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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. JOINT STIPULATION AND PROPOSED ORDER RE: PLAINTIFF'S LIEN POSITION	
2. _____	
3. _____ 4. _____	
Reference Number(s) of Documents assigned or released:	
Additional reference #'s on page ____ of document	
Grantor(s) Exactly as name(s) appear on document	
1. <u>WADB LLC, a Washington limited liability company</u>	
2. _____	
Additional names on page <u>1</u> of document.	
Grantee(s) Exactly as name(s) appear on document	
1. <u>ENVOY MORTGAGE LTD</u>	
2. <u>MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.</u>	
Additional names on page ____ of document.	
Legal description (abbreviated: i.e. lot, block, plat or section, township, range)	
PTN TRACT 52, DECEPTION PASS WATERFRONT TRACTS, SKAGIT COUNTY, WASHINGTON	
Additional legal is on page ____ of document.	
Assessor's Property Tax Parcel/Account Number assigned <u>P64910</u>	<input type="checkbox"/> 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.	
<p>"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."</p> <p>_____ Signature of Requesting Party</p>	
Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements	

24-2-00728-29
STP 17
Stipulation
17320152



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 9/14/2024

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2024 SEP 10 PM 3:18



MELISSA BEATON, County Clerk
By: MARILYNE BELLO
Deputy Clerk

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

WADB LLC, a Washington limited liability company,

Plaintiff

v.

WHITNEY A. GARVEY, an individual;
THOMAS C. GILBERT, an individual;
CHICAGO TITLE INSURANCE COMPANY;
ENVOY MORTGAGE LTD; and MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.,

Defendants

CASE NUMBER: 24-2-00728-29

JOINT STIPULATION AND PROPOSED
ORDER RE: PLAINTIFF'S LIEN POSITION

TO THE CLERK OF THIS COURT, ALL PARTIES, AND THEIR ATTORNEYS OF
RECORD:

This Stipulation, entered into by and between Plaintiff, WADB LLC, a Washington limited liability company ("Plaintiff") and Defendants ENVOY MORTGAGE LTD ("Envoy") and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC ("MERS") (Plaintiff, Envoy and MERS may be collectively referred to as the "Parties") by and through their respective counsel, is made with reference to the following facts and recitals:

JOINT STIPULATION AND PROPOSED
ORDER RE: PLAINTIFF'S LIEN PRIORITY

Malcolm + Cisneros, A Law Corporation
2112 Business Center Drive, 2nd Floor
Irvine, CA 92612

JOINT STIPULATION

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1. WHEREAS, MERS is the beneficiary, solely as nominee for Envoy under a deed of trust recorded on March 4, 2021 as Instrument Number 202103040078 against the real property located at 15704 Yokeko Dr, Anacortes, WA 98221 (the "Property") in the Skagit County Official Records (the "Envoy Deed of Trust"). The Envoy Deed of Trust secures a loan made by Envoy to Defendants Whitney A. Garvey and Thomas C. Gilbert (collectively "Garvey and Gilbert") on or about March 3, 2021.
2. WHEREAS, Plaintiff, on November 14, 2023, caused to be recorded a Claim of Lien against the Property in the Skagit County Official Records as Instrument Number 202311140057 (the "Claim of Lien").
3. WHEREAS, Plaintiff has filed this action against Garvey and Gilbert for breach of contract.
4. WHEREAS, Plaintiff has also asserted a cause of action for judicial foreclosure in connection with the Claim of Lien and has named Defendants, Garvey, Gilbert, Envoy and MERS as parties in interest.
5. WHEREAS, Plaintiff agrees that the Claim of Lien is subordinate to the Envoy Deed of Trust.
6. WHEREAS, Plaintiff agrees that it is not disputing or contesting the priority of the Envoy Deed of Trust as a valid first encumbrance against the Property.
7. WHEREAS, Plaintiff agrees that any sale conducted pursuant to the Claim of Lien will be subject and junior to the Envoy Deed of Trust which will remain a valid encumbrance against the Property.
8. WHEREAS, Plaintiff, Envoy and MERS have agreed to enter this Stipulation and request an Order confirming that the Claim of Lien is subordinate to the Envoy Deed of Trust for the sake of conserving the Parties' and this Court's resources.

1 **IT IS THEREFORE STIPULATED** by and between Plaintiff, Envoy and MERS by and
2 through their attorneys of record, and the Parties respectfully request the Court issue an order that:

- 3 1. Plaintiff is not contesting the lien position or priority of the Envoy Deed of Trust.
- 4 2. Plaintiff agrees that the Claim of Lien is subordinate to the Envoy Deed of Trust.
- 5 3. Plaintiff has filed this judicial foreclosure action and named Envoy and MERS as
- 6 defendants solely by virtue of Envoy and MERS status as real parties in interest.
- 7 4. The Envoy Deed of Trust will remain a first lien on title and will not be affected by a
- 8 foreclosure sale conducted under the Claim of Lien. Any party acquiring title at a sale
- 9 conducted pursuant to the Claim of Lien will take title subject to the Envoy Deed of
- 10 Trust.
- 11

12 Dated: September 9, 2024

Respectfully Submitted,
CSD Attorneys at Law

13
14 By: /s/ Matt T. Paxton

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Attorney for Plaintiff

21 Dated: September 9, 2024

Respectfully Submitted,
MALCOLM + CISNEROS, A Law Corporation

22
23 By: /s/ Nicolas Matayron

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Attorney for MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. and ENVOY
MORTGAGE LTD

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[PROPOSED] ORDER

Pursuant to the stipulation by and between Plaintiff, WADB LLC, a Washington limited liability company ("Plaintiff") and Defendants ENVOY MORTGAGE LTD and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., (collectively "Defendants") by and through their respective counsel, and good cause appearing therefor, the Court enters an Order as follows:

1. Plaintiff is not contesting the lien position or priority of the Envoy Deed of Trust.
2. Plaintiff agrees that the Claim of Lien is subordinate to the Envoy Deed of Trust.
3. Plaintiff has filed this judicial foreclosure action and named Envoy and MERS as defendants solely by virtue of Envoy and MERS' status as real parties in interest.
4. The Envoy Deed of Trust will remain a first lien on title and will not be affected by a foreclosure sale conducted under the Claim of Lien. Any party acquiring title at a sale conducted pursuant to the Claim of Lien will take title subject to the Envoy Deed of Trust.
5. The Parties are authorized to record a certified copy of this Stipulated Order in the Official Records of Skagit County, Washington.

IT IS SO ORDERED.

Dated: 9/10/24



JUDGE OF THE SUPERIOR COURT