

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Nov 07, 2014, 12:16 pm
BY RONALD R. CARPENTER
CLERK

Supreme Court No. 90509-6
(Court of Appeals No. 70592-0-1)

E CRF
RECEIVED BY E-MAIL

**SUPREME COURT
OF THE STATE OF WASHINGTON**

ROCIO TRUJILLO,

Plaintiff-Petitioner,

v.

NORTHWEST TRUSTEE SERVICES, INC.,

Defendant-Respondent,

and

WELLS FARGO BANK, N.A.,

Defendant.

NOTICE RE COURT OF APPEALS' MODIFIED DECISION

COLUMBIA LEGAL SERVICES
Matthew Geyman, WSBA #17544
101 Yesler Way, Suite 300
Seattle, WA 98104
(206) 287-9661

Attorneys for Petitioner

 **ORIGINAL**

Petitioner Rocio Trujillo respectfully submits this notice to advise this Court of the Court of Appeals' letter order dated November 3, 2014 (copy attached), modifying the Court of Appeals' June 2, 2014 decision in this matter. Ms. Trujillo believes the modifications are immaterial to her Petition for Review, and that it should be granted for all the same reasons previously stated.

DATED this 7th day of November, 2014.

Respectfully submitted,

COLUMBIA LEGAL SERVICES

Michael Geyhan, #43238 for Matthew Geyhan
Matthew Geyhan, WSBA #17544
101 Yesler Way, Suite 300
Seattle, WA 98104
(206) 287-9661

Attorneys for Petitioner

DECLARATION OF SERVICE

I, Annabell Joya, certify under penalty of perjury under the laws of the State of Washington that on this day I caused a copy of the foregoing document to be served by first-class mail, postage prepaid, upon the following counsel of record:

Lance Olsen
John McIntosh
Joshua S. Schaer
RCO Legal, P.S.
13555 S.E., 36th St., Suite 300
Bellevue, WA 98006

Abraham K. Lorber
Lane Powell, PC
1420 Fifth Ave., Suite 4200
Seattle, WA 98111

Lisa M. von Biela, WSBA #42142
Northwest Justice Project
401 Second Ave. South, Suite 407
Seattle, WA 98104

Sheila M. O'Sullivan, WSBA #28656
Audrey Udashen, WSBA #42868
Northwest Consumer Law Center
520 E. Denny Way
Seattle, WA 98122

Melissa A. Huelsman, WSBA #30935
Law Offices of Melissa A. Huelsman, P.S.
705 Second Avenue, Suite 601
Seattle, WA 98104

Ha Thu Dao, WSBA #21793
787 Maynard Ave. S.
Seattle, WA 98104

Richard Llewelyn Jones, WSBA #12904
1750 112th Ave., N.E., Suite D-151
Bellevue, WA 98004

DATED this 7th day of November, 2014.



Annabell Joya

RICHARD D. JOHNSON,
Court Administrator/Clerk

The Court of Appeals
of the
State of Washington

DIVISION I
One Union Square
600 University Street
Seattle, WA
98101-4170
(206) 464-7750
TDD: (206) 587-5505

November 3, 2014

Lance E. Olsen
Routh Crabtree Olsen PS
13555 SE 36th St Ste 300
Bellevue, WA. 98006-1489
lolsen@rcolegal.com

Abraham K Lorber
Attorney at Law
PO Box 91302
1420 5th Ave Ste 4200
Seattle, WA. 98111-9402
lorbera@lanepowell.com

Rocio Trujillo
33725 - 32nd Ave SW
Federal Way, WA. 98023

Joshua Saul Schaer
Routh Crabtree Olsen, P.S.
13555 SE 36th St Ste 300
Bellevue, WA. 98006-1489
jschaer@rcolegal.com

John Matthew Geyman
Columbia Legal Services
101 Yesler Way Ste 300
Seattle, WA. 98104-2528
matt.geyman@columbialegal.org

CASE #: 70592-0-1
Rocio Trujillo, Appellant v. Northwest Trustee Services, Inc., Respondent
King County No. 13-2-06928-8 SEA

Counsel:

Enclosed please find a copy of the Order Modifying Opinion entered by this court in the above case today.

