

FILED
SUPREME COURT
STATE OF WASHINGTON
8/1/2022 8:22 AM
BY ERIN L. LENNON
CLERK

**In the
Supreme Court for the
State of Washington**

NO.100783-3

JOYOUS INVESTMENTS LLC, RESPONDENT V. JAYAKRISHNAN NAIR, APPELLANT

(Court of Appeals- 81754-0-I)

PETITIONERS:
JAYAKRISHNAN NAIR

[Proposed amended](#) **PETITION FOR REVIEW**

Petitioners appearing Pro Se.

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DATED: 07/29/2022

A PLACEHOLDER DOCUMENT - THIS DOCUMENT IS NOT THE FINAL BRIEF. OMANA HOMES LLC HAS HIRED ATTORNEY DAVID O. TO DO THE FINAL BRIEF, AND HE HAD BEEN WORKING DILIGENTLY ON COMPLETING THE SAME WHEN THE OFFICES OF OMANA HOMES WERE BURGLARIZED, INVADED AND ALL PARAPHERNALIA INCLUDING THE COMPUTERS STOLEN, ONLY TWO DAYS BEFORE THE DEADLINE FROM THIS COURT ON TWO SIMILAR MATTERS (FRAUD HOA SALES). ATTORNEY HAS INFORMED THE COURT OF THIS CRIME AND IS DOING EVERYTHING POSSIBLE TO RE-CREATE THE DOCUMENTS FROM MEMORY. IN ORDER TO PRESERVE THE IMPOSED DEADLINE HOWEVER, PLAINTIFF IS CHOOSING TO FILE THIS BRIEF WHILE THE REVISED BRIEF (ALONG WITH A WRIT OF MANDAMUS) WILL BE FILED AS SOON AS POSSIBLE IN A MATTER OF HOURS. THE PURPOSE OF THIS FILING IS TO PRECLUDE ANY DISMISSALS FOR NOT MEETING THE DEADLINES.

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I. Introduction: A Kafkaesque Jeremiad

This whistleblower petition addresses a fundamental question key to protecting public trust in the integrity and credibility of the Washington Court system, which has been compromised by the institutional racism, nauseating corruption and subversive abuse of the vast, unmitigated powers of the judiciary by shameless criminals infesting the State courts and masquerading as “HOA lawyers”, “Ex Parte commissioners” and it is afraid even certain so-called “Judges”, for committing the most fiendishly inhumane & evil racist/ xenophobic hate crimes as well as for aiding & abetting obvious scams to steal several millions of dollars in real estate equity through illegal, unconstitutional, fraud “judgments” (such as the presently appealed matter), which it is afraid any reasonably intelligent, critical thinking person could only find as basically nothing more than evidence of the self-dealing corruption and kickback schemes plaguing the King & Snohomish County Superior Courts as well as the Division 1 Court of Appeals. The unconstitutional, corrupt judgments and institutional racism against people of color, have led to the collapse of local legal system completely, major civil disobedience and even to the formation of “CHAZ”, or the first ever autonomous region¹ since the civil war within USA boundaries, wherein one of the main demands of the protestors was to fix the racist, failed court system.

¹ https://en.wikipedia.org/wiki/Capitol_Hill_Occupied_Protest

II. Identity of Petitioner: A Highly Successful Immigrant Young Erudite Scientist & Serial Entrepreneur who built a Cash-Positive \$5M Estate

Until recent events wherein his success was targeted by legal terrorists, the lifestory of petitioner Jayakrishnan Nair is a testament² to what makes USA the greatest nation in the world, as he arrived aged 21 to pursue Masters in Computer Engineering from University of Massachusetts, having secured a full tuition waiver and scholarship to research on NASA technologies³ that paid him a healthy monthly stipend enough to rent an apartment and sponsor his mother's visa to visit him. He has since built two very successful businesses – a biotech business⁴ with exclusive license from Johns Hopkins Universe that is focused on nerve regenerative surgical devices, and a real estate company⁵ that has nearly 5 million dollars in NET equity.

