refuse to surrender
2 possession of the Property to the purchaser immediately on the purchaser's demand for possession.

3 15.

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

7 16.

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

10 17.

11 This suit does not constitute an attempt to collect the debt against Defendants MICHAEL M.
12 STEINER and ROBERT C. STEINER. Rather, it is a suit to execute upon the Property as security
13 for the Amount Owed. Plaintiff acknowledges that it shall not pursue any deficiency judgment or
14 award against Michael or Robert Steiner, and Plaintiff's only source of recovery shall be from the
15 proceeds from the eventual sale of the Property.

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

17 **(Pursuant to Senate Bill 368)**

18 18.

19 Under the terms of the Deed of Trust and the Note dated July 31, 2008, in the original
20 principal amount of \$364,000.00, there is now due and owing the following amounts, to be
21 hereinafter described as the Amount Due:

22
23 **DECLARATION OF AMOUNT OWED – NOT A MONEY AWARD**

24 **1. Judgment Creditor:**

U.S. BANK NATIONAL ASSOCIATION

25 Address:

c/o MALCOLM ♦ CISNEROS,

26 A Law Corporation

27 2112 Business Center Drive, 2nd Floor

28 Irvine, California 92612

1 **Judgment Attorney:**

Nathan F. Smith

2 **Address:**

MALCOLM ♦ CISNEROS, A Law Corporation

3 2112 Business Center Drive, 2nd Floor

4 Irvine, California 92612

5 **Telephone Number:**

(949) 252-9400

6 **2. Persons or Public Bodies Entitled to**

7 **a Portion the Judgment:**

N/A

8 **3. Judgment Amount:**

\$560,063.23

9 **4. Pre-Judgment Interest:**

10 Simple interest to accrue on \$354,080.05 from
11 March 11, 2019 to the date the Judgment is
12 entered into the Court's register at 6.5% per
annum, \$62.88 per diem.

13 **5. Post-Judgment Interest:**

14 Simple interest to accrue on \$560,063.23 plus
15 Pre-Judgment Interest from the day after the
16 General Judgment is entered to the date upon
17 which the Writ of Execution in Foreclosure is
18 levied at contract rate of interest, 6.5% per
annum.

19 **6. Periodic accrual:**

N/A

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

21 An award of attorneys' fees shall be determined
22 pursuant to ORCP 68.

Signed: 3/14/2019 02:52 PM



Circuit Court Judge Stephen P. Forte

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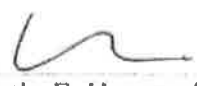
Stipulated to, and Submitted by:



Dated: 3/13/2019

for *Stein Boerf gliu*
Nathan F. Smith, OSB #120112 *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: nathan@mclaw.org

Stipulated to, and Submitted by:



OSB # 085915

for Martin E. Hansen / Partner
Attorney for Michael Steiner and Robert Steiner
FRANCIS HANSEN & MARTIN LLP
1148 NW Hill Street
Bend, OR 97703-1914
Ph: (541) 389-5010 • Fax: (541) 382-7068
meh@francishansen.com

EXHIBIT A

LEGAL DESCRIPTION

Lot Seventeen, ESTATES AT PRONGHORN, PHASE I, Deschutes County, Oregon.

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: March 13, 2019

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 **MOTION FOR JUDGMENT BY DEFAULT, DECLARATION IN SUPPORT OF MOTION FOR JUDGMENT, GENERAL 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:

Martin E. Hansen
Francis Hansen & Martin, LLP
1148 NW Hill Street
Bend, OR 97703
Attorney for Defendants Steiner

DATED: March 13, 2019

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,
Plaintiff,

vs.

MICHAEL M. STEINER; ROBERT C. STEINER; PRONGHORN COMMUNITY ASSOCIATION, INC.; 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: 18CV01382

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



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 22 day of Apr, 2012.
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY
BY: Sarah G. Law
COURT CLERK

Based on Plaintiff's Statement of Attorneys' Fees and Costs, and no objection having been lodged by Defendants MICHAEL M. STEINER; ROBERT C. STEINER; PRONGHORN COMMUNITY ASSOCIATION, INC., AND ALL OTHER PERSONS, PARTIES OR OCCUPANTS UNKNOWN, it is hereby ordered that Plaintiff be awarded a supplemental judgment

1 of \$7,470.45 in attorneys' fees and costs.

2 Pursuant to ORCP 68C(5)(b), this Judgment supplements the Declaration of Debt Secured by
3 Deed of Trust in the General Judgment of Foreclosure entered on March 14, 2019, and is not a
4 monetary award against the MICHAEL M. STEINER; ROBERT C. STEINER; PRONGHORN
5 COMMUNITY ASSOCIATION, INC., AND ALL OTHER PERSONS, PARTIES OR
6 OCCUPANTS UNKNOWN.
7

8 **IT IS SO ORDERED.**
9

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15 Signed: 3/29/2019 09:53 AM

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19 **Circuit Court Judge Stephen P. Forte**
20

21 PRESENTED BY:

22 s/ Steve Bonfiglio
23 Nathan F. Smith, OSB #051220
24 Attorney for Plaintiff U.S. BANK
25 NATIONAL ASSOCIATION
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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: March 15th, 2019

22 By: s/ May Flores
23 May Flores
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 email and mailing a copy in a sealed postage paid envelope addressed as set forth below and deposited in the U.S. Mail at Portland, Oregon:

Martin E. Hansen
Francis Hansen & Martin, LLP
1148 NW Hill Street
Bend, OR 97703
Email: meh@francishansen.com
Attorney for Defendants Steiner

DATED: March 15, 2019

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