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REC'D & FILED  
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(4)

CLERK

*JAN*  
CLERK

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR MASON COUNTY

DISCOVER BANK

Plaintiff,

vs.

WENDY L SMITH and DOE I , and their marital  
community composed thereof,

Defendants.

No **13 2 00212 8**

MOTION AND DECLARATION  
FOR DEFAULT AND DEFAULT  
JUDGMENT

I. MOTION

Plaintiff, by and through its attorneys of record, moves the court for an order of default and default judgment against the defendants, WENDY L SMITH and DOE I, in the principal sum of \$4,186.35, together with attorneys' fees and costs, as requested in the judgment.

This motion is based on the affidavits or declarations in support of entry of judgment submitted herewith and the subjoined declaration of counsel.

II. DECLARATION

24

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

MOTION AND DECLARATION FOR  
DEFAULT...

BISHOP, WHITE, MARSHALL & WEIBEL, P.S.  
720 OLIVE WAY, SUITE 1201  
SEATTLE, WASHINGTON, 98101

ORIGINAL

1           1.       I am the attorney of record for plaintiff herein. I base this declaration on my  
2 review of the file maintained by this law firm with regard to this matter.

3           2.       The defendants were served with the summons and complaint by personal or  
4 substitute service within Washington State. The affidavit/declaration of service is on file with  
5 the court.


6           3.       Defendants have failed to file an appearance/answer or otherwise defend, in  
7 accordance with CR 55, within the time permitted by law.

8           4.       The Basis for venue is that the Defendants reside within the county.

9           5.       Defendant is not a person in the Military Service of the United States,  
10 as defined in the Soldier's and Sailor's Civil Relief Act of 1940 as amended by The Service  
11 Members Civil Relief Act of 2003. Attached as an addendum is the information that the above  
12 statement is based upon. Affiant is unable to determine at this time if Defendants are a dependent  
13 of a service member in military service.

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

16                   DATED this 25 day of March, 2013 at Seattle, Washington.

17  
18   
19  Krista L. White WSBA 8612  
20  Laurie K. Friedl WSBA 35598  
21  Jeffrey S. Mackie WSBA 35829  
22  Peter R. Osterman WSBA 27803  
23  Roy T. J. Stegena WSBA 36402  
24 Attorneys for Plaintiff

21 DFB80369  
22 DEFJUGWAD



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

Last Name: SMITH

First Name: WENDY

Middle Name: L

Active Duty Status As Of: Mar-22-2013

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

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: F2KA2BD3O03B790