

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
Craig E. Cammock
Skagit Law Group, PLLC
P.O. Box 336 / 227 Freeway Drive, Suite B
Mount Vernon, WA 98273



201404240056

Skagit County Auditor

\$81.00

4/24/2014 Page

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10 10:37AM

Document Title: Order Granting Summary Judgment Against
Defendants, John F. Zimmermann,
Debra A. Zimmermann,
James Wibbelmann, and
2-Jay's 1109, LLC, and Decree of Foreclosure

Grantors: John F. Zimmermann and
Debra A. Zimmermann,
husband and wife, individually, and the marital
community of them composed;

James Wibbelmann

2-Jay's 1109, LLC, a Washington
Limited Liability Company

Grantee: Skagit State Bank,
a state-chartered commercial bank

Additional Grantor(s) on page(s):
Additional Grantee(s) on page(s):

Abbreviated Legal: ptn SW ¼ of SW ¼, 17-34-4E W.M.

Additional Legal on page(s): Pages 5-6 of the attached

Assessor's Tax Parcel No.: P25569 / 340417-0-036-0005

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2014 FEB -6 AM 9:49

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SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SKAGIT STATE BANK, a state-chartered
commercial bank,
Plaintiff,
vs.

Case No.: 13-2-00930-0

JOHN F. ZIMMERMANN and DEBRA A.
ZIMMERMANN, husband and wife,
individually, and the marital community of
them composed; 2-JAY'S 1109, LLC, a
Washington Limited Liability Company;
JAMES WIBBELMANN and JANE DOE
WIBBELMANN, husband and wife,
individually, and the marital community of
them composed; and ALL OTHER
PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE,
ESTATE, LIEN OR INTEREST IN THE
REAL ESTATE DESCRIBED IN THE
COMPLAINT,
Defendants.

ORDER GRANTING SUMMARY
JUDGMENT AGAINST DEFENDANTS,
JOHN F. ZIMMERMANN, DEBRA A.
ZIMMERMANN, JAMES WIBBELMANN
AND 2-JAY'S 1109, LLC, AND DECREE
OF FORECLOSURE

(clerk's action required)

JUDGMENT SUMMARY - MONETARY AND AS TO REAL PROPERTY

Judgment Creditor:
Judgment Debtors:
Real property subject to this action:

SKAGIT STATE BANK,
a state-chartered commercial bank
JOHN F. ZIMMERMANN and
DEBRA A. ZIMMERMANN, husband and wife,
individually, and the marital community of them
composed, and
2-JAY'S 1109, LLC,
a Washington Limited Liability Company,
jointly and severally
That portion of the Southwest 1/4 of the
Southwest 1/4 of Section 17, Township 34 North,

ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 1

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14 9 00015 2



Range 4 East, W.M., described as follows:
Beginning at a point 728.36 feet North of the
Southeast corner of said subdivision; Thence
West 109.84 feet; Thence North 75 feet, more or
less, to the South line of that certain tract of land
as conveyed to William J. Monk and Marie A.
Monk, husband and wife, by instrument recorded
February 28, 1968, under Auditor's File No.
710764; Thence East 109.84 feet, more or less,
to the East line of said subdivision; Thence
Southerly along the East line of said subdivision,
75 feet, more or less, to the point of beginning,
EXCEPT the East 25 feet thereof. Situate in the
City of Mount Vernon, County of Skagit, State
of Washington.

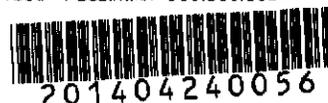
The real property is identified by Skagit County
Assessor's Tax Account Number 340417-0-036-
0005 and Property I.D. Number P25569.

Principal Judgment Amount:	\$136,989.02
Interest (as of 1-2-14):	\$30,939.40 (\$15,814.99 if box below checked for 12% interest)
Late Fees:	\$8,240.31
Attorney's Fees:	\$9,507.50 9,007.50 <i>CWV CS</i>
Costs:	\$1,646.21
Other Recovery Amounts:	\$13,092.80
Interest Rate after Judgment:	24% per annum on principal judgment from 1-2-2014 until fully paid; (or <input checked="" type="checkbox"/> if box is <i>CS</i> checked 12% per annum on principal judgment per policy of Skagit County Superior Court to not award interest in excess of 12%); 12% per annum on late fees, attorney's fees, costs, and other recovery amounts from the date judgment is entered until fully paid

Attorney for Judgment Creditor:	Craig E. Cammock Skagit Law Group, PLLC P. O. Box 336 227 Freeway Drive, Suite B Mount Vernon, WA 98273
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ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 2

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1 Attorney for Defendants,
2 JAMES WIBBELMANN
3 and 2-JAY'S 1109, LLC:

Jacob Cohen, WSBA #5070
Cohen, Manni, Theune & Manni LLP
Attorneys at Law
P. O. Box 889
Oak Harbor, WA 98277

4 Attorney for Defendants,
5 ZIMMERMANN:

Craig D. Sjostrom
Attorney at Law
1204 Cleveland Avenue
Mount Vernon, WA 98273

7 THIS MATTER came before the court for hearing on Plaintiff's Motion for Summary
8 Judgment against Defendants, John F. Zimmermann and Debra A. Zimmermann, husband and
9 wife, individually, and the marital community of them composed, James Wibbelmann and 2-
10 Jay's 1109, LLC, a Washington Limited Liability Company.

