

The Honorable Thomas S. Zilly

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
GLEN A. STOLL; STOLL FAMILY TRUST; )  
DIRECTOR OF THE FAMILY DEFENSE )  
LEAGUE a.k.a. FAMILY DEFENSE )  
LEAGUE a.k.a. FAMILY DEFENSE )  
NETWORK a.k.a. FAMILY DEFENSE )  
FUND; and SNOHOMISH COUNTY, )  
 )  
Defendants. )  
\_\_\_\_\_ )

Case No. 2:22-cv-01130-TSZ  
**STIPULATED MOTION RE:  
RELATIVE PRIORITY OF LIENS  
AGAINST SUBJECT PROPERTY  
BETWEEN UNITED STATES AND  
SNOHOMISH COUNTY**  
**Note on Motions Calendar:  
October 14, 2022**

The United States of America (“United States”) and Snohomish County, by and through their undersigned counsel, hereby agree and stipulate as follows (“Stipulation”):

1. On August 12, 2022, the United States commenced this suit for the purpose of, *inter alia*, foreclosing federal tax liens upon a parcel of improved real property located in Snohomish County, Washington (referred to in the Complaint and herein as the “Subject Property”). *See* Dkt. # 1 at 3, ¶¶ 11-13. The Subject Property has a street address of 7311 Grove St. SE, Marysville, WA 98270, and bears Snohomish County Assessor’s Parcel No. 007753-000-007-00. *See* Dkt. # 1 at 3, ¶¶ 11-12. The Subject Property is legally described as:

///  
///

1 LOT(S) 7, MUNSON CREEK ESTATES DIVISION III, ACCORDING TO THE PLAT  
 2 THEREOF RECORDED IN VOLUME 49 OF PLATS, PAGE(S) 180 AND 181,  
 RECORDS OF SNOHOMISH COUNTY, WASHINGTON

3 *See* Dkt. # 1 at 3, ¶ 13.

4 2. Snohomish County was named as a party to this action pursuant to 26 U.S.C. §  
 5 7403 because it may claim some right, title, or interest in the Subject Property. *See* Dkt. # 1 at 3,  
 6 ¶ 10. The United States claims no monetary relief against Snohomish County. Snohomish  
 7 County has no interest in the Complaint apart from ensuring that any foreclosure sale of the  
 8 Subject Property pursuant to the United States’ claim in the Complaint be made subject to the  
 9 liens of Snohomish County as set forth herein.

10 3. Service of Process upon Snohomish County was completed on September 20,  
 11 2022. *See* Dkt. # 8.

12 4. The United States claims that federal tax liens, which are identified in the  
 13 Complaint in the above-captioned matter, encumber the Subject Property, and that the federal tax  
 14 liens arose on the dates of assessment. *See* Dkt. # 1 at 5-7, 10, ¶¶ 32, 57. The federal tax liens  
 15 consist of federal income taxes (Form 1040) for tax years 2001-2008. *Id.*

16 5. The Internal Revenue Service (“IRS”) recorded Notices of Federal Tax Lien in  
 17 Snohomish County pursuant to 26 U.S.C. § 6323(a) to make its federal tax liens against the  
 18 Subject Property effective against third parties entitled to notice of the statutory liens. Pursuant  
 19 to 26 U.S.C. § 6323, the IRS recorded the following Notices of Federal Tax Lien (“NFTL”) with  
 20 the Snohomish County Auditor:

<b>Taxpayer</b>	<b>Type of Tax</b>	<b>Tax Period(s)</b>	<b>Notice</b>	<b>Recording Date</b>	<b>Recording No.</b>
Glen A. Stoll	1040 (Income)	12/31/2001 12/31/2002 12/31/2003 12/31/2004 12/31/2005 12/31/2006 12/31/2007 12/31/2008	NFTL	04/22/2015	201504220339
Stoll Family Trust Janet	1040 (Income)	12/31/2001 12/31/2002	NFTL	09/13/2017	201709130089

Spangler Trustee as Nominee of Glen A. Stoll <sup>1</sup>		12/31/2003 12/31/2004 12/31/2005 12/31/2006 12/31/2007 12/31/2008			
---	--	--	--	--	--

See Dkt. # 1 at 7-8, ¶ 37.

