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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

SNOQUALMIE RIDGE RESIDENTIAL OWNERS ASSOCIATION,

Plaintiff,

v.

JAYAKRISHNAN NAIR, et al.,

Defendants.

No. 13-2-20375-8 SEA

**ORDER VACATING JANUARY 11, 2018 ORDER AND DENYING MOTION FOR SHERIFF'S DEED**

In May 2013, Plaintiff Snoqualmie Ridge Residential Owners Association obtained a judgment—drafted by Plaintiff’s counsel—which states that “the equity of redemption be foreclosed one year after the date of the sale” of Defendant Jayakrishnan Nair’s real property and enjoins waste “until the expiration of the time allowed for redemption.”<sup>1</sup> The judgment also includes language that is inconsistent with the language just quoted.<sup>2</sup>

On October 11, 2017, Plaintiff obtained an Order of Sale, again drafted by Plaintiff’s counsel.<sup>3</sup> The Order authorized the Sheriff to “seize and sell” a specific

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<sup>1</sup> Sub #8 at 5 ¶¶ 8-9.

<sup>2</sup> Id. at 6 ¶ 14.

<sup>3</sup> Sub #69 Exhibit 1.

1 property interest—i.e., Defendant’s property described in the Order *subject to a*  
2 redemption right: “The redemption period following the sale shall be: one (1) year.”<sup>4</sup>

3 On December 8, 2017, the Sheriff sold that property interest—Defendant’s  
4 property subject to a one-year redemption period—to Intervenor Midas Mulligan.<sup>5</sup>

5 On January 11, 2018, Plaintiff filed an Ex Parte Motion for Order Amending  
6 Judgment and Order of Sale,<sup>6</sup> seeking to eliminate Defendant’s redemption right from  
7 the judgment and from the October 11 Order of Sale. Plaintiff did not provide any  
8 evidence to support its three-page motion.<sup>7</sup> Accepting Plaintiff’s allegation of a  
9 “scrivener’s error,”<sup>8</sup> on January 11, a department of the Court granted the motion and  
10 entered an Ex Parte Order Amending Judgment and Order of Sale.<sup>9</sup>

11 On April 5, 2018, Defendant filed a motion to vacate the January 11 Order.<sup>10</sup>  
12 That day, Midas filed a motion for an order compelling the Sheriff to issue a Sheriff’s  
13 deed to Midas.<sup>11</sup> The Court has carefully considered the motions, the papers filed in  
14 support of and opposition to the motions, and oral argument from counsel.  
15

16 Plaintiff and Midas assert that in October 2017, Plaintiff *could have* obtained an  
17 order to seize and sell Defendant’s property *not* subject to redemption. That assertion  
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20 <sup>4</sup> *Id.* at 2; sub #40A (Sheriff’s Levy based on annexed October 11, 2017 Order of Sale).

21 <sup>5</sup> Sub #40A.

22 <sup>6</sup> Sub #43.

23 <sup>7</sup> *Id.*

<sup>8</sup> *Id.* at 2.

<sup>9</sup> Sub #44.

<sup>10</sup> Sub #68.

<sup>11</sup> Sub #74.

1 is debatable given the internal inconsistencies in the judgment.<sup>12</sup> But even if Plaintiff  
2 could have done so, that is not what Plaintiff did. Instead, at Plaintiff's request, the  
3 Sheriff seized and sold a property interest that included a redemption right. Midas  
4 bought a property interest that included a redemption right. And Plaintiff's judgment  
5 was satisfied through the sale of a property interest that included a redemption right.

6 The Court finds that it is irregular, inequitable, and improper to attempt—*after*  
7 the sale—to change the property interest that was seized and sold. The undersigned  
8 judge is confident that the Court would have made the same finding on January 11,  
9 2018, if the Court had been provided with sufficient information at that time.

10 Under each of CR 60(b)(1) and (11), the Court finds and concludes that  
11 Defendant's request to vacate is appropriate and well-founded.  
12

13 Therefore, it is ORDERED that:

- 14 1. Defendant's motion to vacate is granted.<sup>13</sup>
- 15 2. The January 11, 2018 Ex Parte Order Amending Judgment and Order of  
16 Sale is hereby vacated.<sup>14</sup>
- 17 3. Midas's motion for a Sheriff's deed<sup>15</sup> is denied at this point in time.

18  
19 May 9, 2018



20 Judge Chad Allred

21  
22 <sup>12</sup> See page 1 above.

<sup>13</sup> Sub #68.

23 <sup>14</sup> Sub #44.

<sup>15</sup> Sub #74.