

AFTER RECORDING RETURN TO:
PERYEA SILVER TAYLOR
1200 Fifth Avenue, Suite 1550
Seattle, WA 98101

Document Title(s):	Judgment
Grantors:	Andrew J. Smith and Shannon K. Smith
Grantee:	Skagit Highlands Homeowners Association
Legal Description (abbr.):	Lot 408, Plat of Skagit Highlands Divison V (Phase 1)
Assessor's Tax Parcel ID #:	P125553
Reference Nos. of Documents:	None

The Auditor/Recorder will rely on the information provided on this cover sheet. The Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

NONSTANDARD RECORDINGS ONLY (sign and remit fee only if document(s) do not meet formatting/margin requirements): 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 or otherwise obscure some part of the text of the original document.

Signature of Requesting Party
(Required for non-standard recordings only)

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2022 MAY -9 PM 4:16

22-2-00351-29
DFJG 8
Default Judgment
12337134



I, MELISSA BEATON, 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 5-18-22



MELISSA BEATON, County Clerk

By: *Mary Beth Vehorn*
Deputy Clerk MARY BETH VEHORN

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

SKAGIT HIGHLANDS HOMEOWNERS
ASSOCIATION, a Washington State non-profit
corporation,

Plaintiff,

vs.

ANDREW J. SMITH and SHANNON K. SMITH, a
Washington Marital Community,

Defendants.

NO. 22-2-00351-29

JUDGMENT
(DEFAULT)

(Clerk's Action Required)

JUDGMENT SUMMARY

Judgment Creditor:	SKAGIT HIGHLANDS HOMEOWNERS ASSOCIATION
Attorney for Judgment Creditor:	Bennett A. Taylor, WSBA #41336 Peryea Silver Taylor
Judgment Debtor(s)	ANDREW J. SMITH and SHANNON K. SMITH
Tax Parcel No. of Property:	P125553 (prop. desc. on p. 2 of judgment)
Principal Judgment Amount:	\$1,086.00
Interest on Amount Certain:	\$25.01
Attorney's Fees:	\$2,873.50
Taxable Costs:	\$641.22
Interest on Judgment	(10% per annum)
TOTAL JUDGMENT:	\$4,625.73

JUDGMENT (DEFAULT) - 1 of 6

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(206) 403-1933

1 **JUDGMENT**

2 This matter came on for consideration without oral argument before the undersigned
3 judicial officer of Skagit County Superior Court on the Plaintiff's Motion for Entry of Judgment.
4 Plaintiff appeared through attorney of record, Bennett A. Taylor. The Court, having reviewed the
5 file and records herein, having read and considered the Declaration of Counsel in support of the
6 motion, and deeming itself fully advised, now makes the following findings and conclusions:

7 **FINDINGS**

- 8 1. Defendants are in default.
- 9 2. There was an express covenant given for the Defendants' payment of assessments to the
10 Plaintiff, secured by a homeowners' association lien on the real property described below
11 (Subject Real Property).
- 12 3. The Defendants have breached this covenant.
- 13 4. The Subject Real Property is described as follows:
- 14 LOT 408, PLAT OF SKAGIT HIGHLANDS DIVISION V (PHASE 1), ACCORDING TO THE
15 PLAT THEREOF RECORDED ON DECEMBER 21, 2006 UNDER AUDITOR'S FILE NO.
16 200612210067, RECORDS OF SKAGIT COUNTY, WASHINGTON. SITUATE IN SKAGIT
17 COUNTY, STATE OF WASHINGTON.
- 18 5. The Subject Real Property is commonly known as: 708 Crested Butte Boulevard Mount
19 Vernon, WA 98273.
- 20 6. Plaintiff's monetary claim against the Defendants includes a claim for delinquent
21 assessments, interest, late charges, and costs of collection, including attorney's fees.
- 22 7. The Plaintiff's lien against the Subject Real Property secures payment of delinquent
assessments, interest, late charges, and costs of collection, including attorney's fees.

JUDGMENT (DEFAULT) - 2 of 6

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1 8. The lien may be enforced by suit, judgment, and foreclosure in the same manner as a
2 mortgage.

3 9. The Plaintiff is not prosecuting any other action for the same monies owed or matter, and
4 is not seeking to obtain execution of any judgment in any other action.

