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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

**COURT OF APPEALS, DIVISION III,
OF THE STATE OF WASHINGTON**

U.S. BANK NATIONAL ASSOCIATION, ET AL

RESPONDENT

VS.

ANGELA UKPOMA

APPELLANT

APPELLANT'S REPLY BRIEF

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I. Introduction: Appellant Angela Ukpoma respectfully submits this short memorandum in reply to the Respondent's responsive memorandum.

II. Argument:

1. Appellant Ukpoma appealed the trial court's summary judgment decision and the judgment entered in furtherance of said decision. See Clerk's Papers, ("CP") at 389-399.

2. Appellant Ukpoma moved for reconsideration (CP 353-364) and specifically argued the fallacy of Respondent's claim that the six-year statute of limitations could be extended by judicial fiat, imposing the tacking analysis of abandoned nonjudicial foreclosure timelines to extend the six years into over eight years. See Clerk's Papers, at 361-363.

3. This case is one of first impression in Division III. Apparently, the Respondent abandons the time-honored protocol that an authorized agent of the beneficiary may issue a notice of default and acceleration of the unpaid balance of the loan, thus limiting bona fide notices of default and acceleration

to those only executed by the principal lender/beneficiary. *Respondent's Brief*, at p. 7. There is no precedent for that position.

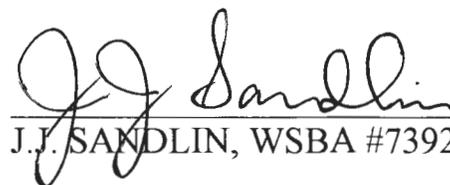
4. Even by allowing (without conceding) the Respondent's claim that a bankruptcy stay tolls the statute of limitations the period tolled is 369 days (160 + 209). *Respondent's Brief* at p. 11. This is insufficient to fall within the six-year statute of limitations. The Respondent's lawsuit should be dismissed with prejudice.

III. Conclusion:

For the above reasons, and the analysis in the Appellant's Opening Brief and the Motion for Reconsideration submitted to the trial court, this Court should reverse the trial court and remand this action for dismissal.

Respectfully submitted this 2nd day of August, 2018.

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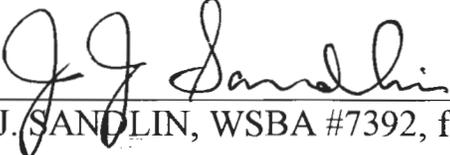


J.J. SANDLIN, WSBA #7392, for Appellant

CERTIFICATE OF SERVICE

J.J. Sandlin certifies under penalty of perjury of the laws of the State of Washington that I caused to be filed the above Appellant's Reply Brief with the Washington State Court of Appeals, Division II on August 2, 2018 by mailing the said document to Clerk of the Court, Washington State Court of Appeals, Division III, 500 N. Cedar St., Spokane, WA 99201; and on the same date I mailed and emailed the said document to Respondent's counsel as follows: Attorney Amy Edwards, STOEL RIVES, LLP, 760 SW Ninth Avenue, Suite 3000, Portland, OR 97205, email *amy.edwards@stoel.com*.

Dated this 2nd day of August, 2018.



J.J. SANDLIN, WSBA #7392, for Appellant Ukpoma