

No. 94498-9

SUPREME COURT OF THE STATE OF WASHINGTON

MUFG UNION BANK, N.A., successor-in-interest to the Federal Deposit
Insurance Corporation, as the Receiver of Frontier Bank,

Appellant,

v.

RANDY CAMPADORE, a single person; RAYMOND E. PELZEL, and
the marital community composed of RAYMOND E. PELZEL and
MERRILEE PELZEL; WILLIAM RILEY and ALTHEA RILEY, husband
and wife, and the marital community composed thereof,

Respondents.

**REPLY IN SUPPORT OF RANDY CAMPADORE'S PETITION
FOR REVIEW OF COURT OF APPEALS' ORDER REVERSING
THE SUPERIOR COURT RULING AND THE COURT OF
APPEALS' ORDER DENYING RECONSIDERATION**

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I. INTRODUCTION

Defendant Randy Campadore (“Campadore”) respectfully submits this reply in support of Randy Campadore’s Petition For Review Of Court Of Appeals’ Order Reversing The Superior Court Ruling And The Court Of Appeals’ Order Denying Reconsideration (“Campadore’s Petition).

II. REPLY ARGUMENT

As set forth in Campadore’s Petition, Campadore petitions for review because: (1) the Court of Appeals failed to address whether Washington’s Deed of Trust Act supersedes Washington’s Receivership Act; and (2) the Court of Appeals overlooks factual issues concerning constitutional due process.

A. **No Court Has Ever Specifically Addressed Whether Washington’s Deed Of Trust Act Supersedes Washington’s Receivership Act.**

Despite Union Bank’s representation to the contrary, no Washington court has ever specifically ruled upon the specific issue subject of Campadore’s petition: whether Washington’s Deed of Trust Act supersedes Washington’s Receivership Act: it was never specifically ruled upon in this case; it was never specifically ruled upon in *Umpqua Bank v. Shasta Apartments, LLC*; and it has never been specifically ruled upon by this Court.

If secured creditors are prohibited from pursuing deficiency judgment under Washington's Receivership Act because Washington's Deed of Trust Act supersedes Washington's Receivership Act, review will provide this Court with an opportunity to safeguard the protections afforded under Washington's Deed of Trust Act (e.g., the deficiency judgment prohibition). Safeguarding the protections afforded under Washington's Deed of Trust Act constitutes a substantial public interest that warrants review by the Washington Supreme Court because it has the potential to affect similar proceedings, can impact a significant segment of the population (e.g., guarantors); and presents a question of law that is likely to recur so long as secured creditors (e.g., Union Bank) continue their practice of circumventing the protections afforded under Washington's Deed of Trust Act.

B. The Court Of Appeals Did Not Address Significant Constitutional Due Process Issues.

Despite Union Bank's representation to the contrary, there are facts which raise significant constitutional due process issues (e.g., whether Campadore actually signed the "Agreed Order To Amend Order Appointing General Receiver" and consented to the receivership proceedings or whether his signature was improperly forged).¹

¹ See Declaration of Randy Campadore filed with the Court of Appeals on March 27, 2017.

If secured creditors are prohibited from pursuing deficiency judgment under Washington's Receivership Act without affording guarantors their constitutional due process, review will provide this Court with an opportunity to safeguard constitutional protections. Safeguarding constitutional protections constitutes a substantial public interest that warrants review by the Washington Supreme Court.

III. CONCLUSION

This matter presents a rare opportunity for the Court to address a matter of first impression and constitutional issues, but of which substantially impact the public interest. For the reasons presented, Campadore respectfully petitions the Court for review.

RESPECTFULLY SUBMITTED this 29th day of June, 2017.

s/ Jason R. Donovan

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DECLARATION OF SERVICE

I, Jason R. Donovan, declare under penalty of perjury under the laws of the State of Washington that I am now and at all times mentioned herein, a resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On June 29, 2017, I caused to be served in the manner noted copies of the foregoing upon designated counsel and parties:

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