

Supreme Court Case No. 94093-2

Court of Appeals Case No. 74264-7-1

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IN THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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ROBERT AND DORIS CUMMINGS

Appellant,

v.

NORTHWEST TRUSTEE SERVICES, INC. et al.

Respondents.

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**STIPULATION TO DISMISS RESPONDENT  
NORTHWEST TRUSTEE SERVICES, INC.  
FROM PETITION FOR REVIEW**

Jointly Submitted By:

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Attorney for Petitioners

## **I. STATEMENT OF RELIEF SOUGHT**

Petitioners Doris and Robert Cummings (“Petitioners”) and Respondent Northwest Trustee Services, Inc. (“NWTS”) jointly submit the following stipulation concerning NWTS in this matter.

## **II. RELEVANT FACTS**

On or about February 1, 2017, Petitioners filed a Petition for Discretionary Review to the Washington State Supreme Court. On or about February 17, 2017, NWTS filed its Answer to the Petition.

## **III. ARGUMENT**


Petitioners agree that NWTS need not be subject to further appellate review in this matter. However, Petitioners (but not NWTS) maintain that review against the other Respondents is still appropriate to address the issues raised with respect to *Brown v. Wash. Dep’t of Commerce*, 184 Wn.2d 509, 543, 359 P.3d 771 (2015), and whether NWTS was properly appointed as successor trustee and consequently initiated a non-judicial foreclosure of Petitioners’ real property.

## **IV. CONCLUSION**

Petitioners and NWTS jointly request that the Court need not consider discretionary review of the decision below concerning NWTS, but without prejudice to Petitioners’ pending request for review of the decision below as to the other Respondents (i.e. Deutsche Bank and


MERS). Petitioners and NWTs shall respectively bear its own costs and fees associated therewith.

DATED this 14<sup>th</sup> day of March, 2017.

By:   
James A. Wexler, WSBA #7411  
Attorney for Petitioners Robert and  
Doris Cummings

DATED this 14<sup>th</sup> day of March, 2017.

**RCO LEGAL, P.S.**

By:   
Joshua S. Schaefer, WSBA #31491  
Attorneys for Respondent Northwest  
Trustee Services, Inc.

**Declaration of Service**

The undersigned makes the following declaration:

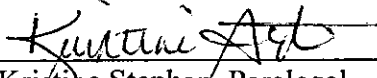
1. I am now, and at all times herein mentioned was a resident of the State of Washington, over the age of eighteen years and not a party to this action, and I am competent to be a witness herein.

2. On March 15, 2017 I caused a copy of the **Stipulation to Dismiss Respondent Northwest Trustee Services, Inc. From Petition for Review** to be served to the following in the manner noted below:

James A. Wexler Attorney at Law 2025 201st Ave. SE Sammamish, WA 98075  Attorneys for Appellants	<input type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email: wex@seanet.com
John E. Glowney Vanessa S. Power Stoel Rives, LLP 600 University St., Suite 3600 Seattle, WA 98101  Attorneys for Respondents	<input type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input checked="" type="checkbox"/> Email: john.glowney@stoel.com vanessa.power@stoel.com

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Signed this 15<sup>th</sup> day of March, 2017.

  
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Kristine Stephan, Paralegal