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Houser & Allison, APC
3780 Kilroy Airport Way, Suite 130
Long Beach, CA 90806

Document Title:

Order Granting Stipulation to Rescind Trustees Deed Upon Sale

Reference Number: 201012290139

Grantor(s):

1. DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR THE REGISTERED HOLDERS OF CDC MORTGAGE CAPITAL TRUST 2002-HE2 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2002-HE2
- 2.

Grantee(s):

1. SCOTT L. MARTINSON, AN UNMARRIED MAN
- 2.

Abbreviated legal description:

Lot 6 Little Mountain Addn. No. 2

Full Legal Description: Lot 6, "LITTLE MOUNTAIN ADDITION NO. 2" as per plat recorded in Volume 15 of Plats, pages 81 through 83, inclusive, records of Skagit County, Washington

Assessor Parcel / Tax ID Number:

P102978

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
20134592
NOV 14 2013
Amount Paid \$
By *Mmm Deputy*
Skagit Co. Treasurer



Skagit County Auditor

11/14/2013 Page

1 of

5 4:18PM

\$76.00

CERTIFIED TRUE COPY
ATTEST: WILLIAM M. MCCOOL
Clerk, U.S. District Court
Western District of Washington

By [Signature]
Deputy Clerk

Hon. James P. Donohue

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Case No.: 2:12-CV-00671 JPD

ORDER GRANTING
STIPULATION TO RESCIND
TRUSTEE'S DEED UPON SALE

SCOTT MARTINSON
Plaintiff,
v.
OCWEN LOAN SERVICING, LLC
Defendants.

Whereas Defendant Ocwen Loan Servicing, LLC ("Ocwen"), non-party, Deutsche Bank National Trust Company, as Trustee for the registered holders of CDC Mortgage Capital Trust 2002-HE2 Mortgage Pass-Through Certificates, Series 2002-HE2 ("Deutsche Bank, as Trustee"), and Plaintiff Scott Martinson, have agreed and stipulated as follows:
1. On May 14, 2002, Plaintiff Scott Martinson executed a promissory note in the principle amount of \$138,150 (the "Note"). The Note was secured by a Deed of Trust recorded May 23, 2002 with the Skagit County Auditor as document number



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1 200205230151 (the "Deed of Trust") securing the property commonly known as 1713 S
2 30th Street, Mount Vernon, WA 98274 (the "Property") and legally described as
3 follows:

4 Lot 6, "LITTLE MOUNTAIN ADDITION NO. 2", as per

5 plat recorded in Volume 15 of Plats, pages 81 through 83,

6 inclusive, records of Skagit County, Washington. Tax

7 Parcel No.: P102978

8 2. The Deed of Trust was properly assigned to Deutsche Bank, as Trustee

9 by an Assignment of Deed of Trust recorded August 18, 2010 2002 with the Skagit

10 County Auditor as document number 201008180059. On or about April 1, 2010,

11 Plaintiff Scott Martinson defaulted on the Note when he stopped making required

12 payments. On September 21, 2010, a Notice of Trustee's Sale was properly recorded by

13 Aztec Foreclosure Corporation of WA ("Aztec") as the successor of the trustee under

14 the Deed of Trust.

15 3. On December 27, 2010, Aztec, sold the Property at a foreclosure sale to

16 Deutsche Bank, as Trustee. The Trustee's Deed was subsequently recorded on

17 December 29, 2010, in the official records of Skagit County, Washington, under

18 document number 201012290139.

19 4. The parties to the stipulation on file agreed that the Trustee's Deed

20 should be rescinded pursuant to the terms of a settlement agreement entered into

21 separately whose mutual covenants and conditions are acknowledged as sufficient

22 consideration for this rescission of the December 27, 2010 foreclosure sale.

23 5. The parties to the stipulation on file agree that rescission of the Trustee's

24 Deed is necessary to restore the rights, interests, and priorities of the Plaintiff as

25 ORDER GRANTING

26 STIPULATION TO RESCIND

27 TRUSTEE'S DEED UPON SALE



1 borrower and Deutsche Bank, as Trustee as the beneficiary under the Note and Deed of

2 Trust that existed prior to the issuance and recording of the Trustee's Deed.

3 6. The parties to the stipulation on file intend that upon entry of an Order by

4 the Court, the December 27, 2010 nonjudicial foreclosure sale shall be null and void,

5 restoring title to the Property to Plaintiff. Deutsche Bank, as Trustee shall have its first

6 position lien against the Property restored. Plaintiff acknowledges Deutsche Bank, as

7 Trustee is the current holder in due course of the Note and Deed of Trust for the loan

8 and is entitled to exercise all contractual rights and State Law remedies provided for in

9 the Note and Deed of Trust.

11 **IN ACCORDANCE WITH THE STIPULATION ON FILE AND FOR GOOD**

12 **CAUSE, IT IS ORDERED ADJUDGED AND DECREED THAT:**

13 1) The Trustee's Deed was recorded on December 29, 2010, in the official

14 records of Skagit County, Washington, under document number 201012290139, is

15 hereby considered null and void and to have no legal force or effect.

16 3) The lien secured by the Deed of Trust dated May 14, 2002, recorded on

17 May 23, 2002, in the official records of Skagit County, under document number

18 200205230151 is reinstated on title against the Property to its original first lien priority

19 position and shall continue in full force and effect, including the Trustee's Power of Sale.

20 4) Deutsche Bank National Trust Company, as Trustee for the registered

21 holders of CDC Mortgage Capital Trust 2002-HE2 Mortgage Pass-Through Certificates,

22 Series 2002-HE2 as the current holder in due course of the Note and Deed of Trust for

23 the Loan is entitled to exercise all rights and remedies provided for in the event of

24 default.

28 **ORDER GRANTING**

STIPULATION TO RESCIND

TRUSTEE'S DEED UPON SALE



1) That any liens or encumbrances subsequent to said Deed of Trust and in

2) existence at the time of the trustee's sale shall remain recorded and valid against the

3) Property and subordinate to the May 31, 2007 Deed of Trust and the rescission of the

4) Trustee's Deed shall have no effect upon those liens or encumbrances.

5) This Order shall be recorded in the official records of Skagit County,

6) Washington.

7) DATED this 28th day of August, 2013.

8) *James P. Donohue*
9) JAMES P. DONOHUE
10) United States Magistrate Judge

11) The foregoing has been jointly approved in Form and content by counsel

12) Dated: _____, 2013

13) LAW OFFICES OF JASON
14) ANDERSON

15) By: /s/ Jason Anderson
16) Jason Anderson, WSBA #32232
17) Attorney for Plaintiff, Scott Martinson

18) Dated: _____, 2013

19) Houser & Allison APC

20) By: /s/ Robert W. Norman
21) Robert W. Norman, WSBA #37094
22) Attorneys for Defendant
23) Owen Loan Servicing, LLC

24) ORDER GRANTING
25) STIPULATION TO RESCIND
26) TRUSTEE'S DEED UPON SALE

