

FILED

2011 JUN 20 PM 1:59

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

HONORABLE SUSAN CRAIGHEAD

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

AERO CONSTRUCTION COMPANY, INC.,
a Washington corporation,

Plaintiff,

vs.

LEDCOR CONSTRUCTION, INC. et al.,

Defendants.

NO. 09-2-16775-3 SEA

STIPULATION AND ORDER TO
RELEASE SUPERSEDEAS BOND FUNDS
HELD BY CLERK AND STRIKING
TRIAL DATE

(CLERK'S ACTION REQUIRED)

AND RELATED CROSS ACTIONS

I. STIPULATION

1. The parties to this action, 3922 SW Alaska LLC ("Alaska"), Ledcor Construction, Inc. ("Ledcor"), Aero Construction Company, Inc. ("Aero"), Kleinfelder West, Inc. ("Kleinfelder"), Fauntleroy Place LLC ("Fauntleroy"), Seattle Capital Corporation ("SCC"), and Seattle Financial Group, Inc. ("SFG") have agreed to dismiss the appeal in the appellate action captioned *3922 SW Alaska LLC, Appellant v. Aero Construction Co., Inc., et al., Respondents*, Court of Appeals Cause No. 66414-0-I and have agreed that the current trial date of August 8, 2011 and all other deadlines and dates associated with that trial date are to be stricken.

STIPULATION- Page 1
418145.1 | 361693 | 0026


INSLEE BEST
INSLEE, BEST, DOZZIE & RYDER, PS
Attorneys at Law
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P.O. Box 90016
Bellevue, WA 98009-0016
425.455.1234

1 2. The only remaining issues to be addressed by the Superior Court in this matter
2 are those concerning the issuance of a new Order of Sale for the purposes of a judicial sheriff's
3 sale of the subject property located at 3922 SW Alaska Street, Seattle, Washington as
4 requested by Alaska.

5 3. All parties to this Stipulation, who are the same parties involved in the related
6 appeal, agree that the Supersedeas Bond Funds deposited by Alaska into the Court Registry in
7 the King County Clerk's Office in the amount of \$7,714,789.25 on February 28, 2011, shall be
8 immediately released and payable in full to Alaska's counsel's trust account of Inslee, Best,
9 Doezie & Ryder, P.S.

10 4. The parties to this stipulation also agree that under RCW 36.48.090, the Clerk
11 will retain five percent (5%) of any interest earned upon the deposit until the date of
12 withdrawal.

13 SO STIPULATED AND AGREED:

14 INSLEE, BEST, DOEZIE & RYDER, P.S.

14 SCHEER & ZEHNDER LLP

15 By

Gregory L. Ursich

15 By

16 Gregory L. Ursich, WSBA #18614
17 William A. Linton, WSBA #19975
18 Attorneys for Intervenor Plaintiff 3922
19 SW Alaska LLC

16 Anthony R. Scisciani III, WSBA #32342
17 Masaki James Yamada, WSBA #36425
18 Attorneys for Defendant/Cross-Claimant
19 Ledcor Construction, Inc.

20 FOSTER PEPPER PLLC

20 SKELLENGER BENDER PS

21 By

[Signature]
21 Jon G. Hongladarom, WSBA #16323
22 Bradley P. Thoreson, WSBA 18190
23 Attorneys for Intervenor Plaintiff 3922
24 SW Alaska LLC

21 By

per telephone authority: WSBA 18614
Gregory L. Ursich
22 David Eckberg, WSBA #16273
23 Pamela S. Tonglao, WSBA #29476
24 Attorneys for Defendant Kleinfelder
 West, Inc.

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7 the King County Clerk's Office in the amount of \$7,714,789.25 on February 28, 2011, shall be
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9 Doezie & Ryder, P.S.

10 4. The parties to this stipulation also agree that under RCW 36.48.090, the Clerk
11 will retain five percent (5%) of any interest earned upon the deposit until the date of
12 withdrawal.

13 SO STIPULATED AND AGREED:

14 INSLEE, BEST, DOEZIE & RYDER, P.S.

14 SCHEER & ZEHNDER LLP

15 By _____

15 Gregory L. Ursich, WSBA #18614
16 William A. Linton, WSBA #19975
17 Attorneys for Intervenor Plaintiff 3922
18 SW Alaska LLC

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19 Ledcor Construction, Inc.

18 FOSTER PEPPER PLLC

18 SKELLENGER BENDER PS

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21 Bradley P. Thoreson, WSBA 18190
22 Attorneys for Intervenor Plaintiff 3922
23 SW Alaska LLC

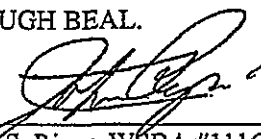
19 By _____

20 David Eckberg, WSBA #16273
21 Pamela S. Tonglao, WSBA #29476
22 Attorneys for Defendant Kleinfelder
23 West, Inc.

23 STIPULATION- Page 2
24 418145.1 | 361693 | 0026

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1
2 ASHBAUGH BEAL.

3
4 By 
5 John S. Riper, WSBA #11161
6 Attorneys for Plaintiff Aero
7 Construction, Inc.

HILLIS CLARK MARTIN & PETERSON PS

By
Michael R. Scott, WSBA #12822
Amit D. Ranade, WSBA #34878
Attorneys for Third-Party Defendants
Fauntleroy Place LLC; Seattle Capital
Corp.; and Seattle Financial Group, Inc.

