

February 25 2013 8:30 AM

KEVIN STOCK
COUNTY CLERK
NO: 12-2-15705-2

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

HOMESTREET BANK, a Washington state) Case No. 12-2-15705-2
chartered savings bank,)
)
Plaintiff,)
) **DEFENDANT MICHAEL M.**
v.) **RATCLIFFE'S ANSWER**
)
MICHAEL M. RATCLIFFE, an unmarried)
individual; RATCLIFFE-BAKER)
INVESTMENT COMPANY, LLC, a)
Washington state limited liability company;)
and JOYCE M. FEELEY, an individual,)
)
Defendants.)

I. RELIEF REQUESTED

COMES NOW the Defendant, Michael M. Ratcliffe. and hereby moves the court for an order denying Plaintiff's request for judicial foreclosure and appointment of a receiver. I reserve the right to amend this answer once I obtain legal counsel.

II. ANSWER

1. Agreed
2. Agreed

- 1 3. Agreed
- 2 4. Denied. Ratcliffe and Feeley remain married to this day. The couple was legally
- 3 separated as of 10/24/2010.
- 4 5. Agreed
- 5 6. Agreed
- 6 7. Defendant Ratcliffe without knowledge or information sufficient to form a belief
- 7 as to the truth of this averment, Denied.
- 8 8. Agreed
- 9 9. Agreed
- 10 10. Agreed
- 11 11. Agreed
- 12 12. Agreed; however, Defendant Ratcliffe reserves the right to request consolidation
- 13 of this complaint with other concurrent actions involving these parties or to
- 14 remove this case to federal court due to diversity of the parties and/or federal
- 15 issues in question.

16 **FACTS**

- 17 1. Agreed
- 18 2. Agreed
- 19 3. Agreed
- 20 4. Denied
- 21 5. Defendant Ratcliffe without knowledge or information sufficient to form a belief
- 22 as to the truth of this averment, Denied.
- 23 6. Agreed
- 24 7. Agreed
- 25 8. Agreed

- 1 9. Agreed
- 2 10. Denied, the beneficiary is defined within the Deed of Trust as MERS.
- 3 11. Denied, MERS did not possess any authority to assign its beneficial interest.
- 4 12. Because Defendant Ratcliffe does not agree an assignment was ever made,
- 5 Denied
- 6 13. Denied
- 7 14. Agreed
- 8 15. Denied
- 9 16. Denied
- 10 17. Agreed
- 11 18. Defendant Ratcliffe without knowledge or information sufficient to form a belief
- 12 as to the truth of this averment, Denied.
- 13 19. Agreed
- 14 20. Denied, the note states that the Note Holder has the right to costs and expense in
- 15 enforcing the Note; the Deed of Trust addresses only the rights of the Lender to
- 16 recover fees.
- 17 FIRST CAUSE OF ACTION
- 18 21. Denied
- 19 22. Denied
- 20 23. Agreed
- 21 24. Denied
- 22 25. Denied
- 23 26. Denied, there are no less than 7 other actions to seek satisfaction of an obligation
- 24 secured by the deed of trust.

25 SECOND CAUSE OF ACTION

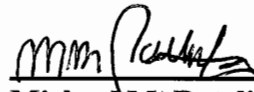
1 G. Homestreet Bank misallocated funds by failing to apply funds invested by Defendant
2 Ratcliffe as if they were contributions toward loan payments. Homestreet Bank
3 misallocated those funds.

4 **2. SECOND CAUSE OF ACTION: APPOINTMENT OF CUSTODIAL RECEIVER**

5 A. A custodial receiver is not reasonably necessary in this situation because ample and
6 viable remedies exist that protect the legal and financial interests of all parties.

7 B. A custodial receiver is not appropriate in this circumstance because Homestreet
8 Bank does not have a probable property interest to assert that right.

9
10 DATED this 21st day of February, 2012.

11
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13 

14 **Michael M. Ratcliffe**

1 **CERTIFICATE OF SERVICE**

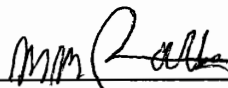
2 I, Connie DeChaux, hereby certify that I am over the age of 18 years and not a party to
3 the within action; my business address is and I am employed by Kram & Wooster, 1901 South I
4 Street, Tacoma, Washington 98405. On February 22, 2013, a true and correct copy the
5 following documents: (1) DEFENDANT MICHAEL M. RATCLIFFE'S ANSWER was sent to:
6 HomeStreet Bank, c/o Joseph A.G. Sakay, Hillis Clark Martin & Peterson P.S., 1221
7 Second Avenue, Suite 500, Seattle, Washington, 98101-2925.

8 by the following method:

- 9 By depositing same postage pre-paid in the United States Mail addressed to the
10 person(s) identified above.
- 11 Delivering a copy to Legal Messenger Service, Inc., with appropriate instructions
12 to deliver the same to the person(s) identified above.
- 13 Delivering a copy through electronic mail
- 14 Personally delivering copies to the person(s) identified above.

15 I hereby certify under penalty of perjury under the laws of the State of Washington that
16 the foregoing is true and correct.

17 DATED this 22nd day of February, 2013.

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20 
21 _____
22 Michael M. Ratcliffe
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