



Certified True Copy of The Original  
ATTEST: 9-12-2022  
Jackson County Court  
Trial Court Administrator  
State of Oregon - Jackson County  
By Jas Rester  
Gab: Rester

JULY 1 2022 AM 10:27

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

US BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER  
TRUSTEE FOR VRMTG ASSET TRUST,

Plaintiff,

vs.

PAMELA FOX AKA PAM FOX AKA PAM  
R. FOX AKA PAM L. FOX AKA PAMELA  
L. FOX AKA PAMELA L. MOORE;  
PATRICK FOX AKA PATRICK R. FOX  
AKA PATRICK RAYMOND FOX; PACIFIC  
PIPELINE, INC.; BANK OF THE WEST ON  
BEHALF OF WATER WORLD OF  
MEDFORD; CITIBANK SOUTH DAKOTA  
NA; DISCOVER BANK; GENERAL CREDIT  
SERVICE INC.; SECURITY CREDIT  
SERVICES LLC; PORTFOLIO RECOVERY  
ASSOCIATES, LLC; CREDIT BUREAU OF  
JOSEPHINE COUNTY, INC.; SOUTHERN  
OREGON CREDIT SERVICE, INC.; CACH  
LLC; STATE OF OREGON; JACOBSON  
THIEROLF & DICKEY PC; OCCUPANTS  
OF THE PROPERTY,

Defendants.

Case No.: 19CV19042

WRIT OF EXECUTION IN  
FORECLOSURE

**TO THE JACKSON COUNTY SHERIFF:**

A Judgment of Foreclosure was entered and docketed in this case on June 14, 2022. A true copy of the Judgment is attached hereto. The Judgment was entered in favor of the Plaintiff:

1 US BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR VRMTG ASSET TRUST

2 c/o John Thomas  
Attorney for Plaintiff

3 McCarthy & Holthus, LLP  
4 920 SW 3rd Ave, 1st Floor  
Portland, OR 97204

5  
6 With the adjudicated amount due of \$887,698.58, plus pre judgment interest at the per diem of  
7 \$65.07 from 4/29/2022 to 6/14/2022 post judgment interest at the statutory rate of 9.0% per  
8 annum from June 15, 2022 to 7/28/22 in the amount of \$9,412.04, and continuing with a per diem  
9 of \$218.88, currently totaling \$900,103.84.

10 **NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON**, you are  
11 hereby commanded to sell, in the manner prescribed by law for the sale of real property on  
12 execution (subject to redemption of 180 days), all of the interest that the Defendant had on or  
13 about April 20, 2007, the date of the Deed of Trust, and also the interest that the Defendant had  
14 thereafter, in the real property described as follows:

15 TRACT A: THE EAST 60.0 FEET OF THE WEST 190.0 FEET OF THE EAST  
16 HALF OF THE NORTHWEST QUARTER OF SECTION 5 IN TOWNSHIP 37  
17 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, JACKSON  
18 COUNTY, OREGON, LYING NORTHERLY OF ANTELOPE ROAD. TRACT  
19 B: THE FOLLOWING DESCRIBED TRACT OF LAND LOCATED IN THE  
20 EAST HALF OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP  
21 37 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, JACKSON  
22 COUNTY, OREGON, TO-WIT: COMMENCING AT THE NORTHWEST  
23 CORNER OF SECTION 5; THENCE EAST ALONG THE NORTH LINE  
24 THEREOF, 1320.0 FEET, MORE OR LESS, TO THE NORTHWEST CORNER  
25 OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE  
26 CONTINUE EAST ALONG THE NORTH LINE OF SAID SECTION, 190.0  
27 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE  
28 DESCRIBED; THENCE SOUTH ALONG A LINE THAT IS 190.0 FEET EAST  
OF AND PARALLEL WITH THE EAST LINE OF THE EAST HALF OF THE  
NORTHWEST QUARTER, 1900.0 FEET, MORE OR LESS, TO THE NORTH  
LINE OF ANTELOPE ROAD; THENCE SOUTHEASTERLY ALONG SAID  
ROAD LINE, 540.0 FEET, MORE OR LESS, TO A POINT THAT IS 620.0  
FEET EAST OF THE EAST LINE OF THE EAST HALF OF SAID  
NORTHWEST QUARTER; THENCE NORTH ALONG A LINE THAT IS  
620.0 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE  
EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 2220.0  
FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 5; THENCE  
WEST ALONG THE NORTH LINE THEREOF, 430.0 FEET TO THE POINT  
OF BEGINNING.

