



201506030056

Skagit County Auditor
6/3/2015 Page

1 of

\$152.00

9 11:50AM

AFTER RECORDING RETURN TO:

Bishop, Marshall & Weibel, P.S.
720 Olive Way, Suite 1201
Seattle, WA 98101
ATTN: Kay Spading
File # 4034.133363.4

Reference Number to Related Document:	200605050111
Document Title:	ORDER GRANTING NATIONSTAR'S MOTION FOR SUMMARY JUDGMENT AND DECREE OF FORECLOSURE
Plaintiff and Counterclaim Defendants:	Michael J. Beverick and Cindy M. Beverick
Defendants:	Landmark Building & Development Inc., et al
Defendant and Counterclaim and Third Party Plaintiff	Nationstar Mortgage LLC
Third Party Defendants:	Martin Investments, LLC, et al
Abbreviated Legal Description	Ptn Lot 3, SP#51-81, Being A Ptn Of E 1/2, 2-34-4 E. W.M.
Assessor's Property Tax Parcel/Account Number(s)	340402-3-009-0000 Property ID P23425

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 MAY 21 PM 2:54

Dispositive Motions Calendar

Hearing Date: May 21, 2015

Hearing Time: 9:30 a.m.

I, MAVIS E. BETZ, Clerk of the Superior Court of
the State of Washington, for Skagit County, do
hereby certify that this is a true copy of the original
now on file in my office. Dated: 5/29/2015



MAVIS E. BETZ, County Clerk

By: W. A. Ditt
Deputy Clerk

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

MICHAEL J. BEVERICK and CINDY M.
BEVERICK, husband and wife,

Plaintiffs,

vs.

LANDMARK BUILDING & DEVELOPMENT
INC.; and LAND TITLE & ESCROW
COMPANY, and WMC MORTGAGE CORP.
and AURORA BANK FSB, and U.S. BANK
NATIONAL ASSOCIATION AS TRUSTEE for
STRUCTURED ASSET CORPORATION
MORTGAGE PASS CERTIFICATES, SERIES
2007-GEL1 60 Acct. No. 0122944200 and
BISHOP AND LYNCH OF KING CO., and
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS INC. and NATIONSTAR
MORTGAGE,

Defendants.

NATIONSTAR MORTGAGE LLC

Counterclaim and Third Party Plaintiff,

NO. 12-2-01694-4

ORDER GRANTING
NATIONSTAR'S MOTION FOR
SUMMARY JUDGMENT AND
DECREE OF FORECLOSURE

[Clerk's Action Required]

~~[PROPOSED]~~

ORDER GRANTING NATIONSTAR'S
MOTION FOR SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 1

BISHOP, MARSHALL & WEIBEL, P.S.

720 OLIVE WAY, SUITE 1201

SEATTLE, WASHINGTON 98101-1801

206/622-5306 FAX: 206/622-0354

12-9-02193-5

v.

MICHAEL J. BEVERICK and CINDY M.
BEVERICK, husband and wife,

Counterclaim Defendants,

and

MARTIN INVESTMENTS, LLC, STEEL
STRUCTURES AMERICA, INC., JOHN AND
JANE DOES, I THROUGH V, OCCUPANTS OF
THE SUBJECT REAL PROPERTY, AND ALL
OTHER PERSONS OR PARTIES UNKNOWN,
CLAIMING ANY RIGHT, TITLE, INTEREST,
LIEN OR ESTATE IN THE PROPERTY
HEREIN DESCRIBED

Third Party Defendants.

JUDGMENT SUMMARY

Abbreviated Legal Description:

O/S#243C AF#763792 1973 PORTION OF
LOT 3 SHORT PLAT#51-81
AF#8112170001

Tax Parcel ID.:

P23425

Xref ID:

340402-3-009-0000

Judgment Creditor:

NATIONSTAR MORTGAGE LLC
(hereafter "Nationstar")

Attorney for Judgment Creditor

Adam G. Hughes,
Bishop, Marshall & Weibel, P.S.

Judgment Debtor:

In Rem Judgment as to Real Property of
22814 MUD LAKE ROAD, Mount
Vernon, WA 98273, owned by Cindy M.
Beverick and/or Michael J. Beverick

ORDER GRANTING NATIONSTAR'S
MOTION FOR SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 2

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720 OLIVE WAY, SUITE 1201
SEATTLE, WASHINGTON 98101-1801
206/622-5306 FAX: 206/622-0354

Attorney for Judgment Debtor:

John L. McKean
McKEAN LAW OFFICE P.S. CORP.

