No. 58849-8-II

On appeal from Kitsap County No. 18-2-02682-18

IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON DIVISION II

ALVIN B. WHITE, an individual,

Appellant,

v.

U.S. BANK NATIONAL ASSOCIATION,

Appellee.

APPELLANT WHITE'S PETITION FOR DISCRETIONARY REVIEW

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I. IDENTITY OF PETITIONER

Petitioner is Alvin B. White ("White"). White was the Defendant in the trial court and the Appellant before the Court of Appeals. He now seeks review of Division II's Unpublished Opinion filed May 20, 2025, affirming summary judgment against White and that same Panel's August 27, 2025 denial of White's motion for reconsideration.

II. COURT OF APPEALS DECISIONS

The Unpublished Opinion for which review is sought is dated August 27, 2025 and is attached hereto as **Appendix** ("App.") **1.** Division Two affirmed the superior court's judgment against White mostly on procedural grounds. White asks this Court to also review Division Two's: denial of oral argument (Jan. 6, 2025), **App. 2**; denial of motion to publish (July 1, 2025), **App 3**; and denial of reconsideration (Aug. 27, 2025), **App. 4**.

III. ISSUES PRESENTED FOR REVIEW

1. **CR 56 & Judicial Fact-Finding.**

Whether the superior court through elected Kitsap County

Superior Court Judge Forbes violated CR 56 and due-process guarantees—under the Washington and United States constitutions and fair-trial norms recognized in public international law and treaties—by resolving a disputed issue of material fact during summary judgment argument by personally inspecting and "authenticating" a purported original promissory note over White's objection and contrary testimony, thereby adjudicating a material fact without a trial.

See RAP 13.4 (b)(1), (3) and (4).[1]

2. **Gatekeeping by Format vs. RAP 1.2(a).**

Whether Division II erred in refusing to consider Appellant's assignments of error on RAP 10.3 briefing-placement grounds, contrary to RAP 1.2(a)'s command to decide cases on the *merits* except in compelling circumstances—especially where the dispositive defenses and cross-motions

[1] White sets forth following each of the issues presented for review those provisions of RAP 13.4(b) which he claims favors review by this Supreme Court.

demonstrated the issues were properly presented.

See RAP 13.4 (b)(1), (2), (4).

3. **Standing / PETE Under UCC & DTA (with *Bain* conflict).**

Whether the superior court and the court of appeals violated Washington law as construed by this Court by allowing U.S. Bank, an alleged non-holder successor assignee of the deed of trust, to enforce the DOT without proving its constitutional and statutory standing to do so? *See* RAP 13.4 (b)(1), (2), (4).

4. **Limitations & Laches (dispositive defenses).**

Whether respondents' claims were barred by laches and/or statutes of limitation such that summary judgment should have been entered for White on his cross-motion, where the bank's own filings date the first breach to 2006 and the reformation complaint was filed October 3, 2018.

See RAP 13.4 (b)(1), (2), (4).

5. **Litigants Rights to Adjudication of Cases By Independent Courts Through Judicial Officers Who Are and Appear To Be Neutral Adjudicators.**

Whether controlling "judicial officer neutrality" and/or "independence of court" principles as established by applicable organic and international laws and treaties are violated when a trial judge who has been given a pecuniary interest by Washington's political branches in the enforcement of mortgage-backed securities as if they were traditional mortgages personally supplies "authentication" of disputed evidence during a summary judgment argument thereby raising systemic questions of judicial impartiality and warranting guidance that such findings of fact are required to be based on the evidence presented at a trial.

See RAP 13.4 (b)(2), (4).

6. **Statewide Importance & Constitutional Stakes.**

Whether the combined circumstances here—judicial factfinding without a trial, merits avoidance based on purported format grounds, denial of White's right to oral argument (**App. 4**), denial of publication of the opinion (**App. 2**), and recurring DTA/UCC questions—present substantial public interest and constitutional due-process concerns that warrant this Court's

review to provide uniform guidance.

See RAP 13.4 (b)(4).

IV. STATEMENT OF THE CASE

A. Loan and deed of trust (2005).

In 2005, Alvin B. White financed a specifically identified property parcel through CTX Mortgage (CP 28–33). A deed of trust naming MERS as beneficiary identified that parcel by way of a clear legal description. (CP 35–57).

B. 2006 Quiet Title Action and Limitations/Laches Bar.

After a dispute developed with his neighbor in 2006, Mr. White filed a quiet title action in Kitsap County Superior Court concerning a disputed "hiatus" parcel adjacent to his property (CP 59–71). On October 19, 2006, the court entered findings of fact and a nunc pro tunc order quieting title in White's favor (CP 73–77). That judgment established that the legal description of the property White purchased in 2005 was materially different from that property White had financed through CTX.

White testified that he had intended to purchase only the

property referenced in the deed of trust and that there was no mistake (mutual or otherwise) about this fact. CP 405–407 at ¶¶4–9, 11–13. It White's position that the 2006 quiet title decision establishes this fact as a matter of law. Further, White asserts that because this decision was never appealed, it is final now.

C. Reformation suit and later assignment (2018).

Almost exactly 12 years after the Superior Court for Kitsap County reformed White's property lines in October 2006, LSF9 Master Participation Trust (claiming to be the most recent successor in interest to the CTX mortgage) filed this action on October 3, 2018, to reform that mortgage DOT. (CP 13–22). (Successor in interest to CTX, LSF9, apparently later assigned its interest in the mortgage to U.S. Bank, N.A., which became the most recently revealed purported successor in interest to the mortgage. (CP 142–151).

These are important facts because White has always challenged the standing of successors of interest in his mortgage

to prove they possessed the original note instrument actually signed by White.

D. Standing / PETE dispute.

White disputed U.S. Bank's standing to obtain reformation or otherwise enforce the deed of trust, contending that only the holder of the original note (or a person entitled to enforce (PETE) under RCW 62A.3-301) could proceed, and that the assignee of the deed of trust alone was insufficient under RCW 61.24.005 and *Bain v. Metropolitan Mortgage*, 175 Wn.2d 83 (2012). White filed declarations and materials bearing on note authenticity of the note sought to be enforced and its chain-of-possession. CP 396–402; 404–411; 413–425; 427–428; 439–554; 550–1152; and 1153–1278.

E. Summary-judgment hearing and judicial inspection of the Note instrument to determine whether it was signed by White (Aug. 25, 2023).

