



200509290049

Skagit County Auditor

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**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

Russel R. Robertson
Schwabe, Williamson & Wyatt, P.C.
U.S. Bank Centre, Suite 3010
1420 Fifth Avenue
Seattle, WA 98101-2393

ORDER OF DEFAULT AND DEFAULT JUDGMENT

Reference numbers of related documents: 200405120065

Skagit County Superior Court Cause No.: 05-2-01165-6

Grantor (Judgment Debtors):
1. Trutzwelt R. Wolff, aka T. Reinhard G. Wolff
2. Christopher S. Wolff

Grantee (Judgment Creditor): KeyBank National Association

Legal Description (Abbreviated): Portion of Government Lot 10 of S10 T33 R4E
Full legal description as Exhibit A

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

330419-0-035-0401



ORIGINAL

EXHIBIT 'A'

That portion of Government Lot 10 of Section 19, Township 33 North, Range 4 East of the Willamette Meridian, lying Southerly of a line drawn East from a point on the West line of said Government Lot which is 1,040 feet North of the corner common to Sections 19 and 30 of Township 33 North, Range 4 East of the Willamette Meridian and Sections 24 and 25 of Township 33 North, Range 3 East of the Willamette Meridian;

EXCEPT that portion thereof, if any, lying within the boundaries of that certain conveyance to James Hammack by deed recorded September 26, 1941, under Auditor's File No. 344683 in Volume 185 of Deeds, page 1, records of Skagit County, Washington;

AND EXCEPT Diking District No. 2 right of way as condemned in Skagit County Superior Cause No. 3147;

AND ALSO EXCEPT that portion conveyed to Skagit County for Mann Road by deed recorded June 24, 1973, under Auditor's File No. 786938, records of Skagit County, Washington;

AND ALSO EXCEPT from all of the above described premises any and all portion thereof lying within the boundaries of the following described tract:

Commencing at the intersection of a line drawn East from a point on the West line of Government Lot which is 1,040 feet North of the center common to Sections 19 and 30 of Township 33 North, Range 4 East of the Willamette Meridian and Sections 24 and 25 of Township 33 North, Range 3 East of the Willamette Meridian, with the West line of the Mann Road as the same exists;

Thence West along the North line a distance of 232 feet;

Thence South a distance of 225 feet;

Thence East parallel with said North line to the West bank of the Skagit River and the true point of beginning;

Thence West parallel with said North line to the Easterly margin of the Mann Road right of way;

Thence Southerly along said Easterly margin a distance of 750 feet, more or less, to the P.C. of a 40° curve as described in right of way deed as recorded under Skagit County Auditor's File No. 786928, records of Skagit County, Washington;

Thence South 2°02'50" West 135 feet, more or less, to said West bank of the Skagit River;

Thence Northerly along said West bank to the true point of beginning;

AND ALSO EXCEPT therefrom all that portion of the above described premises lying Westerly and Northerly of the existing Mann Road.

Situated in Skagit County, Washington

- END OF EXHIBIT 'A' -



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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

KEYBANK NATIONAL ASSOCIATION, a
national banking association,

Plaintiff,

vs.

CHRISTOPHER WOLFF, an individual,

Defendant.

No. 05 2 01165 6

ORDER OF DEFAULT AND
DEFAULT JUDGMENT

SUMMARY OF JUDGMENT

Creditor: KeyBank National Association
c/o Schwabe, Williamson & Wyatt
1420 Fifth Avenue, Suite 3010
Seattle, WA 98101

Attorneys for Judgment Creditor: Jennifer L. Campbell
Russel R. Robertson
Schwabe, Williamson & Wyatt, PC
1420 Fifth Avenue, Suite 3010
Seattle, WA 98101
(206) 622-1711

Judgment Debtor: Christopher Wolff
15011 S.E. 16th Street
Bellevue, WA 98007

JUDGMENT

This matter came before the Court on Plaintiff KeyBank National Association's
Motion for Default and Default Judgment against Defendant Christopher Wolff. The Motion

ORDER OF DEFAULT AND DEFAULT JUDGMENT

1 was made on the grounds that said defendant has failed to answer or otherwise defend against
2 Plaintiff's claims in this action. Based on the files and records and evidence presented
3 herein, the Court finds:

4 1. Defendant Christopher Wolff was properly served with and accepted service
5 of the Summons and Complaint in this action.

6 3. Said Defendant has not answered Plaintiff's claims or otherwise defended in
7 this action.

8 4. The time for answering Plaintiff's Complaint is 20 days and more than 20
9 days have passed since service of the Summons and Complaint on said Defendant.

10 5. Venue in this action is proper.

11 Based on the above findings, IT IS ORDERED:

12 1. Plaintiff's Motion for Default and Default Judgment is GRANTED.

