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09/18/2024 01:44 PM Pages: 1 of 11 Fees: \$313.50
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Johanson Law Group, Inc.
7009 212nd St SW, Ste 203
Edmonds, WA 98026

Document Title:

2ND AMENDED ORDER OF DEFAULT JUDGMENT ON DEFENDANTS' REAL PROPERTY

Reference Number: CASE #24-2-0009-29 202403270065

Grantor(s): additional grantor names on page ____.

1. JUAN MANUEL ORTIZ, LUZ MARIA ORTIZ
2. JUAN CARLOS ORTIZ, BANANO BUD AND ASSOCIATES LLC

Grantee(s): additional grantee names on page ____.

1. KELLIE MANN, ATTORNEY IN FACT FOR:
2. KIMBERELY SHIPP

Abbreviated legal description: full legal on page(s) ____.

The North $\frac{1}{4}$ of the South $\frac{1}{4}$ of the Southeast ... of the Northeast ... of Section 12, Township 35 North, Range 4 East, W.M., Except Road Right of Way, and Except an Easement for Ingress and Egress over the South 30 Feet Thereof; Together with that certain 1998 Goldenwest 66x14 Manufactured Home, Vin #GWOR23N21326 TPO & 138310. Situate in Skagit County, Washington

Assessor Parcel / Tax ID Number: additional tax parcel number(s) on page ____.

P36265/ 350412-1-015-0002

ORIGINAL

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2024 SEP 18 PM 1:29

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 9/18/2024



MELISSA BEATON, County Clerk
Maria Rose Bello
By: MARIA ROSE BELLO
Deputy Clerk

**SKAGIT COUNTY SUPERIOR COURT
STATE OF WASHINGTON**

KELLIE MANN, AS ATTORNEY
IN FACT, FOR KIMBERLY SHIPP,
a single person AND VULNERABLE
ADULT,

Plaintiffs,

vs.

JUAN MANUEL ORTIZ (HUSBAND) and LUZ
MARIA ORTIZ (WIFE) and THEIR MARITAL
COMMUNITY, and JUAN CARLOS ORTIZ
(HUSBAND), and JANE DOE ORTIZ (WIFE), and
THEIR MARITAL COMMUNITY, and BANANO BUD
AND ASSOCIATES LLC,

Defendants.

Cause No.: 24-2-00091-29

SECOND AMENDED EX PARTE ORDER
OF DEFAULT AND DEFAULT
JUDGMENT ON DEFENDANTS' REAL
PROPERTY

JUDGMENT SUMMARY:

- | | | |
|----|---|---|
| 1. | Judgment Creditors: | KELLIE MANN, AS ATTORNEY
IN FACT, FOR KIMBERLY SHIPP |
| 2. | Attorney for Judgment Creditor: | JIM JOHANSON |
| 3. | Judgment Debtors (Joint and Severally): | JUAN MANUEL ORTIZ
(HUSBAND) and LUZ MARIA
ORTIZ (WIFE) and THEIR
MARITAL COMMUNITY, and
JUAN CARLOS ORTIZ
(HUSBAND),
and JANE DOE ORTIZ (WIFE), and
THEIR MARITAL COMMUNITY, |

SECOND AMENDED EX PARTE
ORDER OF DEFAULT
AND DEFAULT JUDGMENT
ON DEFENDANTS' REAL PROPERTY - 1

COPY

Johanson Law Group, Inc.
7009 212th St SW., Suite 203
Edmonds, WA 98026
(425) 776-5547 - FAX: 776-5818

and BANANO BUD AND ASSOCIATES LLC,

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3	4.	Principal Judgment Amount: \$ 175,000.00
4	5.	Interest to Date of Judgment @ 5%: \$ 30,219.66
5	6.	Default Interest @ 12%: \$ 23,388.92
6	7.	Attorney's Fees: \$ 65,291.00
7	8.	Costs: \$ 1,131.47
8	9.	Other Recovery Amounts: \$ <u>N/A</u>
9		TOTAL as of 9/10/24: \$ 295,031.05
10	PLUS:	

10. Principal Judgment Amount Shall Bear Interest At 12% per annum until paid in full.
11. Attorney Fees, Costs and Other Recovery Amount Shall Bear Interest at 12% per annum until paid in full.

THIS MATTER having come before the Court ex-parte by Plaintiffs' attorney for an Amended Ex-Parte Default Order and Judgment against the Defendants and their real Property and it being made to appear to the satisfaction of the Court that this is an action for a breach of contract for monies due for a sum certain in money AND the Defendants' Real Property and that the Defendants, are in default, **NOW, THEREFORE,**

IT IS HEREBY ORDERED, ADJUDGED, and DECREED as follows:

I.

The Defendants failed to appear and/or respond to Plaintiffs' Complaint, more than twenty (20) days have elapsed since the date of service of the Summons and Complaint on the Defendants (See Attached Exhibit "A"), therefore Defendants are in default and such default is hereby entered.