At the CR 56 hearing on August 25, 2023, U.S. Bank presented what it claimed was the original ("wet-ink") note for

the court's inspection (CP 1374 at p. 4:13–18). The court accepted and ***examined*** the document as a fact finder on the record (CP 1383–1384 at pp. 13:15–14:18). White objected that authentication and any credibility/weight issues were not for resolution at summary judgment. (Tr. 8/25/23 at CP 1378–1382 at pp. 8:23–12:20; *see also* CP 1353; CP 1354–1402).

F. Objection to Judge Forbes Adjudicating Disputed Facts during summary judgment argument.

Following Judge Forbes unexpected adjudication of disputed material facts during summary judgment argument White filed an objection to the superior court which was titled: "*Objection to Judicial Officer Forbes Adjudicating this Case Based on Her Violations of the Fifth and Fourteenth Amendments to the United States Constitution Occurring During Oral Argument of Cross Motions for Summary Judgment and Prior to Submission of Parties' Proposed Findings of Fact and Conclusions of Law"* CP 1354–1364. These objections were supported by the Declaration of White's counsel, CP 1366–1388,

and requests for judicial notice (RFJN) of public records not capable of being disputed. CP 1389–1403.

White's objection to Judge Forbes' conduct and the supporting evidentiary presentations (Stafne declaration and request for judicial notice) demonstrated evidence tending to prove:

(a) WSIB's reports show long-running fixed-income investment allocations that included investments in mortgage-backed securities at similar levels to Washington State's investments in United States Treasury bonds notwithstanding the enforceability of such mortgage-backed securities as if they were traditional mortgages was, as of then, still an unresolved legal issue in Washington State. *See* CP 1389–1402; *see also* *Bain v. Metropolitan Mortgage*, *supra*; citing Restatement (Third) of Property: Mortgages § 5.4 (1997); and

(b) The Master Custodian and securities lending/counterparty for WSIB and thus also for Washington State, and Washington State employees' retirement investments

(including judges retirement investments as of 2007 until today), and for the Executive Branch's management of Washington State's budget as a whole was and remains State Street Bank (State Street).

Public Records.

The public records attached to White's Second Request for Judicial Notice included the following public records; the content of which was not in any way disputed by CTX's successor in interest to the mortgage:

(i) a 2006 session law requiring the funding for judicial retirement benefits for elected and appointed judges be managed in the same way as the retirement investments for all government workers was handled and consistent with the principles used to manage Washington State's government funds;

(ii) Washington State Investment Board (WSIB) annual reports (2003–2021)[2].

[2] These WSIB annual reports were individually provided as evidence through links to each report on a Washington State

(iii) the SEC's 2010 cease-and-desist order against State Street Bank & Trust Company concerning subprime mortgage-backed securities (sometimes also referred to as "MBS").

The 2007 changes in Judges' retirement accounts.

This evidence shows that beginning in 2006–2007, the legislature decreed judicial retirement funds would be managed by the WSIB in the same way as are the retirement funds for all government employees. This gave judges the same incentives for enforcing mortgage-backed securities as if they were traditional mortgages as all other Washington State government employees had in obtaining this adjudicative result.

WSIB was investing in likely risky MBS from 2006 through 2012 as if their risk was the same as that for US Treasury bonds.

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public website where those reports were made available for viewing. Notwithstanding this purpose the State of Washington has inappropriately removed this evidence from its website. Fortunately, each of those reports from 1994 on is still accessible on the Historical Documents page of the Church of the Gardens website at: https://churchofthegardens.org/research/ Church of Gardens mission is to fight against this type of government corruption. *See* COTG Mission Statement, accessible at: https://churchofthegardens.org/mission-statement/

White assets that WSIB's fixed-income investment strategy during 2006–2012 (and actually well beyond that) included investments in MBS as fixed assets at material levels far beyond those which their risks justified. For example, all of the WSIB reports during the 2006 through 2012 time period demonstrate the target range for MBS investments was between 5% to 45% of the fixed asset fund. *See* WSIB Twenty-Sixth Annual Report (2007) at p. 34. The target range for "U.S. Treasuries and Government Agencies" was substantially the same, i.e. 10% to 45%. *Id.*

White asserts a reasonable person with knowledge of this fact and the fact that the enforceability of the MBS securities as if they were traditional mortgages had not yet been adjudicated would question why these changes in Washington judges retirement accounts were made then. To protect government officials who had an interest in these investments being paid off or to protect the liberties of the governed?

Washington State's private partner, the infamous State Street Bank.

Evidence presented to the trial court demonstrated State Street, Washington State's partner in managing the State's finances, agreed to a February 10, 2010 cease-and-desist Order[3] which admitted to the Securities and Exchange Commission (SEC) State Street had misled some of its investors, but not others of its pension-fund investors about State Street's heavy exposure to subprime mortgage-backed securities in 2007.

The 2007 Washington State Investment Board report suggests the State of Washington either knew about State Street's fraud upon some investors or was itself, as an agency of Washington's executive branch of government, being misled by this modern day "money changer".

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[3] *In the Matter of State Street Bank and Trust Co.*, SEC Rel. No. 33-9107 (Feb. 4, 2010) (findings regarding subprime MBS concentration, misleading communications, and selective disclosure) accessible at: https://www.sec.gov/files/litigation/admin/2010/33-9107.pdf

For example, WSIB's 2007 "Twenty-Sixth Annual Report[4]" states:

> During fiscal year 2007, there were no significant violations of legal or contractual provisions, no failures by any borrowers to return loaded securities or to pay distributions thereon. Further, the Retirement Funds incurred no losses during fiscal year 2007 resulting from a default by either borrowers or the securities lending agents.

Id, at p. 31.

State Street's admissions in the agreed cease-and-desist order (which is accessible above) makes clear that these statements are likely false and Washington State should have known this.

White further asserts the totality of evidence establishes facts tending to prove that while this fraud was occurring in 2007, WSIB and State Street had inappropriately allocated significant parts of Washington State's fixed-income investments to

[4] Accessible at: https://churchofthegardens.org/pdf/archive/WSIB_2007_Report.pdf

mortgage-backed securities knowing that MSBs may not be enforceable.

Further, White asserts as a factual matter that a reasonable person having knowledge of these circumstances would conclude that those officials who operated the political branches at that time likely enacted this change to judges' retirements to incentivize elected and appointed judges to uphold the enforceability of MBS, as if they were the equivalent to traditional mortgages.

