

RETURN ADDRESS:

Britenae Pierce
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, WA 98101-3034



201309250072

Skagit County Auditor

9/25/2013 Page

1 of

\$77.00

6 3:16PM

Please print or type information **WASHINGTON STATE RECORDER'S COVER SHEET** (RCW 65.04)**Document Title(s)** (or transactions contained therein): (all areas applicable to your document must be filled in)

ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND REFORMING
DEEDS OF TRUST AND MODIFICATION

Reference Number(s) of Related Documents:

200612290183, 200704040005, 200804180194, 201003050069, 201003050070

Grantor(s) (Last name first, then first name and initials):

BENSON, VICTOR; BENSON, LINDA C.; THE BENSON FAMILY TRUST; BENSON, VICTOR,
SUCCESSOR TRUSTEE; BRUCE JOHNSON CONTRACTOR, LLC

Grantee(s) (Last name first, then first name and initials):

COLUMBIA STATE BANK

Additional names on page 1 of document (Last name first, then first name and initials):

DEWS ELECTRIC, LLC

Abbreviated Legal Description (abbreviated: *i.e.*, lot, block, plat or section, township, range):

The Northeast ¼ of the Northwest ¼; and the Southwest ¼ of the Northeast ¼; and the
Southeast ¼ of the Northwest ¼, all in Section 9, Township 33 North, Range 4 East,
W.M.

(Full legal description on page 3 of document)

Assessor's Property Tax Parcel/Account Number:☐ Assessor's tax # not yet assigned

P16593; P16592

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the
document to verify the accuracy or completeness of the indexing information provided herein.

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 to or otherwise obscure some part of the
text of the original document.

Signature of Requesting Party

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SUPERIOR COURT OF WASHINGTON IN AND FOR SKAGIT COUNTY

COLUMBIA STATE BANK,

Plaintiff,

v.

VICTOR BENSON and LINDA C. BENSON and
the marital community comprised thereof; THE
BENSON FAMILY TRUST and VICTOR
BENSON as successor trustee thereof; BRUCE
JOHNSON CONTRACTOR, LLC, Washington
limited liability company; DEWS ELECTRIC,
LLC, a Washington limited liability company,

Defendants.

Honorable Susan K. Cook

NO. 12-2-02396-7

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT AND REFORMING
DEEDS OF TRUST AND
MODIFICATIONS**

[PROPOSED]

(Clerk's Action Required)

SUMMARY OF JUDGMENT

Pursuant to RCW 4.64.030, the following information should be entered in the Clerk's

Execution Docket:

1. Judgment Creditor:

Columbia State Bank

2. Judgment Debtors:

- Victor Benson and Linda C. Benson and the marital community comprised thereof
- The Benson Family Trust and Victor Benson as successor trustee thereof
- Bruce Johnson Contractor, LLC

3. Judgment:

Reformation, Quiet Title



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1 4. Attorneys for Judgment Creditors:

Britenae Pierce
Ryan, Swanson & Cleveland, PLLC
1201 Third Avenue, Suite 3400
Seattle, Washington 98101

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4 5. Attorneys for Judgment Debtors:

Craig D. Magnusson
Magnusson Law Office PS
800 Bellevue Way NE, Suite 400
Bellevue, WA 98004-4273

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7 **JUDGMENT**

8 THIS MATTER came before the Court on Plaintiff's Motion for Summary Judgment
9 against defendants. The Court has considered the following:

- 10 • Plaintiff's Motion for Summary Judgment
- 11 • Declaration of Robert M. B. Draper in Support of Plaintiff's Motion for Summary
- 12 Judgment
- 13 • Declaration of Britenae Pierce in Support of Plaintiff's Motion for Summary
- 14 Judgment
- 15 • Benson Motion For Continuance Under CR 56(f); Benson Partial Response to
- 16 Plaintiff's CR 56 Motion; Benson Objection to Declaration of Draper as
- 17 Speculation and Hearsay
- 18 • Declaration of Victor Benson
- 19 • Reply in Support of Plaintiff's Motion for Summary Judgment and Response to
- 20 Motion for Continuance and Motion to Strike
- 21 • Supplemental Declaration of Britenae Pierce in Support of Plaintiff's Motion for
- 22 Summary Judgment

23 and the files and records herein, and having heard the argument of counsel and otherwise
24 being fully advised in the premises, it is now, hereby

25 ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Motion for Summary
26 Judgment is GRANTED; and it is further

ORDERED, ADJUDGED, AND DECREED that the Deeds of Trust recorded in the



1 Skagit County public records under recording numbers 200612290183, 200704040005, and
2 200804180194 and in the Modifications recorded in the Skagit County public records under
3 recording numbers 201003050069 and 201003050070 be and hereby are reformed so that the
4 legal description of Parcel G therein is REFORMED to be as follows:

5 Parcel "G":

6 The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$;
7 and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, all in Section 9, Township 33
8 North, Range 4 East, W.M.

9 EXCEPT mineral rights reserved in deed executed by English Lumber
10 Company, recorded February 8, 1938, under Auditor's File No. 299010, in
11 Volume 174 of Deeds, page 60,

12 ALSO EXCEPT the following described portion of said Southeast $\frac{1}{4}$ of the
13 Northwest $\frac{1}{4}$:

14 Beginning at the Northwest corner of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of
15 Section 9, Township 33 North, Range 4 East, W.M.; thence running Easterly
16 along the North line of the described Section, 400 feet to a point; thence
17 running Southerly parallel to the West line of said section, a distance of 100
18 feet, said point being the point of beginning; thence Easterly, 208 feet; thence
19 Southerly, 208 feet; thence Westerly 208 feet; thence Northerly to the point of
20 beginning,

21 ALSO EXCEPT the rights of Skagit County as established by documents
22 recorded July 14, 1939 and August 4, 1939, under Auditor's File Nos. 315059
23 and 315687, respectively.

24 and it is further

25 ORDERED, ADJUDGED, AND DECREED that the reformations described in the
26 immediately preceding paragraph should be effective as of the original date of each Deed of
Trust and Modification and prior to any interest judgment debtor Bruce Johnson Contractor,
LLC has in Parcel G.

DATED this 20 day of Sept., 2013

Susan K Cook
Honorable Susan K. Cook



1 Presented by:

2 RYAN, SWANSON & CLEVELAND, PLLC

3
4 By 

5 Britenae Pierce, WSBA #34032
Attorneys for Plaintiff

6 1201 Third Avenue, Suite 3400
7 Seattle, Washington 98101-3034
8 Telephone: (206) 464-4224
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pierce@ryanlaw.com

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ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT - 4



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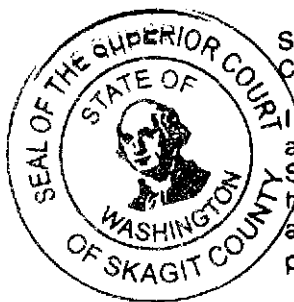
Skagit County Auditor

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9/25/2013 Page

5 of

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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 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 20 day of Sept, 2013. Nancy K. Scott, County Clerk

By

Kelli Bauleen

Deputy Clerk



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