and commonly known as: 5067 E ANTELOPE ROAD, EAGLE POINT, OR 97524-7885.

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

DATED: \_\_\_\_ day of \_\_\_\_\_, 20\_\_.



Title

8/30/2022 1:47:21 PM

By:

*Januza Norman E*

Dated: 8/26/22 and submitted by

McCarthy & Holthus, LLP

s/ John Thomas

John Thomas OSB No. 024691  
Michael Scott OSB No. 973947  
920 SW 3rd Ave, 1st Floor  
Portland, OR 97204  
Phone: (971) 201-3200  
Fax: (971) 201-3202  
jthomas@mccarthyholthus.com  
Of Attorneys for Plaintiff

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

US BANK TRUST NATIONAL  
ASSOCIATION, NOT IN ITS INDIVIDUAL  
CAPACITY BUT SOLELY AS OWNER  
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PAMELA FOX AKA PAM FOX AKA PAM  
R. FOX AKA PAM L. FOX AKA PAMELAL.  
FOX AKA PAMELA L. MOORE; PATRICK  
FOX AKA PATRICK R. FOX AKA PATRICK  
RAYMOND FOX; PACIFIC PIPELINE, INC.;  
BANK OF THE WEST ON BEHALF OF  
WATER WORLD OF MEDFORD; CITIBANK  
SOUTH DAKOTA NA; DISCOVER BANK;  
GENERAL CREDIT SERVICE INC.;  
SECURITY CREDIT SERVICES LLC;  
PORTFOLIO RECOVERY ASSOCIATES, LLC;  
CREDIT BUREAU OF JOSEPHINE COUNTY,  
INC.; SOUTHERN OREGON CREDIT  
SERVICE, INC.; CACH LLC; STATE OF  
OREGON; JACOBSON THIEROLF & DICKEY  
PC; OCCUPANTS OF THE PROPERTY,

Defendants.

Case No.: 19CV19042

GENERAL JUDGMENT OF  
FORECLOSURE

1.

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

- a. Defendants Pamela Fox AKA Pam Fox AKA Pam R. Fox AKA Pam L. Fox AKA Pamelal.  
Fox AKA Pamela L. Moore, Pacific Pipeline, Inc.; Bank of The West on Behalf of Water

1 World of Medford; Citibank South Dakota NA; Discover Bank; General Credit Service Inc.;  
2 Security Credit Services LLC; Portfolio Recovery Associates, LLC; Credit Bureau of  
3 Josephine County, Inc.; Southern Oregon Credit Service, Inc.; Cach LLC; State of Oregon;  
4 Jacobson Thierolf & Dickey PC, and Occupants of the Property (“Defaulted Defendants”)  
5 were duly served with process and failed to appear; the default has been entered against  
6 Defaulted Defendants, and it appearing that Defaulted Defendants are not incapacitated,  
7 protected persons, respondents as defined in ORS 125.005, minors, or in the military service  
8 of the United States;

- 9 b. An Order granting Summary Judgment has been entered with regard to Defendant Patrick  
10 Fox AKA Patrick R. Fox AKA Patrick Raymond Fox, now therefore,

11 2.