Sincerely,



Richard D. Johnson
Court Administrator/Clerk

khn

enclosure

c: The Hon. Beth Andrus
Reporter of Decisions
Supreme Court

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION ONE**

ROCIO TRUJILLO, an unmarried woman,)	No. 70592-0-1
)	
Appellant,)	ORDER MODIFYING OPINION
)	
v.)	
)	
NORTHWEST TRUSTEE SEVICES, INC., a Washington corporation,)	
)	
Respondent,)	
)	
WELLS FARGO, NA,)	
)	
Defendant.)	
)	

IT IS HEREBY ORDERED that the opinion in the above case filed on June 2, 2014, be modified as follows:

On page 17 of the slip opinion, second full paragraph, delete the second and third sentences and in their places substitute the following:

"The language of the first sentence of RCW 61.24.030(7)(a) could have more clearly stated that a beneficiary who is the holder of a note is not always the owner of the note. The holder of the note is entitled to enforce it, regardless of ownership."

On page 17 of the slip opinion, third full paragraph, delete the first sentence and in its place substitute the following:

"Nevertheless, when we consider the second sentence of this statute, specifying that a "declaration by the beneficiary . . . stating that [it] is the actual holder of the promissory note . . . shall be sufficient proof as required" under the statute, together with the case authority and other related statutes we have discussed, we must conclude that the required proof is that the beneficiary must be the holder of the note."

No. 70592-0-1
Order Modifying Opinion

On page 19 of the slip opinion, first full paragraph, add a third sentence as follows:

"Thus, as RCW 61.24.030(7)(b) specifies, the successor trustee was "entitled to rely on the beneficiary's declaration as evidence of the proof required" under the statute."

DATED this 3rd day of November 2014.

COX, J.

Jar, J.

Deivide, J.

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2014 NOV -3 AM 11:06

OFFICE RECEPTIONIST, CLERK

To: Annabell Joya
Cc: Matt Geyman
Subject: RE: Trujillo v. Northwest Trustee Services, Inc. and Wells Fargo Bank, N.A., Case No. 90509-6

Received 11-07-2014

Supreme Court Clerk's Office

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Annabell Joya [mailto:Annabell.Joya@ColumbiaLegal.org]
Sent: Friday, November 07, 2014 12:09 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Matt Geyman
Subject: Trujillo v. Northwest Trustee Services, Inc. and Wells Fargo Bank, N.A., Case No. 90509-6

Dear Clerk,

Attached is the following document for filing with the Court:

- Notice re Court of Appeals' Modified Decision

This has been served today upon all counsel of record by first-class mail, postage prepaid.

The case name, case number, and name, phone number, bar number and email address of the attorney filing the document are:

Trujillo v. Northwest Trustee Services, Inc. and Wells Fargo, N.A., No. 90509-6, filed by Matthew Geyman, WSBA #17544, (206) 287-9661, matt.geyman@columbialegal.org.

Thank you.

Annabell Joya, Legal Assistant

Columbia Legal Services

Working Families Project and Basic Human Needs Project

101 Yesler Way, Suite 300 | Seattle, WA 98104 | (206) 287-9664

annabell.joya@columbialegal.org | www.columbialegal.org

[Sign up](#) for newsletters and updates.



Our vision of justice: When people have the necessary tools and opportunity to achieve social and economic justice, a more inclusive and equitable society is possible.

CONFIDENTIALITY STATEMENT: This email and any attachments are for the sole use of the intended recipient(s). This communication and attachments may contain privileged or confidential information. If you feel you have received this message in error, please alert me of that fact and then delete it. Any disclosure, copying, distribution, or use of this communication by someone other than the intended recipient is prohibited.