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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR STRUCTURED ASSET  
SECURITIES CORPORATION MORTGAGE  
LOAN TRUST 2005-OPT1, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2005-OPT1,

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES  
OF CRAIG P. WILMARTH; OPTION ONE  
MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION; KEY BANK  
NATIONAL ASSOCIATION; AMBER JAE  
WILMARTH; STEPHEN PHILLIP  
WILMARTH; TANYA M. WILMARTH;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV14943

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on January 27, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR STRUCTURED ASSET  
SECURITIES CORPORATION MORTGAGE LOAN TRUST 2005-OPT1,  
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-OPT1  
c/o Brady Godbout  
Attorney for Plaintiff

McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204



# EXHIBIT "1"

## LEGAL DESCRIPTION

The West one-half of the following: Lot 9, Block 3, FIRST ADDITION TO THE ADAMS PLAT, as platted and recorded in Volume 15, Page 2, Lane County Oregon Plat Records, in Lane County, Oregon.

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

U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE FOR STRUCTURED ASSET  
SECURITIES CORPORATION MORTGAGE  
LOAN TRUST 2005-OPT1, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2005-OPT1,

Case No.: 16CV14943

GENERAL JUDGMENT OF  
FORECLOSURE

Plaintiff,

v.

THE UNKNOWN HEIRS AND DEVISEES  
OF CRAIG P. WILMARTH; OPTION ONE  
MORTGAGE CORPORATION, A  
CALIFORNIA CORPORATION; KEY  
BANK NATIONAL ASSOCIATION;  
AMBER JAE WILMARTH; STEPHEN  
PHILLIP WILMARTH; TANYA M.  
WILMARTH; OCCUPANTS OF THE  
PROPERTY,

Defendants.

1.

THIS MATTER came before the Court on Plaintiff's motion.

a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF CRAIG P. WILMARTH, OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA CORPORATION, AMBER JAE WILMARTH, STEPHEN PHILLIP WILMARTH, TANYA M. WILMARTH and OCCUPANTS OF THE PROPERTY ("Defaulted Defendants") were duly served with process and failed to appear; the default has been entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the military service of the United States;

1 b. A Stipulated Limited Judgment has been entered with regard to Defendant KEY  
2 BANK NATIONAL ASSOCIATION ("Stipulating Defendants") (collectively  
3 Defaulted and Stipulating Defendants are referred to as "Defendants");

4 2.

5 IT IS HEREBY ADJUDGED that Plaintiff shall have judgment as follows:

- 6 a. The real property to which this judgment relates is located and situated in Lane County,  
7 Oregon, and is commonly known as 1281 N 31st St, Springfield, OR 97478 (the "Subject  
8 Property"), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
9 0114619.
- 10 b. Plaintiff is entitled to enforce the note dated 6/15/2005 and made, delivered, and executed by  
11 CRAIG P. WILMARTH to OPTION ONE MORTGAGE CORPORATION in the amount of  
12 \$96,720.00 (the "Note"). The Note was transferred to Plaintiff by delivery of possession and  
13 by indorsement set forth on the Note.
- 14 c. A deed of trust was made, executed, and delivered by Borrower CRAIG P. WILMARTH on  
15 or about 6/15/2005 (the "Deed of Trust"). The Deed of Trust was recorded on 6/20/2005 as  
16 Instrument No. 2005-044775 in the official records of Lane County, Oregon. The Deed of  
17 Trust is a valid and perfected lien against all of the Property for and securing the Amount  
18 Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the Defendants and  
19 shall remain in effect until issuance of a Sheriff's Deed.
- 20 d. The Borrower failed to make the payment that was due for 3/1/2015 and has not cured the  
21 default. The amount of debt secured by the Deed of Trust that is now due and owing is  
22 comprised of the following amounts (the "Amount Due"):

- 23 a) Unpaid principal balance: \$89,636.31
- 24 b) Prejudgment interest accruing from  
25 2/1/2015 through 1/9/2017 and  
26 continuing until the entry of judgment  
at the current Note rate of 7.8%: \$13,614.33
- 27
- 28

1	c) Additional amounts due under the terms of the loan:	\$4,303.41
2	d) Attorney fees and costs:	\$3,968.93
3	e) Prevailing party fee (ORS 20.190 (1)(b)):	\$85.00
4		
5	<b>Total:</b>	<b>\$111,607.98</b>
6		

7 Pursuant to ORS 82.010 (2), post-judgment interest shall accrue on the Amount Due from the  
8 date of entry of this judgment through the sale of the Subject Property at the rate of 9.00%  
9 per annum.