13 2. Defendant Christopher Wolff is declared to be in default for failing to answer
14 or otherwise defend in this action.

15 3. The transfer of the property commonly known as 21409 Mann Road, Conway,
16 WA (the "Property") was a fraudulent transfer under the Uniform Fraudulent Transfer Act,
17 RCW 19.40 *et seq.* The Property is legally described in the attached Exhibit A to this
18 ORDER.

19 Default having been entered, Plaintiff is hereby granted the following RELIEF:

20 1. Plaintiff is entitled to a judgment lien on the Property pursuant to that certain
21 Judgment against Trutzwelt R. Wolff in the amount of \$264,572.48, plus post-judgment
22 interest (Skagit Co. Cause No. 03 2 01130 7). The judgment lien is to be considered
23 effective on the Property as of July 2, 2004, the date of Plaintiff's judgment against Trutzwelt
24 R. Wolff. A copy of the Judgment is attached as Exhibit B to this ORDER. Plaintiff may
25 record a copy of this Order of Default and Default Judgment with the Skagit County
26 Recorder to give constructive notice of the judgment lien.

ORDER OF DEFAULT AND DEFAULT JUDGMENT - 2

SCHWABE, WILLIAMSON & WYATT, P.C.



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SEA/108034/143552/RRR/338850.1

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EXHIBIT A

Exhibit A

UNRECORDED

THAT PORTION OF GOVERNMENT LOT 10 LY SOUTHERLY OF A LINE DRAWN EAST FROM A POINT ON THE WEST LINE OF SAID GOVERNMENT LOT WHICH IS 1040 FEET NORTH OF THE CORNER COMMON TO SECTIONS 19 & 30 TWP 33 RGE 4 AND SECITONS 24 & 25 TWP 33 RGE 3 EXCEPT THAT PORTION THEREOF IF ANY LYING WHTHIN THE BOUNDARIES OF THAT CERTAIN CONVEYANCE TO JAMES HAMMACK BY DEED RECORDED UNDER AUDITOR'S FILE #344683 AND ALSO EXCEPT DIKING DISTRICT 2 RIGHT OF WAY CONDEMNED IN SKAGIT COUNTY SUPERIOR CAUSE #3147 AND ALSO EXCEPT THAT PORTION CONVEYED TO SKAGIT COUNTY FOR MANN RD BY DEED RECORDED UNDER AUDITOR'S FILE #786938 EXCEPTING FROM ALL THE ABOVE DESCRIBED PREMISES THAT PORTION THEREOF LYING WITHIN THE FOLLOWING DESCRIBED TRACT BEGINNING AT THE INTERSECTION OF THE NORTHLINE OF THE ABOVE DESCRIBED PREMISES WITH THE WEST LINE OF THE MANN ROAD AS THE SAME EXISTS THENCE WEST ALONG SAID NORTH LINE A DISTANCE OF 232 FEET THENCE SOUTH A DISTANCE OF 225 FEET THENCE EAST PARALLEL TO SAID NORTH LINE TO THE WEST BANK OF SAID SKAGIT RIVER THENCE NORTH ALONG SAID WEST BANK TO THE NORTHEAST CORNER OF SAID ABOVE DESCRIBED PREMISES THENCE WEST ALONG SAID NORTH LINE TO THE POINT OF BEGINNING ALSO EXCEPTING FROM ALL OF THE ABOVE DESCRIBED PREMISES ANY AND ALL PORTION THEREOF LYING WITHIN THE BOUNDARIES OF THE FOLLOWING DESCRIBED TRACT COMMENCING AT THE INTERSECTION OF A LINE DRAWN EAST FROM A POINT ON THE WEST LINE OF SAID GOVERNMENT LOT WHICH IS 1040 FEET NORTH OF THE CORNER COMMON TO SECTIONS 19 & 30 TWP 33 RGE 4 & SECTIONS 24 & 25 TWP 33 RGE 3 WITH THE WEST LINE OF MANN RD AS SAME EXISTS THENCE WEST ALONG THE NORTH LINE A DISTANCE OF 232 FEET THENCE SOUTH 225 FEET THENCE EAST PARALLEL WITH SAID NORTH LINE TO THE WEST BANK OF THE SKAGIT RIVER AND THE TRUE POINT OF BEGINNING THENCE WEST PARALLEL WITH SAID NORTH LINE TO THE EASTERLY MARGIN OF THE MANN RD RIGHT OF WAY THENCE SOUTHERLY ALONG SAID EASTERLY MARGIN 750 FEET MORE OR LESS TO THE PC OF A 40 DEGREE CRUVE AS DESCRIBED IN RIGHT OF WAY DEED RECORDED UNDER AUDITOR'S FILE #786928 THENCE SOUTH 2-02-50 WEST 135 FEET MORE OR LESS TO SAID WEST BANK TO THE SKAGIT RIVER THENCE NORTHERLY ALONG SAID WEST BANK TO THE TRUE POINT OF BEGINNING ALSO EXCEPTING FROM THE ABOVE DESCRIBED TRACT THAT PORTION LYING WESTERLY AND NORTHERLY OF THE EXISTING MANN RD



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EXHIBIT B

The Honorable Michael Moynihan
Date of Hearing: July 2, 2004
Time of Hearing: 1:30 p.m.