Despite being a multimillionaire that never needed any bankruptcy protection, he was scammed into filing a FRAUD Chapter 11 bankruptcy (please visit this site for all details and hyperlinked documents: www.legalterrorism.org) by an attorney who he had approached for dealing with a charged off debt. This, as it has turned out, was nothing more than an orchestrated fraud with HOA attorneys to charge hundreds of

² <https://www.twst.com/bio/jayakrishnan-nair/>

³ Coincidentally, Mr. Nair had researched on and published papers for ameliorating cosmic ray bombardment on the Next Generation Telescope Project, which has been renamed to JWST and was recently launched and currently in the news:

<http://citeseerx.ist.psu.edu/viewdoc/summary?doi=10.1.1.13.3450>

<https://jwst.nasa.gov/>

⁴ <http://ratnerbio.com/>

⁵ <https://omanahomes.com/>

thousands of dollars in bogus fees on a healthy estate and thereby to schedule fraud sheriff sales wherein their criminal accomplices would buy them for pennies on the dollar - Mr. Nair's four pristine upscale homes worth \$1.5 million (13506 34th AVE SE Mill Creek WA 98012), \$1.2 million (6706 Quigley AVE SE Snoqualmie WA 98065), \$1.1 million (11031 Elliston Way NE Redmond WA 98053) and \$750,000 were sold for respectively \$40,000, \$28,000, \$32,000 and \$79,000, in what can only be termed as absolute and complete mockery of the US constitution and legal system. As a criminal investigation would easily reveal, all of these "sheriff sales" by ~\$25/mo HOA attorneys were completely fraudulent as not a penny was owed to any of the HOAs, and in fact at least one of them (which is the present matter regarding the Meadows HOA in Mill Creek, which is just one of four such cases) does not even exist and is nothing more than criminal fraud abusing the racism and corruption of the local courts.

III. "Decisions" Below: Are they any more than Evidence of Self-Dealing, Corruption and Racist Hate Crimes?

As soon as he got wind of the fraud sheriff sale which was taken ex parte without notice, homeowner Mr. Nair had promptly brought an motion to restrain the illegal, unconstitutional, criminally fraudulent "sale" of a \$1.5 Million home on purported \$600 dues of a HOA that had closed down years ago and did not even exist. However, given the fact that Snohomish County Ex Parte Court is not a bona fide court but only a RICO where at least some of the judges/commissioners are suspected to be receiving corrupt kickbacks from HOA attorneys for aiding and abetting real estate fraud, his timely and meritorious efforts to stop the illegal, fraudulent sale was thwarted due to corruption (and/or racism /xenophobia) as there was no other legal basis.

Soon after the fraud sale for \$16K for a home worth \$1.5 Million, these criminals paid off entire first mortgage and added to redemption invoice. This has no statutory basis and there is no legal requirement under RCW 6.23.050 which states that any amount invoiced should be a payment that was required by the purchaser to make to retain the ownership interest of the homeowner during the redemption period. There was absolutely no need to pay off the entire \$280K balance on the first mortgage, when making enough payments as required to maintain Mr. Nair's mortgage obligation to Selene Finance (which was less than \$24k during the 1 year period following the sheriff sale) was all that was statutorily allowed. Furthermore, RCW 6.230.030 denotes notice, timeliness and recording requirements on any such payments or invoices, and nothing of that sort have been followed here.

Mr. Nair thereafter promptly completed the redemption requirements, paid a cashiers check to the Sheriff as well as the \$124 redemption fee, and brought a timely motion to compel accounting and calculate the redemption amount due. However, so-called Judge Okrent refused to allow Mr. Nair to present his motion, denied all his constitutional rights due process rights, and allowed a fraud motion by the purchaser that Mr. Nair had never been given any notice of. He requested a continuance as he had not received any notice of the opposing motion, which was denied. Mr. Nair's motion to compel accounting and determine amount was not heard despite being properly noted. Mr. Nair then promptly moved the Court of Appeals –Division 1. He requested the clerk to move the appeal to Division 2 since the Court of Appeals-Div 1 has a history of racist, illegal and unconstitutional "judgments" against people of color and he had suffered their prejudice on several related appeals concerning fraud sheriff sales on his other properties as well as the legal malpractice as well. This request was denied and the Court of Appeals, in a laughably farcical and beyond egregious opinion

in which they PATHETICALLY even confused the identities of the parties (Exhibit H) and have even referred to a non-existing transcript as further proof of corruption and incompetence, “affirmed” the trial court’s obviously corrupt and unconstitutional fraud.