G. Summary Judgment Order Granting Reformation.

On September 7, 2023, the trial court through elected superior court judge Forbes granted CTX mortgage successor's motion for summary judgment (reformation) and denied White's cross-motions for summary judgment; amended orders later listed the materials considered in reaching these adjudications (CP 1418–1423; CP 1425–1439).

H. Reconsideration (Sept. 2023).

White filed a motion for reconsideration of judicial officer

Forbes' order on September 14, 2023. CP 1440–1455. White moved under CR 59(a)(1), (7), (8), and (9), arguing the court committed multiple errors materially affecting his rights. The court denied his cross motion on the erroneous ground that U.S. Bank was not timely served, despite Washington Supreme Court Order No. 25700-B-697 expressly authorizing e-service during the relevant period, and even after U.S. Bank's counsel admitted receipt within the required deadline. The court further erred by making factual findings during summary judgment proceedings—"authenticating" the purported promissory note—despite White's objections and the disputed nature of that fact, which should have been reserved for trial. Finally, White asserted the irregular rulings and premature factfinding reflect judicial bias and violations of due process, warranting reconsideration and possible disqualification of the presiding judge.

I. White timely raised Limitations and laches judicial inquiries below.

In White's Answer and Affirmative Defenses, and in briefing on White's CR 56 cross-motion and in opposition to the mortgage successor's CR 56 motion, White asserted statutes of limitation and laches barred suit by the latest mortgage successor to reform the property description set forth in the deed of trust. *See* CP 139–140; 1340–1342 at pp. 1:22–3:14; CP 397 at p. 2:6–12; CP 400 at pp. 5:9–6:23.

J. Court of Appeals proceedings.

White timely appealed the trial court's summary judgment. (CP 1477–1478). White filed his original overlength Opening Brief on June 3, 2024, together with a motion to file an overlength brief. On June 4, 2024, a Commissioner denied this motion notwithstanding White's counsel asserted the filing of an overlong brief was necessary so as to fairly present White's arguments. White then obediently filed a shorter brief on July 3, 2024.

Division II then notified the parties there would be no oral argument. (**App. 4**, Jan. 6, 2025). On December 30, 2024, White

filed a motion to be allowed to present oral argument. On January 6, 2025, that motion was denied.

In its decision, Division II affirmed the summary judgment by refusing to consider White's merits arguments based on procedural grounds. In this regard, Division II stated that several arguments "either fail or are abandoned due to inadequate briefing" (**App. 1** at p. 3). White categorically disputes this. White asserts this is patent nonsense being asserted by Washington State's judicial officials to avoid adjudicating those judicial inquiries he has presented. White knows the game.

White moved to both publish and reconsider Division II's unpublished opinion. Division II denied publication (**App. 2**, July 1, 2025) and then subsequently denied reconsideration (**App. 3**, Aug. 27, 2025). Neither of these decisions set forth any reasoning supporting either result.

V. ARGUMENT

A. Division II's decision conflicts with Bain and the DTA's PETE/holder requirement. *(RAP 13.4(b)(1)–(2), (4))*

White challenged in his answer and affirmative defenses that the latest successor of CTX's interest in the mortgage did not have standing to enforce the mortgage for purposes of reforming the deed of trust. Thus, the burden was on the successor in interest plaintiff in this case to prove its standing to reform the language of the deed of trust. *Bain v. Metro. Mort. Grp.*, *supra*.,

White argued that only the holder of the promissory note White signed could enforce the deed of trust for successors of the mortgage. *See e.g. Restatement Third of Mortgages.* White also relied on *Bain's* holding that only the holder of the promissory note (or a party otherwise a person entitled to enforce under RCW 62A.3-301) qualifies as a "beneficiary" under the language of the Note having enforcement authority under the Deed of Trust Act (RCW 61.24.005).

Division II nonetheless affirmed reformation in favor of the successor of the mortgage without requiring proof the bank possessed the original note or otherwise established PETE status. That approach effectively permits a purported assignee of a deed

of trust to obtain substantive relief based on the promissory Note without ever having to satisfy those contractual, statutory, and organic law requirements in effect in 2006 for the enforcement of the promissory Note instrument White signed.

This ruling under the circumstances of this case appears purposely designed to allow Washington courts to circumvent the very statutory and contractual circumvention *Bain* rejected.

Review is warranted under these facts to restore the public's faith that Washington's courts through its elected and appointed judicial officers are appropriately exercising this State government's judicial power and to reaffirm that where standing to enforce a Note instrument is challenged, unbiased judicial officers will engage in a meaningful adjudication of that issue by way of a trial involving disputed material fact issues.

B. Fact-finding performed by a judicial officer at summary judgment without the opportunity for a trial violates procedural and constitutional norms. ***(RAP 13.4(b)(1)–(3), (4))***

At the SJ argument, the trial court *personally* (through its

judicial officer, *see* RCW 2.28.030[5]) inspected and "authenticated" the purported original note—over objection—and treated that inspection as resolving **authenticity/standing** for CR 56 purposes.

This was obviously inappropriate fact-finding. Contested authenticity (like credibility and weight) is for the ***trier of fact***, not the judge at summary judgment. *See, e.g.*, *Seven Gables Corp. v. MGM/UA Ent., Inc.*, 106 Wn.2d 1, 13–14 (1986) (no weighing of evidence on summary judgment); *Tolan v. Cotton*, 572 U.S. 650, 656–60 (2014) (per curiam) (court must not resolve factual disputes or credit one side's evidence); *Reeves v. Sanderson Plumbing*, 530 U.S. 133, 150–51 (2000) (no

[5] RCW 2.28.030 provides that elected and appointed "judges" are judicial officers who are not qualified to act as "judges" in cases in which they have an interest in the outcome: "A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he or she is a member in any of the following cases:
(1) In an action, suit, or proceeding to which he or she is a party, or in which he or she is directly interested.

credibility determinations at the summary-judgment stage); *Anderson v. Liberty Lobby*, 477 U.S. 242, 255 (1986) (same).

Scholarly analysis underscores why the Division Two's approach is improper—and likely unconstitutional when judicial officers purporting to act as qualified "judges" pursuant to RCW 2.28.030 decide those fact issues which have historically been decided by appropriate fact finders after a trial. *See e.g.* Suja A. Thomas, "*Why Summary Judgment Is Unconstitutional*," 93 Va. L. Rev. 139 (2007) (arguing modern summary judgment displaces the civil jury's historic role under the Seventh Amendment); Craig M. Reiser, *"The Unconstitutional Application of Summary Judgment in Factually Intensive Cases,"* 11 U. Pa. J. Const. L. 1015 (2009) (even if facially valid, applications like resolving authenticity/credibility at SJ trench on the jury right and due process); Luke Meier, "*Probability, Confidence, and the Constitutionality of Summary Judgment*," 41 Hastings Const. L.Q. 587 (2014) (critiquing courts' probabilistic

shortcuts and defending stricter limits to protect the jury function).

