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Document Title:

Judgment for Lien Amount, Attorney Fees, Costs, and Decree of Foreclosure

Reference Number : Whatcom County 10-2-02157-1

Grantor(s):

additional grantor names on page \_\_\_.

- 1. Theron Wing
- 2. Mary Wing

Grantee(s):

additional grantee names on page\_\_\_.

- 1. Golden Tides Condominium Association
- 2.

Abbreviated legal description:

full legal on page(s) \_\_\_

TAX 2 BEG ON W LI SD 16RDS N OF SW CDT 17 DK 3 OF N1/2 NW1/4 TH N ALG W LP  
192FT TH E 330FT S 192FT W 330FT TPB

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page \_\_\_.

33040800020007

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2016 NOV -1 PM 1:32  
WHATCOM COUNTY  
WASHINGTON  
SCANNED  
BY \_\_\_\_\_

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR WHATCOM COUNTY

GOLDEN TIDES CONDOMINIUM  
ASSOCIATION, a Washington non-profit  
corporation,  
  
Plaintiff,  
  
vs.  
THERON and MARY WING, husband  
and wife,  
  
Defendants.

NO.: 10-2-02157-1

JUDGMENT FOR LIEN AMOUNT,  
ATTORNEY FEES, COSTS, AND  
DECREE OF FORECLOSURE

Judge Deborra E. Garrett

I. JUDGMENT SUMMARY

1. Cause Number: 10-2-02157-1
2. Judgment Creditor: Golden Tides Condominium Association
3. Judgment Debtors: Theron Wing and Mary Wing
4. Principal Judgment: \$59,331.24
5. Interest: Statutory rate
6. Attorney fees & costs: \$40,341.60
7. Principal judgment and costs shall bear interest at the statutory rate from the date of entry of this Judgment until paid in full.
8. Attorney for Judgment Creditor: Kristen C. Reid
9. Attorney for Judgment Debtor: Joseph Bowen
10. Abbr. Legal: GOLDEN TIDES CONDOMINIUM UNIT 15-TOG WI UNDIV INT IN COMMON AREAS DESC AF 1406942-43  
GOLDEN TIDES CONDOMINIUM UNIT 5-TOG WI UNDIV INT IN COMMON AREAS DESC AF 1406942-43

**16-9-02164-8**

## II. JUDGMENT AND DECREE

THIS MATTER, having come before the Court upon Plaintiff Golden Tides Condominium Association's Motion to Establish Lien Amount, Motion to Foreclose Lien and Motion Awarding Attorney Fees and Costs, the Plaintiff being represented by Kristen C. Reid of Belcher Swanson Law Firm PLLC, the Defendants being represented by Joseph Bowen, and the Court having reviewed the materials submitted, having heard oral argument on the same, and being fully advised in the premises,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. The Assessment Lien recorded at Whatcom County Auditor File No. 2100702271 and 2100702272 is a valid lien upon the following real property:

Unit 5 of the Golden Tides Condominium as recorded under Auditor's File No. 1406942, 1406943

And

Unit 15 of the Golden Tides Condominium as recorded under Auditor's File No. 1406942, 1406943

2. The Lien against Unit 5 (AF # 2100702271) is hereby established in the amount of \$18,055.55. Plaintiff is awarded judgment against Defendants in this amount.

3. The Lien against Unit 15 (AF # 2100702272) is hereby established in the amount of \$41,275.69. Plaintiff is awarded judgment against Defendants in this amount.

