

This instrument is a correct copy of the original on file in this office.

ATTEST: APR 29 2019  
TRIAL COURT ADMINISTRATOR  
State of Oregon - Jackson County  
By *W. Cummons*

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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS INDENTURE TRUSTEE  
FOR THE FBR SECURITIZATION TRUST  
2005-5, MORTGAGE-BACKED NOTES,  
SERIES 2005-5,

CASE NUMBER: 18CV11933

WRIT OF EXECUTION IN FORECLOSURE

Plaintiff,

vs.

JAMES DEAN KEYS AKA JAMES D.  
KEYS AKA JAMES KEYS, an individual;  
MICHELLE MARIE KEYS AKA  
MICHELLE M. KEYS AKA MICHELLE M.  
BEARDSLEY AKA MICHELLE M.  
REGAIN, 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.

1 TO: THE SHERIFF OF JACKSON COUNTY, OREGON:

2 1.

3 WHEREAS, on February 22, 2019, in the above-entitled Court, a General Judgment of  
4 Foreclosure ("Judgment") was entered and docketed in the above-entitled and numbered proceeding

5 2.

6 NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby  
7 commanded to sell, in the manner prescribed by law for the sale of real property upon (subject to  
8 redemption, if applicable), all of the interest which the Defendants JAMES DEAN KEYS AKA  
9 JAMES D. KEYS AKA JAMES KEYS, MICHELLE MARIE KEYS AKA MICHELLE M. KEYS  
10 AKA MICHELLE M. BEARDSLEY AKA MICHELLE M. REGAIN and ALL OTHER PERSONS,  
11 PARTIES, OR OCCUPANTS UNKNOWN ("Defendants") had on August 9, 2005, the date of the  
12 foreclosed Deed of Trust which was recorded on August 15, 2005, as Instrument No. 2005-049497  
13 in the official records of the Jackson County Recorder's Office, and/or all of the interest which  
14 Defendants had thereafter, in the real property described in the Judgment to satisfy the Judgment as  
15 follows:

16  
17 **Lender's Principal Judgment:**

18 Unpaid Principal Balance:	\$215,312.73
19 Pre-Judgment Interest from August 1, 2016 to January 10,	
20 2019, the date set forth in the Judgment at 2.000%, per	
21 annum, (\$11.21 per diem):	\$10,259.58
22 Lender's Fees and Costs:	\$45,779.99
23 Attorney's Fees and Costs:	\$8,866.93
24 <b>Total Judgment Entered:</b>	<b>\$280,219.23</b>

25 ///

26 ///

27 ///

28

1 **Additional Pre-Judgment Interest:**

2 Accrued Interest from January 11, 2019, the day after the  
3 date set forth in the Judgment through February 22, 2019, the  
4 date of entry of the Judgment, at interest at the rate of 2%,  
5 per annum (\$11.21 per diem): \$470.82

6 ***Total Judgment Entered Including Additional Pre-***  
7 ***Judgment Interest:*** ***\$280,690.05***

8 3.

9 Additionally, Plaintiff is entitled to the accrual of post-judgment interest on \$280,690.05 at  
10 the legal rate of interest of 9% per annum, \$69.21 per diem, from February 23, 2019 to the date the  
11 real property subject to the Judgment is sold by the County Sheriff at its foreclosure auction, plus  
12 costs of this Writ, Sherriff's fees and sale costs, and all other recovered costs pursuant to law.

13 4.

14 The real property subject to this writ of execution is commonly known as 1847  
15 GRANDVIEW AVENUE, MEDFORD, OR 97504 ("Property") and described in Exhibit "1"  
16 attached hereto.

17 5.

18 The Judgment Creditor's name and address is:  
19 Deutsche Bank National Trust Company as Indenture Trustee for the FBR Securitization Trust 2005-  
20 5, Mortgage-Backed Notes, Series 2005-5  
21 c/o Select Portfolio Servicing  
22 3217 S. Decker Lake Dr.  
23 Salt Lake City, Utah 84119-3284

24 The Judgment Creditor's name and address for the purpose of this Writ is:  
25 Deutsche Bank National Trust Company as Indenture Trustee for the FBR Securitization Trust 2005-  
26 5, Mortgage-Backed Notes, Series 2005-5  
27 c/o Malcolm & Cisneros, ALC (Attention: Nathan F. Smith)

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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: 3/18/2019 03:08 PM



*Andrea Culbertson*  
Andrea Culbertson - Court Clerk

Submitted by: *[Signature]*

Dated: *3/15/19*

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

[REDACTED]

[REDACTED]

[REDACTED]

## LEGAL DESCRIPTION

Commencing at the Northwest corner of Lot 20 in Block 2, ROGUE VALLEY HEIGHTS, in Jackson County, Oregon, according to the Official Plat thereof, now of record, thence South 0°26'22" West, 159.00 feet along the West line thereof, for the true point of beginning; thence continue South 0°26'22" West, 159.00 feet along said West line, to intersect the North line of tract described in Volume 348, Page 446, Deed Records, Jackson County, Oregon; thence North 89°52'00" West, along said line, 62.50 feet; thence North 0°26'22" East, 159.00 feet, to a point North 89°52'00" West of the true point of beginning; thence South 89°52'00" East, 62.50 feet, to the true point of beginning.