Policy critiques likewise rebut the notion that stretching SJ arguments to adjudicate fact issues is justified by efficiency or anything else: Bronsteen, John, *Against Summary Judgment*, 75 Geo. Wash. L. Rev. 522 (2007), and D. Theodore Rave, *Questioning the Efficiency of Summary Judgment*, 81 N.Y.U. L. REV. 875, 883 (2006) both show that aggressive SJ can reduce accuracy and legitimacy. Even scholars who defend the summary judgment process in principle acknowledge its limits—judges may not resolve disputed facts or authenticate contested evidence at the dispositive stage. *See, e.g.*, Brian T. Fitzpatrick, "*Originalism and Summary Judgment*," 71 Vand. L. Rev. 171 (2018) (defending SJ's constitutionality while accepting fact-finding is out of bounds). *Cf.* Honorable Diane P. Wood, "*Summary Judgment and the Law of Unintended Consequences*," 36 Oklahoma City University Law Review 231 (2011) (A federal appellate judge shows how SJ can distort litigation and burdens

of proof; not a constitutional attack, but persuasive authority demonstrating SJ can misfire and raise systemic risks to truthful fact finding.)

Additionally Supreme Court precedent squarely holds independent courts operated by judges cannot take away from litigants their right to have their cases decided by appropriate fact finders **based on the evidence presented at a trial** (as opposed to assertions of fact made during SJ argument). *See e.g.* *Sartor v. Arkansas Nat. Gas Corp.*, 321 U.S. 620, 627–28 (1944) (affidavits from interested witnesses do not authorize summary judgment; credibility issues must be determined at a trial); *Poller v. Columbia Broad. Sys., Inc.*, 368 U.S. 464, 473 (1962) (summary judgment to be used *sparingly* where issues turn on motive/intent; factual disputes belong at trial); *Anderson v. Liberty Lobby, Inc.*, *supra*. (no credibility determinations at summary judgment); *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986) (court may not weigh evidence; asks only whether a *genuine* dispute exists); *Reeves v. Sanderson*

Plumbing Prods., Inc., 530 U.S. 133, 150–51 (2000) (at SJ the court may not make credibility determinations or weigh evidence; must draw all reasonable inferences for the nonmovant and require factual findings to be adjudicated by way of a trial); *Tolan v. Cotton*, 572 U.S. 650, 656–60 (2014) (per curiam) (reversing where the lower court resolved factual disputes at summary judgment because those judicial inquiries are for trial). *Cf.* *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 510–11 (1959) (courts may not use equitable devices to short-circuit the jury's role as the fact finder related to legal issues).

C. Structural incentives that compromise the independence of courts and the neutrality of judicial officers forbid fact-finding by a trial court whose judicial officers have been economically incentivized by the political branches of government to enforce mortgage-backed securities as if they were traditional mortgages. ***(RAP 13.4(b)(2), (4))***

For centuries, rule of law has rested on two paired safeguards: a neutral decision-maker and an independent court. In our tradition, due process under the Fifth and Fourteenth

Amendments and Wash. Const. art. I, § 3 secure those guarantees.

The maxim *nemo judex in causa sua* ("no one may be a judge in his own cause") is part of the natural-law inheritance the Nation's Founders recognized as being incorporated as part of the due process protected by the Constitution. *See* *Calder v. Bull*, 3 U.S. (3 Dall.) 386, 387–88 (1798) (Chase, J.) (appealing to fundamental principles embedded in our constitutional order); *Fletcher v. Peck*, 10 U.S. (6 Cranch) 87, 133 (1810) (acknowledging judicial officer neutrality and independence of courts as institutions as universally accepted limits on adjudicatory power); *In re Murchison*, 349 U.S. 133, 136–37 (1955) ("a fair trial in a fair tribunal" is a basic requirement of due process). *Cf.* RCW 2.28.030 (enumerating judicial powers and the duty to exercise them lawfully).

These same safeguards are recognized as human rights in public international law. After World War II, fair-trial principles were articulated in the judgments and legal settlements that

followed and were soon codified and clarified in global instruments. For example, Article 10 of the *Universal Declaration of Human Rights (1948)* sets forth the right to a fair and public hearing by an **independent** and **impartial tribunal** as a widely accepted baseline of customary standards. Article 14(1) of the *International Covenant on Civil and Political Rights (1966)*—a binding treaty for State Parties—uses the same formulation. *See also U.N. Basic Principles on the Independence of the Judiciary* (1985) and the *Bangalore Principles of Judicial Conduct* (2002), which, while nonbinding, reflect the international consensus that courts must be institutionally **independent** and that the judges of such courts must be **impartial** in both appearance and fact[6]. Indeed, it is White's

[6] Comparable guarantees appear across regional human-rights instruments, reinforcing the global baseline of an independent court and impartial partial judge tribunal: European Convention on Human Rights art. 6(1) (1950) (right to a fair and public hearing by an independent and impartial tribunal), American Convention on Human Rights art. 8(1) (1969) (right to a hearing, with due guarantees, by a competent, independent, and impartial tribunal), and African Charter on Human and Peoples' Rights art.

position that since the Nuremberg Judges' trial most nations have since incorporated these norms into domestic laws, which White asserts reflect the public international law binding on all nations at this point in time.

Under our domestic precedents, those principles have concrete consequences: due process is violated where a judge has a direct**,** personal**,** substantial interest or where **institutional incentives** create an **intolerable risk of bias**. *See* *Tumey v. Ohio*, 273 U.S. 510, 523 (1927); *Ward v. Monroeville*, 409 U.S. 57, 61–62 (1972); *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876–87 (2009); *Williams v. Pennsylvania*, 579 U.S. 1, 8–10 (2016). White asserts, among other things, that the foregoing controlling precedents articulate the global baseline against which Washington's own due-process and other organic law commitments must be measured when purporting to provide

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7(1) (1981) (right to be heard by an impartial court). *See also* the Commonwealth (Latimer House) Principles (2003) (judicial independence and impartiality as cornerstones of the rule of law).

justice through the exercise of judicial power. Namely, that an adjudicatory tribunal must be both **independent** (free from institutional incentives) and **impartial.**

In summary, White contends that the public records he presented to the superior court establish an institutional alignment created by the political branches in 2007 which was intended to and did encourage judicial enforcement of mortgage-backed securities for the benefit of all government officials (including Judges) and their money changer allies, like State Street Bank. *See* e.g. *Tumey v. Ohio*, supra.; *Ward v. Monroeville*, supra.; *Caperton v. A.T. Massey*, supra.; and *Williams v. Pennsylvania*, supra. *See also* Cain v. White, 937 F.3d 446 (5th Cir. 2019) and Caliste v. Cantrell, 937 F.3d 525 (5th Cir. 2019).

