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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF UMATILLA

BANK OF NEW YORK MELLON, AS  
TRUSTEE FOR THE ASSET BACKED  
SECURITIES CORPORATION HOME  
EQUITY LOAN TRUST 1999-LB1

Case No. 17CV15372

Plaintiff,

WRIT OF EXECUTION

vs.

GALEN V. SCHUH; UNKNOWN HEIRS  
OF GLORIA L. BLESSING; JANELLE  
MARIE NORDYKE; MELODIE DIANE  
NORDYKE; REBECCA JOY NORDYKE;  
MARK A. BARKHURST; DANIEL E.  
HOOD; PARTIES IN POSSESSION

Defendants.

TO: UMATILLA COUNTY SHERIFF

WHEREAS, on January 17, 2018, in the above-entitled court, a General Judgment of Foreclosure and Sale, with said Judgment containing therein a Declaration of Amount Due and was duly entered and docketed in the above-entitled cause

NOW, THEREFORE, IN THE NAME OF THE STATE OF OREGON, you are hereby commanded to sell, in the manner prescribed by law for the sale of real property upon execution (subject to redemption) all of the interest which the defendants had on February 18, 1999, the

1- WRIT OF EXECUTION  
S&S No. 16-119184

SHAPIRO & SUTHERLAND, LLC  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 date of the deed of trust, and also all of the interest which the defendants acquired thereafter, in  
2 the real property described in the judgment:

3 SEE COMPLETE LEGAL DESCRIPTION ATTACHED AND INCORPORATED HERETO  
4 AS EXHIBIT 1

5 and commonly known as 1926 North Townsend Road, Hermiston, OR 97838 to satisfy the sum of  
6 \$128,341.03, as of January 24, 2018, together with additional post judgment interest of 9.00%  
7 from that date (\$31.59 per day), and costs of this execution, making due return within 60 days  
8 after you receive this writ.  
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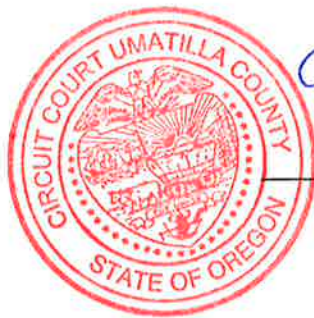
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25 2- WRIT OF EXECUTION  
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1 Bank of New York Mellon, as Trustee for the Asset Backed Securities Corporation Home  
2 Equity Loan Trust 1999-LB1 is the Judgment Creditor, and its address for purpose of this writ  
3 only is: C/O Shapiro & Sutherland, LLC, 1499 SE Tech Center Place, Suite 255, Vancouver,  
4 WA 98683 (360)260-2253. Shapiro & Sutherland, LLC is the attorney for the Judgment  
5 Creditor.  
6  
7  
8  
9



dated: Feb. 1<sup>st</sup> 2018  
Spohnson  
Court Clerk

10  
11  
12  
13 Submitted by:  
14 Attorneys for Plaintiff,  
SHAPIRO & SUTHERLAND, LLC

15 By: \_\_\_\_\_

16  James A. Craft #090146 [jcraft@logs.com]  
17 [ ] Kelly D. Sutherland #87357 [ksutherland@logs.com]  
18 [ ] Cara J. Richter #094855 [crichter@logs.com]  
19 [ ] Holger Uhl #950143 [huhl@logs.com]\*  
20 1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
7632 SW Durham Road, Suite 350, Tigard, OR 97224\*  
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[REDACTED]

A tract of land located in the Northeast Quarter of Section 1, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon being described as beginning at a point on the West line of the Northeast Quarter of the Southwest Quarter of the Northeast quarter of said Section 1, which said point lies South 0° 22' 04" West, 200 feet from the Northwest corner of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 1 and the True Point of Beginning for this description; thence South 49° 18' 36" East, 189.97 feet to a point which lies 10 feet East of the centerline of the "M" Canal, when measured at right angles; thence Southerly, parallel with said canal centerline the following bearings and distances: South 08° 33' 17" West, 48.60 feet; South 11° 48' 36" West, 159.79 feet; South 25° 52' 46" West, 57.59 feet; South 36° 45' 51" West, 107.02 feet to a point on the South line of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 1; thence North 89° 08' 22" West along said South line 18.15 feet to the Southwest corner of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 1; thence North 0° 22' 04" East, 465.61 feet, more or less to the point of beginning.

Together with an easement for ingress and egress over and across the South 100 feet of the North 250 feet of the West 20 feet of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter of said Section 1.

Also Together with an easement for ingress and egress over and across a strip of land 44 feet in width, 19 feet on the North side and 25 feet on the South side of a line described as beginning on the East right of way line of Townsend Road, County Road No. 1217, said point being 956.07 feet South of the Northwest corner of the Southwest Quarter of the Northwest Quarter of the Northeast Quarter of said Section 1, said point also being the Southwest corner of that tract of land conveyed to James H. Angell by deed recorded in Microfilm R-12, Page 1195, Umatilla County Records and the True Point of Beginning for this line description; thence East along the South line of said Angell Tract and its Easterly extension, 651.0 feet to the West line of that tract of land conveyed to Larry L. Roff, et ux, by deed recorded in Microfilm R-101, Page 1694, Umatilla County Records and the point of terminus of this line description.

