

2015 AUG 27 PM 4:06

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

DEBORAH EWING and KEVIN EWING,
husband and wife,

Plaintiffs,

v.

KATRINA E. GLOGOWSKI, an individual;
THE GLOGOWSKI LAW FIRM, PLLC, a
Washington professional limited liability
company; GREEN TREE SERVICING, LLC, a
Washington limited liability company; THE
BANK OF NEW YORK MELLON TRUST
COMPANY, N.A., a national banking
association; GREENPOINT
MANUFACTURED HOUSING CONTRACT
TRUST, PASS THROUGH CERTIFICATES
SERIES 2000-5, a foreign business trust,

Defendants.

CASE NO. 12-2-00224-2

~~PROPOSED~~ ORDER GRANTING IN
PLAINTIFF'S MOTION FOR PARTIAL
SUMMARY JUDGMENT AGAINST
THE GLOGOWSKI LAW FIRM, PLLC

Part

This matter came before the Court on Plaintiff's Motion for Partial Summary Judgment against The Glogowski Law Firm, PLLC ("GLF"). In making its ruling, the Court has considered the following:

1. Plaintiff's Motion for Partial Summary Judgment against GLF;
2. The Declaration of Matthew Link in Support of Plaintiff's Motions for Partial Summary Judgment with attached exhibits;
3. The Second Declaration of John Campbell in Support of Plaintiff's Motions for

1 Partial Summary Judgment with attached exhibits;

2 4. Second Declaration of Kevin Ewing in Support of Plaintiff's Motions for Partial
3 Summary Judgment with attached exhibits.

4 5. _____ ;

5 6. _____ ;

6 7. _____ ;

7 8. _____ ;

8 9. _____ and;

9 10. _____ .

11 The Court has reviewed the pleadings and records on file with the Court. The Court is
12 fully aware as to the premises of Plaintiff's Motion.

13 Therefore, the Court makes the following findings of fact and conclusions of law:

14 1. There is a genuine issue of fact as to
15 GLF violated RCW 61.24.010(2) when it was appointed successor trustee by Green

16 Tree but Green Tree was not a lawful beneficiary and only a lawful beneficiary can appoint a
17 successor trustee. *to which*

18 2. GLF violated RCW 61.24.030(7) when it did not have proof that Green Tree was
19 the owner of the Plaintiff's Note before GLF executed and recorded two (2) notice's of
20 trustee's sale and ultimately sold the Plaintiff's home on February 10, 2012.

21 3. There is genuine issue of fact as to whether
22 GLF violated RCW 61.24.010(4) when GLF did not act as an impartial third party

23 during the Ewing nonjudicial foreclosure proceedings because:

24 a. ~~GLF did not adequately inform itself about Green Tree's authority to nonjudicially~~
25 ~~foreclose when GLF did not have proof that Green Tree was the owner of Ewing's~~
26 ~~Note.~~

1 b. ~~GLF acted as trustee while owing fiduciary duties to Green Tree when GLF~~
2 ~~understood the foreclosure was contested.~~

3 c. ~~GLF sent Ewing inaccurate information in response to Ewing's QWR.~~

4 d. ~~GLF engaged in discussions with Green Tree while failing to communicate with~~
5 ~~Ewing regarding the issues raised by Ewing regarding Green Tree's accounting of~~
6 ~~Ewing's payments and Green Tree's authority to nonjudicially foreclose.~~

7 e. ~~GLF worked with Green Tree to record the Assignment of Deed of Trust and~~
8 ~~Appointments of Successor Trustee.~~

9 f. _____

10 _____

11 _____

12 g. _____

13 _____

14
15
16 4. *There is a genuine issue of fact as to*
17 *✓* ~~GLF violated RCW 61.24.010(3) when GLF owed Green Tree fiduciary duties as~~ *whether*
18 ~~Green Tree's foreclosure attorney during the Ewing nonjudicial foreclosure proceedings.~~

19 ~~5. GLF is liable to Ewing for damages under CH. 61.24.~~

20 6. _____

21 _____

22 _____

23 _____

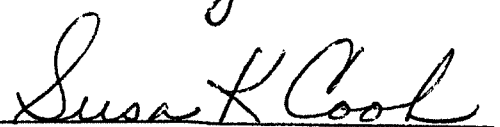
24 7. _____

25 _____

26 _____

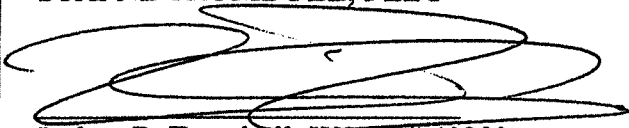
8. _____

1 _____
2 _____
3 Accordingly, the above is hereby ORDERED this 27 day of Aug, 2015.

4
5
6 
7 THE HON. SUSAN K. COOK
8 Skagit County Superior Court Judge

9 Presented by:

10 STAFNE TRUMBULL, PLLC

11 

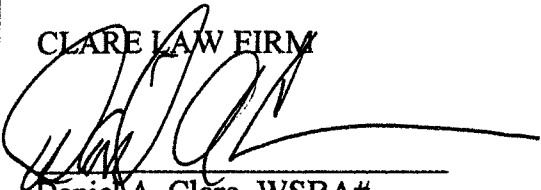
12 Joshua B. Trumbull, WSBA# 40992
13 Matthew K. Link, WSBA# 46659
14 Brian J. Fisher, WSBA# 46495
15 Attorneys for Plaintiff Ewing

16 Approved as to:

17 SUSSMAN SHANK, LLP

18 _____
19 William G. Fig, WSBA#
20 Laurie R. Hager, WSBA#
21 Elizabeth A. Semler, WSBA#
22 Susan S. Ford, WSBA#
23 Attorneys for Green Tree

24 CLARE LAW FIRM

25 

26 Daniel A. Clare, WSBA#
Attorney for Glogowski