Those structural concerns are, of course, especially acute in a case like this one.

D. Division II's decision reflects gatekeeping based on procedural rules contrary to RAP 1.2(a), in a recurring area of substantial public interest. *(RAP 13.4(b)(2), (4))*

Division II declined to reach several preserved, dispositive issues (including standing/PETE, limitations, and laches) on the ground that arguments appeared in the "wrong" sections or referenced filings, citing RAP 10.3, 10.4, 18.17—and it also denied oral argument. But RAP 1.2(a) commands liberal interpretation of the rules "to promote justice" and directs that cases **not** be determined on rule compliance "except in compelling circumstances." Where, as here, the record and briefing squarely presented the disputes (and cross-motions sharpened them), the appellate court should have addressed the merits or ordered a short corrective filing—not used formatting to close the gate. This case is an apt vehicle to reaffirm RAP 1.2(a)'s primacy and to provide guidance against *format-over-merits* adjudication in high-volume mortgage litigation that affects families' homes.

E. Limitations and laches were preserved and are dispositive; Division II erred by refusing to reach White's arguments in this regard. *(RAP 13.4(b)(1)–(2), (4))*

1. Statutes of limitation defenses.

Actions upon a written contract carry a six-year limit (RCW 4.16.040(1)); fraud-based claims carry three years with discovery principles (RCW 4.16.080). U.S. Bank's own filings identify the first alleged covenant breach in 2006 (with later alleged breaches in 2009, 2010, 2013). CP 16–18.

The reformation complaint which started this case was filed October 3, 2018—well beyond six years after the most recent CTX successor complained its predecessors had first been injured by White's breach of the deed of trust.

White pleaded and briefed limitations arguments below and moved for summary judgment on that basis. On this record, those limitations are an outcome-determinative legal defense, which the trial court through its challenged judicial officer Forbes had no legitimate basis for rejecting.

2. White's Laches outcome determinative defenses.

White also pleaded laches and presented evidence of prejudice from the lengthy delay. But the superior court was not interested in adjudicating this claim and did not do so.

Equity does not assist a party that sleeps on its rights to the defendant's detriment. White's equity defenses were preserved in the Answer, argued in opposition and cross-motion, and supported by record citations. Division II's refusal to address them on the *merits*—invoking briefing "deficiencies"—conflicts with RAP 1.2(a) and undermines the goal of deciding cases on legally dispositive grounds where available. Review is appropriate to correct course and to provide clarity on applying RCW 4.16.040 / 4.16.080 and laches in deed-of-trust reformation cases.

CONCLUSION.

Discretionary review should be granted for the reasons stated herein.

DATED this 26th day of September, 2025, at Arlington, Washington.

Respectfully submitted by:

s/ Scott E. Stafne

Scott. E. Stafne, WSBA No. 6964

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APPENDICES

Appendix 1: Court of Appeals Unpublished Opinion (May 20, 2025).

Appendix 3: Order Denying Motion to Publish (July 1, 2025).

Appendix 2: Order Denying Motion for Reconsideration (August 27, 2025).

Appendix 4: Order Denying Oral Argument (January 6, 2025)

CERTIFICATE OF COMPLIANCE

I hereby certify that my word processing program, Microsoft Word counted a total of 4,975 words, exclusive of the portions excluded by Rule 18.17(b).

s/ Scott E. Stafne WSBA No. 6964
Scott. E. Stafne

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the Appellant's Court Portal utilized by the Washington State Appellate Court electronic filing system, which will provide service of these documents to those attorneys of record.

DATED this 26th day of September, 2025.

By: *s/ Scott E. Stafne* WSBA No. 6964
Scott E. Stafne

APPENDIX 1

Filed
Washington State
Court of Appeals
Division Two

May 20, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST, Respondent, v. ALVIN B. WHITE, in his individual capacity and as Trustee for the White Revocable Living Trust dated January 6, 2010; COLUMBIA STATE BANK successor-in-interest to AMERICAL MARINE BANK, a corporation; NORTHWEST BANK successor-in-interest to REGAL FINANCIAL BANK, a corporation; EXCELSIOR MORTGAGE EQUITY FUND II, LLC, an Oregon limited liability company; MICHAEL SODERSTROM, an individual; and DOES 1 through 20, inclusive, Appellant.	No. 58849-8-II UNPUBLISHED OPINION

VELJACIC, A.C.J. — Alvin White appeals the trial court's orders granting U.S. Bank National Association's (U.S. Bank) motion for summary judgment, denying his cross-motion for summary judgment, and denying his motion for reconsideration. He argues that the court erred in granting summary judgment because it "refused to conduct a proper judicial inquiry" for all of his pleadings filed below. Br. of Appellant at 6. Because White's arguments either fail or are abandoned due to inadequate briefing, we affirm.

FACTS[1]

On November 16, 2005, Alvin White obtained a loan from CTX Mortgage Company, LLC (CTX), secured by a promissory note (Note), for $898,000. A deed of trust was executed, establishing an encumbrance on White's property. The deed of trust labeled First American Title Insurance as the trustee, CTX as the lender, and Mortgage Electronic Registration Systems, Inc. (MERS) as the beneficiary.

On January 19, 2006, White filed a quiet title action to acquire a triangular strip of land adjoining his lot in Kitsap County. According to White, "the common line to [White's] property and the adjoining property" mistakenly or inadvertently omitted the area of dispute when it was defined around 1910. Clerk's Papers (CP) at 61. The court quieted title for the triangular strip to White, rendering the original legal description in the deed of trust inaccurate.

Eventually, the beneficial interest under the deed of trust was transferred and assigned to U.S. Bank Trust, as trustee for LSF9 Master Participation Trust (LSF9). In 2018, LSF9 filed a complaint against White seeking declaratory relief and reformation of the deed of trust based on the fact that the legal description of White's property had changed.[2] On October 21, 2021, LSF9 transferred and assigned the beneficial interest under the deed of trust to U.S. Bank National Association as Legal Title Trustee for Truman 2016 SC6 Title Trust (U.S. Bank), the respondent in this appeal. After this occurred, U.S. Bank moved to substitute for LSF9 in the pending action, which was subsequently granted.