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

DEUTSCHE BANK NATIONAL TRUST  
COMPANY AS INDENTURE TRUSTEE  
FOR THE FBR SECURITIZATION TRUST  
2005-5, MORTGAGE-BACKED NOTES,  
SERIES 2005-5,

Plaintiff,

vs.

JAMES DEAN KEYS AKA JAMES D.  
KEYS AKA JAMES KEYS, an individual;  
MICHELLE MARIE KEYS AKA  
MICHELLE M. KEYS AKA MICHELLE M.  
BEARDSLEY AKA MICHELLE M.  
REGAIN, 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: 18CV11933

**GENERAL JUDGMENT OF  
FORECLOSURE AGAINST:**

1. JAMES DEAN KEYS AKA JAMES D. KEYS AKA JAMES KEYS ,
2. MICHELLE MARIE KEYS AKA MICHELLE M. KEYS AKA MICHELLE M. BEARDSLEY AKA MICHELLE M. REGAIN, AND
3. ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN

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1.

THIS MATTER, coming on regularly before the Court, and it appearing from the record herein that Plaintiff, Deutsche Bank National Trust Company as Indenture Trustee for the FBR Securitization Trust 2005-5, Mortgage-Backed Notes, Series 2005-5 ("Plaintiff"), filed its Complaint for Foreclosure of Deed of Trust; that Defendants JAMES DEAN KEYS AKA JAMES D. KEYS AKA JAMES KEYS, MICHELLE MARIE KEYS AKA MICHELLE M. KEYS AKA MICHELLE M. BEARDSLEY AKA MICHELLE M. REGAIN, and ALL OTHER PERSONS, PARTIES, OR OCCUPANTS UNKNOWN ("Defendants") were duly served with the Summons and Complaint as required by law; that Defendants failed to appear, that an order of defaults has 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 1847 GRANDVIEW AVENUE, MEDFORD, OR 97504 ("Property") and extinguishing any and all interest of the Defendants in the Property.

2.

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

3.

Plaintiff is the holder of that certain Adjustable Rate Balloon Note ("Note"), dated August 9, 2005, in the amount of \$193,600.00, and executed by JAMES DEAN KEYS AKA JAMES D. KEYS AKA JAMES KEYS and MICHELLE MARIE KEYS AKA MICHELLE M. KEYS AKA MICHELLE M. BEARDSLEY AKA MICHELLE M. REGAIN.

4.

The Note is secured by that certain deed of trust ("Deed of Trust") dated August 9, 2005 and executed by JAMES DEAN KEYS AKA JAMES D. KEYS AKA JAMES KEYS and MICHELLE MARIE KEYS AKA MICHELLE M. KEYS AKA MICHELLE M. BEARDSLEY AKA MICHELLE M. REGAIN. The Deed of Trust was recorded on August 15, 2005 under the recording number 2005-049497 of the Official Records of Jackson County, Oregon, against the Property,



1 which is legally described as: See Exhibit "1" attached hereto. ("Property") and constitutes a valid  
2 lien against the Property.

3 5.

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

6 6.

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

11 7.

12 A judgment of foreclosure in the amount of \$280,219.23 shall be granted in favor of Plaintiff,  
13 and its successors and/or assigns, as further described below in the Declaration of Amount Owed –  
14 Not a Money Award ("Amount Owed").

15 8.

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

19 9.

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

22 10.

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

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

- 1. Judgment Creditor:** Deutsche Bank National Trust Company as  
**Address:** Indenture Trustee for the FBR Securitization  
Trust 2005-5, Mortgage-Backed Notes, Series  
2005-5  
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:** \$271,352.30
- 4. Pre-Judgment Interest:** Simple interest to accrue on \$215,312.73 from  
January 11, 2019 to the date the Judgment is  
entered into the Court's register at interest at the  
rate of 2% per annum, \$11.21 per diem.
- 5. Post-Judgment Interest:** Simple interest to accrue on \$280,219.23 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.

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**6. Periodic accrual:** N/A

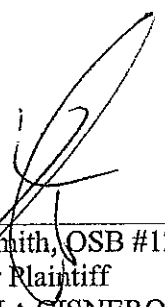
**7. Attorney's Fees and Costs:** An award of \$8,866.93 in attorney's fees and costs is made.

Signed: 2/22/2019 10:53 AM

*David G. Hoppe*

Circuit Court Judge David G. Hoppe

Submitted by:



Dated: 2/12/19

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

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