

No. 70916-0-1

COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON

---

GALLEON HOMEOWNERS ASSOCIATION

Plaintiff-Respondent

v.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., and  
NATIONSTAR MORTGAGE LLC

Defendants-Appellants

---

GALLEON HOMEOWNERS ASSOCIATION'S SUPPLEMENTAL BRIEF

---

Patrick M. McDonald  
WSBA No. 36615  
Dean H. Pody  
WSBA No. 27585

Attorneys for Respondent Galleon  
Homeowners Association

Pody & McDonald, PLLC  
1200 Fifth Avenue, Suite 1410  
Seattle, WA 98101-3106  
Telephone: 206-467-1559

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2014 JUL 18 AM 10:15

This supplemental brief is filed in response to Commissioner Mary Neel's June 26, 2014, notation ruling directing the parties to file supplemental briefs addressing the impact of the Supreme Court's recent decision in *BAC Home Loans Servicing, L.P.V. v. Fulbright*, no. 88853-1.

The holding of *Fulbright* pertains to statutory redemption rights. *Fulbright* has no bearing on the issues in this case that exist between the Association and Nationstar/MERS, which are: (1) whether Nationstar can intervene in this action, (2) whether the judgment should be vacated, and (3) whether the Association is entitled to an award of its attorney fees. Regardless, the Association and Nationstar/MERS have reached a settlement in principle that addresses these issues. Once the settlement agreement is finalized, appropriate action will be taken to dismiss the appeal, at least as it pertains to the Association's involvement.

Dated this 18<sup>th</sup> day of July, 2014.

PODY & MCDONALD, PLLC



Patrick M. McDonald, WSBA No. 36615  
Dean H. Pody, WSBA No. 27585

Attorneys for Respondent Galleon  
Homeowners Association

**DECLARATION OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on the 18<sup>th</sup> day of July 2014, I caused a true and correct copy of Galleon Homeowners Association's Supplemental Brief to be served on the following via the method indicated below:

**VIA EMAIL/U.S. MAIL**

Andrew G. Yates  
David C. Spellman  
Lane Powell PC  
1420 Fifth Avenue, Suite 4200  
Seattle, WA 98101  
[yatesa@lanepowell.com](mailto:yatesa@lanepowell.com)  
[spellmand@lanepowell.com](mailto:spellmand@lanepowell.com)

**VIA EMAIL/U.S. MAIL**

Marisa A. Bender  
Bishop White Marshall & Weibel, P.S.  
720 Olive Way, Suite 1201  
Seattle, WA 98101-1801  
[mbender@bwmlegal.com](mailto:mbender@bwmlegal.com)

**VIA EMAIL/U.S. MAIL**

Roy G. Brewer  
Attorney at Law  
27215 Pacific Highway South, #B  
Federal Way, WA 98003-2407  
[royb@roythelawyer.com](mailto:royb@roythelawyer.com)

**VIA EMAIL/U.S. MAIL**

Jordan M. Hecker  
Hecker Wakefield  
321 – 1<sup>st</sup> Avenue West  
Seattle, WA 98119-4103  
[jordanh@heckerwakefield.com](mailto:jordanh@heckerwakefield.com)

**VIA EMAIL/U.S. MAIL**

David A. Leen  
Leen & O'Sullivan PLLC  
520 E. Denny Way  
Seattle, WA 98122-2138  
[david@leenandosullivan.com](mailto:david@leenandosullivan.com)

**VIA U.S. MAIL**

Maria & John Doe Berglund  
8517 – 242<sup>nd</sup> Street NW, #B-605  
Edmonds, WA 98206

**VIA EMAIL/U.S. MAIL**

Evan C. Schneider  
Schneider Law, PLLC  
P.O. Box 232  
Spokane, WA 99210-0232  
[evan@evanschneiderlaw.com](mailto:evan@evanschneiderlaw.com)

  
Christina R. Berry