

FILED

JUN 04 2013

THOMAS R. FALLQUIST
SPOKANE COUNTY CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SPOKANE

ARCHIE MITCHELL and STORMIE MITCHELL,
husband and wife,

No. 13-2-01539-5

Plaintiffs,

MOTION FOR DEFAULT

v.

GREG DURHEIM and JANE DOE DURHEIM,
husband and wife; CAROL GROVES and JOHN
DOE GROVES, wife and husband; and
WINDERMERE/MANITO, LLC, a Washington
limited liability company; and PAUL SOLERNO
and JANE DOE SOLERNO, husband and wife.

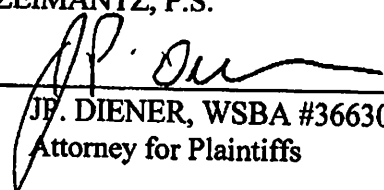
Defendants.

Plaintiffs, Archie and Stormie Mitchell, by and through their undersigned attorney, moves that the Court enter an Order of Default herein against Defendants Greg Durham and Jane Doe Durham, Carol Groves and John Doe Groves, and Windermere/Manito, LLC.

This Motion is based upon Rule 55 of the Civil Rules for Superior Court, the annexed Declaration of JP. Diener, and the files and records herein.

DATED this 3 day of June, 2013.

FELTMAN, GEBHARDT, GREER
& ZEIMANTZ, P.S.

By: 
JP. DIENER, WSBA #36630
Attorney for Plaintiffs

MOTION FOR DEFAULT -- 1

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DECLARATION

I, JP. DIENER, declare and state as follows:

1. I am the attorney for the Plaintiffs above-named. I make this Declaration of my own personal knowledge and in support of Plaintiffs' Motion for Order of Default against Defendants.

2. On April 17, 2013, a Summons and Complaint was filed with this Court. The Complaint set forth a detailed factual basis for three causes of action against the defendants Greg Durham and Jane Doe Durham, Carol Groves and John Doe Groves, and Windermere/Manito, LLC, including breach of contract, breach of statutory duties and negligent misrepresentation.

3. On April 19, 2013 a copy of the Summons and Complaint were served by Shannon Nelson on Donald Querna, Registered Agent of Windermere/Manito LLC.

4. On April 24, 2013 attorney John Loeffler filed a Notice of Appearance on behalf of Greg Durham and Jane Doe Durham, Carol Groves and John Doe Groves, and Windermere/Manito, LLC.

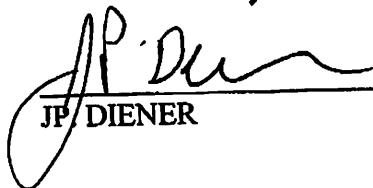
5. On April 25, 2013, attorney John Loeffler accepted service of the Summons and Complaint on behalf of Greg Durham and Jane Doe Durham and Carol Groves and Jane Does Groves.

6. More than twenty (20) days have expired since service of process, and Defendants have failed to file or serve an Answer to Plaintiff's Complaint, and are now wholly in default.

7. I spoke with Mr. Loeffler on May 21, 2013 and asked him whether an Answer would be filed. He told me that an Answer would be filed no later than May 29, 2013. May 29, 2013 has come and gone without any Answer having been filed or served.

I certify under penalty of perjury pursuant to the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085).

DATED at Spokane, Washington this 3 day of June, 2013.

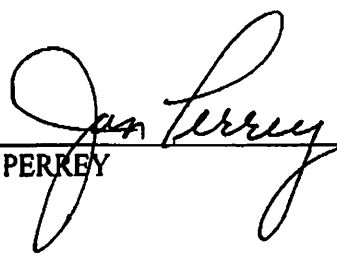

JP DIENER

CERTIFICATE OF SERVICE

I, the undersigned, certify that on the 4 day of June, 2013, I served a true and correct copy of the foregoing with all required charges prepaid, by the method(s) indicated below, to the following person(s):

John H. Loeffler
Attorney at Law
8414 N. Wall Street, Suite A
Spokane, WA 99208
johnl@ollps.com

- U.S. Mail
- Hand Delivery
- Overnight Mail
- Facsimile
- Email



 JAN PERREY

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