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

U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST,

Plaintiff,

vs.

MARY P. STRONG; OREGON  
AFFORDABLE HOUSING ASSISTANCE  
CORPORATION, JOHN KELLEY, BEND  
LOCK & SAFE, INC., STRATAGEM  
ASSET-BACKED CREDIT TRUST IV,  
WILMINGTON SAVINGS FUND SOCIETY,  
FSB, DBA CHRISTIANA TRUST, NOT  
INDIVIDUALLY BUT AS TRUSTEE FOR  
PRETIUM MORTGAGE ACQUISITION  
TRUST, OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 16CV32768

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE DESCHUTES COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on March 4, 2019. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

U.S. BANK TRUST, N.A., AS TRUSTEE FOR LSF9 MASTER PARTICIPATION  
TRUST  
c/o John Thomas  
Attorney for Plaintiff



1 Dated: 3/18/19 and submitted by:

2 **McCarthy & Holthus, LLP**

3 s/ John Thomas

4 John Thomas OSB No. 024691

5 920 SW 3rd Ave, 1st Floor

6 Portland, OR 97204

7 Phone: (971) 201-3200

8 Fax: (971) 201-3202

9 jthomas@mccarthyholthus.com

10 Of Attorneys for Plaintiff

# Exhibit "1"

Lot 9 of WESTSIDE PINES, PHASE II, City of Bend, Deschutes County, Oregon.

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

U.S. BANK TRUST, N.A., AS TRUSTEE  
FOR LSF9 MASTER PARTICIPATION  
TRUST,

Plaintiff,

vs.

MARY P. STRONG; OREGON  
AFFORDABLE HOUSING ASSISTANCE  
CORPORATION; JOHN KELLEY; BEND  
LOCK & SAFE, INC.; STRATAGEM  
ASSET-BACKED CREDIT TRUST IV;  
WILMINGTON SAVINGS FUND  
SOCIETY, FSB, DBA CHRISTIANA  
TRUST, NOT INDIVIDUALLY BUT AS  
TRUSTEE FOR PRETIUM MORTGAGE  
ACQUISITION TRUST; OCCUPANTS OF  
THE PROPERTY,

Defendants.

Case No.: 16CV32768

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

- a. Defendants OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION, JOHN KELLEY, BEND LOCK & SAFE, INC., STRATAGEM ASSET-BACKED CREDIT TRUST IV, WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA CHRISTIANA TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE ACQUISITION TRUST, and OCCUPANTS OF THE PROPERTY ("Defaulted

1 Defendants”) were duly served with process and failed to appear; the default has been  
2 entered against Defaulted Defendants, and it appearing that Defaulted Defendants are not  
3 incapacitated, protected persons, respondents as defined in ORS 125.005, minors, or in the  
4 military service of the United States;

5 b. An Order granting Summary Judgment in favor of Plaintiff has been entered with regard to  
6 answering Defendant MARY P. STRONG, now therefore,

7 2.

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

9 a. The real property to which this judgment relates is located and situated in Deschutes County,  
10 Oregon, and is commonly known as 2559 NW Monterey Pines Drive, Bend, OR 97701 (the  
11 “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having  
12 APN/Parcel No. 197885.

13 b. Plaintiff is entitled to enforce the note dated June 28, 2005 and made, delivered, and executed  
14 by Mary Strong to Lehman Brothers Bank, FSB, A Federal Saving Bank in the amount of  
15 \$182,200.00 (the “Note”). The Note was transferred to Plaintiff by delivery of possession  
16 and by indorsement set forth on the Note.

17 c. A deed of trust was made, executed, and delivered by Defendant MARY P. STRONG on or  
18 about June 28, 2005 (the “Deed of Trust”). The Deed of Trust was recorded on July 5, 2005  
19 as Instrument No. 2005-42362 in the official records of Deschutes County, Oregon. The  
20 Deed of Trust is a valid and perfected lien against all of the Property for and securing the  
21 Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim of the  
22 Defendants and shall remain in effect until issuance of a Sheriff’s Deed.

