

FILED

EXP04

KING COUNTY SUPERIOR COURT
BARBARA MINER
DIRECTOR & SUPERIOR CT CLERK
SEATTLE WA

FILED
14 OCT -6 AM 10:14
KING COUNTY
SUPERIOR COURT CLERK
KENT, WA

14-2-12618-2

Rcpt. Date	Acct. Date	Time
10/06/2014	10/07/2014	10:17 AM

Receipt/Item #	Tran-Code	Docket-Code
2014-09-04175/01	1110	%FFRAF

Cashier: DAG

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

Paid By: OSERAN, HAHN

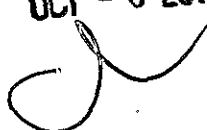
Transaction Amount:

\$20.00

No. 14-2-12618-2 KNT

**AGREED ORDER GRANTING
PLAINTIFF WRIT OF
RESTITUTION**

(Clerk's Action Required)

ISSUED
OCT - 6 2014


H-P PROPERTIES/ALL STAR, LLC, a
Washington limited liability company, as assignee
of BGPI, LLC

Plaintiff,

v.

SAM A. ADAMS AND ERICKA M. ADAMS,
husband and wife and the marital community
composed thereof; HOLLYSTONE HOLDINGS,
INC.; and WEST SEATTLE ATHLETIC CLUB,
LLC; THE WEST SEATTLE CLUB, LLC,

Defendants.

1. CLERK'S ACTION REQUIRED

The Clerk of the Court is ordered to issue a Writ of Restitution in the manner provided by law directing the Sheriff of King County to restore possession of the real property described in the Complaint to Plaintiff.

2. BASIS

THIS MATTER having come on regularly for hearing this date before the undersigned Judge/Court Commissioner upon the motion of the Plaintiff; NOW, THEREFORE, it is hereby

ORDERED, ADJUDGED AND DECREED that a Writ of Restitution be issued by the Clerk of this Court in the manner provided by law, restoring to Plaintiff's possession of the

AGREED ORDER GRANTING
WRIT OF RESTITUTION-1

F:\DMT\HRP\Adams\Second Amended Summons\Agreed Writ O - 9
162014 REV2.docx 10/3/14 (bf) #98431.012

OSERAN HAHN, P.S.
10900 NE Fourth Street #1430
Bellevue WA 98004
Phone: (425) 455-3900
Facsimile: (425) 455-9201

1 premises commonly described as 2629 SW Andover Street, Seattle, WA 98126, and legally
2 described as:

3 Lots 7, through 42, inclusive, in Block 1 of White and Manning's
4 Addition to West Seattle, as per Plat recorded in Volume 9 of
5 Plats, Page 8, records of King County. Situate in the City of
Seattle, County of King, State of Washington.

6 It is further hereby

7 ORDERED, ADJUDGED AND DECREED that Defendants' equipment, inventory, and
8 trade fixtures may be stored at the Premises and the Sheriff is hereby authorized to return the
9 Writ of Restitution without removal of the same, pending its orderly removal; it is further

10 ORDERED, ADJUDGED AND DECREED that Plaintiff shall provide the King County
11 Sheriff an indemnity bond in the amount of \$5,000.

12 PROVIDED the parties further agree and stipulate that this Agreed Order Granting Writ
13 of Restitution shall be vacated and this unlawful detainer proceeding shall be dismissed without
14 prejudice and without costs upon the satisfaction of the following conditions:

15 A. Plaintiff shall receive the sum of \$1,150,000.00 by wire transfer on or before
16 October 24, 2014; the funds of which are being procured by financing to be
17 extended to Hollystone Holdings, Inc. pursuant to a loan contract already
18 executed by Hollystone Holdings, Inc. by its officer, Sam A. Adams;

19 B. Pending disbursal of the funds, pursuant to such financing, Plaintiff hereby
20 agrees to delay the formal eviction date from the subject premises to a date no
21 earlier than October 24, 2014;

22 C. The Defendants further agree to pay any and all amounts outstanding to
23 satisfy any liens against the premises from the funds received from such

1 financing, and in particular but without limitation that lien filed by Aquatic
2 Specialty Services Inc. in due course; provided however, the failure to do so
3 would constitute a new default of Defendants' (Tenants) Adams, which would
4 allow Plaintiff to pursue any and all state court remedies.

5 D. That upon satisfaction of the conditions set forth in subsection A and
6 subsection C, Plaintiff hereby agrees that the subject lease is in full force and
7 effect and shall enter with the Court an Order vacating this Agreed Order
8 Granting Writ of Restitution and dismissing this unlawful detainer proceeding
9 without prejudice and without costs;

10 E. The entry of this Order shall not prejudice the Defendants' Adams' right to
11 move for an assumption of the subject lease in the pending Chapter 11
12 Bankruptcy proceeding. Case No. 14-15003-MLB pursuant to 11 U.S.C. §
13 365 (a) et. seq., provided the payments required herein have been made as
14 required, and provided the Motion to Assume the Lease is filed by
15 Defendants'/Tenants' Adams no later than October 24, 2014, and is noted for
16 hearing on November 14, 2014; If the payment provided for in A above is
17 made on a timely basis as provided for herein, then Plaintiff will agree to
18 extend the time to assume or reject the lease in Bankruptcy Court, pursuant to
19 11 U.S.C. §365 (d), to November 21, 2014 (and this agreement will be
20 memorialized in separate documents which will be filed in the Bankruptcy
21 Court in Case No. 14-15003-MLB);

1 F. The dismissal of this action and satisfaction of the conditions set forth herein
2 shall not prejudice the Plaintiff's right to assert any additional default(s)
3 which may accrue under the subject lease after the date of this Order.

4 DONE IN OPEN COURT this 6 day of October, 2014.

5
6  **HENRY H. JUDSON**
7 JUDGE/COURT COMMISSIONER
8 OCT 06 2014

8 Prepared and Presented by:

9 OSERAN HAHN, P.S.

COURT COMMISSIONER

10 By 
11 DAVID M. TALL, WSBA #12849
12 Attorney for Plaintiff

13 Approved for Entry; Notice of Presentation
14 Waived:

15 _____
16 Lawrence K. Engel, WSBA #8421
17 Counsel for Defendants Sam Adams and Erika Adams

1 F. The dismissal of this action and satisfaction of the conditions set forth herein
2 shall not prejudice the Plaintiff's right to assert any additional default(s)
3 which may accrue under the subject lease after the date of this Order.

4 DONE IN OPEN COURT this _____ day of October, 2014.

5
6
7 JUDGE/COURT COMMISSIONER

8 Prepared and Presented by:

9 OSERAN HAHN, P.S.

10 By _____

11 DAVID M. TALL, WSBA #12849

12 Attorney for Plaintiff

13 Approved for Entry; Notice of Presentation
14 Waived:

15 Lawrence K. Engel, WSBA #8421

16 Counsel for Defendants Sam Adams and Erika Adams

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24 AGREED ORDER GRANTING

WRIT OF RESTITUTION-4

F:\DMT\HRP\Adams\Second Amended Summons\Agreed Writ O - 9
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