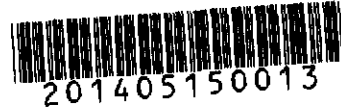


**Return Address:**

Rossi F. Maddalena  
Merrick, Hofstedt & Lindsey, P.S.  
3101 Western Ave., Suite 200  
Seattle, WA 98121



Skagit County Auditor  
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Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

**Document Title(s)** (or transactions contained therein): (all areas applicable to your document **must** be filled in)

- 1. Stipulation and Order of Dismissal With Prejudice
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_

**Reference Number(s) of Documents assigned or released:**

Additional reference #'s on page \_\_\_\_\_ of document 200709250069 & 201202030005

**Grantor(s)** Exactly as name(s) appear on document

- 1. Maya K. Redwood
- 2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Grantee(s)** Exactly as name(s) appear on document

- 1. Cape Horn Maintenance Co.
- 2. \_\_\_\_\_

Additional names on page \_\_\_\_\_ of document.

**Legal description** (abbreviated: i.e. lot, block, plat or section, township, range)

LOTS 40 AND 41, BLOCK A, CAPE HORN ON THE SKAGIT, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 8 OF PLATS, PAGES 92 THROUGH 97, RECORDS OF SKAGIT COUNTY, WASHINGTON, SITUATED IN SKAGIT COUNTY, WASHINGTON.

Additional legal is on page \_\_\_\_\_ of document.

**Assessor's Property Tax Parcel/Account Number**

assigned 62893 & 62894; 3868-001-041-0004 & 3868-001-040-0005

Assessor Tax # not yet

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

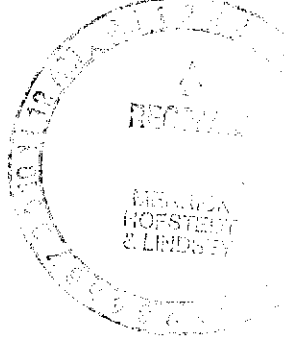
"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2014 APR 11 PM 2:04



SUPERIOR COURT OF WASHINGTON IN AND FOR SKAGIT COUNTY

CAPE HORN MAINTENANCE CO., a  
Washington nonprofit corporation,  
Plaintiff,  
v.  
MAYA K. REDWOOD, an unmarried person;  
BANK OF AMERICA, N.A.,  
Defendants.

NO. 13-2-02000-1

STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE

CLERK'S ACTION REQUIRED

STIPULATION

COMES NOW Plaintiff, Cape Horn Maintenance Co., (hereinafter "Plaintiff"), by and through its attorney of record and Defendant Bank of America, N.A. ("BANA"), by and through its attorney of record, and hereby stipulate to the following:

1. Defendant BANA holds a first position lien on the properties located at Lots 40 and 41, Block A, "Cape Horn on the Skagit"—as per the plat recorded in Volume 8 of Plats, pages 92-97 inclusive, records of Skagit County ("Property")—by the way of status as Beneficiary under Deed of Trust recorded on September 25, 2007, under Skagit County Recording number 200709250069 (hereinafter the "Deed of Trust").

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE - 1



Skagit County Auditor

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1 2. Plaintiff claims a lien on the Property for unpaid assessments, pursuant to its Bylaws  
2 and Charter as set forth in its Complaint and its Notice of Claim of Lien recorded under Skagit  
3 County Recording No. 201202030005 ("Association Lien").

4 3. Article X (Assessments), Section 3 of the Cape Horn Maintenance Co. bylaws states  
5 as follows:

6  
7 SECTION 3. First mortgage liens placed upon any of said tracts which are recorded in  
8 accordance with the laws of the State of Washington shall be, from the date of recording of  
9 such, superior to such assessments and the liens resulting therefrom as are levied by the  
10 Corporation subsequent to the date of recording of the first mortgage.

11 4. The parties hereby agree and stipulate that BANA's interest is a first position  
12 Mortgage as contemplated under Article X, Section 3 as set forth above and is, therefore, superior  
13 to any claim of assessments against the subject property.

14 5. Therefore, the parties agree that in the event that Plaintiff elects to foreclose its lien  
15 for unpaid assessments pursuant to its Claim of Lien or in this action, such a foreclosure would not  
16 foreclose, affect, or impair BANA's liens on this property under the Deed of Trust recorded on  
17 September 25, 2007, under Skagit County Recording number 200709250069.

18 6. The terms and conditions stipulated to herein will continue to bind and inure both  
19 stipulation parties, including any successor in interest to either party.

20 Based on the foregoing, Plaintiff and BANA hereby stipulate and agree to an order of  
21 dismissal with prejudice of Defendant Bank of America, N.A.

22 DATED this 9<sup>th</sup> day of ~~March~~ <sup>April</sup>, 2014.

23 MERRICK, HOFSTEDT & LINDSEY, P.S.

24 CRAIG D. SJOSTROM, Attorney at Law

25 By: Rossi F. Maddalena  
26 Rossi F. Maddalena, WSBA #39351  
Attorneys for Bank of America, N.A.

25 By: Craig D. Sjostrom  
26 Craig D. Sjostrom, WSBA #21149  
Attorney for Plaintiff

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE - 2



**ORDER OF DISMISSAL OF DEFENDANT BANA**

Based upon the above Stipulation between the Plaintiff and Defendant BANA, this Court having reviewed the files and records herein, IT IS HEREBY

ORDERED that pursuant to the parties' stipulation, BANA's lien on the subject properties is superior in interest to any assessment for liens by plaintiff.

IT IS FURTHER ORDERED that any pending judicial foreclosure for unpaid assessments pursuant to plaintiff's Claim of Lien, or any other foreclosure by plaintiff, would not foreclose, affect, or impair BANA's security interest in the subject property or its Deed of Trust recorded on September 25, 2007, under Skagit County Recording number 200709250069.

IT IS FURTHER ORDERED that the terms and conditions stipulated to herein will continue to bind and inure both stipulation parties, including any successor in interest to either party.

IT IS FURTHER ORDERED that Defendant Bank of America, N.A. is dismissed with prejudice and without costs to any party.

DATED this 11 day of Apr, 2014.

*Susan K Cook*  
\_\_\_\_\_  
JUDGE/COURT COMMISSIONER

Presented by:

MERRICK, HOFSTEDT & LINDSEY, P.S.

By: *R. Maddalena*  
\_\_\_\_\_  
Rossi F. Maddalena, WSBA #39351  
Attorneys for Defendant Bank of America, N.A.

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE - 3



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Approved as to form, notice of presentation waived:

CRAIG D. SJOSTROM, Attorney at Law

By:   
Craig D. Sjostrom, WSBA #21149  
Attorney for Plaintiff

STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE - 4



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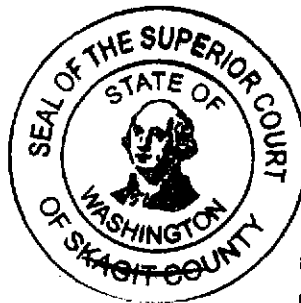
Skagit County Auditor \$77.00  
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UNOFFICIAL DOCUMENT

State of Washington, } ss.  
County of Skagit

I, Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 4 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 11 day of Apr, 2014. Nancy K. Scott, County Clerk.



By [Signature]  
Deputy Clerk