10 e. The interest of the Defendants and any successor in interest in the Subject Property is  
11 foreclosed and terminated excepting only any statutory right of redemption as provided by  
12 Oregon law.

13 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.

14 g. All right, title and interest in the Subject Property that Defendants THE UNKNOWN HEIRS  
15 AND DEVISEES OF CRAIG P. WILMARTH had as of the date of the Deed of Trust or  
16 thereafter acquired is hereby ordered to be sold by the Lane County Sheriff's Office in  
17 accordance with the process for sale upon execution, and the proceeds of sale shall be  
18 applied:

- 19 1) First, to the costs of sale not incurred by Plaintiff;
- 20 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
21 entry of judgment through the date of the sale and any incurred costs of sale;
- 22 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
23 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
24 such party or parties as they may establish their right thereto.

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- 1 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
2 18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
3 the date of entry of judgment through the date of the sale and any incurred costs of sale.
- 4 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
5 Property from and after the date of the sale and is entitled to such remedies as are available at  
6 law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
7 writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
8 possession to the purchaser immediately upon the purchaser's demand for possession.
- 9 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
10 entitled to any further or other judgment, including a judgment for the deficiency.
- 11 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
12 if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
13 terminated.
- 14 l. Pursuant to ORS 88.050, the apparent priority of liens subsequent and inferior to the Deed of  
15 Trust are as follows:
  - 16 1) Defendant OPTION ONE MORTGAGE CORPORATION, A CALIFORNIA  
17 CORPORATION may claim a junior interest in Subject Property by virtue of a deed  
18 of trust recorded on June 20, 2005 as Instrument No. 2005-044776 in the official  
19 records of Lane County, Oregon.
  - 20 2) Defendant KEY BANK NATIONAL ASSOCIATION may claim a junior interest in  
21 Subject Property by virtue of a deed of trust recorded on June 12, 2006 as Instrument  
22 No. 2006 -040620 in the official records of Lane County, Oregon.
  - 23 ///
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1 3) Defendant AMBER JAE WILMARTH and STEPHEN PHILLIP WILMARTH may  
2 claim a vesting interest in the Subject Property by virtue of a Transfer on Death deed  
3 recorded on March 7, 2014 as Instrument No. 2014-008016 in the official records of  
4 Lane County, Oregon.

Signed 1/24/2017 12:51 PM

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13 **Suzanne B. Chaffi, Circuit Court Judge**  
14 **UTCR 5.100 Certification**

14 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

15 This proposed General Judgment of Foreclosure is ready for judicial signature because:

16  An order of default is being requested with this proposed judgment.  
17 Courtesy Copy to Party to Separate Stipulation:

18 Daniel Ross  
19 2001 Western Ave, Suite 400  
20 Seattle, WA 98121  
21 Attorney for Key Bank National Association

22 Certified and Presented by:

23 **McCarthy & Holthus, LLP**

24 s/Carrie A. Majors-Staab 1/10/2017

25 Carrie A. Majors-Staab, OSB No.980785  
26 920 SW 3rd Ave, 1st Floor  
27 Portland, OR 97204  
28 Phone: (971) 201-3200  
Fax: (971) 201-3202  
cmajors-staab@mccarthyholthus.com  
Of Attorneys for Plaintiff

# **EXHIBIT “1”**

## LEGAL DESCRIPTION

The West one-half of the following: Lot 9, Block 3, FIRST ADDITION TO THE ADAMS PLAT, as platted and recorded in Volume 15, Page 2, Lane County Oregon Plat Records, in Lane County, Oregon.