

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON

UMPQUA BANK,)
)
 Respondent,) No. 65401-2-I linked with No. 65706-2-I
)
 v.) DIVISION ONE
)
 BINGO INVESTMENTS, LLC, a)
 Washington liability company;)
 FRANCES P. GRAHAM and JOHN)
 DOE GRAHAM, and the marital)
 community composed thereby; SCOTT)
 F. BINGHAM and KELLY BINGHAM,)
 and the marital community composed)
 thereby; CHRISTOPHER G. BINGHAM)
 and CHERISH BINGHAM, and the)
 marital community composed thereby;)
 and BINGO DEVELOPMENT, LLC, a)
 Washington limited liability company,)
)
 Defendants/Judgment Debtors,) UNPUBLISHED OPINION
)
 v.)
)
 RAYMOND JAMES FINANCIAL)
 SERVICES, INC.,)
)
 Garnishee Defendant.)
)
 v.)
)
 UNION BANK,)
)
 Appellant.) FILED: July 25, 2011

spearman, j. — After obtaining a judgment for \$23,290,953 against multiple entities and individuals, Umpqua Bank began collection procedures, which included

servicing writs of garnishment on financial institutions of the judgment debtors. One of those financial institutions was Raymond James. In its answer to the writs, Raymond James admitted it held accounts for two debtors, but indicated the accounts were security for an unnamed lender. That unnamed lender was Frontier Bank (now Union Bank). Umpqua attempted to obtain an ex-parte judgment against Raymond James under the garnishment statutes. The commissioner denied the motion, and instructed Umpqua to resubmit only after providing additional notice. Umpqua did not do so, and did not move to revise. Instead, Umpqua obtained the judgment by sending an ex-parte letter to the trial court.

About a month after the trial court entered judgment, Union Bank moved to intervene. The motion to intervene made no mention as to why it was untimely, and was denied. Raymond James moved to vacate the judgment. The trial court granted the motion to vacate after learning of the commissioner's order. Raymond James then filed an interpleader action, naming the debtors, Umpqua, and Union Bank as parties.¹

Union Bank appeals the trial court's decision to deny the motion to intervene. In light of the interpleader action, counsel for Union Bank acknowledged at oral argument that this appeal would be moot if the order vacating the judgment was upheld. We affirmed that order in Umpqua v. Raymond James Financial Services Inc., (Division One No. 65706-2, 2011). Accordingly, we dismiss the appeal as moot.

¹ At oral argument counsel for Union Bank indicated the funds at issue were deposited with the King County Superior Court Clerk.

Appeal dismissed.

Sperry, J.

WE CONCUR:

Cox, J.

Grosse, J.