23 d. The Borrower failed to make the payment that was due for January 1, 2012 and has not cured  
24 the default. The amount of debt secured by the Deed of Trust that is now due and owing is  
25 comprised of the following amounts (the “Amount Due”):

- 26 a) Unpaid principal balance: \$182,099.05
- 27 b) Prejudgment interest accruing from \$23,311.57

1 7/1/2015 through 1/28/2019 and  
2 continuing until the entry of  
3 judgment at the current Note rate of  
4 5.250%:

5 c) Additional amounts due under the	\$13,143.94
6 terms of the loan:	
7 d) Attorney fees and costs:	\$9,843.09
8 e) Prevailing party fee (ORS 20.190	\$85.00
9 (1)(a)):	
10 <b>Total:</b>	<b>\$228,482.65</b>

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

- 14 e. The interest of the Defendants and any successor in interest in the Subject Property is  
15 foreclosed and terminated excepting only any statutory right of redemption as provided by  
16 Oregon law.
- 17 f. The Defendants are not entitled to a homestead exception as against Plaintiff's judgment.
- 18 g. All right, title and interest in the Subject Property that Defendant MARY P. STRONG had as  
19 of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold by the  
20 Deschutes County Sheriff's Office in accordance with the process for sale upon execution,  
21 and the proceeds of sale shall be applied:
- 22 1) First, to the costs of sale not incurred by Plaintiff;
  - 23 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
24 entry of judgment through the date of the sale and any incurred costs of sale;
  - 25 3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
26 appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
27 such party or parties as they may establish their right thereto.

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 OREGON AFFORDABLE HOUSING ASSISTANCE CORPORATION  
17 may claim a junior interest in Subject Property by virtue of a deed of trust recorded  
18 on 04/23/2012 as Instrument No. 2012-14905 in the official records of Deschutes  
19 County, Oregon.

20 2) Defendant JOHN KELLEY and BEND LOCK & SAFE, INC. may claim a junior  
21 interest in Subject Property by virtue of a judgment entered on 03/15/2016 as Case  
22 No. 16SC02422 in the Circuit Court of Deschutes County, Oregon.

23 3) Defendant STRATAGEM ASSET-BACKED CREDIT TRUST IV may claim a  
24 junior interest in Subject Property by virtue of a judgment entered on 03/28/2016 as  
25 Case No. 16LT01484 in the Circuit Court of Deschutes County, Oregon.



1 4) Defendant WILMINGTON SAVINGS FUND SOCIETY, FSB, DBA CHRISTIANA  
2 TRUST, NOT INDIVIDUALLY BUT AS TRUSTEE FOR PRETIUM MORTGAGE  
3 ACQUISITION TRUST may claim a junior interest in Subject Property by virtue of  
4 an open foreclosure proceeding filed on 06/21/2016 as Case No. 16CV19530 in the  
5 Circuit Court of Deschutes County, Oregon.

Signed: 3/4/2019 12:27 PM



**Circuit Court Judge A. Michael Adler**

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

15 On 2/8/19, a copy of the Motion For Entry Of Judgment, Declaration Of Attorney Fees  
16 And Costs For Plaintiff, Declaration Of Amounts Due, Proposed Judgment Of Foreclosure was:

17  Served on:

18  
19 not less than 3 days prior to submission to the court.

20  Accompanied by a stipulation by that no objection exists as to the judgment or order.

21  Mailed to:

22 Mary P. Strong  
23 2559 NW Monterey Pines Drive  
24 Bend, OR 97701

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

27 This proposed Judgment Of Foreclosure is ready for judicial signature because:  
28

1 [ ] Each opposing party affected by this order or judgment has stipulated to the order or  
2 judgment, as shown by each opposing party's signature on the document being  
3 submitted.

4 [ ] Each opposing party affected by this order or judgment has approved the order or  
5 judgment, as shown by signature on the document being submitted or by written  
6 confirmation of approval sent to me.

7 [X] I have served a copy of this order or judgment on all parties entitled to service and:

8 [ ] No objection has been served on me.

9 [ ] I received objections that I could not resolve with the opposing party despite  
10 reasonable efforts to do so. I have filed a copy of the objections I received and  
11 indicated which objections remain unresolved.

12 [X] After conferring\* about objections, Mary Strong agreed to independently file  
13 any remaining objection. \*See Other, below.

14 [ ] The relief sought is against an opposing party who has been found in default.

15 [ ] An order of default is being requested with this proposed judgment.

16 [ ] Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or  
17 otherwise.

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

21 [X] Other: Mary Strong simply filed objections with the court on 2/15/19. Plaintiff does  
22 not believe they relate to the form of order/judgment, but instead rehash her prior  
23 argument, which the court had rejected.

24 Dated: 3/1/19 and submitted by:

25 **McCarthy & Holthus, LLP**

26 s/ John Thomas

27 John Thomas OSB No. 024691

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Portland, OR 97204

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jthomas@mccarthyholthus.com

Of Attorneys for Plaintiff

# Exhibit "1"

Lot 9 of WESTSIDE PINES, PHASE II, City of Bend, Deschutes County, Oregon.