

No. 90503-7

IN THE SUPREME COURT FOR THE STATE OF WASHINGTON
(Court of Appeals, Division I, Case No. 70327-7-I)

UNION BANK, N.A., a national banking association,
Plaintiff/Appellant,

v.

EAST CREEK VILLAGE, LLC, a Washington limited liability company;
Shoreline Business and Professional Center, LLC, a Washington limited
liability company; Kenneth Lyons, Melani A. Lyons, individually and the
marital community thereof; Todd Arrambide, Kim M. Arrambide,
individually and the marital community thereof,

Defendants, and

ELIZABETH Y. VANDERVEEN, A MARK VANDERVEEN,
individually and the marital community thereof; HARLEY O'NEIL, JR.,
MICHELLE O'NEIL, individually and the marital community thereof; the
TORI LYNN NORDSTROM TRUST, a Washington state trust; and
HARLEY O'NEIL, JR., Trustee for the Tori Lynn Nordstrom Trust,

Defendants/Respondents.

FILED

CDP JUL 21 2014

CLERK OF THE SUPREME COURT
STATE OF WASHINGTON

SUPPLEMENT TO PETITION FOR REVIEW

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and Nordstrom Trust

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STATE OF WASHINGTON

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After the Petition for Review was completed for filing in this case, counsel for the Petitioners received copies of the Supreme Court's July 9, 2014 Orders, granting the Petitions for Review filed on March 20, 2014 in *Washington Federal v. Gentry* (Supreme Court No. 90085-0) and *Washington Federal v. Harvey* (Supreme Court No. 90078-7). Copies of those Orders are attached hereto as Appendix D and Appendix E, respectively.

The Harvey and Gentry cases involve essentially the same deed of trust language and same three legal issues raised in the Petition for Review in this case, regarding the interpretation of the deed of trust, the legal effect under RCW 61.24.100 of bank's election to non-judicially foreclose its deed of trust, and the enforceability of boilerplate contractual waivers of the protections provided by that statute. Pursuant to such Orders, the *Gentry* and *Harvey* cases have been consolidated for consideration by the Supreme Court.

Given the above, Petitioners ask that their Petition for Review be granted, and that further proceedings in this appeal before the Supreme Court then be stayed pending decisions by the Supreme Court in the *Gentry* and *Harvey* cases.

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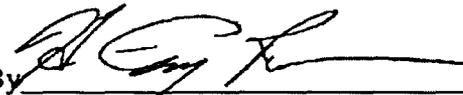
Respectfully submitted this 9th day of July, 2014.

LASHER HOLZAPFEL SPERRY &
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By 

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CERTIFICATE OF SERVICE

I certify that on July 9, 2014, I caused a copy of the foregoing document to be served via messenger and email to the following counsel of record:

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Joy Lawrence

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THE SUPREME COURT OF WASHINGTON

WASHINGTON FEDERAL,

Respondent,

v.

LANCE HARVEY, et ux.,

Petitioners.

NO. 90078-7

ORDER

C/A NO. 69791-9-I

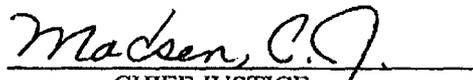
Department I of the Court, composed of Chief Justice Madsen and Justices C. Johnson, Fairhurst, Wiggins, and Gordon McCloud, considered at its July 8, 2014, Motion Calendar, whether review should be granted pursuant to RAP 13.4(b), and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petition for Review is granted and is consolidated with Supreme Court No. 90085-0 - *Washington Federal v. Kendall & Nancy Gentry*. All further pleadings should be filed under Supreme Court No. 90078-7. Any party may serve and file a supplemental brief within 30 days of the date of this order, see RAP 13.7(d).

DATED at Olympia, Washington this 9th day of July, 2014.

For the Court


CHIEF JUSTICE

APPENDIX E