

Return to:
Darren R. Krattli
Eisenhower Carlson PLLC
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Document Title:

Order Granting Plaintiff's Motion for Summary Judgment

Reference Number : 9709080043; 201811290002; 201912090090

Grantor(s): additional grantor names on page 1.

- 1. John L. Miller Jr. and Margaret K. Miller
- 2. Fidalgo Bay Community Association

Grantee(s): additional grantee names on page .

- 1. Whistle Lake LLC
- 2. Forrest A. Foss and Cheryl R. Foss
- 3. Jedediah Barth and Jade Barth
- 4. Matthew G. Coleman and Jessica Coleman

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

P33437: W1/2 SW1/4 SE1/4, SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.; **P128566:** LOT 3 SKAGIT COUNTY SHORT CARD NO. PL06-1147, RECORDED UNDER AF#100905120079, BEING A PORTION OF SW1/4 OF SE1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.; **P128566:** LOT 4 AS DELINEATED ON SHORT CARD NO. PL 06-1147 AS APPROVED ON MAY 5, 2009 AND RECORDED ON MAY 12, 2009 UNDER AUDITORS FILE NO. 200905120079, BEING A PORTION OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.; **P128564:** LOT 2 SKAGIT COUNTY SHORT CARD NO. PL06-1147, RECORDED UNDER AF#100905120079, BEING A PORTION OF SW1/4 OF SE1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.; **P33438:** LOT 1 SKAGIT COUNTY SHORT CARD NO. PL06-1147, RECORDED UNDER AF#100905120079, BEING A PORTION OF SW1/4 OF SE1/4 OF SECTION 31, TOWNSHIP 35 NORTH, RANGE 2 EAST, W.M.

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

P33437; P128565; P128566; P128564; P33438

BENCH COPY

Hearing: December 3, 2020
9:30am

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2020 DEC -3 AM 9:58

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 12-8-2020



MELISSA BEATON, County Clerk

By:
Deputy Clerk

20-2-00425-29
GRBSJ 17
Order Granting Summary Judgment
9356457



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

WHISTLE LAKE, LLC, a Washington limited liability company,

Plaintiff,

vs.

JOHN L. MILLER, JR. and MARGARET K. MILLER, individually, and the marital community composed thereof; FIDALGO BAY COMMUNITY ASSOCIATION, a Washington nonprofit corporation; FORREST A. FOSS and CHERYL R. FOSS, individually, and the marital community composed thereof; JEDEDIAH BARTH and JADE BARTH, individually, and the marital community composed thereof; MATTHEW G. COLEMAN and JESSICA COLEMAN, individually, and the marital community composed thereof,

Defendants.

NO. 20-2-00425-29

^{AS}
[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

THIS MATTER having come before the Court on Plaintiff Whistle Lake, LLC's Motion for Summary Judgment ("Motion"); the Court having reviewed the Motion, the Declaration of Darren R. Krattli in Support of the Motion, and the records and files herein, including Defendants' responses to the Motion, if any, and Plaintiff's reply to the Motion, if any; the Court finds:

1. Defendants Miller and Defendant Fidalgo Bay claim competing rights to the

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT - 1



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1 monies owed under the Easement document recorded with the Skagit County Auditor on
2 September 8, 1997 under Skagit County Auditor's File No. 9709080043 ("1997 Easement");

3 2. On September 30, 2020, \$50,000.00 ("Registry Funds") was deposited into the
4 registry of the Skagit County Superior Court on behalf of Plaintiff to satisfy the obligation in the
5 lien recorded by Defendants Miller on December 9, 2019 under Skagit County Auditor's File
6 No. 201912090090 ("Lien");
7

8 3. Plaintiff disclaims any interest in the Registry Funds;

9 4. Plaintiff should be discharged from further liability on the claims of Defendants
10 Miller and Fidalgo Bay in this action and should be dismissed as a party to this action; and

11 5. Defendants Miller and Fidalgo Bay should be enjoined from proceeding further
12 against Plaintiff.
13

14
15 Now, therefore, it is hereby:

16 ORDERED, ADJUDGED AND DECREED that Plaintiff's Motion is granted; and it is
17 further

18 ORDERED, ADJUDGED AND DECREED that Plaintiff Whistle Lake, LLC is
19 discharged of its liability to Defendants for payment of funds under the 1997 Easement at issue
20 in this action and is dismissed as a party to this action; and it is further

21 ORDERED, ADJUDGED AND DECREED that the Lien has been satisfied in full and is
22 hereby terminated, and title to the properties encumbered by the Lien shall be quieted; and it is
23 further
24

25 ORDERED, ADJUDGED AND DECREED that Defendants Miller and Defendant
26

[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT - 2



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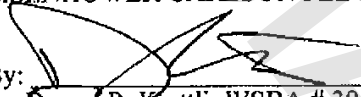
1 Fidalgo Bay are enjoined from proceeding further against Plaintiff, Defendants Barth,
 2 Defendants Coleman, or Defendants Foss regarding the funds due under the 1997 Easement
 3 resulting from the 2018 Easement granted to Plaintiff by Defendants Barth, Defendants
 4 Coleman, and Defendants Foss. Defendants' competing rights to the Registry Funds shall be
 5 determined in this action.
 6

7 DATED this 3 day of December 2020.

8 
 9 _____
 SKAGIT COUNTY/SUPERIOR COURT JUDGE

10 Presented by:

11 EISENHOWER CARLSON PLLC

12 
 13 By: Darren R. Krattli, WSBA # 39128
 14 Attorneys for Plaintiff
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[PROPOSED] ORDER GRANTING PLAINTIFF'S
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19085-3/DRK/943389



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