IV. Issues Presented for Review

- 1) Is the Petitioner eligible for Constitutional Protection of Rights? (YES)
- 2) Should this Supreme Court bring the corruption and/or predatory racism of Judge Okrent and the criminal scam by HOA Mafia abusing loopholes in State’s HOA laws to justice through Criminal Prosecution? (YES)
- 3) Should this Supreme Court protect the integrity of the State’s legal system by ordering an investigation into these illegal, unconstitutional “judgments” aimed at skimming millions of dollars of real estate equity? (YES)
- 4) Does this Supreme Court have a mandate to protect the integrity of the WA State Legal System by criminally prosecuting such fraud, unconstitutional self-dealing “judgments” by charlatans making a complete mockery of the US Constitution and State Courts for theft and racist hate crimes? (YES)

V. Statement of the Case

Appellant Jayakrishnan Nair is a merit-based immigrant who, aged 21, moved to US to pursue his masters in Computer Science in 2001. He was then recruited to Microsoft in 2003, and began investing in real estate around the eastside from 2005, wherein he purchased 5 homes. In 2011, a job change required him to move out of state, while renting out all his homes in WA, including the home at 13506 34th AVE SE

Mill Creek WA 98012 (hereinafter, the “Home”). The nearly 4000-sqft, 5-bedroom, luxurious Home was originally purchased for \$434,565 in 2006, and today it’s valued around \$ 1.5 Million. Details of Ms. Nair’s real estate portfolio can be seen here: www.omanahomes.com

At the time of purchase as a new construction home in this 26-home community, the builder had instituted a Home Owners Association, named the Meadows HOA. Mr. Nair remained a dutiful home owner that never missed any HOA payments, as he had it on autopay as with his other homes. Around 2016, the neighbors informed him that the HOA had shut down due to infighting, and the property manager one Ms. Ann Bauer had been arrested for arson after she destroyed all the accounts and papers and files of the HOA office with fire to cover up a \$15,000 embezzlement from the HOA accounts. The HOA had stopped all operations; ALL home owners stopped making payments, including Mr. Nair.

A couple of other things had been going on in his life also: despite having a Net Worth of \$4.5+ Million Dollars (\$6.1+ million in net assets, and ONLY \$1.6 Million in secured+unsecured debts) he was scammed into a bankruptcy fraud by an attorney Mr. Richard Symmes who had advised that to stop the foreclosure on a charged off second loan from First Tech Credit Union on the Home, (which the lender had originally charged off in 2011 following the housing downturn but suddenly posted a notice of sale several years later when property prices rebounded) he should file a Chapter 11 Bankruptcy so he could force First Tech into a favorable settlement. This turned out to be the worst financial decision of his life [Exhibit A: Mr. Nair’s malpractice complaint against Mr. Symmes, which was dismissed by “res judicata”] as the HOA attorneys all filed humungous attorney fees in literally HUNDRED OF THOUSANDS of

dollars as legal fees for “representing the \$25/mo HOA as creditor” in the sham bankruptcy filing of a healthy, cash positive, wealthy estate. The details of this matter can be seen at www.legalterrorism.org

Following a conversion of the rich, \$4.5 Million estate to a Chapter 7 [Exhibit B: Mr. Nair’s Pro Se Appeal to the Federal Court of Appeals, Ninth Circuit], the attorney for the trustee Mr. Rory Livesey contacted every person who could “potentially” be a creditor, in order to maximize the payouts from the estate (and thereby his own payout for administering the transactions). After getting wind of Mr. Nair’s situation and the gold pot waiting to be had – as Mr. Nair’s hard earned multi-million dollar estate from decades of working for IBM, NASA and Microsoft was now somehow a blank check at the liberty of Mr. Livesey who was willing to “distribute” to anyone who wanted to file a claim - couple of unscrupulous homeowners at the Meadows therefore devised a scheme to “revive” the dead HOA as a perfunctory shell that they claimed the right to operate without any mandate from the other 24 home owners in the community, and without any accounting or book-keeping, made a completely bogus, fraud claim for \$8282 through a “property manager” Shelly McLarin [Exhibit C], though there has not been any active HOA, any board meetings, any accounting or any activity in the HOA.

