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1. [Ramsun v. Frenzel, 606 Fed. Appx. 376](#)

**Client/Matter:** -None-

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## Ramsum v. Frenzel

United States Court of Appeals for the Ninth Circuit

June 1, 2015, Argued and Submitted , Seattle, Washington; June 16, 2015, Filed

No. 13-35371

### Reporter

606 Fed. Appx. 376 \*; 2015 U.S. App. LEXIS 10118 \*\*; 2015 WL 3726184

PAULA RAMSUM, an unmarried person, Plaintiff - Appellant, v. WALTER FRENZEL; JANE DOE FRENZEL; JPMORGAN CHASE BANK, NA, successor to Washington Mutual Bank, Defendants - Appellees.

**Notice:** PLEASE REFER TO *FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1* GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

**Prior History:** [\*\*1] Appeal from the United States District Court for the Western District of Washington. D.C. No. 2:12-cv-01152-RSM. Ricardo S. Martinez, District Judge, Presiding.

[Ramsum v. Frenzel, 2012 U.S. Dist. LEXIS 191383 \(W.D. Wash., Nov. 27, 2012\)](#)

**Disposition:** AFFIRMED.

### Core Terms

substantial compliance, motion to vacate, district court, en banc, ex-husband

**Counsel:** For PAULA RAMSUM, an unmarried person, Plaintiff - Appellant: Catherine C. Clark, Law Office of Catherine C. Clark, Seattle, WA; Tim Glenn Krell, Attorney, Timothy G. Krell Real Estate Law, PLLC, Bellingham, WA.

For JPMORGAN CHASE BANK, NA, successor to Washington Mutual Bank, Defendant - Appellee: Hugh Robert McCullough, Attorney, Frederick B. Burnside, Esquire, Rebecca J. Francis, Attorney, Davis Wright Tremaine LLP, Seattle, WA.

**Judges:** Before: O'SCANNLAIN, TASHIMA, and McKEOWN, Circuit Judges.

### Opinion

#### [\*376] MEMORANDUM<sup>1</sup>

Paula Ramsum appeals the district court decision dismissing her action for judicial foreclosure against property in Whatcom County, Washington, that was formerly owned by her ex-husband.

[\*377] We review de novo dismissals under Fed. R. Civ. P. 12(b)(6). Wilson v. Hewlett-Packard Co., 668 F.3d 1136, 1140 (9th Cir. 2012). In light of the Washington statutes at issue in this case, we affirm. See Wash. Rev. Code §§ 4.64.030, 65.04.045, 65.04.047, 26.18.020, 26.18.055, 26.21.480, 26.21.490. Because Ramsum did not identify or describe her ex-husband's former property in the documents she filed with the Whatcom [\*\*2] County Auditor's Office, she did not substantially comply with the requirements for recording liens against real property. See Kim v. Lee, 102 Wn. App. 586, 9 P.3d 245, 249 (Wash. App. Ct. 2000), rev'd on other grounds, 145 Wn.2d 79, 31 P.3d 665 (Wash. 2001) (en banc) ("Washington courts have long upheld actions taken in substantial compliance with statutory requirements, albeit with procedural imperfections. Substantial compliance requires 'actual compliance in respect to the substance essential to every reasonable objective of [the] statute.'" (quoting City of Seattle v. Pub. Emp't Relations Comm'n, 116 Wn.2d 923, 809 P.2d 1377, 1380 (Wash. 1991) (en banc))).

The district court also did not abuse its discretion when it denied Ramsum's motion to vacate under Fed. R. Civ. P. 60(b). Maraziti v. Thorpe, 52 F.3d 252, 253 (9th Cir. 1995) ("This Court reviews a denial of a Rule 60(b) motion for relief from judgment under an abuse of discretion standard."). Ramsum could have made the legal argument set forth in her motion to vacate in response to JP Morgan Chase's Rule 12(b)(6) motion to dismiss. See Allmerica Fin. Life Ins. & Annuity Co. v. Llewellyn, 139 F.3d 664, 666 (9th Cir. 1997)

<sup>1</sup>This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

(holding that "[n]either ignorance nor carelessness on the part of the litigant or his attorney provide grounds for relief under [Rule 60\(b\)\(1\)](#)." (internal citation omitted)). Regardless, the statute Ramsum relied on in her [Rule 60\(b\)](#) motion—[Wash. Rev. Code § 65.04.047](#)—does not alter the outcome.

**AFFIRMED.**

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