



200312080149

Skagit County Auditor

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RECORDING COVER SHEET

RETURN ADDRESS:

MEAGHER & MEAGHER LLP
6324 BROADWAY AVENUE
EVERETT, WA 98203

Document Title(s) (or transactions contained therein):

JUDGMENT

Reference Number(s) of Document assigned or released: N/A

JUDMGNET CREDITOR(S) (Last name first, then first name):

COEN, GEORGE M., and COEN, DONNA W., husband and wife,

JUDGMENT DEBTOR(s) (Last name first, then first name):

CONNIE CONGLETON, individually, as her separate obligation,

Legal Description

Lot 1-B REV S/P 35-75 REC AFF#8003100026 EXC TH PTN LYING W
OF HEART LAKE RD BEING PTN GOV LOT 2

Assessor's Property Tax Parcel/Account Number(s):

Parcel ID: p19216 Xref ID: 340112-0-005-0208

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FINDINGS OF FACT, CONSLUSIONS OF LAW

This matter came on ex-parte before the undersigned Judge/Court Commissioner on the 9th day of October, 2003. The Court found the Defendant, Connie Congleton, to be in default.

The Court makes the following findings of fact:

1. Defendants are not a marital community. However, both defendants signed the purchase and sale agreement, and are therefore jointly and severally obligated to the terms of the contract.

2. Defendant Connie Congleton resides in Skagit County, State of Washington. Jurisdiction and venue are proper in Skagit County Superior Court.

3. On or about April 28, 2003, the Plaintiffs offered to purchase a house and real property located in Anacortes, Washington. The written contract (contract) was conditioned on the Plaintiffs selling their own house and real property located in Colorado. Pursuant to the terms of the contract, it expired on July 18, 2003 if the Plaintiffs could not sell their home in Colorado. The Plaintiffs placed earnest money of \$10,000 in an Escrow account with Land Title Insurance Company in Anacortes, Washington (Escrow Number 106747-PAE). All parties were represented by licensed agents.

4. The Plaintiffs were unable to sell their Colorado home. July 18th, 2003 came and went. Defendant Connie Congleton refused to return the earnest money. The earnest money is still in the above referenced escrow account.

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DEFAULT JUDGMENT
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MEAGHER & MEAGHER, LLP
Attorneys at Law
6324 Broadway
Everett, WA 98203
(425) 710-0300



1 Having made its findings of fact, the Court now makes its conclusions of law:
2 1. Defendant, Connie Congleton, is in default and in breach of the contract.
3 2. As a result of the Defendant's breach, Plaintiffs have been damaged in the amount
4 of \$10,000, plus additional costs and attorneys fees. Judgment should enter for the same.
5 3. The contract contained a provision for attorneys fees. The Court finds Plaintiff's
6 attorneys fee in the amount of \$ 1,437.50 to be reasonable, and judgment should enter for
7 those fees and costs of suit.

8 **DEFAULT JUDGMENT**

9 NOW, THEREFORE, IT IS HEREBY ORDERD, ADJUGED AND DECREED AS
10 FOLLOWS:

11 1. Judgment is hereby entered against Connie Congleton and in favor of George M.
12 Coen and Donna W. Coen, husband and wife, in the amount of ten thousand dollars
13 (\$10,000.00) and no cents.

14 2. Land Title Insurance Company in Anacortes, Washington is directed to send the
15 \$10,000 held in Escrow number 106747 PAE, to George M. Coen and Donna W. Coen,
16 husband and wife, care of their attorney, J. Bradley Meagher, 6324 Broadway Avenue,
17 Everett, WA 98203. Upon Land Title Insurance Company tendering the escrow funds, the
18 aforementioned judgment against Connie Congleton shall be deemed fully paid and satisfied
19 in the amount of \$10,000.00, leaving only the judgment for attorneys fees and costs in the
20 amount of \$1,437.50. Plaintiffs shall immediately file a satisfaction of judgment upon receipt
21 of said funds from Escrow.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND DEFAULT JUDGMENT**
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DATED this 9 day of October, 2003.

Steve Needy
JUDGE-Commissioner

Presented by:

MEAGHER & MEAGHER LLP

~~By J. Bradley Meagher~~
WSBA No. 18685
Attorneys for Plaintiffs



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**FINDINGS OF FACT, CONCLUSIONS
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State of Washington, }
County of Skagit } ss.

I, Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 4 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 8 day of December 2003. Nancy K. Scott, County Clerk.

By *Nancy K. Scott*
Deputy Clerk