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13 MAY 02 AM 11:03

KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 13-2-17465-1 SEA

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SUPERIOR COURT OF WASHINGTON
FOR KING COUNTY

| | | |
|----------------------------|---|-----------------------------------|
| AMERICAN EXPRESS BANK, FSB |) | Case No.: <u>13-2-17465-1 SEA</u> |
| |) | |
| Plaintiff, |) | MOTION FOR ORDER OF DEFAULT |
| |) | |
| vs. |) | |
| |) | |
| PAUL STICKNEY , |) | |
| |) | |
| Defendant |) | |

MOTION

Plaintiff, by and through the undersigned attorney, moves this Court for an Order of Default against the Defendant. This motion is based on the records and file herein, and the declaration of counsel contained herein.

ORDER

A proposed order is attached to this motion.

MOTION FOR ORDER OF DEFAULT - 1

ZWICKER & ASSOCIATES, P.C.
A Law Firm Engaged in Debt Collection
10824 SE OAK PMB 401
MILWAUKIE, OR 97222
(503)786-6119; FAX (503)786-6130
TOLL FREE (877)204-9425

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EVIDENCE RELIED UPON

This motion is based on the below declaration and attachments, as well as C.R. 55 and L.R. 55.

DECLARATION

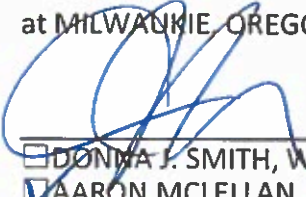
The undersigned declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am the attorney of record for the Plaintiff. I base this declaration on my review of the file maintained by this law firm with regard to this matter.
2. The Defendant was served with the Summons and Complaint on 04/13/13 within Washington State based on the Affidavit/Declaration of Service on file with the court, a copy of which is attached hereto as Exhibit "A".
3. More than twenty (20) days have lapsed since the Defendant was served and the Defendant has failed to file an answer or otherwise defend against the Plaintiff's complaint.
4. The basis for venue is that the Defendant resides within this county.
5. Defendant has appeared through informal correspondence with our office, sufficient to invoke the hearing requirements of Wash. Sup. Ct. C.R. 55(3).

1 6. Defendant is not an infant or incompetent, nor a person in the military services of the
2 United States as defined in the Soldier's and Sailor's Civil Relief Act of 1940, as amended
3 by the Service Members Civil Relief Act of 2003. Attached as Exhibit "B" is the
4 information that the above statement is based upon. Declarant is unable to determine
5 at the time if the Defendant is a dependent of a service member in the military service.

6 I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE STATE OF WASHINGTON THAT
7 THE FOREGOING IS TRUE AND CORRECT.

8 DATED: MAY 01 2013 at MILWAUKIE, OREGON.

9 
10 DONNA J. SMITH, WSBA #37336
11 AARON MCLELLAN, WSBA #45072
12 ZWICKER & ASSOCIATES, P.C.
13 A Law Firm Engaged in Debt Collection
14 Attorney for Plaintiff

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7 **SUPERIOR COURT, IN AND FOR THE COUNTY OF KING, STATE OF**
8 **WASHINGTON**

9 AMERICAN EXPRESS BANK, FSB
Plaintiff/Petitioner

Cause #:

10 vs.
11 PAUL STICKNEY

Defendant/Respondent

Declaration of Service of:

SUMMONS (20 DAYS); COMPLAINT FOR MONIES DUE
AND OWING; NOTICE RE: DEPENDENT OF MILITARY
SERVICEMEMBER

Hearing Date:

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15 Declaration:

16 The undersigned hereby declares: That s(he) is now and at all times herein mentioned, a citizen of the United
17 States and a resident of the State of Washington, over the age of eighteen, not an officer of a plaintiff
corporation, not a party to nor interested in the above entitled action, and is competent to be a witness
therein.