Ms. McLarin’s own declaration filed along with the BK creditor’s claim [Exhibit D: Clause (10)] shows that there is no accounting or book keeping for the HOA, and the figure of \$8280 has ABSOLUTELY no accounting or legal basis whatsoever – simply a random number pulled out from her imagination. An email broadcast by the last Property Manager Ms. Anne Bauer [Exhibit E] shows that the HOA’s financials have been in shambles, and \$33,500 of past due balances were

“necessarily forgiven”, further proving the debt alleged by Ms. McLarin and the new “zombie” HOA with no members and no accounting and no operations, against Mr. Nair is nothing other than a criminal fraud. Moreover, the yearly dues are a comparatively paltry \$300 and the old association was only dead for two years, meaning even if the new association had any right to collect dues from Mr. Nair (which is speculative at best), it still could not have been more than \$600. If all of this is not the very definition of criminal fraud making an absolute farce and complete mockery of the Court system, then what is?

Mr. Nair was able to rescue his estate from liquidation by paying \$103K to chapter 7 trustee to dismiss the case and return the balance of \$4.1 Million to him. However, he found to his dismay that the scammers who made this shell HOA to steal money from his estate, had now obtained a \$16,000 Ex Parte judgment from Snohomish County Superior Court, without any service or notice to Mr. Nair, and was seeking to conduct a Sheriff Sale.

Mr. Nair tried to object to the sale stating that the HOA is not a bona fide organization, has no activity, and was nothing more than a shell formed purely only for fraud which does not comply with any of the mandatory RCW operating or book keeping requirements for a functioning HOA. Furthermore, Snohomish county had mandatory arbitration rules for disputes less than \$50,000. State of Washington mandates that all disputes be handled under \$10,000 be handled by Small Claims Court, and here the matter in dispute is only whether a Zombie HOA “resurrected” by couple of homeowners had a right to collect two years of worth of dues –i.e. \$600- from Mr. Nair. He even offered to pay the \$600 to settle the issue but the judgment

amount of \$16,000, more than half of which is unscrupulous “attorney fees” for obtaining an ex-parte judgment without any notice or service, had no basis.

His objections notwithstanding, the Court refused to stop the sale. Soon thereafter, the so-called “purchaser” at the sheriff sale, who claims to have “bought” the million dollar home for \$40,000 when the real homeowner owed nothing to the nonexistent HOA, and has over \$50,000 in furnishings and electronics inside the home that is setup for AirBnb/ temporary vacation stays, as can be seen from the beautiful pictures of this mansion at www.omanahomes.com, paid off the \$240K in the first mortgage balance for the home with Seterus Bank, and added to the redemption amount, exponentially ballooning it from the already fraud \$40K to over \$329K including several other completely bogus and baseless amounts added in to the redemption invoice, without any legal basis (such as force placed insurance when Mr. Nair is already carrying insurance, legal fees, other baseless charges etc). The objective of course is to put the redemption outside Mr. Nair’s capability, and thereby to steal the nearly \$550K in net equity in the home as well as the \$50,000+ in electronics, appliances, upgrades and furnishings trapped inside the home. Mr. Nair also lost the \$6000+ in revenue that the house had been generating per month, which further exacerbated his financial situation. All of the above has resulted in an absolutely farcical situation where a \$600 dues that is not even owed escalated to Mr. Nair losing his first mortgage (30 year, 3.125%) and being replaced with a bill of \$329K to keep his over \$550K equity in the home that he had built over 15 years! How could this be sane in any jurisprudence?

As this Court is kindly aware, in addition to the all above he has also been battling to save his mother’s life, who has been held in isolation from all her

friends and family at an unknown, undisclosed location, and all information about her condition have been kept secret. The so-called guardian had attempted to kill her twice, as she has no state assistance as a visitor (Mr. Nair had been taking care of her at home as her primary caregiver for over four years since her stroke that left her body paralyzed on one side but mental faculties and language intact - as the damage was on the right hemisphere only and her left hemisphere was left undamaged – meaning she has been suffering incredibly for the past two years being kept in illegal solitary confinement). The first attempt was thwarted by his step sister Raji, and since then the guardian took a VAPO against Mr. Nair and has brought a motion to OFFICIALLY murder her, stating that her “quality of life is not good”, when she is pleading to be allowed to see her children and asking “why am I being held prisoner here?”. If this is not the very definition of evil, racial lynching, under the very auspices of the legal system, then what is? The aforementioned events had caused Mr. Nair, only a mere innocent human being, to mentally break down with depression and had to be under professional help, wherein he has been recovering from through medication and therapy. The systemic racism and corruption of the unscrupulous attorneys and scammers exploiting the Courts have resulted in a hard working immigrant being persecuted and crucified for no logical or legal reason.

