

WHEN RECORDED RETURN TO:

Ken Schneider
2015 33rd Street
Everett, WA 98201



200908280048

Skagit County Auditor

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DOCUMENT TITLE(s)

Order of default and default judgment against defendant Specialized Loan Servicing, LLC.

REFERENCE NUMBER(s) OF RELATED DOCUMENTS

Additional Reference #s on page

N/A

GRANTOR(s) (Last, First and Middle initial)

Addition Grantors on page

Estes, Jolina

GRANTEE(s) (Last, First and Middle initial)

Addition Grantees on page

Specialized Loan Servicing, LLC

LEGAL DESCRIPTION

Complete legal on page

N/A

21-34-04 NE SW

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER P27006

The Auditor/Recorder will rely on the information provided on this form. The responsibility for the accuracy of the indexing information is that of the document preparer

*I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

KEN SCHNEIDER, J.D., LL.M. (Tax)
Attorney at Law
2015 33rd Street
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The Honorable Thomas T. Glover
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In Re JOLINA L. ESTES

IN PROCEEDINGS UNDER CH. 13

Debtor(s).

NO. 09-13078

JOLINA L. ESTES

Plaintiffs,

ORDER OF DEFAULT AND DEFAULT
JUDGMENT AGAINST DEFENDANT
DEFENDANT SPECIALIZED LOAN
SERVICING, LLC

v.

SIERRA PACIFIC MORTGAGE CO,
whose nominee is Mortgage Electronic
Systems, Inc. and SPECIALIZED LOAN
SERVICING, LLC as Attorney-in-Fact
for U.S. Bank National Association, as
Trustee, relating to Home Equity Mortgage
Trust Series 2007-2, Home Equity
Mortgage Pass-Through Certificates, Series
2007-2

ADV. NO. 09-01269

Defendants.

THIS MATTER came on before the Court on the Ex Parte Motion for Order of Default and Entry of Default Judgment Against Defendant Specialized Loan Servicing, LLC ("SLS") filed by Jolina Estes ("Plaintiff"). The motion was based on the grounds that Defendant SLS had not appeared, answered or otherwise defended in this action, and upon the files and records herein and the Plaintiff's underlying chapter 13 bankruptcy proceeding. The Court, having considered the Plaintiff's motion, and the files and records herein, the Declaration of Plaintiff's

ORDER OF DEFAULT AND DEFAULT
JUDGMENT AGAINST DEFENDANT - I

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counsel, the proof of service on file and the following evidence:

1. The Plaintiff's Complaint to void and strip the lien of Defendant SLS from record title, for a determination of lack of secured status, and for disallowance of any secured claim filed by Defendant SLS herein, along with the applicable files and records in the main bankruptcy case.

Based on the Declaration of counsel, the pleadings and evidence presented, the Court makes the following finds of fact and conclusions of law:

1. Defendant SLS was properly served with Plaintiff's Summons and Complaint in this adversary proceeding.
2. Defendant SLS has failed to appear, answer or otherwise defend in this action.
3. No notice of appearance was served by Defendant SLS on Plaintiffs or its attorney.
4. The time for appearing and answering Plaintiff's complaint is thirty (30) days and more than thirty (30) days has passed since service on Defendant SLS of the Summons and Complaint in this matter.
5. Jurisdiction and venue are proper in this adversary proceeding.
6. Proof of Service is on file in this adversary proceeding.
7. Defendant is not in the military and is neither an infant or incompetent.
8. JP Morgan Chase holds a first position deed of trust on the Plaintiff's house securing an obligation from the Plaintiff's in the amount of \$210,138.32, as evidenced by its proof of claim filed herein. The value of the Plaintiff's house on April 10, 2009 was \$205,000. No party objected to the value of the house.
9. Defendant SLS holds second position deed of trust on the Plaintiff's house securing an obligation from the Plaintiff's in the amount of \$51,661.64, as evidence by its proof of

ORDER OF DEFAULT AND DEFAULT
JUDGMENT AGAINST DEFENDANT - 2

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claim filed herein.

10. The value of the secured claim of JP Morgan Chase exceeds the value of the Plaintiff's house. Pursuant to *In re Lam*, 211 B.R. 36 (9th Cir. BAP 1997), the lien of Defendant SLS should be stripped from record title pursuant to Plaintiff's complaint. The claim of SLS allowed herein should be a general unsecured claim.

11. The Plaintiff is entitled to an order that strips the deed of trust of Defendant SLS from record title, such that future title reports will show that the lien of Defendant SLS has been invalidated and to an order disallowing any secured claim of Defendant SLS herein.

Based on the above findings of fact and conclusions of law, judgment is entered as follows:

1. Plaintiff's motion for an order of default judgment is granted.
2. Defendant SLS is declared to be in default for failing to appear or defend in this action.
3. Plaintiff is awarded a default judgment against Defendant SLS.
4. Defendant SLS's deed of trust on Plaintiff's house, legally described as

That portion of the East ½ of the East ½ of the Northeast ¼ of the Southwest ¼ of Section 21, Township 34 North, Range 4 East, W.M., described as follows: Beginning at a point on the West line of said subdivision 705 feet South of the North line thereof; thence South along said West line 75 feet; thence East parallel to the North line of said Northeast ¼ of the Southwest ¼, 135 feet; thence North parallel to said West line 75 feet; thence West 135 feet to the point of beginning. (Also known as Lot 26 of unrecorded Plat of Cedar Crest Addition to Mount Vernon.) Situate in the City of Mount Vernon, County of Skagit, State of Washington.

The common address for the property is 315 S 29th Place, Mount Vernon, Washington 98274, and the Tax Parcel number is P27006.

shall be and is hereby stripped and removed from record title.

5. Plaintiff shall be and are entitled to record a copy of this Order of Default and Default Judgment as evidence of the stripping and removal of Defendant SLS's deed of trust from

ORDER OF DEFAULT AND DEFAULT
JUDGMENT AGAINST DEFENDANT - 3

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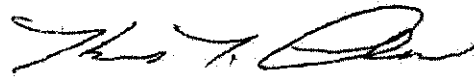


1 record title.

2 6. SLS shall have no allowed secured claim herein and its claim herein shall be and is
3 hereby determined and allowed as a general unsecured claim.
4

5 7. The parties shall bear their own attorney's fees and costs herein.

6 DATED this ____ day of August 2009

7
8 

9 The Thomas T. Glover
10 Unit United States Bankruptcy Judge
(Dated as of "Entered on Docket" date above)

11 Presented by:

12
13 /s/ Ken Schneider
14 Ken Schneider, WSBA #22410
15 Attorney for Plaintiff
16
17

18
19 **THIS IS TO CERTIFY** that the fore-
20 going is a true and correct copy of
an instrument, filed in our office.

21 Dated this 21 day of August
22 2009.

23 **BANKRUPTCY COURT**

24 By 
A Designated Employee

25
26 ORDER OF DEFAULT AND DEFAULT
27 JUDGMENT AGAINST DEFENDANT - 4

28 KEN SCHNEIDER, J.D., LL.M. (TAX)
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