

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Oct 21, 2011, 3:27 pm
BY RONALD R. CARPENTER
CLERK

No. 86206-1

RECEIVED BY E-MAIL

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

CERTIFICATION FROM UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE
(Case No. 09-0149)

KRISTIN BAIN,

Petitioner

v.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., et al.,

Respondents

RESPONSE BRIEF OF REGIONAL TRUSTEE SERVICES
CORPORATION

Nicolas A. Daluiso, No. 23505
Robinson Tait, P.S.
710 Second Avenue, Suite 710
Seattle, Washington 98104
(206) 676-9640
ndaluiso@robinsontait.com

ORIGINAL

I. QUESTIONS CERTIFIED

The District Court certified the following questions to this Court:

1. Is Mortgage Electronic Registration Systems, Inc. a lawful “beneficiary” within the terms of Washington’s Deed of Trust Act, Revised Code of Washington section 61.24.005(2) if it never held the promissory note secured by the deed of trust?
2. If so, what is the legal effect of Mortgage Electronic Registration Systems, Inc. acting as an unlawful beneficiary under the terms of Washington’s Deed of Trust Act?
3. Does a homeowner possess a cause of action under Washington’s Consumer Protection Act against Mortgage Electronic Registration Systems, Inc. if MERS acts as an unlawful beneficiary under the terms of Washington’s Deed of Trust Act?

II. RESPONSE

Regional Trustee Services Corporation was the foreclosure trustee in regard to the non-judicial foreclosure that is the subject of this action. Regional Trustee Services Corporation has no interest in the property other than having acted as the foreclosure trustee. As such, Regional

Trustee Services Corporation takes no position on the questions certified to this Court in this matter.

Dated this 21st day of October 2011.

ROBINSON TAIT, P.S.



Nicolas A. Daluiso, #23505
Attorneys for Regional
Trustee Services Corporation

DECLARATION OF SERVICE

The undersigned declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

That on October 21, 2011, I arranged for service of the foregoing Response to Motion for Discretionary Review on the following parties and in the following manner:

Clerk of the Court Washington State Supreme Court 415 12th Ave. SW. Olympia, WA 98504	<input type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input checked="" type="checkbox"/> By Electronic Mail
Melissa Ann Huelsman Law office of Melissa A. Huelsman 705 Second Avenue, Suite 1050 Seattle, WA 98104-1741	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail
Douglas Davies Davies Law Group 701 Fifth Avenue, Suite 4200 Seattle, WA 98104-7047	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail
Denise Hamel Socius Law Group 601 Union Street, Suite 4950 Seattle, WA 98101-3951	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail
Richard Spoonemore Sirianni, Youtz, Meier & Spoonemore 999 Third Avenue, Suite 3650 Seattle, WA 98104-4038	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail
Joel Wright William Louis Cameron Lee Smart, P.S. 701 Pike Street, Suite 1800 Seattle, WA 98104-1724	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail
	<input checked="" type="checkbox"/> By U.S. First Class Mail <input type="checkbox"/> By Hand Delivery <input type="checkbox"/> By Federal Express <input type="checkbox"/> By Electronic Mail

DATED this 21st day of October 2011.


Isabelle Evans
Robinson Tait, P.S.