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[1] Because we decline to address the merits for a majority of the case, we are providing only a summary of the underlying facts.

[2] LSF9 also filed the action against Columbia State Bank, American Marine Bank, Northwest Bank, Regal Financial Bank, Excelsior Mortgage Equity Fund II, LLC, and Michael Soderstrom, which all apparently had or may have claimed an interest in the property.

On June 7, 2023, U.S. Bank filed a motion for summary judgment. White filed a cross-motion for summary judgment on July 28, 2023.

At the hearing on the motions for summary judgment, U.S. Bank referenced the fact that White quieted title to his property, resulting in the legal description of the property being different than the original description listed in the deed of trust held by U.S. Bank. And U.S. Bank emphasized that White pursued the quiet title action on the basis of a scrivener's error. U.S. Bank also presented the Note with the wet signature to the court. After inspecting the Note, the court determined it was authentic. Ultimately, the court granted U.S. Bank's motion for summary judgment and denied White's cross-motion for summary judgment. White moved for reconsideration, which was denied.

White appeals.

ANALYSIS

I. WHITE'S ARGUMENTS EITHER FAIL OR ARE ABANDONED DUE TO INADEQUATE BRIEFING

White argues that the court "refused to conduct a proper judicial inquiry" with respect to his cross-motion for summary judgment, opposition to U.S. Bank's motion for summary judgment, objection to the court "adjudicating [the] [c]ase," motion for reconsideration, and evidentiary objections. Br. of Appellant at 7. White's arguments either fail or are abandoned due to inadequate briefing.[3]

[3] Specifically, some of White's arguments are abandoned due to insufficient briefing because he failed to comply with RAP 10.3, 10.4, and 18.17.

Generally, appellate courts "decide a case only on the basis of issues set forth by the parties in their briefs." RAP 12.1. The Rules of Appellate Procedure[4] govern briefs filed in this court, and they dictate requirements regarding the contents and length of a party's submission. RAP 10.3 (explaining the contents required in a brief); RAP 10.4 (explaining that the format and length of a brief shall comply with RAP 18.17); RAP 18.17(c) (explaining that an appellant's brief should be no more than 12,000 words unless the party receives authorization from the court). With respect to the "statement of the case" in an opening brief, a party must contain a "fair statement of the facts and procedure relevant to the issues presented for review, *without argument*." RAP 10.3(a)(5) (emphasis added). And in the "argument" section of an opening brief, a party needs to include "citations to legal authority and references to relevant parts of the record." RAP 10.3(a)(6).

Assignments of error in an opening brief that are unsupported by sufficient argument and citation to authority will not be considered by an appellate court. *See Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801, 809, 828 P.2d 549 (1992); *State v. Hoffman*, 116 Wn.2d 51, 71, 804 P.2d 577 (1991). This is based on the understanding that "[p]assing treatment of an issue or a lack of reasoned argument is insufficient to merit judicial consideration." *Holland v. City of Tacoma*, 90 Wn. App. 533, 538, 954 P.2d 290 (1998). Critically, "[a] party may not incorporate, by reference," pleadings filed below into appellate briefs. *Mine Holding Tr. v. Pavlish*, 32 Wn. App. 2d 727, 739, 559 P.3d 517 (2024). Issues that rely on "incorporated arguments by reference" in place of adequate, reasoned arguments are deemed abandoned. *Id.* at 740. It is only appropriate to reference pleadings below when notifying an appellate court that the

[4] RAP 10.3 uses the word "should" instead of "must," suggesting that a party does not have to comply with the rules. *See, e.g.*, RAP 10.3(a)(5) ("The brief of the appellant . . . *should* contain" a "[f]air statement of the facts and procedure relevant to the issues presented for review, without argument." (Emphasis added.)). As demonstrated below, however, courts treat these rules as mandatory.

party "raised the question before the trial court." *Id.* The justifications for prohibiting incorporation by reference are twofold. First, enabling this behavior would render "the Rules of Appellate Procedure . . . *meaningless*." *State v. Kalakosky*, 121 Wn.2d 525, 540 n.18, 852 P.2d 1064 (1993) (emphasis added). Second, it would also undercut the "primary purpose of the rules:" affording "fairness and notice of the scope of review to the court and all litigants." *Id.* To that end, this conduct would negatively affect judicial economy because an "appellate court[] would have to search trial court records and clerk's papers and address all issues raised below." *Id.*

Even though this may be a harsh result for a party, courts have consistently applied the Rules of Appellate Procedure in similar scenarios. *See, e.g.*, *Holland*, 90 Wn. App. at 537-38 (concluding the appellant abandoned "several assignments of error for which he . . . included no argument in his appellate brief"); *US W. Commc'ns, Inc. v. Wash. Utils. & Transp. Comm'n*, 134 Wn.2d 74, 112, 949 P.2d 1337 (1997) (denying a party's efforts to "incorporate by reference part of its trial brief," because "it would allow [it] to violate the page limitations for briefing"); *Edwards v. Le Duc*, 157 Wn. App. 455, 459 n.5, 238 P.3d 1187 (2010) (denying review of an argument that was presented before the commissioner, but not included in their brief).

Here, White's only assignment of error pertains to the court's alleged refusal to "conduct a proper judicial inquiry" regarding his submissions below. Br. of Appellant at 6. At the outset, White fails to comply with RAP 10.3(a)(5) when structuring his statement of the case in the opening brief. Rather than explaining the proceedings below, White intermingles the facts with numerous assertions, which appear to comprise his argument. Moreover, the "statement of the case" includes extraneous facts without explanation in the argument as to how they are relevant to the assignment of error.

More importantly, however, White fails to provide substantive argument throughout his entire opening brief. Again, White makes numerous assertions throughout his brief. And in all instances, White either cites to no authority, provides *little* authority, or "incorporates [his] arguments [from pleadings filed below] herein." Br. of Appellant at 47-51, 61, 64-65, 67.

There are only two assertions that White supports with some authority, rather than impermissibly incorporating by reference arguments from his trial court briefing.[5] First, White asserts that U.S. Bank does not have the ability to reform the deed of trust under our Supreme Court's decision in *Bain v. Metropolitan Mortgage Group, Inc.*, 175 Wn.2d 83, 285 P.3d 34 (2012). *See* Br. of Appellant at 36 (arguing that *Bain* stands for the proposition that the "holder of [a] deed of trust is not a beneficiary").