Principal Balance:	\$401,323.83
Accrued Interest September 1, 2011 to March 17, 2015	\$119,040.13
Interest on principal at current interest rate of 8.37% from March 17, 2015, through April 30, 2015 (Hearing Date) with a per diem rate of \$91.65	\$4,032.60
Other Recovery Amounts: Lender Paid Expenses: \$2,347.55 Escrow Advances: \$2,204.00 Late Fees: \$2,074.52	\$6,626.07
Costs: Filing Fees: \$240.00 Recording Fees (lis pendens): \$76.00 Process Service Fees: \$190.00 Title/Litigation Guarantee: \$1,491.88	\$1,997.88
Attorneys' Fees (if judicial foreclosure not contested by Bevericks):	\$2,500.00
TOTAL	\$535,520.51

Post judgment interest shall accrue at the contract rate until paid.

THIS MATTER having come before the Court on Defendant, Counterclaim and
Third Party Plaintiff Nationstar Mortgage LLC's Motion for Summary Judgment of

ORDER GRANTING NATIONSTAR'S
MOTION FOR SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 3

BISHOP, MARSHALL & WEIBEL, P.S.
720 OLIVE WAY, SUITE 1201
SEATTLE, WASHINGTON 98101-1801
206/622-5306 FAX: 206/622-0354

1 foreclosure against all counterclaim and third party defendants (the "Motion"); and the Court
2 having heard oral argument of counsel, and having considered the records and files herein,
3 and the following additional pleadings and evidence:

- 4 1. The Motion;
- 5 2. Affidavit of AJ Loll, with Exhibits
- 6 3. Declaration of Adam G. Hughes, with Exhibits;
- 7 4. Declaration of Laura McCann, with Exhibits;
- 8 5. Response from Plaintiffs and Counterclaim Defendants Beverick;
- 9 6. Declaration of Michael Beverick Dated 5/7/15, with Exhibits;
- 10 7. Declaration of Michel Beverick Dated 9/18/13, with Exhibits;
- 11 8. Declaration of John Luke McKean Dated 4/18/13, with Exhibits;
- 12 9. Declaration of Edward R. Hall Dated 5/7/15; with Exhibits;
- 13 10. Third Party Defendant Martin Investments, LLC's Motion for Partial
14 Summary Judgment and Response to Motion for Summary Judgment and Decree of
15 Foreclosure of Nationstar;
- 16 11. Declaration of Marsha Shadmand and exhibits attached thereto;
- 17 12. Response from Nationstar to Martin Investments' Motion;
- 18 13. Nationstar's Reply in support of its Motion;
- 19 14. Declaration of Adam G. Hughes Dated 5/14/15, with Exhibits; and
- 20 15. Stipulation Re: Priority as between Third Party Plaintiff Nationstar Mortgage
21 and Third Party Defendant Martin Investments, LLC.
- 22
- 23
- 24
- 25

1 Now therefore, BASED UPON the argument of counsel and the evidence
2 presented, the Court finds that Nationstar Mortgage LLC is entitled to judgment and decree
3 of foreclosure as a matter of law. All appearing parties received notice of this motion and
4 were provided an opportunity to be heard.

5 BASED UPON the above finding, it is hereby ORDERED, ADJUDGED AND
6 DECREED that:

7 1. Nationstar Mortgage LLC's Motion for Summary Judgment of foreclosure
8 against all counterclaim and third party defendants is GRANTED.

9 2. That no just reason exists for delay in the entry of judgment in favor of
10 Nationstar as prayed for in its Amended Answer to Complaint, Counterclaim and Third
11 Party Complaint, and that it is hereby expressly directed that judgment be entered in favor
12 of Nationstar as hereinafter more particularly set forth;

13 4. That Nationstar is awarded judgment against the real property described
14 below in the principal sum of \$401,323.83, together with prejudgment interest in the amount
15 of \$123,072.73; other recoverable amounts for escrow advances, lender paid expenses, and
16 late fees totaling \$6,626.07; the further sum of \$1,997.88 for litigation costs; and the sum of
17 \$2,500.00 for attorney's fees. Such judgment shall bear interest at the contract rate until paid.

18 5. That certain deed of trust (hereinafter called "Deed of Trust") executed May
19 1, 2006, and recorded in the office of the Auditor of Skagit County on May 5, 2006, under
20 File No. 200605050111, encumbering the real property commonly known as 22814 MUD
21 LAKE ROAD, Mount Vernon, WA 98273, and legally described as follows:
22
23

1 That portion of Lot 3, Skagit County Short Plat No. 51-81, approved December 16, 1981 and recorded
2 December 17, 1981 in Volume 5 of Short Plats, page 147, records of Skagit County, Washington, being a
3 portion of the East 1/2 of Section 2, Township 34 North, Range 4 East, W.M., and being more particularly
4 described as follows:

