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

WELLS FARGO BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC., GREENPOINT  
MTA TRUST 2005-AR3, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES  
2005-AR3,

Plaintiff,

vs.

THE UNKNOWN HEIRS AND DEVISEES  
OF MAREN STRATTE-GOODMAN AKA  
MAREN E. STRATTE; THE UNKNOWN  
HEIRS AND DEVISEES OF ELEANOR  
FOSTER; JONATHON WHEELER; JOSEPH  
WAGNER; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV00716

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE LANE COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on July 12, 2017. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

WELLS FARGO BANK, NATIONAL ASSOCIATION AS TRUSTEE FOR  
STRUCTURED ASSET MORTGAGE INVESTMENTS II INC., GREENPOINT MTA TRUST  
2005-AR3, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2005-AR3  
c/o Robert Hakari  
Attorney for Plaintiff  
McCarthy & Holthus, LLP  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

1 With the adjudicated amount due of \$450,795.16, plus post judgment interest at the statutory rate  
2 of 9.0% per annum from July 12, 2017 to 9/20/2017 in the amount of \$7,780.85 , and continuing  
3 with a per diem of \$111.15, currently totaling \$458,576.01.

4 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
5 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
6 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
7 about April 18, 2005, the date of the Deed of Trust, and also the interest that the Defendant had  
8 thereafter, in the real property described in the attached *Exhibit 1*, APN/Parcel #: 1103785 and  
9 commonly known as: 55482 Delta Rd., Blue River, OR 97413.

10 Sale of the property is to satisfy the sum listed above, plus the costs incurred in  
11 performing this Writ. Pursuant to ORS 18.872, you are authorized to continue execution under  
12 the writ and delay making a return on the writ to no later than 150 days from receipt of the writ.  
13 You are to make the return within 60 days after you receive this Writ. Should the sale be  
14 continued, the writ may be automatically extended for 30 days.

15 SEP 21 2017

16 Angie Jones  
17 court clerk

18  
19 **McCarthy & Holthus, LLP**

20 s/ Robert B. Hakari 9/20/2017

21 \_\_\_\_\_  
22 \_ John Thomas OSB No. 024691  
23 x Robert Hakari OSB No. 114082  
24 920 SW 3rd Ave, 1st Floor  
25 Portland, OR 97204  
26 Phone: (971) 201-3200  
27 Fax: (971) 201-3202  
28 rhakari@mccarthyholthus.com  
Of Attorneys for Plaintiff



# Exhibit "1"

Lot 1, CASTLE VIEW SUBDIVISION, as platted and recorded in Book 68, Page 8, 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

WELLS FARGO BANK, NATIONAL  
ASSOCIATION AS TRUSTEE FOR  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC., GREENPOINT  
MTA TRUST 2005-AR3, MORTGAGE  
PASS-THROUGH CERTIFICATES,  
SERIES 2005-AR3,

Case No.: 16CV00716

GENERAL JUDGMENT OF  
FORECLOSURE

Plaintiff,

vs.

THE UNKNOWN HEIRS AND  
DEVISEES OF MAREN STRATTE-  
GOODMAN AKA MAREN E. STRATTE;  
THE UNKNOWN HEIRS AND  
DEVISEES OF ELEANOR FOSTER;  
JONATHON WHEELER; JOSEPH  
WAGNER; STATE OF OREGON;  
OCCUPANTS OF THE PROPERTY,

Defendants.

I.

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

- a. Defendants THE UNKNOWN HEIRS AND DEVISEES OF MAREN STRATTE-GOODMAN AKA MAREN E. STRATTE, served by publication per order allowing alternate service on 1/8/2017, 1/15/2017, 1/22/2017 and 1/29/2017, THE UNKNOWN HEIRS AND DEVISEES OF ELEANOR FOSTER, served by publication per order allowing alternate service on 1/8/2017, 1/15/2017, 1/22/2017 and 1/29/2017, JONATHON WHEELER, served by substitute service on 1/9/2017 at 4:14 pm with follow up first class mailing on 1/11/2017, STATE OF OREGON, served by personal service on the clerk on duty

1 authorized to accept on 12/27/2016 at 11:04 am, and OCCUPANTS OF THE PROPERTY,  
2 served by publication per order allowing alternate service on 1/8/2017, 1/15/2017, 1/22/2017  
3 and 1/29/2017 (“Defaulted Defendants”) were duly served with process and failed to appear;  
4 the default has been entered against Defaulted Defendants, and it appearing that Defaulted  
5 Defendants are not incapacitated, protected persons, respondents as defined in ORS 125.005,  
6 minors, or in the military service of the United States;

7 b. An Order granting Summary Judgment has been entered with regard to Defendant JOSEPH  
8 WAGNER, now therefore,

9 2.

