

FILED  
Feb 19, 2016  
Court of Appeals  
Division I  
State of Washington

72825-3

Case No. 72825-3

DIVISION I COURT OF APPEALS  
OF THE STATE OF WASHINGTON

---

JASON BROCK,

Appellant,

v.

WELLS FARGO BANK, N.A. as trustee on behalf of the holders of the  
HarborView Mortgage Loan Trust Mortgage Loan Pass-Through  
Certificates, Series 2006-12; NORTHWEST TRUSTEE SERVICES,  
INC.; SELECT PORTFOLIO SERVICING, INC.,

Respondents.

---

RESPONDENT NORTHWEST TRUSTEE SERVICES, INC.'S  
JOINDER IN CO-RESPONDENTS' ANSWERING BRIEF

---

John M. Thomas, WSBA #42447  
Attorney for Respondent Northwest  
Trustee Services, Inc.  
RCO Legal, P.S.  
511 SW 10th Ave., Suite 400  
Portland, OR 97205  
Ph: 503.517.7180  
Fax: 425.457.7369

**Table of Contents**

Table of Authorities.....ii

JOINDER IN-CO-RESPONDENTS' BRIEF &  
ARGUMENT.....1

CONCLUSION.....2

**Table of Authorities**

**STATUTES**

RCW 61.24.030 (7)(b)..... 1

**I. JOINDER IN CO-RESPONDENTS' BRIEF & ARGUMENT**

Northwest Trustee Services, Inc. ("NWTS") hereby joins in, and adopts as its own, the answering brief filed by co-respondents, Wells Fargo Bank N.A. as trustee on behalf of the holders of the Harborview Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-12 ("WFB"); Select Portfolio Servicing, Inc. ("SPS") in this appeal, just as it joined in those defendants' motion for summary judgment.

The arguments raised by co-respondents are equally applicable to NWTS, particularly Respondents' arguments that NWTS was entitled to rely upon the beneficiary declaration it obtained prior to the foreclosure (CP 179) under RCW 61.24.030 (7)(b), and that Appellant had no evidence to the contrary about the loan ownership, hence the trial court properly granted NWTS' joinder motion for summary judgment, since there was no evidence that NWTS likewise violated the DTA or CPA. *See* Respondents' Brief, pp. 13-15. Indeed, as NWTS pointed out in its response to Appellants' motion for reconsideration, the trial court did not even specifically reach the defense by NWTS of the beneficiary declaration in granting the dispositive motions, as the court granted the dispositive motions on the major arguments raised by co-defendants, notably that the original note was brought to court, among other bases, as set forth by co-respondents. Hence, Appellants' assertion that NWTS

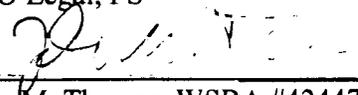
failed to respond to such argument was in effect an admission is inaccurate. Opening Brief, p. 36.

## II. CONCLUSION

For all of the forgoing reasons, the appeal should be dismissed.

Respectfully submitted this 19th day of February, 2016.

RCO Legal, PS

By 

John M. Thomas, WSBA #42447

Attorney for Respondent Northwest Trustee Services, Inc.

RCO Legal, P.S.

511 SW 10th Ave., Suite 400

Portland, OR 97205

Ph: 503.517.7180

Fax: 425.457.7369

CERTIFICATE OF SERVICE

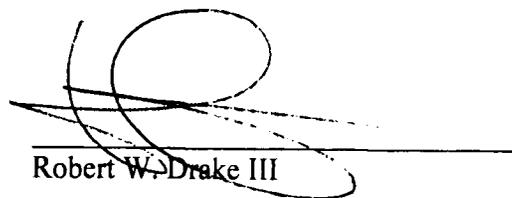
I hereby certify under penalty of perjury and the laws of the United States and the states of Oregon and Washington that on February 19, 2016, I caused Respondent NWTs's Response Brief to be served to the following in the manner noted below:

Joshua B. Trumbull Emily Harris JBT & Associates 106 E. Gillman Ave. Arlington, WA 98223  Attorneys for Appellant Brock	<input checked="" type="checkbox"/> US Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Electronic Mail
John E. Glowney Stoel Rives LLP 600 University Street, Suite 3600 Seattle, WA 98101-3197  Attorney for Respondents Select Portfolio Servicing & Wells Fargo Bank as trustee; on behalf of the holders of the HarborView Mortgage Loan Trust Mortgage Loan Pass-Through Certificates, Series 2006-12	<input checked="" type="checkbox"/> US Mail, Postage Prepaid  <input type="checkbox"/> Hand Delivery  <input type="checkbox"/> Overnight Mail  <input type="checkbox"/> Facsimile  <input checked="" type="checkbox"/> Electronic Mail

Office of the Clerk Court of Appeals, Division I One Union Square 600 University St Seattle, WA 98101-1176	<input type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> Electronic Filing

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

Signed this 19th day of February, 2016.



Robert W. Drake III