4. In addition to the amounts listed in Paragraphs 2 and 3, above, the

UNNOTICED  
JUDGMENT

Plaintiff is entitled to judgment in the amount of \$65,000 (to be apportioned 30% to Unit 5 and 70% to Unit 15), less the amount of any Cost Savings that result from work performed by the defendants after August 16, 2016 and before September 16, 2016. The amount of any such Cost Savings shall be determined as follows:

- a. On or before February 1, 2017, Plaintiff shall provide to Defendants an accounting of the actual costs of performing the repairs described in the MB Construction estimate previously submitted to this Court, along with final bids or estimates of the costs of those necessary repairs which have not yet been completed. The Cost Savings will be the difference between the repair costs as contained in the MB Construction estimate, which was current to August 16, 2016, and the actual costs of performing these repairs. (It is anticipated that the actual costs will be less than initially estimated as a result of work performed by the Defendants between August 16 and September 15, 2016.) Plaintiff shall calculate the precise amount of the Cost Savings which should reduce the \$65,000 entitlement.
- b. If the parties agree on the amount by which Plaintiff's \$65,000 entitlement should be reduced due to these Cost Savings, Plaintiff shall file with the Court a proposed judgment reflecting that agreement, on or before March 15, 2017. The Court will then award judgment in the appropriate amount.
- c. If the parties do not agree on the amount of the Cost Savings, Defendants shall file a claim for reduction of the \$65,000 owing to Plaintiffs, on or before March 1, 2017. The filing must contain specific information detailing each item of credit Defendants are claiming, and the basis for the claim. The issue shall be noted for hearing so that the matter can be heard on or before March 15, 2017.
- d. If neither party files pleadings as described above, the Court will enter judgment in the amount of \$65,000, apportioned 30% to Unit 5 and 70% to Unit 15, at the request of the Plaintiff at any time after March 15, 2017.

5. As ordered orally at the September 16, 2016 hearing on this matter, Defendant shall not perform any further repairs, maintenance, or other work on either of the properties at issue in this case after September 16, 2016.

6. Plaintiff is awarded attorney fees and costs in addition to the principal judgment amounts provided in the foregoing paragraphs.. Findings of fact and conclusions of law are entered concurrently herewith in the amounts as follows:

Attorney fees: \$34,523.75

Costs: \$5,817.85

Total: \$40,341.60. Thirty percent (30%) of this amount (\$12,102.48) shall be added to the lien against Unit 5 described in Paragraph 2 of this Judgment. Seventy percent (70%) of this amount (\$28,239.12) shall be added to the lien against Unit 15 described in Paragraph 3 of this Judgment

7. The principal judgment and attorney fees shall bear interest at the statutory rate of 12% per annum from entry of this Judgment and Decree. Costs and fees incurred in collection of said judgment shall be added to the principal judgment.

8. The Assessment Liens against the Properties described herein shall be foreclosed and the Properties sold at a foreclosure sale by the Whatcom County Sheriff in the manner provided by law. The proceeds thereof be applied to the judgment entered herein, or as hereinafter increased in such

amounts as Plaintiff may advance for taxes, assessments, municipal charges, payments made on encumbrances having priority over the Assessment Liens and such other items as may constitute liens on the properties, together with insurance and repairs necessary to prevent impairment of the properties, together with interest thereon from the date of payment. Both parties shall be permitted to become a bidder and purchaser at the sale and the purchaser shall be entitled to immediate possession of the Properties.

9. By such foreclosure and sale, any right, title, claim or interest of the Defendants and/or any persons claiming by, through or under them subsequent to the Plaintiff's Assessment Lien dated July 23, 2010, shall be adjudged inferior and subordinate to the Plaintiff's Assessment Liens and any such right, title, claim or interest as against the Property or Plaintiff in this action shall be extinguished, except only for the statutory right of redemption allowed by law.

10. This is a final order and there is no just reason for delay in its entry and enforcement.

DONE (PURSUANT TO HEARING AND DECISION September 16, 2016 IN OPEN COURT) this 1 day of November, 2016.

  
JUDGE DEBORRA E. GARRETT

UNOFFICIAL DOCUMENT

State of Washington,) )  
County of Whatcom ) SS.

I, David L. Reynolds, County Clerk of Whatcom County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Whatcom, do hereby certify that the foregoing Instrument is a true and correct copy of the original, consisting of two pages, now on file in my office, and that the undersigned has the same thereof.

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed the Seal of said Court at my office at Bellingham this 22 day of November, 2016.

David L. Reynolds, County Clerk