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

- 13 a. The real property to which this judgment relates is located and situated in Jackson County,  
14 Oregon, and is commonly known as 5067 E Antelope Road, Eagle Point, OR 97524-7885  
15 (the “Subject Property”), legally described as shown in the attached *Exhibit 1*, and having  
16 APN/Parcel No. 1-098543-1.
- 17 b. Plaintiff is entitled to enforce the note dated April 20, 2007 and made, delivered, and  
18 executed by Pamela Fox and Patrick Fox to Wells Fargo Bank, National Association in the  
19 amount of \$512,000.00 (the “Note”). The Note was transferred to Plaintiff by delivery of  
20 possession and by indorsement set forth on the Note.
- 21 c. A deed of trust was made, executed, and delivered by Defendants Pamela Fox and Patrick  
22 Fox on or about April 20, 2007 (the “Deed of Trust”). The Deed of Trust was recorded on  
23 April 30, 2007 as Instrument No. 2007-020363 in the official records of Jackson County,  
24 Oregon. The Deed of Trust is a valid and perfected lien against all of the Property for and  
25 securing the Amount Due. The lien of the Plaintiff is superior to any interest, lien, or claim  
26 of the Defendants and shall remain in effect until issuance of a Sheriff’s Deed.
- 27  
28

1 d. The Borrowers failed to make the payment that was due for February 1, 2011 and has not  
2 cured the default. The amount of debt secured by the Deed of Trust that is now due and  
3 owing is comprised of the following amounts (the "Amount Due"):

4	a) Unpaid principal balance:	\$478,633.74
5	b) Prejudgment interest accruing from	\$304,695.83
6	1/1/2011 through 4/28/2022 and	
7	continuing until the entry of	
	judgment at the current per diem of	
	\$65.07	
8	c) Additional amounts due under the	\$90,250.40
9	terms of the loan:	
10	d) Attorney fees and costs:	\$14,033.61
11	e) Prevailing party fee (ORS 20.190	\$85.00
	(1)(a)):	
12	<b>Total:</b>	<b>\$887,698.58</b>

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

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

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

20 g. All right, title and interest in the Subject Property that Defendants Pamela Fox and Patrick  
21 Fox had as of the date of the Deed of Trust or thereafter acquired is hereby ordered to be sold  
22 by the Jackson County Sheriff's Office in accordance with the process for sale upon  
23 execution, and the proceeds of sale shall be applied:

- 24 1) First, to the costs of sale not incurred by Plaintiff;
- 25 2) Second, to the Amount Due, plus post-judgment interest accruing from the date of  
26 entry of judgment through the date of the sale and any incurred costs of sale;
- 27

1           3) Third, the surplus, if any, to the Defendants in the priority as their interest may  
2           appear, described *infra*, or to the clerk of the court to be distributed by the Court to  
3           such party or parties as they may establish their right thereto.

4 h. Plaintiff may become purchaser at the sale of the Subject Property and, pursuant to ORS  
5       18.936 (2), may credit bid up to the Amount Due, plus post-judgment interest accruing from  
6       the date of entry of judgment through the date of the sale and any incurred costs of sale.

7 i. The purchaser at the sale is entitled to exclusive and immediate possession of the Subject  
8       Property from and after the date of the sale and is entitled to such remedies as are available at  
9       law or in equity to secure possession. The purchaser at the sale may apply to the Court for a  
10      writ of assistance if any Defendant, other party, or other person shall refuse to surrender  
11      possession to the purchaser immediately upon the purchaser's demand for possession.

12 j. In the event the proceeds of sale are insufficient to pay the Amount Due, Plaintiff shall not be  
13      entitled to any further or other judgment, including a judgment for the deficiency.

14 k. If, before the sale, the Amount Due is brought into court and paid to the clerk, the execution,  
15      if issued, shall be recalled and the effect of the judgment as to the Amount Due shall be  
16      terminated.

