

After recording return to:
Craig E. Cammock, WSBA #24185
Skagit Law Group, PLLC
P. O. Box 336
Mount Vernon, WA 98273



Skagit County Auditor
4/30/2018 Page

1 of 11

\$84.00
3:33PM

Document Title: Default Judgment and Decree of Foreclosure

Grantors: MICHAEL BENNETT and CAROLYN BENNETT,
husband and wife, individually, and the marital
community composed thereof;

PUGET SOUND ENERGY, INC., a
Washington corporation;

ALL OTHER PERSONS OR PARTIES UNKNOWN
CLAIMING ANY RIGHT, TITLE, ESTATE, LIEN OR
INTEREST IN THE REAL ESTATE DESCRIBED
HEREIN

Grantees: DOYLE GUFFIE and MARY GUFFIE,
husband and wife

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

Abbreviated Legal: ptn Lot 6, Plate #2, Sedro Home Acreage, a/k/a
Trs. A, C & D SW SP 02-83

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

Assessor's Tax Parcel Nos.: P77152 / 4171-002-006-0005
P77154 / 4171-002-006-0203
P77155 / 4171-002-006-0302

16-2-01678-5
JBDF
Judgment and Decree of Foreclosure
2964192



FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2018 APR 20 AM 10:30

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 4-27-2018

MAVIS E. BETZ, County Clerk
By: Deputy Clerk



SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

DOYLE GUFFIE and MARY GUFFIE,
husband and wife,

Plaintiffs,

vs.

MICHAEL BENNETT and CAROLYN BENNETT, husband and wife, individually, and the marital community composed thereof; PUGET SOUND ENERGY, INC., a Washington corporation; and ALL OTHER PERSONS OR PARTIES UNKNOWN CLAIMING ANY RIGHT, TITLE, ESTATE, LIEN OR INTEREST IN THE REAL ESTATE DESCRIBED IN THE COMPLAINT,

Defendants.

Case No.: 16-2-01678-5

DEFAULT JUDGMENT AND DECREE OF FORECLOSURE

(clerk's action required)

THIS MATTER having come on regularly for hearing before the undersigned Judge/Commissioner of the above-entitled court, and the court being fully advised in the premises, now makes the following Judgment and Decree:

I. JUDGMENT SUMMARY-MONETARY AND AS TO REAL PROPERTY

Judgment Creditors: DOYLE S. GUFFIE and MARY S. GUFFIE, husband and wife
Judgment Debtors: MICHAEL A. BENNETT and CAROLYN J. BENNETT, husband and wife, individually, and the marital community composed thereof, jointly and severally

Real property subject to this action: ptn Lot 6, Plate #2, Sedro Home Acreage, a/k/a Trs. A, C & D, SW SP 02-83, Situate in Skagit County, Washington

DEFAULT JUDGMENT AND DECREE OF FORECLOSURE - 1

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ORIGINAL

The real property is identified by Skagit County Assessor's parcel and tax account numbers:

P77152 / 4171-002-006-0005

P77154 / 4171-002-006-0203

P77155 / 4171-002-006-0302

Principal Judgment Amount: \$546,734.63

Late fees: \$2,799.90

Interest as of April 2, 2018: \$179,031.55

Attorney's Fees: \$22,176.50

Costs: \$3,267.59

Other Recovery Amounts (advancements for real property taxes): \$8,935.29

Interest Rate after Judgment: 12% per annum on late fees, attorney's fees, and costs from date judgment is entered until fully paid;

12% per annum on principal and advancements from April 2, 2018 until fully paid.

Attorney for Judgment Creditors: Craig E. Cammock, WSBA #24185
Skagit Law Group, PLLC
227 Freeway Drive, Suite B / P. O. Box 336
Mount Vernon, WA 98273

Attorney for Judgment Debtors: Gregory L. Davies, WSBA #11235
Gregory L. Davies Attorney, PLLC
3721 Colby Avenue
Everett, WA 98201

Attorney for Defendant, Puget Sound Energy, Inc.: Courtney L. Seim, WSBA #35352
Summit Law Group, PLLC
315 Fifth Avenue South, Suite 1000
Seattle, WA 98104-2682

II. HEARING

2.1 Date. This matter came before the court on the date set forth below.

2.2 Appearances.

Plaintiffs appeared by and through their counsel, Craig E. Cammock of Skagit Law Group, PLLC.