5 Beginning at the Southeast corner of said Section 2 (Southeast section corner); thence North 89° 32' 55"
6 West 660.01 feet along the South line of said subdivision to the Southwest corner of the East 10.00 chains
7 (660.00 feet), of said subdivision; thence North 0° 43' 49" East 1449.96 feet along the West line of said East
8 10.00 chains (also being the East line of said Lot 3, Skagit County Short Plat No. 51-81), and also being the
9 West line of the "PLAT OF PARK ADDITION TO CLEAR LAKE WASH.", as per plat recorded in
10 Volume 4 of Plats, page 39, records of Skagit County, Washington, to the true point of beginning; thence
11 South 52° 55' 57" West, 524.15 feet; thence North 32° 19' 27" West 282.34 feet, more or less, to the Southerly
12 margin of the as-constructed county road commonly known as the Mud Lake Road; thence Northeasterly
13 along said Southerly margin 632.4 feet, more or less, to said West line of the East 10.00 chains, at a point
14 bearing North 00° 43' 49" East from the true point of beginning; thence South 00° 43' 49" West along said
15 West line 179.94 feet, more or less, to the true point of beginning.

16 (the "Property"). The Deed of Trust is hereby adjudged and decreed to be a valid,
17 subsisting, first, prior and paramount lien upon the real property above-described, prior and
18 superior to any and all right, title, interest, lien or estate of the Counterclaim or Third Party
19 Defendants, or any of them, or of anyone claiming by, through or under them in and to said
20 real property, securing the payment of the judgment herein rendered; that said Deed of
21 Trust be, and the same is hereby foreclosed and the real property therein described is
22 hereby ordered to be sold by the Sheriff of Skagit County, Washington, in the manner
23 provided by law for deed of trust foreclosures and in accordance with the practices of this
24 Court; that the proceeds of such sale shall be applied toward the payment of the judgment
25 rendered herein in favor of Nationstar Mortgage, LLC, interest accruing on said judgment,
together with any costs and increased costs of sale and any advances that Nationstar
Mortgage, LLC may be required after the entry of judgment to make for the payment of
taxes, assessments, other items constituting liens on the property, insurance, and/or repairs
for the protection or preservation of the property and that Nationstar Mortgage, LLC be,

1 and it is hereby, permitted to become, a bidder and purchaser at such sale; that the
2 purchaser at such sale shall be entitled to immediate possession of the property subject
3 only to such rights of redemption and rights of possession during the redemption period as
4 are provided by law; that the Counterclaim and Third Party Defendants and any and all
5 persons claiming by, through or under them, be, and the same are hereby, forever barred
6 and foreclosed from any and all right, title, interest, lien or estate in and to the said real
7 property above-described, or any part thereof save only such rights of redemption as are
8 provided by law; that any and all persons acquiring any right, title, interest, lien or estate in
9 and to the real property described above, or any part thereof, subsequent to May 1, 2006,
10 the date of Nationstar Mortgage, LLC's Deed of Trust which was foreclosed herein be, and
11 they are hereby foreclosed by any such right, title, interest, lien or estate as against
12 Nationstar Mortgage, LLC in this action or any successor thereto save only for such rights
13 of redemption as are provided by law; that all right, title and interest in and to any policy of
14 hazard insurance insuring the said premises shall pass to the purchaser at such Sheriff's
15 Sale at the time of such sale.
16

17 6. That the period of redemption from such Sheriff's Sale shall be fixed at (8)
18 eight months next ensuing after sale as Nationstar Mortgage, LLC has waived its right to a
19 deficiency judgment;

20 7. That if any surplus remains from the proceeds of said sale after payment of
21 Nationstar Mortgage, LLC's judgment, costs, attorney's fees, interest, increased costs and
22 increased interest, and any advances that Nationstar Mortgage, LLC may be required to
23


1 make subsequent to the entry of judgment for taxes, insurance and protection and
2 preservation of the property, the same be deposited in the registry of this Court for later
3 determination between claimants subordinate to Nationstar Mortgage, LLC.

4 DONE IN OPEN COURT this 21 day of May, 2015.

5 
6 _____
7 JUDGE/COURT COMMISSIONER

8 Presented by:

9 BISHOP, MARSHALL & WEIBEL, P.S.

10 
11 Adam G. Hughes, WSBA #34438
12 Attorneys for Nationstar Mortgage
13 LLC, and Aurora Loan Services,


14 Copy received, Approved as to form:

15 RIDDELL WILLIAMS P.S.

16 Wendy E. Lyon #34461
17 Attorneys for Martin Investments, LLC

18 Copy Received; Approved as to form;

19 McKEAN LAW OFFICE P.S. CORP.

20 
21 John L. McKean
22 Attorneys for Cindy and Michael Beverick
23 And occupants John and Brenda Lund

24 ORDER GRANTING NATIONSTAR'S
25 MOTION FOR SUMMARY JUDGMENT
AND DECREE OF FORECLOSURE - 8

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