

1 Hon. Ronald B. Leighton
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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT TACOMA

9 JERRY R. McCARTY and SHERYL
10 McCARTY,

11 Plaintiffs,

12 v.

13 U.S. BANK, N.A. as Trustee for Chevy Chase
14 Funding LLC Mortgage Backed Certificates
15 Series 2006-2,

16 Defendant.

NO. C11-05078 RBL

ORDER GRANTING U.S. BANK'S
MOTION FOR SUMMARY
JUDGMENT AND FOR FINAL
JUDGMENT QUIETING TITLE AND
CANCELING *LIS PENDENS*

17 THIS MATTER having come before the Court on a Motion for Summary Judgment
18 and for Final Judgment Quieting Title and Canceling *Lis Pendens* brought by defendant U.S.
19 Bank, N.A. as Trustee for Chevy Chase Funding LLC Mortgage Backed Certificates Series
20 2006-2 ("U.S. Bank"), and the Court having reviewed the materials submitted in support of and
21 in opposition to the motion, the Court finds that no genuine dispute exists as to the following
22 facts:

23 1. The subject of the above-captioned matter is a residence located at 16923
24 Brasher Lane Southeast in Rainier, Thurston County, Washington, described legally as:

25 LOT 3 OF THURSTON COUNTY LARGE LOT SUBDIVISION NO.
LLS990756TC AS RECORDED APRIL 10, 2001 UNDER AUDITOR'S FILE
NOS. 3345559 AND 3345560, RECORDS OF THURSTON COUNTY,
WASHINGTON

ORDER GRANTING U.S. BANK'S MOTION FOR SUMMARY
JUDGMENT AND FOR FINAL JUDGMENT QUIETING TITLE
AND CANCELING LIS PENDENS - 1
(C11-5078RBL)

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1 (the "Property");

2 2. U.S. Bank holds title to the Property by a Trustee's Deed Upon Sale recorded on
3 November 2, 2011 under Thurston County Auditor's File Number ("AFN") 4236097;

4 3. Plaintiffs caused to be recorded a document entitled "AFFIDAVIT AND
5 MEMORANDUM OF INTEREST IN REAL PROPERTY" under AFN 4248324 (the
6 "Affidavit");

7 4. Plaintiffs caused to be recorded a document entitled "Acknowledgement of
8 Acceptance of Grant Deed" under AFN 4257254 (the "Acknowledgement");

9 5. Plaintiffs have offered no valid reason for recording the Affidavit and the
10 Acknowledgement and it appears they were recorded for no other purpose but to cloud the title
11 to the Property and to prevent or delay their eviction from the Property.

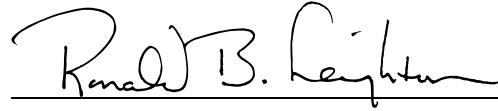
12 Therefore, the Court concludes that the Affidavit and the Acknowledgement are both
13 invalid and unenforceable, and do not create any right, title, or interest in or to the Property.
14 Plaintiffs do not possess any other valid, enforceable right, title, or interest in or to the
15 Property. Now, therefore, it is hereby

16 ORDERED that U.S. Bank's Motion for Summary Judgment and for Final Judgment
17 Quieting Title and Canceling *Lis Pendens* is GRANTED. It is further

18 ORDERED that U.S. Bank is entitled to the entry of a final judgment quieting title to
19 the Property in U.S. Bank and canceling the *lis pendens* recorded by plaintiffs on January 27,
20 2011 under AFN 4195394.

1 The Clerk of the Court is directed to forward copies of the Order to counsel of record
2 and to any party appearing *pro se*.

3 DATED this 12th day of June, 2012.
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6 Ronald B. Leighton
7 United States District Judge
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9 PRESENTED BY:

10 s/John A. Knox, WSBA #12707
11 Marshall Ferguson, WSBA #29528
12 Attorneys for Plaintiff U.S. Bank, N.A. as Trustee
13 for Chevy Chase Funding LLC Mortgage Backed
14 Certificates Series 2006-2
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ORDER GRANTING U.S. BANK'S MOTION FOR SUMMARY
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AND CANCELING LIS PENDENS - 3
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