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IN THE CIRCUIT COURT OF THE STATE OF OREGON  
IN AND FOR THE COUNTY OF UMATILLA

BANK OF NEW YORK MELLON, AS TRUSTEE  
FOR THE ASSET BACKED SECURITIES  
CORPORATION HOME EQUITY LOAN TRUST  
1999-LB1,

Plaintiff,

vs.

GALEN V. SCHUH; UNKNOWN HEIRS OF  
GLORIA L. BLESSING; JANELLE MARIE  
NORDYKE; MELODIE DIANE NORDYKE;  
REBECCA JOY NORDYKE; MARK A.  
BARKHURST; DANIEL E. HOOD; PARTIES IN  
POSSESSION,

Defendants.

Case No. 17CV15372

GENERAL JUDGMENT OF  
FORECLOSURE AND SALE

Defaults having been granted against Defendant(s), Daniel E. Hood and Default having  
been entered against Defendant(s), Galen V. Schuh, Unknown Heirs of Gloria L. Blessing,  
Janelle Marie Nordyke, Melodie Diane Nordyke, Rebecca Joy Nordyke a/k/a Rebecca Joy Hood  
and Mark A. Barkhurst and Defendant, Parties in Possession, having been dismissed:

It is hereby

ORDERED AND ADJUDGED:

//

1 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119184

*SHAPIRO & SUTHERLAND, LLC*  
1499 SE Tech Center Place, Suite 255, Vancouver, WA 98683  
Telephone (360)260-2253 (800)970-5647  
Fax (360)260-2285  
ksutherland@logs.com

1 1. The real property to which this judgment relates (hereafter the "Property") is situated in  
2 Umatilla County, Oregon is commonly known as 1926 North Townsend Road, Hermiston,  
3 OR 97838 and is legally described as follows:

4 See complete Legal Description attached and incorporated hereto as Exhibit 1

5  
6 2. The Deed of Trust executed and delivered by Defendant, Gloria L Blessing and Galen V  
7 Schuh ("Borrower") on or about February 18, 1999 and recorded on March 2, 1999 as  
8 Instrument No. 1999-3460462 in the official records of Umatilla County, Oregon, is a valid  
9 and perfected lien against all of the Property for the amount of Plaintiff's judgment as  
10 provided herein.

11 3. The Plaintiff is the holder of the original note dated February 18, 1999 and made by Gloria  
12 L Blessing and Galen V Schuh in the amount of \$66,500.00. A copy of the Note was  
13 attached to the complaint as Exhibit "3". Plaintiff is the holder of the Note and the  
14 beneficial interest in the Deed of Trust (together the "Loan").  
15

16 4. The interest of each of the Defendant(s) subject to this Judgment and any successor in  
17 interest in the Property is foreclosed and terminated excepting only any statutory right of  
18 redemption as provided by Oregon law.

19 5. The lien of the Plaintiff is superior to any interest, lien, or claim of the remaining  
20 Defendants and shall remain in effect until issuance of a Sheriff's Deed. Upon Motion to  
21 the Court and good cause shown, Plaintiff may move to rescind the foreclosure judgment  
22 and to reinstate the Loan prior to the Sheriff's sale, returning the parties to their prejudgment  
23 interests and priorities.  
24

- 1 6. The Defendant(s) are not entitled to a homestead exception as against Plaintiff's judgment.
- 2 7. All of the rights, title and interest that Borrower(s) had as of the date of the Deed of Trust or
- 3 thereafter acquired in the subject Property, is hereby ordered to be sold by the Umatilla
- 4 County Sheriff's Office in accordance with the process for sale upon execution, and the
- 5 proceeds of sale shall be applied; first to the costs of sale; second to satisfaction of the
- 6 amounts awarded Plaintiff herein; with the surplus, if any, to the Defendants in the priority
- 7 as their interest may appear or to the clerk of the court to be distributed to such party of
- 8 parties as may establish their right thereto.
- 9
- 10 8. Plaintiff or any junior lienholders may become purchaser at the sale of the Property.
- 11 9. The purchaser at the sale is entitled to exclusive and immediate possession of the Property
- 12 from and after the date of the sale and is entitled to such remedies as are available at law or
- 13 in equity to secure possession.
- 14
- 15 10. The purchaser at the sale may apply to the Court for a writ of assistance if any Defendant or
- 16 any person holding possession under or through such Defendant(s) shall refuse to surrender
- 17 possession to the purchaser immediately on the purchaser's demand for possession.