8 **II. ORDER**

9 Based upon the above stipulation of all parties and their counsel, it is hereby
10 ORDERED, ADJUDGED AND DECREED as follows:

11 1. The King County Clerk will immediately process and issue a check made
12 payable to Inslee, Best, Doezie & Ryder, P.S. trust account to return the full cash
13 Supersedeas Bond deposit of 3922 SW Alaska LLC made on February 28, 2011 in the
14 amount of \$7,714,789.25, plus any interest earned under the Key Bank Public Money
15 Market Savings Account, minus 5% of any interest earned to be retained by the King County
16 Superior Court Clerk pursuant to RCW 36.48.090. It is further ordered that Inslee, Best,
17 Doezie & Ryder, P.S. shall provide an IRS W-9 form to the King County Clerk's office
18 before the refund check will be issued to Inslee, Best, Doezie & Ryder, P.S. The check,
19 once issued by the King County Clerk, may be picked up in person at the King County
20 Clerk's Office by co-counsel for Alaska, Jon Hongladarom of Foster Pepper, PLLC.

21 2. IT IS FURTHER ORDERED that the current trial date of August 8, 2011 and
22 all other deadlines and dates associated with that trial date are hereby stricken.

23 STIPULATION- Page 3
24 418145.1 | 361693 | 0026


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By Michael R. Scott, WSBA #12822
Amit D. Ranade, WSBA #34878
Attorneys for Third-Party Defendants
Fauntleroy Place LLC; Seattle Capital
Corp.; and Seattle Financial Group, Inc.

Based upon the above stipulation of all parties and their counsel, it is hereby
ORDERED, ADJUDGED AND DECREED as follows:

2% N&MUI ffrEGDy re-counsel for Alaska, Jon f ongladarom of Foster Pepper, PLLC.

STIPULATION- Page 3
418145.1 | 361693 | 0026

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INSURANCE BROKER & ADVISOR, PC
Attorneys at Law
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425.455.1234

1 3. IT IS FURTHER ORDERED that this matter shall remain open for the
2 purposes of 3922 SW Alaska LLC seeking a new Order for Sale from this Court and
3 completing the judicial foreclosure process on the subject property located at 3922 SW
4 Alaska Street, Seattle, Washington.

5 DONE IN OPEN COURT this 20th day of June, 2011.

6
7 Susan Craighead
JUDGE SUSAN CRAIGHEAD

8 So Stipulated and Presented by:

9 INSLEE, BEST, DOEZIE & RYDER, P.S.

SCHEER & ZEHNDER LLP

10
11 By Gregory L. Ursich

Gregory L. Ursich, WSBA #18614
William A. Linton, WSBA #19975
Attorneys for Intervenor Plaintiff 3922
SW Alaska LLC

By Anthony R. Scisciani III

Anthony R. Scisciani III, WSBA #32342
Masaki James Yamada, WSBA #36425
Attorneys for Defendant/Cross-Claimant
Ledcor Construction, Inc.

12
13
14 FOSTER PEPPER PLLC

SKELLENGER BENDER PS

15 By Jon G. Hongladarom

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Bradley P. Thoreson, WSBA 18190
Attorneys for Intervenor Plaintiff 3922
SW Alaska LLC

By David Eckberg

David Eckberg, WSBA #16273
Pamela S. Tonglao, WSBA #29476
Attorneys for Defendant Kleinfelder
West, Inc.

16
17
18 ASHBAUGH BEAL

HILLIS CLARK MARTIN & PETERSON PS

19 By John S. Riper

John S. Riper, WSBA #11161
Attorneys for Plaintiff Aero
Construction, Inc.

By Michael R. Scott

Michael R. Scott, WSBA #12822
Amit D. Ranade, WSBA #34878
Attorneys for Third-Party Defendants
Fauntleroy Place LLC; Seattle Capital
Corp.; and Seattle Financial Group, Inc.

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21
22
23 STIPULATION- Page 4
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2 purposes of 3922 SW Alaska LLC seeking a new Order for Sale from this Court and
3 completing the judicial foreclosure process on the subject property located at 3922 SW
4 Alaska Street, Seattle, Washington.

5 DONE IN OPEN COURT this ____ day of June, 2011.

6
7 JUDGE SUSAN CRAIGHEAD

8 So Stipulated and Presented by:

9 INSLEE, BEST, DOEZIE & RYDER, P.S.

SCHEER & ZEHNDER LLP

10
11 By _____
12 Gregory L. Ursich, WSBA #18614
13 William A. Linton, WSBA #19975
14 Attorneys for Intervenor Plaintiff 3922
15 SW Alaska LLC

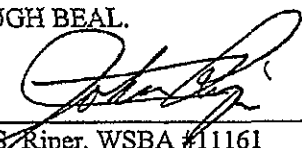
FOSTER PEPPER PLLC

11 By _____
12 Anthony R. Scisciani III, WSBA #32342
13 Masaki James Yamada, WSBA #36425
14 Attorneys for Defendant/Cross-Claimant
15 Leducor Construction, Inc.

SKELLENGER BENDER PS

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16 Jon G. Hongladarom, WSBA #16323
17 Bradley P. Thoreson, WSBA 18190
18 Attorneys for Intervenor Plaintiff 3922
19 SW Alaska LLC

ASHBAUGH BEAL.

19 By  _____
20 John S. Riper, WSBA #11161
21 Attorneys for Plaintiff Aero
22 Construction, Inc.

15 By _____
16 David Eckberg, WSBA #16273
17 Pamela S. Tonglao, WSBA #29476
18 Attorneys for Defendant Kleinfelder
19 West, Inc.

HILLIS CLARK MARTIN & PETERSON PS

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21 Michael R. Scott, WSBA #12822
22 Amit D. Ranade, WSBA #34878
23 Attorneys for Third-Party Defendants
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23 STIPULATION- Page 4
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