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Skagit County Auditor

\$80.00

11/6/2014 Page

1 of

9 8:40AM

Document Title:

Order of Default and Judgment

Reference Number : 14-2-01332

Grantor(s):

additional grantor names on page __.

1. Utah Financial Inc.

2.

Grantee(s):

additional grantee names on page __.

1. Bank of America, N.A.

2.

Abbreviated legal description:

full legal on page(s) 5

Lot 2, Plat of Little Mountain Estates, Division 1

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page __.

4516-000-002-0007

UNOFFICIAL DOCUMENT

Friday, October 31, 2014

Time: 13:28:59 PST

Digitally Certified By: Sandra Peebles Dept. of Social & Health Services, Washington State

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2014 OCT 24 AM 10:18

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

BANK OF AMERICA, N.A., a national bank,
Plaintiff,

No. 14-2-01332-1

MOTION FOR ORDER OF DEFAULT
AND JUDGMENT

vs.

UTAH FINANCIAL, INC., an inactive Utah
corporation,
Defendant.

I. RELIEF REQUESTED

Plaintiff Bank of America, N.A. ("BANA"), a national bank, hereby requests that the Court issue an Order of Default and Judgment against Defendant Utah Financial, Inc. ("Utah") in the above-captioned action for failure to appear and defend.

II. STATEMENT OF FACTS

BANA commenced the above-referenced action on July 28, 2014.

On August 14, 2014, Utah was served with the Summons and Complaint in the above-captioned action by service on the Washington Secretary of State, who in turn, caused a copy of the summons and complaint in this action to be forwarded to the last known address on record

MOTION FOR ORDER OF DEFAULT &
JUDGMENT - 1

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with the secretary of state of Defendant Utah.

III. STATEMENT OF ISSUES

The issue is whether grounds exist for the Court to enter an Order of Default and Judgment against Defendant Utah based on its failure to appear and defend in the above-captioned matter.

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IV. EVIDENCE RELIED UPON

This Motion is based on pleadings filed in this case and the Declaration of Jody M. McCormick re Service of Process on Utah filed contemporaneously herewith.

V. AUTHORITY

Service of process on the Secretary of State is appropriate when a foreign corporation fails to maintain a registered agent in Washington State which is the case with Defendant Utah. RCW 23B.15.100. *McCormick Dec.* at Ex. A. A defendant who has been served outside the State of the Washington has 60 days in which to respond. RCW 4.28.180. Accordingly, service of process was appropriate on Defendant Utah via the Secretary of State, which was effectuated on August 14, 2014, more than 60 days ago, Defendant Utah has failed to respond. *Id.* at B.

Civil Rule 55(a) provides that when a party against whom judgment for relief is sought fails to appear, plead or otherwise defend, as is the case with Defendant Utah, then a motion for default may be made. CR 55(a)(1). Civil Rule 55(b)(1) provides that judgment after default may be entered if proof of service is on file (as is the case here) and when the claim against the party for whose default has been entered is for a sum certain. As Plaintiff seeks declaratory relief and the sum sought is zero, entry of a judgment is appropriate.



1 For the foregoing reasons, Plaintiff is entitled to entry of an order of default and
2 judgment for the relief requested in the Complaint.

3
4 DATED this 22nd day of October, 2014.

OK

6 WITHERSPOON • KELLEY

7 By: 

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14 *Attorneys for Plaintiff*



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28 MOTION FOR ORDER OF DEFAULT &
JUDGMENT - 3

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

BANK OF AMERICA, N.A., a national bank,

No. 14-2-01332-1

Plaintiff,

~~[PROPOSED]~~ ORDER GRANTING
MOTION FOR DEFAULT AND
JUDGMENT

vs.

UTAH FINANCIAL, INC., an inactive Utah
corporation,

Defendant.

I. JUDGMENT SUMMARY

Judgment Creditor:	Bank of America, N.A.
Attorneys for Judgment Creditor:	Jody M. McCormick, Witherspoon Kelley
Judgment Debtors:	Utah Financial, Inc.
Amount of Judgment:	\$0.00
Interest:	\$0.00
Taxable Costs:	\$0.00
Fees:	\$0.00
Abbreviated Legal (full legal: page 2)	Lot 2, PLAT OF LITTLE MOUNTAIN ESTATES, DIVISION NO. 1
Tax Parcel No.	4516-000-002-0007

[PROPOSED] ORDER GRANTING MOTION FOR
DEFAULT AND JUDGMENT- 1
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II. ORDER

1
2 **THIS MATTER** came on regularly for hearing in open court upon the Motion of
3 Plaintiff for an Order and Default Judgment against Defendant Utah Financial, Inc. ("Utah"),
4 and it appearing from the records of this Court and this case that service of the Summons and
5 Complaint was made upon Defendant Utah on August 14, 2014, and it appearing that said
6 Defendant has not filed its answer in this case and is in default and the Court being fully
7 advised:
8

OK

9 **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that Defendant Utah
10 is in default and default of said Defendant is hereby entered.
11

12 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that Plaintiff, Bank of
13 America, N.A. ("BANA") is the holder of the beneficial interest in that certain Deed of Trust
14 (the "DOT") dated November 19, 2003, and recorded with the Skagit County Auditor on
15 December 1, 2003 as Instrument No. 200312010177, which encumbers real property commonly
16 known as 17682 Tiffany Way, Mount Vernon, WA 98274, and fully described as:

17 Lot 2, PLAT OF LITTLE MOUNTAIN ESTATES, DIVISION
18 NO. 1, as per plat recorded in Volume 14 of Plats, page 86, records
19 of Skagit County, Washington.

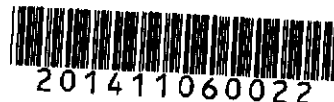
20 Situate in the County of Skagit, State of Washington.

21 Parcel No. 4516-000-002-0007

22 (the "Real Property"); and
23

24 **FURTHER ORDERED** that the DOT is satisfied as all payments required thereunder
25 have been paid, that the DOT is no longer an encumbrance on the Real Property, and that
26 recording of a certified copy of this Order with the Skagit County Auditor shall be deemed a
27 complete release, reconveyance and satisfaction of the DOT.
28

[PROPOSED] ORDER GRANTING MOTION FOR
DEFAULT AND JUDGMENT- 2
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DONE IN OPEN COURT this 27 day of Oct, 2014.




Judge/Court Commissioner

OK

[PROPOSED] ORDER GRANTING MOTION FOR
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Presented by:

1
2 WITHERSPOON • KELLEY

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10 *Attorneys for Plaintiff*

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[PROPOSED] ORDER GRANTING MOTION FOR
DEFAULT AND JUDGMENT- 4
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I, Nancy Scott, Skagit County Clerk and ex-officio clerk of the Skagit County Superior Court in the State of Washington, certify that the document SerialID: 02XXXXX1430411150XX17316 containing 7 pages that was transmitted is a true and correct copy of the original that is of record in my office and that this image of the original has been transmitted pursuant to statutory authority under RCW 5.52.050. In Testimony whereof, I have electronically certified and attached the Seal of said Court on this date.

Nancy Scott
County Clerk




Sandra Peebles, Deputy Clerk, Skagit County

Date: Friday, October 31, 2014

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