Mr. Nair had ALREADY COMPLETED the redemption intake paperwork timely with Snohomish County Sheriff's clerk Ms. Kathryn Oliver, who promptly ACCEPTED his redemption fee and a \$1000 check as placeholder payment until the Court has determined the CORRECT amount for the redemption, as the purchaser Joyous Investments had engaged in fraud and oppression to unconscionably inflate the redemption invoice from \$40k that was paid at the auction to \$329K. RCW does not allow sheriff sale purchasers to add any amounts other than those needed to

maintain the debtors equity in the property to be paid off by or added to the redemption invoice during the one year redemption period, and the RCW also requires that the purchaser must credit the rents acquired for the property, as well as notify the home owner 45-60 days prior to the expiration of the expiration of redemption period and record with the County Clerk. None of these statutory requirements have been met.

Case law FIRMLY establishes that as the Purchaser Joyous Investments had engaged in fraud and oppression to deny Mr. Nair's right to redeem his home, the redemption period had automatically tolled. See Powers v Powers, 221 Cal. App. 2d 746 (redemption allowed after expiration of statutory period if equitable conditions exist), as well as Dalton v Franken Const. Cos, 121 N.M. 539, 914 P.2d 1036, 1040 (1996) (equitable relief permitted if wrongful conduct by redemptioner in possession) as Purchaser has engaged in fraud and oppression. The paying off of the first mortgage or adding the various bloated charges to the redemption invoice has no legal basis and therefore not Mr. Nair's responsibility.

Furthermore, Mr. Nair has timely exercised [Exhibit F] his redemption option through the Sheriff, completed the paperwork, tendered a \$1000 check and timely filed a motion to determine the redemption amount, as well as obtained a Temporary Restraining Order [Exhibit G] from the Snohomish County court restraining the Snohomish Sheriff from issuing a Sheriff's Deed until the amount to complete the redemption has been determined by the Court. There is absolutely nothing he could have done more legally to complete the redemption while contesting the amount in the purchaser's bloated and fraudulent "invoice." Therefore the fair outcome is to determine the legal redemption amount.

VI. Argument Why Review Should be Accepted

The Supremacy Clause mandates that federal law be applied to federal claims and defenses. The United State Constitution's Supremacy Clause provides that the laws of the United States "shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding." U.S. Const. Art. VI. Just as federal courts are constitutionally obligated to apply state law to state claims under *Erie R.R. Co. v. Tompkins*, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188 (1938), "so too the Supremacy Clause imposes on state courts a constitutional duty 'to proceed in such manner that all the substantial rights of the parties under controlling federal law [are] protected.'" *Felder v. Casey*, 487 U.S. 131, 151, 108 S. Ct. 2302, 2313-14, 101 L.Ed.2d 123 (1988) (quoting *Garrett v. Moore-McCormack Co.*, 317 U.S. 239, 245, 63 S. Ct. 246, 251, 87 L.Ed. 239 (1942)).

Here, the Court of Appeals' decision violates this fundamental constitutional concept. A significant question of law under the United States Constitution is involved such that review should be granted under RAP 13.4(b)(3).

