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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL J. FLYNN;

Petitioner,

v.

DENNIS MONTGOMERY, BRENDA  
MONTGOMERY; and all OCCUPANTS OF  
3812 94TH AVENUE NE, YARROW POINT,  
KING COUNTY, STATE OF  
WASHINGTON

Respondents.

Case No.

**DECLARATION OF MICHAEL J.  
FLYNN IN SUPPORT OF  
APPLICATION FOR WRIT OF  
ASSISTANCE**

I, Michael J. Flynn do hereby testify under penalty of perjury of the law of the United States as follows:

1. I have personal knowledge of the facts attested to herein.
2. I am the Petitioner in this cause.
3. An Order was entered in this Court on February 18, 2015 in this Court's Case No.

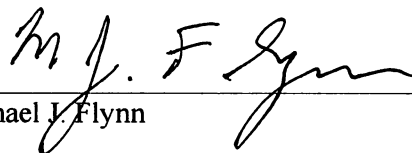
2:13-cv-00360-RAJ ("**Lawsuit**") at Docket No. 66 ("**Order**"). The Order is attached hereto as **Exhibit A.**

4. The Order entitles me to apply to the Clerk of the Court for a Writ of Assistance to compel Dennis Montgomery, Brenda Montgomery and all other occupants of 3812 94th Avenue NE, Yarrow Point, King County, State of Washington ("**Property**") to deliver possession of that Property to the Defendants in the Lawsuit or their assignees or appointees.

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5. The Defendants in the Lawsuit have appointed their counsel of record, Jacob Downs of the law firm Lane Powell PC, to take possession of the Property on their behalf on April 1, 2015 at 12:01 p.m.

DATED this 13<sup>th</sup> day of March, 2015.

  
\_\_\_\_\_  
Michael J. Flynn

# **Exhibit A**

*The Honorable Richard A. Jones*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICHAEL J. FLYNN; and DENNIS LEE  
MONTGOMERY and BRENDA KATHLEEN  
MONTGOMERY, husband and wife,

Plaintiffs,

v.

NV MORTGAGE INC. d/b/a Soma Financial  
d/b/a www.mysoma.com;

COUNTRYWIDE FINANCIAL  
CORPORATION;

COUNTRYWIDE HOME LOANS, INC.;

COUNTRYWIDE BANK, FSB;  
BANK OF AMERICA, N.A., successor to the  
COUNTRYWIDE DEFENDANTS;

BAC HOME LOANS SERVICING, LP,  
successor to the COUNTRYWIDE  
DEFENDANTS;

BANK OF AMERICA CORPORATION,  
successor to the COUNTRYWIDE  
DEFENDANTS; and

DOES 1-50, Defendants.

Case No. 2:13-cv-00360-RAJ

**[PROPOSED] ORDER RE UNOPPOSED  
MOTION TO APPROVE VOLUNTARY  
DISMISSAL**

This matter has come before the Court on the Plaintiffs' Unopposed Motion to Approve Voluntary Dismissal ("Motion"). The lack of an opposition constitutes an admission that the motion has merit. *See* Local Civ. R. 7(b)(2) ("[I]f a party fails to file papers in opposition to a

1 motion, such failure may be considered by the court as an admission that the motion has  
2 merit.”).

3  
4 The Court, having reviewed the Motion hereby finds:

5 1. That the Court deems it is proper to GRANT the Motion and afford the relief that  
6 the Parties request in the Motion.

7 The Court ORDERS as follows:

8 2. This action be dismissed with prejudice as to all parties;

9 3. Each party is to bear his/her/its own cost of suit;

10 4. Dennis and Brenda Montgomery (the Montgomerys) and all other occupants are  
11 ordered to vacate the Property<sup>1</sup> by noon on April 1, 2015;

12 5. If the Montgomerys and all other occupants have not vacated the Property by  
13 12:01 p.m. on April 1, 2015, Defendant Bank of America or its assignee or appointee is entitled  
14 to possession of the Property;

15 6. The Clerk of the Court may issue a writ of assistance, without further notice,  
16 pursuant to Rule 70 of the Federal Rules of Civil Procedure upon request of Michael J. Flynn or  
17 the Defendants to compel delivery of possession of the Property to the Defendants or their  
18 assignees or appointees, which writ is to be executed upon if the Montgomerys have not  
19 vacated the Property by 12:01 p.m. on April 1, 2015, (Michael J. Flynn or the Defendants may  
20 apply for the writ of assistance prior to April 1, 2015);

21 DATED this 17th day of February, 2015.

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23 

24 The Honorable Richard A. Jones  
25 United States District Judge

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27 <sup>1</sup> “Property” refers to that certain residence located at 3812 94th Avenue NE, Yarrow Point, King  
28 County, State of Washington.

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