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

- 11 a. The real property to which this judgment relates is located and situated in Lane County,  
12 Oregon, and is commonly known as 55482 Delta Rd., Blue River, OR 97413 (the “Subject  
13 Property”), legally described as shown in the attached *Exhibit 1*, and having APN/Parcel No.  
14 1103785.
- 15 b. Plaintiff is entitled to enforce the note dated April 18, 2005 and made, delivered, and  
16 executed by Maren Stratte-Goodman and Eleanor Foster (“Borrowers”) to GREENPOINT  
17 MORTGAGE FUNDING, INC. in the amount of \$274,500.00 (the “Note”). The Note was  
18 transferred to Plaintiff by delivery of possession and by indorsement set forth on the Note.
- 19 c. A deed of trust was made, executed, and delivered by Maren Stratte-Goodman and Eleanor  
20 Foster on or about April 18, 2005 (the “Deed of Trust”). The Deed of Trust was recorded on  
21 April 28, 2005 as Instrument No. 2005-030507 in the official records of Lane County,  
22 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
23 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
24 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.
- 25 d. The Borrowers failed to make the payment that was due for May 1, 2009 and has not cured  
26 the default. The amount of debt secured by the Deed of Trust that is now due and owing is  
27 comprised of the following amounts (the “Amount Due”):

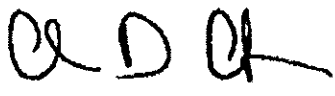
1	a) Unpaid principal balance:	\$ 296,830.62
2	b) Prejudgment interest accruing from	\$ 81,529.89
3	4/1/2009 through 6/26/2017 and	
4	continuing until the entry of	
	judgment at the current Note rate of	
	3.625%:	
5	c) Additional amounts due under the	\$ 64,270.66
6	terms of the loan:	
7	d) Attorney fees and costs:	\$ 8,078.99
8	e) Prevailing party fee (ORS 20.190	\$ 85.00
	(1)(a)):	
9	<b>TOTAL:</b>	<b>\$ 450,795.16</b>

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

- 13 e. The interest of the Defendants and any successor in interest in the Subject Property is  
14 foreclosed and terminated excepting only any statutory right of redemption as provided by  
15 Oregon law.
- 16 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 17 g. All right, title and interest in the Subject Property that Defendants Maren Stratte-Goodman,  
18 Eleanor Foster had as of the date of the Deed of Trust or thereafter acquired is hereby  
19 ordered to be sold by the Lane County Sheriff's Office in accordance with the process for  
20 sale upon execution, and the proceeds of sale shall be applied:
- 21 1) First, to the costs of sale not incurred by Plaintiff;
  - 22 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
23 entry of judgment through the date of the sale and any incurred costs of sale;
  - 24 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
25 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
26 such party or parties as they may establish their right thereto.
- 27  
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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 18.950 (4), the apparent priority of liens subsequent and inferior to the  
15 Deed of Trust are as follows:
  - 16 1) Defendant JONATHON WHEELER has or may have an interest in the property by  
17 virtue of intestate succession.
  - 18 2) Defendant STATE OF OREGON may claim a junior interest in Subject Property by  
19 virtue of a Request for Notice of Transfer or Encumbrance recorded on 09/15/2011 as  
20 Instrument No. 2011-041534 in the official records of Lane County, Oregon.
  - 21 3) Defendant JOSEPH WAGNER has or may have an interest in the property.

Signed 7/10/2017 02:32 PM



**Charles D. Carlson, Circuit Court Judge**

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

2 On 6/27/2017, a copy of the **Motion for Entry of Judgment, Declaration of Attorney**  
3 **Fees and Costs for Plaintiff, Declaration of Amounts Due, Proposed Judgment of**  
4 **Foreclosure** was mailed to

5 Joseph Wagner  
6 55482 Delta Drive  
7 Blue River, OR 97413

8 not less than 7 days prior to submission to the court with a notice of the time period to  
9 object.

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

11  Each opposing party affected by this order or judgment has stipulated to the order or  
12 judgment, as shown by each opposing party's signature on the document being  
13 submitted.

14  Each opposing party affected by this order or judgment has approved the order or  
15 judgment, as shown by signature on the document being submitted or by written  
16 confirmation of approval sent to me.

17  I have served a copy of this order or judgment on all parties entitled to service and:

18  No objection has been served on me.

19  I received objections that I could not resolve with the opposing party despite  
20 reasonable efforts to do so. I have filed a copy of the objections I received and  
21 indicated which objections remain unresolved.

22  After conferring about objections, \_\_\_\_\_ agreed to independently file  
23 any remaining objection.

24  The relief sought is against an opposing party who has been found in default.

25  An order of default is being requested with this proposed judgment.

26  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
27 otherwise.



1             This is a proposed judgment that includes an award of punitive damages and notice  
2            has been served on the Director of the Crime Victims' Assistance Section as required  
3            by subsection (4) of this rule.

3             Other: \_\_\_\_\_

4 Dated: 7/5/17 and submitted by:

5 **McCarthy & Holthus, LLP**

6 s/ Robert B. Hakari  
7 \_\_\_\_\_  
8     John Thomas OSB No. 024691  
9     x Robert Hakari OSB No. 114082  
10    920 SW 3rd Ave, 1st Floor  
11    Portland, OR 97204  
12    Phone: (971) 201-3200  
13    Fax: (971) 201-3202  
14    rhakari@mccarthyholthus.com  
15    Of Attorneys for Plaintiff

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