17 l. Pursuant to ORS 18.950 (4), the apparent priority of liens subsequent and inferior to the  
18      Deed of Trust are as follows:

19           1) Defendant Pacific Pipeline, Inc. may claim a junior interest in the Subject Property by  
20           virtue of the following documents: A deed of trust recorded on 06/19/2008 as  
21           Instrument No. 2008-023061 in the official records of Jackson County, Oregon; an  
22           Extension of Mortgage or Trust Deed recorded on 8/6/2009 as Instrument No. 2009-  
23           030551 in the official records of Jackson County, Oregon; and an Extension of  
24           Mortgage or Trust Deed recorded on 8/6/2013 as Instrument No. 2013-026485 in the  
25           official records of Jackson County, Oregon.

- 1           2) Defendant Bank of the West on Behalf of Water World of Medford may claim a  
2           junior interest in Subject Property by virtue of a judgment entered on 02/03/2010 as  
3           Case No. 100582L3 in the circuit court of Jackson County, Oregon.
- 4           3) Defendant Citibank South Dakota NA may claim a junior interest in Subject Property  
5           by virtue of a judgment entered on 02/25/2010 as Case No. 100908L9 in the circuit  
6           court of Jackson County, Oregon.
- 7           4) Defendant Discover Bank may claim a junior interest in Subject Property by virtue of  
8           a judgment entered on 04/01/2010 as Case No. 101547L2 in the official records of  
9           Jackson County, Oregon.
- 10          5) Defendant General Credit Service Inc. may claim a junior interest in Subject Property  
11          by virtue of a judgment entered on 06/24/2010 as Case No. 103140L3 in the circuit  
12          court of Jackson County, Oregon.
- 13          6) Defendant Security Credit Services LLC may claim a junior interest in Subject  
14          Property by virtue of a judgment entered on 10/28/2010 as Case No. 105387L3 in the  
15          circuit court of Jackson County, Oregon.
- 16          7) Defendant Portfolio Recovery Associates, LLC may claim a junior interest in Subject  
17          Property by virtue of a judgment entered on 08/12/2011 as Case No. 113930L2 in the  
18          circuit court of Jackson County, Oregon.
- 19          8) Defendants Pamela Fox aka Pam Fox aka Pam R. Fox aka Pam L. Fox aka Pamela L.  
20          Fox aka Pamela L. Moore; Patrick Fox aka Patrick R. Fox aka Patrick Raymond Fox  
21          may claim an interest in the property by virtue of a Property Line Adjustment Deed  
22          recorded on 10/12/2011 as document No. 2011-031646.
- 23          9) Defendant Credit Bureau of Josephine County, Inc. may claim a junior interest in  
24          Subject Property by virtue of a judgment entered on 11/30/2011 as Case No.  
25          115876Z0 in the circuit court of Jackson County, Oregon.



1 10) Defendant Southern Oregon Credit Service, Inc. may claim a junior interest in  
2 Subject Property by virtue of a judgment entered on 09/13/2012 as Case No.  
3 124462L9 in the circuit court of Jackson County, Oregon.

4 11) Defendant Cach LLC may claim a junior interest in Subject Property by virtue of a  
5 judgment entered on 04/28/2014 as Case No. 14CV03749 in the circuit court of  
6 Jackson County, Oregon.

7 12) Defendant State of Oregon may claim a junior interest in Subject Property by virtue  
8 of a court order for installment payments of spousal and/or child support entered on  
9 08/12/2014 as Case No. 14DR05207 in the circuit court of Jackson County, Oregon.

10 13) Defendant Southern Oregon Credit Service, Inc. may claim a junior interest in  
11 Subject Property by virtue of a judgment entered on 09/26/2014 as Case No.  
12 14SC17380 in the circuit court of Jackson County, Oregon.

13 14) Defendant Jacobson Thierolf & Dickey PC may claim a junior interest in Subject  
14 Property by virtue of a judgment entered on 04/17/2015 as Case No. 15CV09576 in  
15 the official records of Jackson County, Oregon.