1 Defendants, Michael A. Bennett and Carolyn J. Bennett, husband and wife,

2 [] have appeared by their counsel, Gregory L. Davies of Gregory L.

3 Davies Attorney, PLLC,

4 [] have not appeared.

5 The Defendant, Puget Sound Energy, Inc., a Washington corporation,

6 [] has appeared by its counsel, Courtney L. Seim of Summit Law Group,

7 PLLC,

8 [] has not appeared .

9 The Defendants, All Other Persons or Parties Unknown Claiming Any Right,

10 Title, Estate, Lien or Interest in the Real Estate Described in the Complaint

11 [] have appeared,

12 [] have not appeared.

13 2.3 Purpose. To rule on the Default Judgment of Plaintiffs and Decree of

14 Foreclosure.

15 **III. BANKRUPTCY PROCEEDING**

16
17 3.1 The Defendants, Michael A. Bennett and Carolyn J. Bennett, husband and
18 wife, filed a Petition on March 13, 2017 with the United States Bankruptcy Court, Western
19 District of Washington, under case number 17-11102-MLB. An Order Granting Relief From
20 Automatic Stay with regard to the real property which is the subject of this foreclosure action
21 was entered in the aforementioned bankruptcy proceeding, by the Honorable Marc Barreca,
22 Judge, on July 18, 2017.

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IV. ORDER OF DEFAULT

4.1 Default.

Defendants, Michael A. Bennett and Carolyn J. Bennett, husband and wife, individually, and the marital community composed thereof, were declared to be in default, and the court heretofore entered an Order of Default against said Defendants.

Defendants, All Other Persons or Parties Unknown Claiming Any Right, Title, Estate, Lien or Interest in the Real Estate Described in the Complaint were declared to be in default, and the court heretofore entered an Order of Default against said Defendants.

V. ORDER AS TO DEFENDANT, PUGET SOUND ENERGY, INC.

5.1 The court heretofore entered a Stipulated Order as to the Defendant, Puget Sound Energy, Inc., ("PSE") which provided, in part, that: 1) the interest of PSE, if any, in the real property which is the subject of this action shall be foreclosed, 2) PSE shall retain any rights of redemption that it may have, 3) PSE shall retain its right to make claims upon any surplus proceeds, and 4) PSE shall be dismissed from this action.

VI. ADJUDICATION

ON THE BASIS OF THE FOREGOING, IT IS ORDERED, ADJUDGED AND DECREED:

6.1 Deed of Trust Foreclosure.

A. That the Plaintiffs, DOYLE S. GUFFIE and MARY S. GUFFIE, husband and wife, are hereby awarded judgment against the Defendants, MICHAEL A. BENNETT and CAROLYN J. BENNETT, husband and wife, individually, and the marital community of them composed, ("Defendants Bennett"), jointly and severally, and against the real property legally described in paragraph 6.1 C below, as follows: 1) principal in the amount of \$546,734.63, together with accrued interest thereon in the amount of \$179,031.55

DEFAULT JUDGMENT AND
DECREE OF FORECLOSURE - 4

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1 as of April 2, 2018, and together with interest at a rate of 12% from and after April 2, 2018
 2 until paid in full, and 2) late fees in the amount of \$2,799.90, and 3) advances for real
 3 property taxes in the amount of \$8,935.29, together with interest at a rate of 12% from and
 4 after April 2, 2018 until paid in full, and 4) attorney's fees in the amount of \$22,176.50, and
 5 5) Plaintiffs' costs and disbursements in the amount of \$3,267.59; and

6 B. That Plaintiffs' judgment as to late fees, advances for real property
 7 taxes, attorney's fees, and costs shall bear interest at the rate of 12% per annum from the date
 8 of judgment until paid in full; and

9 C. That Plaintiffs' Deed of Trust is hereby adjudged and decreed to be a
 10 valid, first, and paramount lien upon the real property, and the whole thereof, superior to any
 11 and all right, title, claim, interest, lien, or estate of the Defendants, Michael A. Bennett and
 12 Carolyn J. Bennett, husband and wife, individually, and the marital community of them
 13 composed, or of anyone claiming by, through, or under them, and superior to any and all
 14 right, title, claim, interest, lien, or estate of the Defendant, Puget Sound Energy, Inc., or of
 15 anyone claiming by, through, or under Puget Sound Energy, Inc., and superior to any and all
 16 right, title, claim, interest, lien, or estate of named Defendants, All Other Persons or Parties
 17 Unknown Claiming Any Right, Title, Estate, Lien Or Interest in the Real Estate described in
 18 the Complaint and below, or of anyone claiming by, through or under them, subsequent to the
 19 execution of Plaintiffs' Deed of Trust, in and to the real property which is legally described as
 20 follows:

21 Parcel A:

22 Tract "A," Sedro-Woolley Short Plat No. 0283, approved March 8,
 23 1983 and recorded March 9, 1983 in Volume 6 of Short Plats, page 51,
 24 under Auditor's File No. 8303090021; being located in Lot 6, "PLATE
 NO. 2, SEDRO HOME ACREAGE, SKAGIT CO., WASH.," as per

25 DEFAULT JUDGMENT AND
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1 plat recorded in Volume 3 of Plats, page 60, records of Skagit County,
Washington

2 Situate in the City of Sedro-Woolley, County of Skagit, State of
3 Washington.

4 Parcel B:

5 Tracts "C" and "D," Sedro-Woolley Short Plat No. 0283, approved
6 March 8, 1983 and recorded March 9, 1983 in Volume 6 of Short Plats,
7 page 51, under Auditor's File No. 8303090021; being located in Lot 6,
8 "PLATE NO. 2, SEDRO HOME ACREAGE, SKAGIT CO., WASH.,"
as per plat recorded in Volume 3 of Plats, page 60, records of Skagit
County, Washington.

9 TOGETHER WITH an easement for ingress, egress and utilities, over,
10 under and across the North 20 feet of Tract "A" and the North 20 feet
11 of the South 70 feet of Tract "C," Sedro-Woolley Short Plat No. 02-83,
12 approved March 8, 1983 and recorded March 9, 1983 in Volume 6 of
13 Short Plats, page 51, under Auditor's File No. 8303090021; being
located in Lot 6, "PLATE NO. 2, SEDRO HOME ACREAGE,
SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats,
page 60, records of Skagit County, Washington.

14 Situate in the City of Sedro Woolley, County of Skagit, State of
Washington.

15 The real property is identified by Skagit County Assessor's parcel and tax
16 identification numbers P77152/4171-002-006-0005, P77154/4171-002-006-0203, and
17 P77155/4171-002-006-0302.

18 Plaintiffs' Deed of Trust, as referred to herein, is that certain Deed of Trust recorded
19 June 11, 2004 under Auditor's File No. 200406110109, records of Skagit County
20 Washington, wherein Ryan Ostrom and Sheila Ostrom, husband and wife, are the grantors
21 and the Plaintiffs, Doyle S. Guffie and Mary S. Guffie, husband and wife, are the
22 beneficiaries named therein. The Defendants, Michael A. Bennett and Carolyn J. Bennett,
23 husband and wife, have assumed the obligations of Ryan Ostrom and Sheila Ostrom, and have
24 assumed the terms and conditions of the Installment Promissory Note and said Deed of Trust

25 DEFAULT JUDGMENT AND
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1 pursuant to an Assumption Agreement and Note Modification recorded June 29, 2007 under
2 Auditor's File No. 200706290197, records of Skagit County, Washington; and

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

6 E. That the proceeds of such sale shall be applied, in the following order,
7 toward the payment of 1) costs of sale and increased costs of sale, 2) Plaintiffs' attorney's
8 fees, costs of title searches, and costs incurred in this action, 3) attorney's costs and fees as
9 incurred by Plaintiffs in connection with their Motion for Relief From Automatic Stay in
10 Defendants Bennetts' bankruptcy proceeding, 4) such other sums disbursed and advanced
11 under the terms of the parties' Installment Promissory Note, Deed of Trust, Assumption
12 Agreement and Note Modification, and Modification Agreement for taxes, assessments,
13 municipal charges, and other items which may constitute liens upon the real property, together
14 with insurance and repairs necessary to prevent impairment of the security, 5) accrued interest
15 owed pursuant to the terms of the parties' Installment Promissory Note, Deed of Trust,
16 Assumption Agreement and Note Modification, and Modification Agreement, 6) late fees
17 owed to Plaintiffs pursuant to the terms of the parties' Installment Promissory Note, Deed of
18 Trust, Assumption Agreement and Note Modification, and Modification Agreement, 7) all
19 other amounts owed by Defendants Bennett to Plaintiffs, and 8) principal in the sum of
20 \$546,734.63; and

