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vll

FILED

APR 11 2023  
01:40pm  
Scott G. Weber, Clerk, Clark Co.

1 4 Pages  
Hon. David E. Gregerson (Dept. 2)

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

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IN AND FOR THE COUNTY OF CLARK

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CLYDE A. HAMSTREET & ASSOCIATES, LLC, an Oregon limited liability company, in its capacity as General Receiver for AMERICAN EAGLE MORTGAGE 100, LLC; AMERICAN EAGLE MORTGAGE 200, LLC; AMERICAN EAGLE MORTGAGE 300, LLC; AMERICAN EAGLE MORTGAGE 400, LLC; AMERICAN EAGLE MORTGAGE 500, LLC; AMERICAN EAGLE MORTGAGE 600, LLC; AMERICAN EAGLE MORTGAGE MEXICO 100, LLC; AMERICAN EAGLE MORTGAGE MEXICO 200, LLC; AMERICAN EAGLE MORTGAGE MEXICO 300, LLC; AMERICAN EAGLE MORTGAGE MEXICO 400, LLC; AMERICAN EAGLE MORTGAGE MEXICO 500, LLC; AMERICAN EAGLE MORTGAGE MEXICO 600, LLC; AMERICAN EAGLE MORTGAGE I, LLC; AMERICAN EAGLE MORTGAGE II, LLC; and AMERICAN EAGLE MORTGAGE SHORT TERM, LLC,

Case No. 20-2-00507-06

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**ORDER ON DEFENDANT RIVERVIEW BANK'S AND DEFENDANT PACIFIC PREMIER BANK'S MOTIONS FOR SUMMARY JUDGMENT**

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**\*Notice of Presentment Waived\***

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Plaintiff,

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v.

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AMERICAN EQUITIES, INC., a Washington corporation; AMERICAN EAGLE MORTGAGE MANAGEMENT, LLC, a Washington limited liability company; ROSS

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1 MILES and BEVERLY MILES, individually  
2 and the marital community property  
3 comprised thereof; MAUREEN WILE and  
4 ROBERT WILE, individually and the marital  
5 community property comprised thereof;  
6 RIVERVIEW COMMUNITY BANK, a  
7 Washington bank corporation; and PACIFIC  
8 PREMIER BANK, a California chartered  
9 bank,

Defendants.

ADJUNCT TO:

Case No. 19-2-01458-06

In re:

10 AMERICAN EAGLE MORTGAGE 100,  
11 LLC; AMERICAN EAGLE MORTGAGE  
12 200, LLC; AMERICAN EAGLE  
13 MORTGAGE 300, LLC; AMERICAN  
14 EAGLE MORTGAGE 400, LLC;  
15 AMERICAN EAGLE MORTGAGE 500,  
16 LLC; AMERICAN EAGLE MORTGAGE  
17 600, LLC; AMERICAN EAGLE  
18 MORTGAGE MEXICO 100, LLC;  
19 AMERICAN EAGLE MORTGAGE  
20 MEXICO 200, LLC; AMERICAN EAGLE  
21 MORTGAGE MEXICO 300, LLC;  
22 AMERICAN EAGLE MORTGAGE  
23 MEXICO 400, LLC; AMERICAN EAGLE  
24 MORTGAGE MEXICO 500, LLC;  
25 AMERICAN EAGLE MORTGAGE  
26 MEXICO 600, LLC; AMERICAN EAGLE  
MORTGAGE I, LLC; AMERICAN EAGLE  
MORTGAGE II, LLC; and AMERICAN  
EAGLE MORTGAGE SHORT TERM, LLC.

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1 THIS MATTER having come before the Court on March 28, 2023 to consider  
2 Defendant Riverview Bank's Motion for Summary Judgment (the "Riverview Motion");  
3 and Defendant Pacific Premier Bank's Motion for Summary Judgment (the "Pacific  
4 Premier Motion"), the Court having considered the Motions, the declarations of respective  
5 parties in support of the Motions, the Response to the Motion by the Plaintiffs, the  
6 declarations in opposition to the Motions, the replies in support of the Motions, the  
7 argument of counsel, and the files and records herein; it is hereby ORDERED:

8 As to the Riverview Motion:

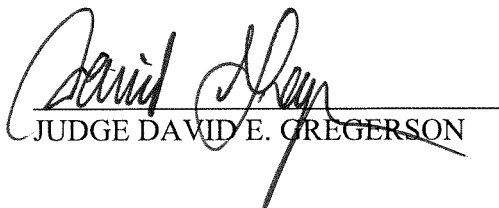
- 9 1. Riverview's Motion on the Second Cause of Action (Breach of Fiduciary  
10 Duty) is GRANTED.  
11 2. Riverview's Motion on the Third Cause of Action (Aiding and Abetting the  
12 Breach of Fiduciary Duty) is DENIED.  
13 3. Riverview's Motion on the Fifth Cause of Action (Negligence) is DENIED.  
14 4. Riverview's Motion on the Sixth Cause of Action (Fraudulent Transfer) is  
15 GRANTED.  
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17 On Pacific Premier's Motion:

- 18 1. Pacific Premier's Motion on the Second Cause of Action (Breach of  
19 Fiduciary Duty) is GRANTED.  
20 2. The remainder of Pacific Premier's Motion is DENIED.  
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22  
23 Dated this 11 day of Apr., 2023

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JUDGE DAVID E. GREGERSON

1 Presented by:

2 s/ Charles J. Paternoster

3 Charles J. Paternoster, WSBA #38703  
4 PARSONS FARNELL & GREIN, LLP

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6 Portland, Oregon 97205

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10 *Counsel for Defendant Riverview Bank*

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## Rhonda Stockman

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**From:** Rachel I. Craw <rcraw@pfglaw.com>  
**Sent:** Tuesday, April 11, 2023 1:17 PM  
**To:** Rhonda Stockman  
**Cc:** Charles J. Paternoster; Leslie S. Johnson (x157); Peter Hawkes; dpeterson; joseph.vance@millernash.com; Edward.Decker; Asai, Kristin (POR - X52948); Donohue, J. Matthew (POR - X52913); Shannon Armstrong (shannon.armstrong@hklaw.com); Sean M. Dunning  
**Subject:** Clyde A. Hamstreet & Assocs., LLC v. American Equities, Inc., et al. -- Clark County Superior Court -- Case No. 20-2-00507-06  
**Attachments:** Order Granting Riverview's MSJ.pdf  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

CAUTION: This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Please see the attached proposed order, which all parties have signed off on.

Sincerely,

**RACHEL CRAW** *Paralegal*

**pfg** | PARSONS, FARNELL & GREIN, LLP |

1030 SW Morrison St | Portland, OR 97205

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