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**BELLINGHAM, WA 98227**



**200601050015**  
**Skagit County Auditor**

**1/5/2006 Page 1 of 6 9:04AM**

**DOCUMENT TITLE: ORDER GRANTING DEFENDANTS DARLENE A. SWAYNE AND ALBERT ROTTI'S MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS OR IN THE ALTERNATIVE MOTION FOR PARTIAL SUMMARY JUDGMENT**

**REFERENCE NUMBER OF RELATED DOCUMENT: N/A**

**GRANTOR: SALLY ZELDA FRYE and DANIEL W. SWAYNE**

**GRANTEE: DARLENE A. SWAYNE and ALBERT ROTTI**

**ABBREVIATED LEGAL DESCRIPTION: N/A**

**ASSESSOR'S TAX PARCEL NUMBER: N/A**

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2005 DEC -8 PM 1:35

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

STEWART TITLE GUARANTEE CO., a Texas  
corporation,

Plaintiff,

v.

DARLENE A. SWAYNE, a single person,

Defendant.

Cause No.: 00-2-00368-7

**ORDER GRANTING DEFENDANTS  
DARLENE A. SWAYNE AND ALBERT  
ROTTI'S MOTION FOR PARTIAL  
JUDGMENT ON THE PLEADINGS OR  
IN THE ALTERNATIVE MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

SALLY ZELDA FRYE,  
as Trustee

Plaintiff,

v.

DARLENE A. SWAYNE, a single person; JAMES R.  
SWAYNE; SKAGIT COUNTY BAIL BONDS;  
ALBERT ROTTI

Defendants,

v.

GUNNAR PEDERSON,

Intervenor,

v.

DANIEL W. SWAYNE

Third Party Defendant.

Cause No.: 93-2-00276-1

**Order Granting Motion for Partial Judgment on  
the Pleadings or in the Alternative Motion for  
Partial Summary Judgment - 1**



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1 This matter came before the undersigned sitting in open court on the Defendant's  
2 Motion for Partial Judgment on the Pleadings or in the Alternative Partial Summary  
3 Judgment, filed herein on behalf of Defendants DARLENE A. SWAYNE and ALBERT  
4 ROTTI. The court has reviewed the Motion, Plaintiff's Opposition and supporting  
5 documents, and the court's file. Having considered the foregoing, and having heard oral  
6 argument from counsel of record, it is hereby:

7  
8 ORDERED that defendants DARLENE A. SWAYNE and ALBERT ROTTI'S  
9 Motion for Partial Judgment on the Pleadings or in the Alternative Partial Summary  
10 Judgment is GRANTED. Title to "Parcel B" is hereby vested in Defendant DARLENE  
11 SWAYNE and any title or interest in said property of Plaintiff SALLY ZELMA FRYE and  
12 Third Party Defendant DANIEL SWAYNE is hereby extinguished. "Parcel B" is described  
13 as follows:

14 That portion of the NW 1/4 of the SE 1/4 of Section 29, Township  
15 34 North, Range 4 East, W.M., described as follows:

16 Beginning at a point on the East and West center line of said Section  
17 29, which is 198 feet East of the center of said section; thence South  
18 to the South line of the road which runs East and West along said  
19 center line, as the same existed on February 21, 1953; thence East  
20 60 feet; thence South 140 feet to the true point of beginning of this  
21 description; thence South 190 feet; thence West 60 feet; thence  
22 North 190 feet; thence East 60 feet to the point of beginning.

23 Situate in Skagit County Washington.

24 This ORDER is without prejudice to: (a) the claim of Stewart Title against  
25 Darlene A. Swayne and Albert Rotti; or (b) the right, title and interest of Stewart Title  
and without limitation, to the lien created in favor of Stewart Title by virtue of that

Order Granting Motion for Partial Judgment on  
the Pleadings or in the Alternative Motion for  
Partial Summary Judgment - 2

  
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11:17

ZENDER THURSTON PS → 15094524987

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1 certain Deed of Trust made on or about August 9, 1994, and recorded under Auditor's  
2 No. 94-08090063, as subsequently assigned to Stewart Title.

3 This Order may be signed in counterparts.

4  
5 Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

6  
7  
8 **MICHAEL RICKERT**

9 By: \_\_\_\_\_  
10 SUSAN COOK, JUDGE

11 Presented by:

12 ZENDER THURSTON, P.S.

13  
14  
15 Gregory Greenan, WSBA #16094  
16 Attorney for Defendants

17 Copy received, *Notice of Presentation Waived*  
~~approved for entry:~~

18  
19  
20 Reed C. Pell, WSBA #6821  
21 Attorney for Plaintiff Sally Frye


22 *Notice of Presentation Waived*  
23 Reed C. Pell, WSBA #6821  
24 Attorney for Third Party Defendant  
25 Daniel Swayne

Order Granting Motion for Partial Judgment on  
the Pleadings or in the Alternative Motion for  
Partial Summary Judgment - 3

ZENDER THURSTON, P.S.  
LAW OFFICES  
1700 D STREET/PO Box 5226  
BELLINGHAM, WA 98227  
PHONE: (360) 647-1500  
FAX: (360) 647-1501



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1   
2 Stephen Sirianni, WSBA#6957  
3 Attorney for Plaintiff Stewart Title  
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Order Granting Motion for Partial Judgment on  
the Pleadings or in the Alternative Motion for  
Partial Summary Judgment - 4

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LAW OFFICES  
1700 D STREET/PO BOX 5226  
BELLINGHAM, WA 98227  
PHONE: (360) 647-1500



200601050015  
Skagit County Auditor

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 document is a true  
and correct copy of the original document of 4  
pages, now on file in the County Clerk's Office.

IN TESTIMONY WHEREOF, I have hereunto set  
my hand and affixed the Seal of said Court at my  
office at Mount Vernon, WA, the 28 day of Dec  
20 05 Nancy K. Scott, County Clerk

*Bonnie J. Hobson*



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Skagit County Auditor