16  
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18 6/14/2022 9:16:57 AM

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21  
22 **Circuit Court Judge Benjamin M. Bloom**

23  
24 I hereby certify that the requirements of UTCR 5.100 have been satisfied.

25 On 5/13/22, a copy of the Motion for Entry of General Judgment, [Proposed] General  
26 Judgment of Dismissal, Declaration of Attorney Fees and Costs for Plaintiff, Declaration of  
27 Amounts Due and Plaintiff's Declaration of Amounts Due and Owing was:

1 [X] Served on:

2 Edward H. Talmadge, P.C.  
3 135 5th Ave. SW  
4 Albany, OR 97321  
5 *Attorney for Patrick Fox*

6 not less than 3 days prior to submission to the court.

7 [ ] Accompanied by a stipulation by Opposing Attorney: Edward H. Talmadge, P.C.: that  
8 no objection exists as to the judgment or order.

9 [ ] Mailed to:

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

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

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

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

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

20 [X] No objection has been served on me.

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

24 [ ] After conferring about objections, \_\_\_\_\_ agreed to independently file  
25 any remaining objection.

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

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

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

4 [ ] Other: \_\_\_\_\_

5 Dated: 6/10/2022 and submitted by:

6 **McCarthy & Holthus, LLP**

7 s/ John Thomas

8 \_\_\_\_\_  
9 John Thomas OSB No. 024691

10 920 SW 3rd Ave, 1st Floor

11 Portland, OR 97204

12 Phone: (971) 201-3200

13 Fax: (971) 201-3202

14 jthomas@mccarthyholthus.com

15 Of Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on 5/13/22, I served the foregoing Motion for Entry of General Judgment, [Proposed] General Judgment of Dismissal, Declaration of Attorney Fees and Costs for Plaintiff, Declaration of Amounts Due and Plaintiff's Declaration of Amounts Due and Owing upon the following parties by placing the executed documents in the firm's outbox for mailing:

Edward H. Talmadge, P.C.  
135 5th Ave. SW  
Albany, OR 97321  
*Attorney for Patrick Fox*

**McCarthy & Holthus, LLP**

By: s/ John Thomas  
John Thomas  
Attorney for Plaintiff

# Exhibit 1

# Exhibit "1"

**TRACT A:**

THE EAST 60.0 FEET OF THE WEST 190.0 FEET OF THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 5 IN TOWNSHIP 37 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, LYING NORTHERLY OF ANTELOPE ROAD.

**TRACT B:**

THE FOLLOWING DESCRIBED TRACT OF LAND LOCATED IN THE EAST HALF OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 37 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN, JACKSON COUNTY, OREGON, TO-WIT: COMMENCING AT THE NORTHWEST CORNER OF SECTION 5; THENCE EAST ALONG THE NORTH LINE THEREOF, 1320.0 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE CONTINUE EAST ALONG THE NORTH LINE OF SAID SECTION, 190.0 FEET TO THE POINT OF BEGINNING OF THE TRACT TO BE DESCRIBED; THENCE SOUTH ALONG A LINE THAT IS 190.0 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER, 1900.0 FEET, MORE OR LESS, TO THE NORTH LINE OF ANTELOPE ROAD; THENCE SOUTHEASTERLY ALONG SAID ROAD LINE, 540.0 FEET, MORE OR LESS, TO A POINT THAT IS 620.0 FEET EAST OF THE EAST LINE OF THE EAST HALF OF SAID NORTHWEST QUARTER; THENCE NORTH ALONG A LINE THAT IS 620.0 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE EAST HALF OF THE NORTHWEST QUARTER, A DISTANCE OF 2220.0 FEET, MORE OR LESS, TO THE NORTH LINE OF SECTION 5; THENCE WEST ALONG THE NORTH LINE THEREOF, 430.0 FEET TO THE POINT OF BEGINNING.