



200508110135

Skagit County Auditor

8/11/2005 Page 1 of 6 4:22PM

After recording return document to:

YOUNGQUIST & BETZ  
904 South Third  
Mount Vernon, WA 98273

**DOCUMENT TITLE:** ORDER OF DEFAULT JUDGMENT; CANCELING LIS PENDENS

**REFERENCE NUMBER OF RELATED DOCUMENT:** 200408180039

**GRANTOR(S):** SKAGIT COUNTY SUPERIOR COURT; CAUSE NO. 04-2-01705-2

**ADDITIONAL GRANTORS ON PAGE    OF DOCUMENT.**

**GRANTEE(S):** TRICIA HANDY and JASON HANDY and the Marital Community thereof

**ADDITIONAL GRANTEES ON PAGE    OF DOCUMENT.**

**ABBREVIATED LEGAL DESCRIPTION:**

Lot 1, Block G, Cape Horn on the Skagit

**ADDITIONAL LEGAL DESCRIPTION ON PAGE(S) 5 OF DOCUMENT.**

**ASSESSOR'S TAX/PARCEL NUMBER(S):** P63110

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FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2005 JUN 17 AM 10:00

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6 IN THE SUPERIOR COURT, STATE OF WASHINGTON, FOR SKAGIT COUNTY

7  
8 TRICIA HANDY and JASON  
9 HANDY, husband and wife and the  
10 marital community composed thereof,  
Plaintiffs,

No. 04-2-01705-2

11 vs

ORDER OF DEFAULT JUDGMENT;  
CANCELLING LIS PENDENS

12 JUDY KEENER and JOHN DOE  
13 KEENER, husband and wife and the  
14 marital community composed thereof,  
15 AND ALL OTHER OCCUPANTS,  
Defendants.

PROPOSED ORDER

16 This matter was brought before the Court on the Plaintiff's Motion for an Order  
17 of Default Judgment; Cancel Lis Pendens.

18 A hearing was held on Plaintiff's Motion on June 17, 2005. Plaintiffs appeared  
19 at the hearing through their attorney of record, Youngquist & Betz, by Stephen E.  
20 Nicol, and Defendants **did / did not** appear.

21 The Court considered the pleadings filed in this action, the declaration of  
22 Plaintiff's counsel, the Declaration of Tricia Handy, the Declaration of Keener, and  
23 argument of the parties, and based on the argument of the parties, the pleadings and  
24 evidence presented, and the documents and pleadings of record, this Court entered an  
25 Order of Default.  
26

ORDER OF DEFAULT JUDGMENT; CANCELLING LIS

LAW OFFICE OF  
YOUNGQUIST & BETZ  
904 SOUTH THIRD



200508110135  
Skagit County Auditor

ORIGIN/

Having entered an Order of Default and having heard the evidence presented in the matter, the Court finds that:

1. The Agreement to Sell Real Estate Washington executed by the Plaintiffs and Defendants was void on its face under the statute of frauds for lack of a legal description.
2. The Agreement to Sell Real Estate Washington executed by the Plaintiff and Defendant was void on its face for missing material terms.
3. Without a written lease, the Defendant was occupying the property of the Plaintiff on a month-to-month tenancy as contemplated in RCW 59.18.200.
3. The Lis Pendens filed by the Defendants was not properly filed.
4. As shown by the declaration of the plaintiff, as of April 30, 2005, the Defendant Keener was in arrears in the amount of seven thousand and ninety and 00/00 dollars (\$7090.00).
5. Reasonable attorney's fees should be awarded for the Plaintiff's removal of the Lis Pendens. The Declaration of Stephen E. Nicol, Attorney for the Plaintiff, establishes the reasonable rate at \$500.00 for legal work performed defending against this Lis Pendens.

Based on the above findings, It is hereby **ORDERED, ADJUDGED** and **DECREED** that:

1. The "Agreement to Sell Real Estate Washington" is void and unenforceable.
2. The agreement between the Plaintiff and Defendants is declared to be a month-to-month tenancy subject to RCW 59.18, the Residential Landlord Tenant Act.

ORDER OF DEFAULT JUDGMENT; CANCELLING LIS PENDENS

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YOUNGQUIST & RYAN

200508110135  
Skagit County Auditor  
8/11/2005 Page 3 of 6 4:22PM

3. The Lis Pendens filed by the Defendants is cancelled.

4. The Plaintiff is awarded seven thousand and ninety and 00/100 dollars (\$7090.00) in past-due rent with pre-judgment and post-judgment interest at the maximum rate allowed by law.

5. The Plaintiff is awarded \$500.00 in attorney's fees and costs for defending that portion of the lawsuit relating to the Lis Pendens.

Done in open Court this 6/17 day of June, 2005.

  
JUDGE OF THE SUPERIOR COURT

Presented by,

YOUNGQUIST & BETZ

By:

  
STEPHEN E. NICOL, WSBA 30427  
Attorney for Handy

ORDER OF DEFAULT JUDGMENT; CANCELLING LIS

LAW OFFICE OF  
YOUNGQUIST & BETZ  
904 SOUTH THIRD



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State of Washington, } ss.  
County of Skagit

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 3 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 11 day of Aug 2005 Nancy K. Scott, County Clerk.

By John Lockwood Deputy Clerk



200508110135  
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EXHIBIT "A"

Lot 1, Block G, "CAPE HORN ON THE SKAGIT", according to the plat thereof recorded in Volume 8 of Plats, pages 92 through 97, records of SKAGIT County.

And to include all right/title and interest in a 1974 Hillcrest trailer, 12 x 56, Serial No. 029103041.

Situate in County of Skagit, state of Washington.



200508110135  
Skagit County Auditor

8/11/2005 Page 6 of 6 4:22PM