White's briefing regarding U.S. Bank's authority to reform the deed of trust lacks sufficient, reasoned argument supported by applicable authority. Even so, *Bain* does not support White's position. 175 Wn.2d at 110 (concluding MERS was not a "beneficiary within the terms of the Washington Deed of Trust Act," because MERS "never held the promissory note or other debt instrument secured by the deed of trust") (internal quotation marks omitted); *see* RCW 61.24.030(7)(a) (explaining that "[a] declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the holder of any promissory note or other obligation secured by the deed of trust shall be sufficient proof" for a trustee's sale). *Bain* does not stand for the proposition that all beneficiaries cannot be note holders. 175 Wn.2d at 110.

[5] In the few instances White provides authority, he either provides internal references, which are vague and of no help, cites to large portions of the RCW without further explanation, or cites to *Bain v. Metropolitan Mortgage Group, Inc.*, 175 Wn.2d 83, 285 P.3d 34 (2012). As we address below, we do not agree with White's reading of *Bain*.

Moreover, here, U.S. Bank demonstrated that it was in possession of the Note secured by the deed of trust, which was authenticated by the court. White then contends that the trial court could not authenticate the note. But White fails to provide reasoned argument or authority in his brief demonstrating that a court does not have the authority to authenticate a promissory note. *DeHeer v. Seattle Post-Intelligencer*, 60 Wn.2d 122, 126, 372 P.2d 193 (1962) ("Where no authorities are cited in support of a proposition, the court is not required to search out authorities, but may assume that counsel, after diligent search, has found none."); *Cowiche Canyon Conservancy*, 118 Wn.2d at 809. Nor does he present contrary evidence, rather than mere assertions, sufficient to establish a genuine issue of material fact as to the authenticity of the note. White's arguments[6] relying on *Bain* fail.

Second, White, relying on RCW 62A.3-203(d), claims that MERS, the original beneficiary listed in the deed of trust, lacked the capacity to transfer a partial interest in the Note. Again, this argument is supported by insufficient briefing because White does not explain how RCW 62A.3-203(d) is applicable to this case, nor does he provide authority and reasoned analysis supporting his assertion. While White does provide more explanation on this issue in his reply brief, that comes too late to warrant review. Failure to provide sufficient argument in an opening brief waives

[6] The related arguments include, but are not limited to: (1) Both LSF9 and U.S. Bank "failed to demonstrate that it had standing or possessed the original paper Note signed by White in wet ink." Br. of Appellant at 21; (2) The assignment of the deed of trust "could not create or assign any right the Lender, i.e. CTX MORTGAGE COMPANY, LLC, may have once had to transfer the Note except to a *Note Holder* within the meaning of the Note agreement and applicable statutory law." Br. of Appellant at 26-27. Consequently, U.S. Bank cannot demonstrate "its chain of title status as a successor to the Lender in the manner required by *Bain v. Metropolitan. Mortg. Group, Inc.*, [175 Wn.2d 83] (2012)." Br. of Appellant at 48; (3) "MERS *as the holder of the [deed of trust]* has no right to transfer any beneficial interest in the Note or payment obligations under the Note because RCW 62A.3-203(d) prevents partial interest in the Note from being enforceable through the deed of trust. Furthermore, it is White's position that unless MERS demonstrates an agency relationship with CTX Mortgage it has no right to assign any of CTX Mortgage's interest in the promissory note." Br. of Appellant at 35-36.

the issue. *See Cowiche Canyon Conservancy*, 118 Wn.2d at 809; RAP 10.3(a), (c). Therefore, this argument fails.

The remainder of White's assertions include no citation to authority or he supports them by incorporating his pleadings filed below.[7] In his argument section, White cites to authority regarding the applicable standards of review, but the remainder of the section consists of bald assertions.

This case is unique compared to other instances where courts have declined review on some issues pursuant to RAP 10.3(a)(6) but nevertheless addressed the merits for the majority of the remaining arguments. *See, e.g.*, *Holland*, 90 Wn. App. at 537-38; *US West Commc'ns, Inc.*, 134 Wn.2d at 111-13; *Edwards*, 157 Wn. App. at 459 n.5. Due to the breadth of White's inadequate briefing here, our declination is warranted. *See Holland*, 90 Wn. App. at 537-38. To be clear, it is apparent that White is not referencing relevant parts of the record as required by RAP 10.3(a)(6); instead, he is incorporating the pleadings below in substitution of a fleshed-out argument in his opening brief. *Contra Mines Holding Tr.*, 32 Wn. App. 2d at 741 (concluding that the appellant provided sufficient briefing for the respondent to respond even though they incorporated arguments by reference to pleadings filed below). And unlike *Mines Holding Trust* where the party "likely would not have exceeded the [word] limitation" by inserting the portions of their pleadings filed below, *Id.*, it is apparent that White incorporated his arguments *to* avoid the word-length requirements dictated by RAP 18.17(c)(2). White's opening brief was 11,778 words, only

[7] These arguments include, but are not limited to: (1) "BANA's purported assignment of the [deed of trust] to the First Plaintiff could not transfer to the First Plaintiff any more interest in the 2005 Note than was transferred to it by MERS," Br. of Appellant at 37; (2) U.S. Bank's action to reform the deed of trust to reflect the new legal description of White's property was brought after the statute of limitations had run; and (3) The court erred by declining to "afford White discovery pursuant to CR 56(f)," Br. of Appellant at 51; (4) the court demonstrated "constitutionally intolerable bias in favor of" LSF9 and U.S. Bank, Br. of Appellant at 42.

222 words shy of the limit. Because of this, there is no plausible way one could include the contents of five pleadings[8] in the opening brief and still meet the word-length requirement. White, in fact, struggled to meet this requirement with his first attempt at filing his opening brief because it was denied for that very reason.[9]

Therefore, White's arguments either fail or are abandoned due to inadequate briefing.

II. ATTORNEY FEES ON APPEAL

U.S. Bank requests attorney fees on appeal pursuant to RAP 18.1 on the basis that White's appeal is frivolous. Because U.S. Bank does not provide authority outside of RAP 18.1 to award attorney fees, we decline its request.

Under RAP 18.1(a), a court may award attorney fees on appeal "[i]f applicable law grants to a party the right to recover," and they dedicate a section of their brief to the request. And, separately, under RAP 18.9(a), a court "on its own initiative or on motion of a party may order" sanctions if a "party or counsel . . . files a frivolous appeal."