5 10. The Plaintiff has expressly pleaded for a deficiency judgment in its Complaint.

6 11. The Plaintiff has provided the Defendants with notice that nonpayment of the
7 Association's assessment may result in foreclosure of the Association's lien and that homestead
8 protection under RCW 6.13 shall not apply. The Association served the Defendants with notice
9 prior to the initiation of foreclosure.

10 12. Defendants are not in military service.

11 13. Defendants are neither infants nor incompetent persons.

12 14. Proof of Service as required by CR 55(b)(4) was filed with the Court on or about May 6,
13 2022.

14 15. The amount of damages is in an amount certain as of May 6, 2022, including all unpaid
15 assessments and costs of collection.

16 **CONCLUSIONS**

17 1. The Court has jurisdiction over the parties and subject matter of this lawsuit.

18 2. The Defendants are in breach of the Covenant to Pay Association assessments, and are in
19 default.

20 3. The Plaintiff is entitled to judgment against the Defendants as a result of the Defendants
21 breach of Declaration obligations, including all assessments due but not paid, an acceleration of

22 **JUDGMENT (DEFAULT)** - 3 of 6

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1 regular monthly Assessments expected to come due through the end of 2022, and all costs of
2 collection, including attorney's fees.

3 4. The lien amount as of the judgment date is **\$4,625.73**. The lien amount includes unpaid
4 assessments, interest, late charges, and costs of collection, including attorney's fees.

5 5. The Association's lien is valid, the priority date is November 1, 2020, the lien is of a
6 continuing nature and may increase until satisfied or foreclosed upon, and the lien is superior to
7 all right, title, and interest of the Owners.

8 6. The lien may be foreclosed pursuant to RCW 61.12.

9 7. The Plaintiff is entitled to the appointment of a receiver to collect rent.

10 8. The Plaintiff is entitled to intercept rental payments the Defendants would otherwise be
11 entitled to.

12 **ORDERED, ADJUDGED, and DECREED:**

13 1. That the Motion for Entry of Judgment be granted;

14 2. That judgment be entered against the defendants, and in favor of the plaintiff, in the
15 amount of **\$4,625.73**.

16 3. That the judgment shall bear interest at **10%** per annum from the date on which judgment
17 is entered.

18 4. That the Subject Real Property shall be sold as a whole by the Sheriff of Skagit County to
19 satisfy the lien and costs of this action;

20 5. That the payment of the judgment amount, with interest and costs, at any time before
21 sale, shall satisfy the judgment;

22 **JUDGMENT (DEFAULT) - 4 of 6**

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1 6. That at this time no minimum upset price to which the Premises must be bid or sold
2 before confirmation of the sale shall be fixed;

3 7. Deficiency Judgment. That the Plaintiff may seek a deficiency judgment against the
4 Defendants following judicial foreclosure for the balance due, including any costs which remain
5 unsatisfied after application of the proceeds from the sale of the Premises, such judgment to be
6 satisfied from any property of the debtor.

7 8. Redemption. That Defendants be permitted a redemption period of one year after the
8 date of the sale.

9 9. That the commission of waste on the premises by Defendants or by others be prohibited
10 and enjoined.

11 10. That the proceeds of the sale, if any, shall be applied first to the payment of the principal,
12 debt, interest, and costs, and if the proceeds are more than sufficient to pay the amount due and
13 costs, then any surplus shall be paid pursuant to RCW 6.12.

14 11. That the Plaintiff may record the judgment with the recording office of Skagit County and
15 the recording office of any other County where the Defendants may have property interests.

16 12. That the Plaintiff shall collect rent the Defendants would otherwise be entitled to.

17 13. That a receiver may be appointed to collect rent.

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22 **JUDGMENT (DEFAULT)** 5 of 6

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1 DONE IN OPEN COURT this 9 day of May, 2022.

2
3 H. H. H.
Judge/Commissioner

4 Presented By:
PERYEA SILVER TAYLOR

5 By: B. A. Taylor
6 Bennett A. Taylor, WSBA #41336
Attorneys for Plaintiff
7 1200 Fifth Avenue, Suite 1550
Seattle, WA 98101
8 (206) 403-1933 | f. (206) 858-6368
btaylor@pstlawyers.com

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22 JUDGMENT (DEFAULT) - 6 of 6

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