

THE SUPREME COURT OF WASHINGTON

US BANK NATIONAL ASSOCIATION, et al.,)	No. 100394-3
)	
Respondents,)	ORDER
)	
v.)	Court of Appeals
)	No. 37687-7-III
GEORGIA A. PLUMB, et al.,)	
)	
Petitioners.)	
)	
)	

Department I of the Court, composed of Chief Justice González and Justices Johnson, Owens, Gordon McCloud, and Montoya-Lewis (Justice Madsen sat for Justice Johnson and Justice Stephens sat for Justice Montoya-Lewis), considered at its June 7, 2022, Motion Calendar whether review should be granted pursuant to RAP 13.4(b) and unanimously agreed that the following order be entered.

IT IS ORDERED:

The Petitioners' motion for extension of time to file the petition for review is granted. The petition for review is denied.

DATED at Olympia, Washington, this 8th day of June, 2022.

For the Court


CHIEF JUSTICE

EXHIBIT 2

FILED
SEPTEMBER 2, 2021
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION THREE

U.S. BANK NATIONAL ASSOCIATION,)
AS TRUSTEE, SUCCESSOR IN)
INTEREST TO WILMINGTON TRUST)
COMPANY, AS TRUSTEE, SUCCESSOR)
IN INTEREST TO BANK OF AMERICA,)
NATIONAL ASSOCIATION, AS)
TRUSTEE FOR STRUCTURED ASSET)
INVESTMENT LOAN TRUST)
MORTGAGE PASS-THROUGH)
CERTIFICATES SERIES 2005-1,)

Respondents,)

v.)

GEORGIA A. PLUMB; JOSHUA C.)
PLUMB; KAMERON F. PLUMB; and)
THE WORD CHURCH,)

Appellants,)

ESTATE OF CARL PLUMB,)
DECEASED; UNKNOWN HEIRS)
AND DEVISEES OF CARL PLUMB,)
DECEASED;; CITIBANK, N.A.;)
ALSO ALL PERSONS OR PARTIES)
UNKNOWN CLAIMING ANY RIGHT,)
TITLE, LIEN, OR INTEREST IN THE)
PROPERTY DESCRIBED IN THE)
COMPLAINT HEREIN,)

Defendants.)

No. 37687-7-III

UNPUBLISHED OPINION

No. 37687-7-III
U.S. Bank Nat'l Ass'n v. Plumb

PENNELL, C.J. — Georgia A. Plumb, Joshua C. Plumb, Kameron F. Plumb, and The World Church (aka Rev. Georgia Plumb) (collectively the Plumbs) appeal a superior court order denying their motion to vacate a foreclosure order. We affirm.

BACKGROUND

In 2017, this court addressed an appeal between the parties regarding an order of foreclosure issued after summary judgment. *U.S. Bank Nat'l Ass'n v. Plumb*, No. 34615-3-III (Wash. Ct. App. Dec. 14, 2017) (unpublished), https://www.courts.wa.gov/opinions/pdf/346153_unp.pdf. In the superior court litigation, the Plumbs argued U.S. Bank lacked standing to initiate foreclosure proceedings because the bank did not possess the applicable promissory note on the date it filed suit. We disagreed, explaining the Plumbs lacked sufficient evidence that U.S. Bank did not hold the note. The Plumbs unsuccessfully sought review of our decision in both the Washington Supreme Court, 190 Wn.2d 1010 (2018), and United States Supreme Court, 139 S. Ct. 227, *reh'g denied*, 139 S. Ct. 587 (2018). A mandate was issued from this court on April 19, 2018.

U.S. Bank proceeded with foreclosure proceedings in superior court. Five months after the superior court issued an order confirming sale of the subject property, the Plumbs moved to vacate under CR 60(b)(5). The Plumbs again asserted U.S. Bank

lacked standing to proceed with foreclosure. According to the Plumbs, the lack of standing divested the superior court of subject matter jurisdiction, thereby rendering the court's order void. The trial court denied the motion to vacate. The Plumbs appeal.

ANALYSIS

The trial court did not abuse its discretion¹ in denying the motion to vacate. Alleged defects in standing do not deprive superior courts of jurisdiction over forfeiture proceedings. *In re Estate of Reugh*, 10 Wn. App. 2d 20, 57, 447 P.3d 544 (2019), review denied, 194 Wn.2d 1018, 455 P.3d 128 (2020) (“[I]n Washington, a plaintiff’s lack of standing is not a matter of subject matter jurisdiction.”); *Deutsche Bank Nat’l Tr. Co. v. Slotke*, 192 Wn. App. 166, 171, 367 P.3d 600 (2016) (superior courts have jurisdiction over foreclosure actions). The Plumbs therefore lacked a basis to void the superior court’s order.

CONCLUSION

The order on appeal is affirmed. The Plumbs’ request for fees and costs is denied.

¹ “This court generally reviews a trial court’s decision to deny a motion to vacate judgment for abuse of discretion.” *Castellon v. Rodriguez*, 4 Wn. App. 2d 8, 14, 418 P.3d 804 (2018). “However, there is a nondiscretionary duty on the trial court to vacate a void judgment.” *Id.* This court reviews “de novo whether a judgment is void.” *Id.*

EXHIBIT 3

I, JOSHUA C. PLUMB, declare and state as follows:

1. My name is Joshua C. Plumb. I am one of the petitioners in this case, am over the age of 18, and am competent to make this declaration.
2. I make this declaration in my capacity as a witness based on my personal knowledge as appears more fully herein.
3. The purpose of this declaration is to support some of the statements that I made in the APPLICATION FOR EXTENSION OF TIME TO FILE PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES.
4. My brother and I are currently unemployed. We currently lack the funds to hire an attorney, nor are we able to pay for the docket cost, booklet printing cost and shipping costs involved.
5. My grandmother created a trust prior to her death. My brother and I are 2 of 4 beneficiaries of my grandmother's trust. Neither my brother or I have ever been the trustee of my grandmother's trust.
6. The trustee is currently working with an estate lawyer and a certified public accountant in preparing the trust to close and to have funds disbursed. It is my genuine belief that the trust will close within the next 5 weeks.
7. When the trust closes and disbursements are made, it is my genuine belief that we will be able to afford to hire an attorney to represent us before the U.S. Supreme Court. We will also be able to afford to pay for the docket cost, booklet printing cost and shipping costs.
8. I personally asked Scott Stafne to represent us before the U.S. Supreme Court. I told him that I wanted him to be our lawyer.
9. It is my understanding that I am not allowed to testify as to what Scott Stafne said to me in response, as that would be hearsay. Instead, I will testify as to what my own feelings and impressions and state of mind was after I spoke to Scott Stafne. My state of mine after speaking to Scott was one of happiness and relief. I was then and remain genuinely convinced that Scott Stafne will represent my brother Kameron and I, if a 58-day extension of time is granted.

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Executed at Yakima, Washington, this 25th day of August, 2022.

BY /s/ Joshua C. Plumb

Joshua C. Plumb

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