Here, U.S. Bank does not provide any independent statutory authority that allows for recovery of attorney fees under RAP 18.1. Instead, in what may be support for fees under RAP 18.9(a), it relies on *In re Recall of City of Concrete Mayor Robin Feetham*, 149 Wn.2d 860, 72 P.3d 741 (2003), to support that White's appeal is frivolous. But U.S. Bank did not explicitly request sanctions under RAP 18.9(a). Because it did not request sanctions under RAP 18.9(a), and provided no basis for an award under RAP 18.1(a), we decline to award attorney fees.

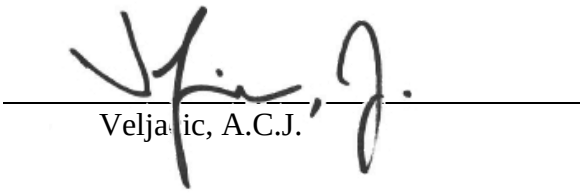
CONCLUSION

[8] White's cross-motion for summary judgment, opposition to U.S. Bank's motion for summary judgment, objection to the court "adjudicating [the] case," motion for reconsideration, and evidentiary objections. Br. of Appellant at 7.

[9] White's first (rejected) brief was 15,252 words in length.

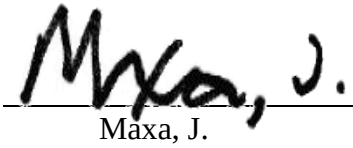
Accordingly, we affirm.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

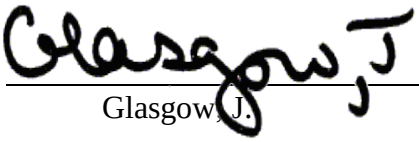


Veljačić, A.C.J.

We concur:



Maxa, J.



Glasgow, J.

APPENDIX 2

Filed
Washington State
Court of Appeals
Division Two

July 1, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

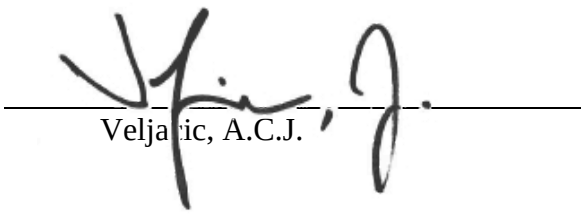
U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST, Respondent, v. ALVIN B. WHITE, in his individual capacity and as Trustee for the White Revocable Living Trust dated January 6, 2010; COLUMBIA STATE BANK successor-in-interest to AMERICAL MARINE BANK, a corporation; NORTHWEST BANK successor-in-interest to REGAL FINANCIAL BANK, a corporation; EXCELSIOR MORTGAGE EQUITY FUND II, LLC, an Oregon limited liability company; MICHAEL SODERSTROM, an individual; and DOES 1 through 20, inclusive, Appellant.	No. 58849-8-II ORDER DENYING MOTION TO PUBLISH

Appellant, Alvin B. White, moves this court to publish its May 20, 2025 opinion. After consideration, we deny the motion. It is

SO ORDERED.

Panel: Jj. Maxa, Glasgow, Veljacic

FOR THE COURT:



Veljacic, A.C.J.

APPENDIX 3

Filed
Washington State
Court of Appeals
Division Two

August 27, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

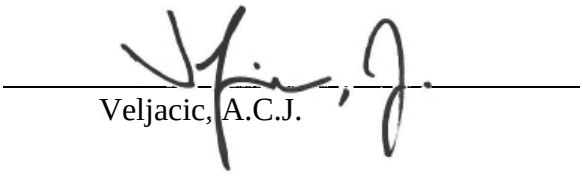
U.S. BANK NATIONAL ASSOCIATION AS LEGAL TITLE TRUSTEE FOR TRUMAN 2016 SC6 TITLE TRUST, Respondent, v. ALVIN B. WHITE, in his individual capacity and as Trustee for the White Revocable Living Trust dated January 6, 2010; COLUMBIA STATE BANK successor-in-interest to AMERICAL MARINE BANK, a corporation; NORTHWEST BANK successor-in-interest to REGAL FINANCIAL BANK, a corporation; EXCELSIOR MORTGAGE EQUITY FUND II, LLC, an Oregon limited liability company; MICHAEL SODERSTROM, an individual; and DOES 1 through 20, inclusive, Appellant.	No. 58849-8-II ORDER DENYING MOTION FOR RECONSIDERATION

Appellant, Alvin B. White, moves this court to reconsider its May 20, 2025 opinion. After consideration, we deny the motion. It is

SO ORDERED.

Panel: Jj. Maxa, Glasgow, Veljacic

FOR THE COURT:



Veljacic, A.C.J.

APPENDIX 4

Filed
Washington State
Court of Appeals
Division Two

January 6, 2025

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

U.S. BANK TRUST, N.A., as Trustee for LSF9 MASTER PARTICIPATION TRUST, Respondent, v. ALVIN B. WHITE, in his individual capacity and as trustee for the White Revocable Living Trust dated January 6, 2010; COLUMBIA STATE BANK successor-in-trust to AMERICAL MARINE BANK, a corporation; NORTHWEST BANK successor-in-trust to REGAL FINANCIAL BANK, a corporation; EXCELSIOR MORTGAGE EQUITY FUND II, LLC, an Oregon limited liability company; MICHAEL SODERSTROM, and individual; and DOES 1 through 20, inclusive, Appellants.	No. 58849-8-II ORDER DENYING MOTION FOR ORAL ARGUMENT

Appellant, Alvin B. White, moves this court to set the above matter as an oral argument. After consideration, we deny the motion. This matter continues to be set on the court's March 21, 2025 docket as a non-oral argument. It is

SO ORDERED.

Panel: Jj. Maxa, Glasgow, Veljacic

FOR THE COURT:

Acting Chief Judge

STAFNE LAW ADVOCACY & CONSULTING

September 26, 2025 - 2:49 PM

Transmittal Information

Filed with Court:	Court of Appeals Division II
Appellate Court Case Number:	58849-8
Appellate Court Case Title:	US Bank National Association, Respondent v Alvin B. White, et al, Appellants
Superior Court Case Number:	18-2-02682-4

The following documents have been uploaded:

- 588498_Petition_for_Review_20250926144442D2241884_6015.pdf
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A copy of the uploaded files will be sent to:

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