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25 3 - GENERAL JUDGMENT OF FORECLOSURE AND

26 SALE

27 S&S No. 16-119184

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1 11. Under the terms of the Loan there is now due and owing to Plaintiff the following amounts:

2	Principal		\$79,565.47	
3	Deferred Principal Balance`		\$35,905.78	
4	Prejudgment interest at 2.00% through April 5, 2017			\$2,154.25
5	(accruing thereafter until entry of judgment at \$4.26 per diem)			
6	Late Charges		\$49.20	
	Escrow Advance	\$2,764.72		
7	Total			\$120,439.42

8 12. Attorney Fees and Costs are awarded to Plaintiff as follows:

9	Costs			\$3,857.86
10	Title Search Cost		\$351.00	
11	Filing Fee		\$531.00	
12	Lis Pendens Recording Fee		\$64.00	
13	Service by Publication		\$1,522.86	
14	Service Costs		\$1,064.00	
15	Death Certificate Fee		\$50.00	
16	Prevailing Party Fee		\$275.00	
17	Attorney fees			\$2,600.00
18	Total			\$6,457.86

19 13. Post judgment interest on the aggregate of all amounts declared due above shall accrue from  
20 the date of judgment at the legal rate of 9% per annum pursuant to ORS 82.010.

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26 4 - GENERAL JUDGMENT OF FORECLOSURE AND  
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1 14. This Judgment shall not create a personal lien or liability against Borrower except as is  
2 customary or necessary to execute on such Judgment and for purposes of redemption. In no  
3 event should it be construed as establishing personal liability for any persons whose debt has  
4 been extinguished in bankruptcy or by an In Rem order granting relief from stay, but only to  
5 foreclose the deed of trust mortgage. In the event the proceeds of sale are insufficient to pay  
6 the amounts due to Plaintiff, no general execution shall be issued and Plaintiff shall not be  
7 entitled to any further judgment, including a judgment for deficiency.  
8

9 15. Execution may issue against the subject property for the aggregate amount found due  
10 Plaintiff herein as detailed in Paragraphs 11 through 13 together (together "Amounts Due").  
11 Plaintiff may credit bid up to the Amounts Due plus such additional amounts as provided by  
12 ORS 18.936 or other applicable law.  
13

14 16. If before sale such amount, including sheriff's fees for the execution, is tendered to the  
15 Court and paid to the clerk, the execution, if issued, shall be recalled and the effect of the  
16 judgment as to the amounts due shall be terminated.

17 17. The Clerk of the Court is hereby ordered to issue a Writ of Execution in Foreclosure for the  
18 sale of the Property. Plaintiff may credit bid the amounts determined in Paragraphs 11  
19 through 13 plus such additional amounts as provided in Paragraph 16 for purposes of ORS  
20 18.936.  
21

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1 18. This Court shall retain jurisdiction to enter such additional order, judgment or decree  
2 necessary to enforce this judgment, the writ of execution or for the purchaser at the  
3 foreclosure sale to obtain possession.  
4

Signed: 1/17/2018 10:27 AM



**Christopher R. Brauer, Circuit Court Judge**



CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
Dated Feb. 1st 2018  
By S. Johnson  
court clerk

**Certificate of Readiness under UTCR 5 100**

This proposed order or judgment is ready for judicial signature because:

1.  Each party affected by this order or judgment has stipulated to the order or judgment, as shown by each party's signature on the document being submitted.
2.  Each party affected by this order or judgment has approved the order or judgment, as shown by each party's signature on the document being submitted or by written confirmation of approval sent to me.
3.  I have served a copy of this order or judgment on each party entitled to service and:
  - a.  No objection has been served on me.
  - b.  I received objections that I could not resolve with a party despite reasonable efforts to do so. I have filed a copy of the objections I received and indicated which objections remain unresolved.
  - c.  After conferring about objections, [role and name of objecting party] agreed to independently file any remaining objection.

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6 - GENERAL JUDGMENT OF FORECLOSURE AND  
SALE  
S&S No. 16-119184

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1 4.  Service is not required pursuant to subsection (3) of this rule, or by statute, rule, or otherwise.  
UTCR 8/1/16 5.5 (including out-of-cycle amendment of 5.100)

2 5.  This is a proposed judgment that includes an award of punitive damages and notice has been  
3 served on the Director of the Crime Victims' Assistance Section as required by subsection (5) of  
4 this rule.

5 6.  Other: \_\_\_\_\_

6 Submitted by:

7 Attorneys for Plaintiff,  
8 SHAPIRO & SUTHERLAND, LLC

9 By: \_\_\_\_\_

10  James A. Craft #090146 [jcraft@logs.com]

11  Kelly D. Sutherland #87357 [ksutherland@logs.com]

12  Cara J. Richter #094855 [crichter@logs.com]

13  Holger Uhl #950143 [huhl@logs.com]\*

14  Joshua R. Orem # 116872 [jorem@logs.com]\*


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16 7632 SW Durham Road, Suite 350, Tigard, OR 97224\*

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