SECOND AMENDED EX PARTE
ORDER OF DEFAULT
AND DEFAULT JUDGMENT
ON DEFENDANTS' REAL PROPERTY - 2

Johanson Law Group, Inc.
7009 212th St SW., Suite 203
Edmonds, WA 98026
(425) 776-5547 - FAX: 776-5818

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II.

That there is no substantial issue of material fact that would prevent Plaintiffs to be granted relief as prayed for in the Complaint and provided for by contract and/or statute.

Additionally, the Court has proper jurisdiction and venue over the subject matter and parties pursuant to the facts alleged in Plaintiffs' Complaint at the time of filing. Defendants at all times relevant to have been and still are residents of Skagit County, WA and all acts and damages to Plaintiffs occurred while Plaintiff Kimberly Shipp was a resident of Skagit County, Washington.

III.

Defendants are liable for breach of contract for monies due and owing to Plaintiffs.

IV.

Plaintiffs are awarded judgment against Defendants joint and severally in the sum of **\$175,000.00** for the principal amount of the promissory note signed on or about November 22, 2021, plus **\$30,219.66** in interest due at the time of judgment @ 5%; plus **\$23,388.92** in default interest at 12%; together with reasonable attorney's fees in the sum of **\$ 65,291.00**, and Plaintiffs' costs and disbursements in the sum of **\$1,131.47**. All these sums shall accrue interest at twelve percent (12%) per annum until paid in full.

V.

Plaintiffs are also awarded a real property judgment lien on Defendants JUAN MANUEL ORTIZ (HUSBAND) and LUZ MARIA ORTIZ (WIFE) and THEIR MARITAL COMMUNITY PROPERTY, commonly known as and located at 7422 State Route 9, Sedro Woolley, Skagit County, WA 98284, herein after referred to as "the Property". The Legal Description of "the Property" is as follows:

1 The North ½ of the South ½ of the Southeast ¼ of the Northeast ¼ of Section 12, Township
2 35 North, Range 4 East, W.M., Except Road Right of Way, and Except an Easement for
3 Ingress and Egress over the South 30 Feet Thereof; Together with that certain 1998
Goldenwest 66x14 Manufactured Home, Vin #GWOR23N21326 TPO & 138310. Situate in
Skagit County, Washington.

4
5 DONE IN OPEN COURT this 18th day of September 2024.

6 **HEATHER SHAND**

7 _____
8 Judge/Court Commissioner

9 Presented Ex-Parte by:

10 JOHANSON LAW GROUP, INC.

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12 _____
13 Jim Johanson, WSBA #18072
14 Attorney for Plaintiffs

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25 SECOND AMENDED EX PARTE
ORDER OF DEFAULT
AND DEFAULT JUDGMENT
ON DEFENDANTS' REAL PROPERTY - 4

Johanson Law Group, Inc.
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Exhibit "A"

UNOFFICIAL DOCUMENT

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

**KELLIE MANN, AS ATTORNEY IN FACT FOR
KIMBERLY SHIPP, a single person AND
VULNERABLE ADULT**

Plaintiff/Petitioner

vs.

**JUAN MANUEL ORTIZ (HUSBAND) and LUZ MARIA
ORTIZ (WIFE) and THEIR MARITAL COMMUNITY; et
al.**

Defendant/Respondent

Cause No.: 24-2-00091-29
Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS; COMPLAINT FOR VIOLATIONS OF THE
VULNERABLE ADULT PROTECTION ACT (RCW 74.34 ET
SEQ); BREACH OF CONTRACT, JUSTIFIABLE RELIANCE,
CONVERSION, UNJUST ENRICHMENT,
MISREPRESENTATION, AND FRAUD**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of Washington over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 5th day of February, 2024 at 11:59 AM at the address of 1070 Opal Ln, Burlington, Skagit County, WA 98233; this declarant served the above described documents upon Juan Carlos Ortiz by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Juan Carlos Ortiz, I delivered the documents to Juan Carlos Ortiz with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired Hispanic male contact 35-45 years of age, 5'-5'4" tall and weighing 120-140 lbs..

No information was provided or discovered that indicates that the subjects served are members of the United States military.

ORIGINAL PROOF OF SERVICE
PAGE 1 OF 2



For: Johanson, Jim
Ref #: Shipp v. Juan Carlos Ortiz

Tracking #: 0123851647



PLAINTIFF/PETITIONER: KELLIE MANN, AS ATTORNEY IN FACT FOR KIMBERLY SHIPP, a single person AND VULNERABLE ADULT	CASE NUMBER: 24-2-00091-29
DEFENDANT/RESPONDENT: JUAN MANUEL ORTIZ (HUSBAND) and LUZ MARIA ORTIZ (WIFE) and THEIR MARITAL COMMUNITY; et al.	