21 F. That Plaintiffs are permitted to become bidders and purchasers at
22 such sale and may credit bid all or any portion of the amount owed to Plaintiffs without
23 requirement of depositing cash or other funds in the amount of such credit bid; and
24

25 DEFAULT JUDGMENT AND
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1 G. That none of the Defendants or any person claiming by, through, or
2 under them is entitled to possession of the premises after the sale and that the purchasers at
3 such sale shall be adjudged entitled to the sole and exclusive possession thereof, together with
4 rents, issues, and profits arising therefrom; and

5 H. That the purchasers at such sale shall be forthwith let into immediate
6 possession of the real property identified in paragraph 6.1 C. above; and

7 I. In the event Plaintiffs are the purchasers at said sale, and in the event
8 Plaintiffs are entitled to possession of said premises and the same is not surrendered to
9 Plaintiffs, a Writ of Restitution shall be issued forthwith, and the Sheriff of Skagit County,
10 Washington, shall deliver possession of said premises (including fixtures) to Plaintiffs; and

11 J. That Plaintiffs have not waived their right to a deficiency judgment
12 and that Plaintiffs be reserved the right to obtain a deficiency claim to be filed in Defendant
13 Bennetts' aforementioned bankruptcy action, or as a judgment in this action in the event
14 Defendants Bennetts' bankruptcy is dismissed, to the extent that the sums due as identified in
15 paragraph 6.1E above exceed the proceeds of the Sheriff's sale. Plaintiffs' right to pursue a
16 deficiency, in this action, against Defendants Bennett shall be subject to the terms of the
17 Order Granting Relief From Automatic Stay entered on July 18, 2017 by U. S. Bankruptcy
18 Judge, the Honorable Marc Barreca, a copy of which is attached as "Exhibit A" and by this
19 reference incorporated herein; and

20 K. That all proceeds of sale shall be paid out to the Plaintiffs in an
21 amount sufficient to satisfy those amounts described in paragraph 6.1E above; and

22 L. That all right, title, estate, claim, lien, or interest of the Defendants, or
23 any of them, and all of the persons claiming by, through, or under them, or any of them,
24 subsequent to the execution of the Plaintiffs' Deed of Trust in and to the above described real

25 DEFAULT JUDGMENT AND
DECREE OF FORECLOSURE - 8

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1 estate, or any part thereof, is inferior and subordinate to Plaintiffs' real property Deed of Trust
2 lien and is hereby forever foreclosed (except only for the statutory right of redemption
3 allowed by law) and

4 M. That any and all Defendants claiming any right, title, estate, claim,
5 lien, or interest in and to the real property above described, or any part thereof, and any and all
6 persons claiming any right, title, estate, claim, lien, or interest in and to the real property
7 above described, or any part thereof, subsequent to the Plaintiffs' Deed of Trust, which was
8 recorded on June 11, 2004, the date of Plaintiffs' Deed of Trust which is foreclosed herein, be,
9 and they hereby are, forever foreclosed of any such right, title, estate, claim, lien, or other
10 interest as against Plaintiffs in this action; and

11 N. The Plaintiffs are awarded an equitable lien upon the real property to
12 the extent of payments made during the redemption period to protect their interests under the
13 Deed of Trust.

14 DONE IN OPEN COURT this 20th day of April, 2018.

15
16 

17 DAVID R. NEEDY, JUDGE

18 Presented by:

19 SKAGIT LAW GROUP, PLLC

20
21 
22 By CRAIG E. CAMMOCK, WSBA #24185
Attorney for Plaintiffs

23 ///

24 ///

25 DEFAULT JUDGMENT AND
DECREE OF FORECLOSURE - 9

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1 Copy received; approved for entry
this _____ day of April, 2018.

2 GREGORY L. DAVIES ATTORNEY, PLLC

3
4 By _____
5 GREGORY L. DAVIES, WSBA #11235
6 Attorney for Defendants Bennett

7 Copy received; approved for entry
8 this _____ day of April, 2018.

9 SUMMIT LAW GROUP, PLLC

10
11 By _____
12 COURTNEY L. SEIM, WSBA #35352
13 Attorney for Defendant, Puget Sound Energy, Inc.