6. Currently, Snohomish County has an interest in the Subject Property by virtue of ad valorem property tax liens. The amount of outstanding real property taxes on the Subject Property is \$2,201.43 for the second half of 2022 and is due on October 31, 2022.

7. Pursuant to 26 U.S.C. § 6323(b)(6), any ad valorem property tax liens in favor of Snohomish County have priority over, and are senior to, the United States’ federal tax liens described in paragraphs 4-5, above.

8. In the event the Court permits the foreclosure sale of the Subject Property, Snohomish County and the United States agree that the Order of Sale shall provide that sale proceeds for the Subject Property will be distributed first to the IRS for costs and expenses of sale; second to Snohomish County for any real property taxes, penalties, and interest entitled to priority under 26 U.S.C. § 6323, at the time of sale, that have arisen or may arise during the pendency of this suit; and then the balance of such sale proceeds distributed to the United States and the remaining Defendants as determined by the Court.

9. Upon written request in connection with the foreclosure sale of the Subject Property, Snohomish County will promptly provide the United States with the outstanding amount of real property taxes due and owing on the Subject Property, if any, to a date certain plus a per diem figure accruing thereafter.

10. The parties to this Stipulation agree to bear their own costs and attorney’s fees,

---

<sup>1</sup> NFTL concerning the Subject Property.  
Stipulated Motion Re: Relative Priority Of Liens Against  
Subject Property Between United States and Snohomish County 3  
(Case No. 2:22-cv-01130-TSZ)

1 except the costs incurred in selling the Subject Property, which will be reimbursed from the  
2 proceeds of the Subject Property’s foreclosure sale prior to satisfying the outstanding liens on the  
3 Subject Property.

4 11. In light of this Stipulation, the interests of Snohomish County in this litigation are  
5 protected. Except for notice of court filings in this action, Snohomish County’s continued  
6 participation in this action is likely not needed for a complete adjudication of the relief sought by  
7 the United States. However, nothing in this Stipulation excuses Snohomish County from taking  
8 any action it deems necessary to protect its rights in response to court filings in this case.  
9

10 12. The United States will serve Snohomish County, through its undersigned counsel,  
11 with any orders or judgments relative to the foreclosure sale of the Subject Property.

12 13. The United States and Snohomish County so agree and request an order  
13 confirming the foregoing Stipulation. The parties are submitting a proposed order along with this  
14 Stipulation.  
15

16 Respectfully submitted this 14th day of October, 2022.

17 DAVID A. HUBBERT  
18 Deputy Assistant Attorney General

ADAM CORNELL  
Snohomish County Prosecuting Attorney

19 /s/ Yen Jeannette Tran  
YEN JEANNETTE TRAN  
20 DYLAN C. CERLING  
Trial Attorney, Tax Division  
21 U.S. Department of Justice  
P.O. Box 683  
22 Washington, D.C. 20044  
202-616-3366 (v) (Tran)  
23 202-616-3395 (v) (Cerling)  
202-307-0054 (f)  
24 Y.Jeannette.Tran@usdoj.gov  
25 Dylan.C.Cerling@usdoj.gov

/s/ Rebecca J. Guadamud via E-Mail on  
10/13/2022  
REBECCA J. GUADAMUD  
26 Deputy Prosecuting Attorney  
Civil Division  
Robert J. Drewel Bldg., 8th Floor, M/S 504  
3000 Rockefeller Ave  
Everett, WA 98201-4060  
425-388-6342 (v)  
425-388-6333 (f)  
Rebecca.Guadamud@snoco.org

*Attorneys for Snohomish County*

26 *Attorneys for the United States of America*