Service Fee Total: \$120.31

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

Date: 02/05/2024



Aaron Massey, Reg. # 109, Island County

ORIGINAL PROOF OF SERVICE
PAGE 2 OF 2



For: Johanson, Jim
Ref #: Shipp v. Juan Carlos Ortiz

Tracking #: 0123851647



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

**KELLIE MANN, AS ATTORNEY IN FACT FOR
KIMBERLY SHIPP, A SINGLE PERSON, ET AL**
Plaintiff/Petitioner

Cause No.: **24-2-00091-29**
Hearing Date:

vs.
JUAN MANUEL ORTIZ (HUSBAND), ET AL
Defendant/Respondent

**DECLARATION OF SERVICE OF
Complaint; Summons**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of Washington over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 2nd day of February, 2024 at 12:15 PM at the address of Banano Buds, 211 Rowland Rd, Sedro-Woolley, Skagit County, WA 98284; this declarant served the above described documents upon Juan Manuel Ortiz by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Juan Manuel Ortiz, I delivered the documents to Juan Manuel Ortiz with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired Hispanic male contact 55-65 years of age, 5'4"-5'6" tall and weighing 120-140 lbs. Drove off before I could take a photo. Subject was driving a pickup truck C66610Z Black Nissan Titan subject had a mainly black with tan German Shepard in the bed of the truck with a black collar. Subject was kind and cooperative. No information was provided or discovered that indicates that the subjects served are members of the United States military.

Service Fee Total: \$120.31

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

Date: 02/02/2024



Aaron Massey, Reg. # 109, Island County

ORIGINAL PROOF OF SERVICE
PAGE 1 OF 1



For: Johanson, Jim
Ref #: Shipp v. Juan Manuel Ortiz

Tracking #: 0123706519



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

**KELLIE MANN, AS ATTORNEY IN FACT FOR
KIMBERLY SHIPP, a single person AND
VULNERABLE ADULT,**

Plaintiff/Petitioner

vs.

**JUAN MANUEL ORTIZ (HUSBAND) and LUZ MARIA
ORTIZ (WIFE) and THEIR MARITAL COMMUNITY,
and JUAN CARLOS ORTIZ (HUSBAND), and JANE
DOE ORTIZ (WIFE), and THEIR MARITAL
COMMUNITY, and BANANO BUD AND ASSOCIATES
LLC**

Defendant/Respondent

Cause No.: 24-2-00091-29
Hearing Date:

**DECLARATION OF SERVICE OF
SUMMONS AND COMPLAINT; EXHIBITS**

The undersigned hereby declares: That s(he) is now and at all times herein mentioned was a resident of Washington over the age of eighteen, not an officer of a plaintiff corporation, not a party to nor interested in the above entitled action, and is competent to be a witness therein.

On the 2nd day of February, 2024 at 12:02 PM at the address of 211 Rowland Rd, Sedro Woolley, Skagit County, WA 98284; this declarant served the above described documents upon Banano Buds and Associates, LLC by then and there personally delivering 1 true and correct copy(ies) thereof, by then presenting to and leaving the same with Juan Manuel Ortiz, I delivered the documents to Juan Manuel Ortiz who identified themselves as the person authorized to accept with identity confirmed by subject stating their name. The individual accepted service with direct delivery. The individual appeared to be a black-haired Hispanic male contact 55-65 years of age, 5'4"-5'6" tall and weighing 120-140 lbs. Drove off before I could take a photo. Subject was driving a pickup truck C68610Z Black Nissan Titan subject had a mainly black with tan German Sherpard in the bed of the truck with a black collar. Subject was kind and cooperative.
No information was provided or discovered that indicates that the subjects served are members of the United States military.

ORIGINAL PROOF OF SERVICE
PAGE 1 OF 2



For: Johanson, Jim
Ref #: Shipp v. Banano Bud and Associates LLC

Tracking #: 0123705142
[Barcode]

PLAINTIFF/PETITIONER: KELLIE MANN, AS ATTORNEY IN FACT FOR KIMBERLY SHIPP, a single person AND VULNERABLE ADULT,	CASE NUMBER: 24-2-00091-29
DEFENDANT/RESPONDENT: JUAN MANUEL ORTIZ (HUSBAND) and LUZ MARIA ORTIZ (WIFE) and THEIR MARITAL COMMUNITY, and JUAN CA...	

Service Fee Total: \$120.31

Declarant hereby states under penalty of perjury under the laws of the State of Washington that the statement above is true and correct.

Date: 02/02/2024



Aaron Massey, Reg. # 109, Island County

ORIGINAL PROOF OF SERVICE
PAGE 2 OF 2



For: Johanson, Jim
Ref #: Shipp v. Banano Bud and Associates LLC

Tracking #: 0123705142