18 On the date and time of Mar 13 2013 1:18PM at the address of 16402 NE 105TH PL REDMOND, within
19 the County of KING, State of WASHINGTON, the declarant duly served the above described documents
upon PAUL STICKNEY by then and there personally delivering 1 true and correct copy(ies) thereof, by
20 then presenting to and leaving the same with PAUL STICKNEY A gray-brown haired white male approx.
55-65 years of age, 5'8"-6'0" tall and weighing 180-220 lbs..

21 No information was provided that indicates that the subjects served are members of the U.S. military.

22 I hereby declare under penalty of perjury under the laws of the State of Washington that the foregoing is true
and correct.

23 Dated: March 13, 2013 at Seattle, WA

24
25 by _____ K. VanDyke 0307390

Service Fee Total: \$ 65.00

26
27 EXHIBIT A



ABC Legal Services, Inc.
206 521-9000
Tracking #: 9834710



ORIGINAL
PROOF OF SERVICE

4371037 / PAUL STICKNEY / 1007
Zwicker & Associates PC (WA)
10824 SE Oak St PMB 401
Milwaukie, OR 97222
503 786-6119



**Status Report
Pursuant to Servicemembers Civil Relief Act**

Last Name: STICKNEY

First Name: PAUL

Middle Name:

Active Duty Status As Of: Apr-29-2013

| On Active Duty On Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects the individuals' active duty status based on the Active Duty Status Date | | | |

| Left Active Duty Within 367 Days of Active Duty Status Date | | | |
|---|----------------------|--------|-------------------|
| Active Duty Start Date | Active Duty End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects where the individual left active duty status within 367 days preceding the Active Duty Status Date | | | |

| The Member or His/Her Unit Was Notified of a Future Call-Up to Active Duty on Active Duty Status Date | | | |
|---|-----------------------------|--------|-------------------|
| Order Notification Start Date | Order Notification End Date | Status | Service Component |
| NA | NA | No | NA |
| This response reflects whether the individual or his/her unit has received early notification to report for active duty | | | |

Upon searching the data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the status of the individual on the active duty status date as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard). This status includes information on a Servicemember or his/her unit receiving notification of future orders to report for Active Duty. HOWEVER, WITHOUT A SOCIAL SECURITY NUMBER, THE DEPARTMENT OF DEFENSE MANPOWER DATA CENTER CANNOT AUTHORITATIVELY ASSERT THAT THIS IS THE SAME INDIVIDUAL THAT YOUR QUERY REFERS TO. NAME AND DATE OF BIRTH ALONE DO NOT UNIQUELY IDENTIFY AN INDIVIDUAL.

Mary M. Snavelly-Dixon

Mary M. Snavelly-Dixon, Director
 Department of Defense - Manpower Data Center
 4800 Mark Center Drive, Suite 04E25
 Arlington, VA 22350

EXHIBIT B

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense (DoD) that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Servicemembers Civil Relief Act (50 USC App. § 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced only a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual was on active duty for the active duty status date, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL: <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person was on active duty for the active duty status date and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. § 521(c).

This response reflects the following information: (1) The individual's Active Duty status on the Active Duty Status Date (2) Whether the individual left Active Duty status within 367 days preceding the Active Duty Status Date (3) Whether the individual or his/her unit received early notification to report for active duty on the Active Duty Status Date.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d) (1). Prior to 2010 only some of the active duty periods less than 30 consecutive days in length were available. In the case of a member of the National Guard, this includes service under a call to active service authorized by the President or the Secretary of Defense under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy Training and Administration of the Reserves (TARs), Marine Corps Active Reserve (ARs) and Coast Guard Reserve Program Administrator (RPAs). Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps).

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate. SCRA protections are for Title 10 and Title 14 active duty records for all the Uniformed Services periods. Title 32 periods of Active Duty are not covered by SCRA, as defined in accordance with 10 USC § 101(d)(1).

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of the SCRA extend beyond the last dates of active duty.

Those who could rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected

WARNING: This certificate was provided based on a last name, SSN/date of birth, and active duty status date provided by the requester. Providing erroneous information will cause an erroneous certificate to be provided.

Certificate ID: J2IEOC4BD0B6J50