11 The court heard the oral argument of counsel for Plaintiff, Craig E. Cammock, of
12 Skagit Law Group, PLLC.

13 The Defendants, John F. Zimmermann and Debra A. Zimmermann, husband and wife,

14 appeared by and through their attorney, Craig D. Sjostrom, *CS*

15 did not appear.

16 The Defendant, 2-Jay's 1109, LLC,

17 appeared by and through its counsel of record, Jacob Cohen of Cohen,

18 Manni, Theune & Manni LLP

19 did not appear. *CS*

20 The Defendant, James Wibbelmann,

21 appeared by and through his counsel of record, Jacob Cohen of Cohen,

22 Manni, Theune & Manni LLP,

23 did not appear.
24
25

ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 3

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1 The court considered the pleadings filed in this action, including the Affidavits of
2 Geoff Wachter and Craig E. Cammock and the Supplemental Affidavit of Craig E. Cammock.

3 Based on the argument of counsel and the pleadings and evidence presented, the court
4 finds that there are no genuine issues of material fact and that Plaintiff is entitled to foreclose
5 on its beneficial interest in the real property which is subject to this action, which real
6 property is described in paragraph 3 below. The court also finds that the Deed of Trust held
7 by the Plaintiff is a valid encumbrance on that real property and subject to foreclosure in this
8 action, which Deed of Trust was recorded in the office of the Skagit County Auditor on
9 September 22, 2006 under Auditor's File No. 200609220197, records of Skagit County,
10 Washington (hereafter the "Deed of Trust.")

11 Based upon the above findings, IT IS ORDERED:

12 1. That the Plaintiff, SKAGIT STATE BANK, a state-chartered commercial
13 bank, is hereby awarded judgment against the Defendants, JOHN F. ZIMMERMANN and
14 DEBRA A. ZIMMERMANN, husband and wife, individually, and the marital community of
15 them composed, and 2-JAY'S 1109, LLC, a Washington Limited Liability Company, jointly
16 and severally, and against the real property legally described in paragraph 3 below, in the
17 amount of \$136,989.02, together with accrued interest thereon in the amount of \$30,939.40 as
18 of January 2, 2014, and together with interest at a rate of 24% from and after January 2, 2014
19 *(or if box is checked above in the Judgment Summary, 12% per annum on principal judgment*
20 *per policy of Skagit County Superior Court to not award interest in excess of 12% then*
21 *interest as of 1-2-14 shall be awarded in the amount of \$15,814.99), late fees in the amount of*
22 *\$8,240.31, together with advances for real property taxes in the amount of \$11,322.80, and*
23 *insurance in the amount of \$1,370.00, and appraisal fees in the amount of \$400.00, together*
24

25 ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 4

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1 with any other additional advances, together with attorney's fees in the amount of ~~\$9,507.50~~,
2 and together with Plaintiff's costs and disbursements in the amount of \$1,646.21; and

3 2. That Plaintiff's judgment against Defendants, JOHN F. ZIMMERMANN and
4 DEBRA A. ZIMMERMANN, husband and wife, individually, and the marital community of
5 them composed, and 2-JAY'S 1109, LLC, a Washington Limited Liability Company, as to
6 principal shall bear interest at the rate of 24% per annum from the date of judgment until paid
7 in full (or if box is checked above in the Judgment Summary, 12% per annum on principal
8 judgment per policy of Skagit County Superior Court to not award interest in excess of 12%),
9 and, further, that Plaintiff's judgment as to late fees, attorney's fees, and costs shall bear
10 interest at the rate of 12% per annum from the date of judgment until paid in full; and

11 3. That Plaintiff's Deed of Trust is hereby adjudged and decreed to be a valid,
12 first, and paramount lien upon the real property, and the whole thereof, superior to any and all
13 right, claim, title, interest, lien, or estate of the Defendants, JOHN F. ZIMMERMANN and
14 DEBRA A. ZIMMERMANN, husband and wife, individually, and the marital community
15 composed thereof, 2-JAY'S 1109, LLC, a Washington Limited Liability Company, and
16 JAMES WIBBELMANN, or of anyone claiming by, through, or under them, subsequent to
17 the execution of Plaintiff's Deed of Trust, in and to the real property which is legally
18 described as follows securing the payment of the judgment:

19 That portion of the Southwest ¼ of the Southwest ¼ of Section 17,
20 Township 34 North, Range 4 East, W.M., described as follows:
21 Beginning at a point 728.36 feet North of the Southeast corner of said
22 subdivision;
23 Thence West 109.84 feet;
24 Thence North 75 feet, more or less, to the South line of that certain
25 tract of land as conveyed to William J. Monk and Marie A. Monk,
husband and wife, by instrument recorded February 28, 1968, under
Auditor's File No. 710764;

ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 5

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1 Thence East 109.84 feet, more or less, to the East line of said
2 subdivision;
3 Thence Southerly along the East line of said subdivision, 75 feet, more
4 or less, to the point of beginning,

5 EXCEPT the East 25 feet thereof.

6 Situate in the City of Mount Vernon, County of Skagit, State of
7 Washington.

8 The real property is identified by Skagit County Assessor's Tax Account Number 340417-0-
9 036-0005 and Property I.D. Number P25569; and

10 4. That the Plaintiff's Deed of Trust is hereby foreclosed and said real property
11 shall be sold by the Sheriff of Skagit County, Washington, in the manner provided by law for
12 foreclosures and in accordance with the practice of this court; and

13 5. That the proceeds of such sale shall be applied toward the payment of the
14 judgment, interest, attorneys' fees, costs, and increased costs and interest; and

15 6. That Plaintiff is permitted to become bidder and purchaser at such sale and
16 may credit bid all or any portion of the amount owed to Plaintiff without requirement of
17 depositing cash or other funds in the amount of such credit bid; and

18 7. That none of the Defendants or any person claiming by, through, or under them
19 is entitled to possession of the premises after the sale and that the purchaser at such sale shall
20 be adjudged entitled to the sole and exclusive possession thereof, together with rents, issues,
21 and profits arising therefrom; and

22 8. That the purchaser at such sale shall be forthwith let into immediate possession
23 of the real property identified in paragraph 3 above; and

24 9. In the event Plaintiff is the purchaser at said sale, and in the event Plaintiff is
25 entitled to possession of said premises and the same is not surrendered to Plaintiff, a Writ of

ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 6

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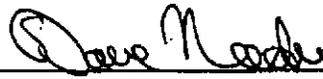
1 Restitution shall be issued forthwith, and the Sheriff of Skagit County, Washington shall
2 deliver possession of said premises (including fixtures) to Plaintiff; and

3 10. That Plaintiff has not waived its right to a deficiency judgment and that
4 Plaintiff be awarded a deficiency judgment to the extent that its judgment and costs of sale
5 exceed the proceeds of the sheriff's sale in addition to supplemental judgment(s) awarding
6 such additional costs and attorneys' fees as are incurred after the date of this judgment; and

7 11. That all right, title, claim, estate, lien, or interest of the Defendants, or any of
8 them, and all of the persons claiming by, through, or under them, or any of them, subsequent
9 to the execution of the Plaintiff's Deed of Trust in and to the above described real estate, or
10 any part thereof, is inferior and subordinate to Plaintiff's real property Deed of Trust lien and
11 is hereby forever foreclosed (except only for the statutory right of redemption allowed by
12 law); and

13 12. That any and all persons acquiring any right, title, claim, estate, lien, or interest
14 in and to the real property above described, or any part thereof, and any and all persons
15 claiming any right, title, estate, claim lien, or interest in and to the real property above
16 described, or any part thereof, subsequent to the recording of the Plaintiff's Deed of Trust on
17 the 22nd day of September, 2006, which is foreclosed herein, be, and they hereby are, forever
18 foreclosed of any such right, title, claim, estate, lien, or other interest as against Plaintiff in
19 this action.

20 DONE IN OPEN COURT this 6 day of February, 2014.

21
22 
23 _____
24 JUDGE / COMMISSIONER

25 ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 7

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1 Presented by:

2 SKAGIT LAW GROUP, PLLC

3
4 By 

5 CRAIG E. CAMMOCK, WSBA #24185
6 Attorney for Plaintiff

7 [] Copy received this _____ day of _____, 2014.

8 [] Approved for entry;

9 [] Notice of Presentation Waived.

10 COHEN, MANNI, THUENE & MANNI LLP

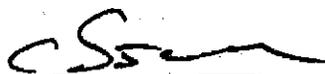
11 By _____

12 JACOB COHEN, WSBA #5070
13 Attorney for Defendants Wibbelmann and
14 2-Jays 1109, LLC

15 [] Copy received this _____ day of _____, 2014;

16 Approved for entry; *15 to firm*

17 [] Notice of Presentation Waived.

18 
19 CRAIG D. SJOSTROM, WSBA #21149
20 Attorney for Defendants Zimmermann



21 Skagit County Auditor

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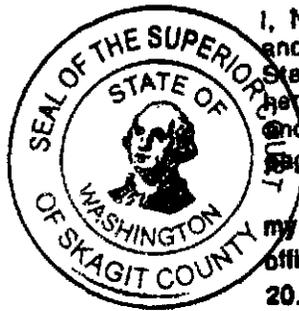
ORDER GRANTING SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 8

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OK

UNOFFICIAL DOCUMENT

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 2 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 22 day of April, 2014

Nancy K. Scott, County Clerk.

By Carol Orsico
Deputy Clerk



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