FILED IN OPEN COURT
7/2 2004
WHATCOM COUNTY CLERK

By _____
Deputy

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

KEYBANK NATIONAL ASSOCIATION, a
national banking association,

Plaintiff,

vs.

WOODHAM ASSET MANAGEMENT
CORP., a New York corporation,
TRUTZWELT R. WOLFF and SANDRA A.
WOLFF, husband and wife and the marital
community comprised thereof,

Defendants.

No. 03-2-01130-7

ORDER OF DISMISSAL
AND JUDGMENT AGAINST
DEFENDANT TRUTZWELT
R. WOLFF

SUMMARY OF JUDGMENT

Creditor: KeyBank National Association
c/o Schwabe, Williamson & Wyatt
1420 Fifth Avenue, Suite 3010
Seattle, WA 98101-2393

Attorneys for Judgment
Creditor: Matthew Turestky
Jennifer L. Campbell
Schwabe, Williamson & Wyatt, PC
1420 Fifth Avenue, Suite 3010
Seattle, WA 98101-2393
(206) 622-1711

ORDER OF DISMISSAL AND JUDGMENT AGAINST
DEFENDANT TRUTZWELT R. WOLFF - 1

SEA/108034/132965/JCA/326732.1

ORIGINAL

SCHWABE, WILLIAMSON & WYATT, P.C.
Attorneys at Law



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1 Judgment Debtors: Trutzwelt R. Wolff
2 21409 Mann Road
3 Conway, WA 98238
4 Principal Judgment Amount: \$198,098.50
5 Pre-Judgment Interest at 12% Per
6 Annum From October 18, 2002
7 through June 4, 2004: \$38,751.32
8 Total of Taxable Attorneys' Fees
9 And Costs: \$3,737.66 (costs)
10 \$26,985.00 (fees)
11 Post-Judgment Amount: 12% per annum after entry of Judgment until paid

12 **JUDGMENT**

13 This matter having come on for summary judgment hearings on April 2, 2004 and
14 June 4, 2004 before the Honorable Michael Moynihan; the plaintiff KeyBank National
15 Association appearing and being represented by its attorneys of record, Matthew Turetsky
16 and Jennifer Campbell of Schwabe, Williamson & Wyatt; the defendant appearing *pro se*;
17 and the Court having entered an order granting summary judgment on KeyBank's claims for
18 breach of contract and breach of transfer warranty and granting KeyBank's motion for
19 summary judgment on damages and on defendant's cross claims; and the Court being fully
20 advised in the premises,

21 NOW, THEREFORE, IT IS HEREBY ADJUDGED that judgment be entered in
22 favor of KeyBank National Association against defendant, Trutzwelt R. Wolff on its breach
23 of contract and breach of transfer warranty claims and awarding attorneys' fees, and
24 dismissing with prejudice defendant's counterclaim and all other claims for relief, and that
25 costs and disbursements shall be awarded in favor of plaintiff and against defendant in the
26 manner prescribed by RCW 4.84.010 and RCW 4.84.030.

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ORDER OF DISMISSAL AND JUDGMENT AGAINST
DEFENDANT TRUTZWELT R. WOLFF - 2

SEA/108034/132965/JCA/326732.1



200509290049
Skagit County Auditor

1 DATED this 2 day of July, 2004.

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4 Honorable Michael Moynihan
5 Whatcom County Superior Court Judge

6 Presented by:

7 SCHWABE, WILLIAMSON & WYATT

8
9 By:

10 Matthew Turetsky, WSBA # 23611
11 Jennifer L. Campbell, WSBA #31703
Of Attorneys for Plaintiff KeyBank
National Association

12 Copy received, and ~~approved~~ for entry:

13
14 By:

15 T.R.G. Wolff, WSBA #
16 Attorney for Defendant Wolff

17 Copy received and ^{notice of} ~~approval~~ for
18 entry waived;
19 Wm-G Knudsen #6064
20 Atty R Sander Wolff

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ORDER OF DISMISSAL AND JUDGMENT AGAINST
DEFENDANT TRUTZWELT R. WOLFF - 3

SEA/108034/132965/JCA/326732.1

SCHWABE, WILLIAMSON & WYATT



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Skagit County Auditor

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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 9 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 2 day of August 2005. Nancy K. Scott, County Clerk

By [Signature]
Deputy Clerk



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Skagit County Auditor