The Reverse-Erie doctrine mandates that federal law be applied to federal claims and defenses. Under the "Erie doctrine," federal courts apply state substantive law to state law claims. *Gasperini v. Center for Humanities, Inc.*, 518 U.S. 415, 427, 116 S. Ct. 2211, 2219, 135 L. Ed. 2d 659 (1996). See *Erie R. Co. v. Tompkins*, 304 U.S. 64, 58 S. Ct. 817, 82 L. Ed. 1188 (1938). Conversely, under the Reverse-Erie doctrine, state courts must apply federal law to federal claims and defenses. *Maytown Sand & Gravel, LLC v. Thurston Cty.*, 191 Wn.2d 392, 446, 423 P.3d 223 (2018),

abrogated on other grounds by *Yim v. City of Seattle*, 194 Wn.2d 682, 451 P.3d 694 (2019). The primary concerns of the Erie and Reverse-Erie doctrines are threefold: encouraging judicial economy, deterring forum shopping, and protecting principles of federalism. "Under Erie R. [*R.J Co. v. Tompkins*, 304 U. S. 64[, 58 S. Ct. 817, 82 L. Ed. 1188] (1938), when a federal court exercises diversity or pendent jurisdiction over state-law claims, 'the outcome of the litigation in the federal court should be substantially the same, so far as legal rules determine the outcome of a litigation, as it would be if tried in a State court.'"

Felder v. Casey, 487 U.S. 131, 151, 108 S. Ct. 2302, 101 L. Ed. 2d 123 (1988) (emphasis added) (quoting *Guaranty Tr. Co. v. York*, 326 U.S. 99, 109, 65 S. Ct. 1464, 89 L. Ed. 2079 (1945)). The converse of that rule applies under the Reverse-Erie doctrine. "Just as federal courts are constitutionally obligated to apply state law to state claims, so too the Supremacy Clause imposes on state courts a constitutional duty 'to proceed in such manner that all the substantial rights of the parties under controlling federal law [are] protected.'" *Id.* (alteration in original) (citation omitted) (quoting *Garrett v. Moore-McCormack Co.*, 317 U.S. 239, 245, 63 S. Ct. 246, 87 L. Ed. 239 (1942)). *Id.* at 445--46. A state court is only allowed to apply state procedural rules in a case involving federal claims or defenses so long as it is a neutral rule regarding the administration of the courts that is not meant to interfere with a substantive federal right and allows a party to raise or defend against the federal claim as if in federal court. *Id.* at 446--47. Here the Court of Appeals' opinion also conflicts with this Court's Reverse-Erie doctrine pronouncements in *Maytown*. Thus, review should be granted under RAP 13.4(b)(3), as well as RAP 13.4(b)(1).

VII. Conclusion

This is NOT a civil matter, but a very serious criminal matter wherein the powers of the Court are being abused by criminals for stealing millions of dollars in real estate equity under the pretext of collecting trivial \$25 dues for non-existing, defunct, dead HOAs. The Supreme Court has a public and constitutional mandate to bring these criminals to justice through referring this matter to the State Attorney General's office for prosecution, and to end this absolute and complete farce that is threatening the integrity and public credibility of WA state's court system.

Submitted most reverentially:

DATED this 29th day of July 2022



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JAYAKRISHNAN NAIR - FILING PRO SE

August 01, 2022 - 8:22 AM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 100,783-3
Appellate Court Case Title: Joyous Investments, LLC v. Jayakrishnan Nair
Superior Court Case Number: 17-2-05181-9

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Comments:

Offices have been vandalized and computers stolen. This has required us to file a placeholder brief while Attorney David O. is re-preparing the draft that had been on the stolen computer. This amended brief will be filed ASAP.

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IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

THE MEADOWS OWNERS)	No. 81754-0-I
ASSOCIATION, a Washington non-profit)	
corporation,)	DIVISION ONE
)	
Plaintiff,)	UNPUBLISHED OPINION
)	
v.)	
)	
JAYAKRISHNAN K. NAIR, and JANE OR)	
JOHN DOES NAIR, spouses or registered)	
domestic partners and the marital)	
community composed thereof;)	
WILMINGTON SAVINGS FUND SOCIETY)	
FSB, D/B/A CHRISTIANA TRUST, NOT)	
INDIVIDUALLY BUT AS TRUSTEE FOR)	
PREMIUM MORTGAGE ACQUISITION)	
TRUST, a Delaware corporation; and)	
FIRST TECH CREDIT UNION,)	
)	
Appellants,)	
)	
JOYOUS INVESTMENTS, LLC,)	
)	
Respondent.)	

HAZELRIGG, J. — Jayakrishnan K. Nair appeals from the denial of his motion for reconsideration of an order confirming the sheriff’s sale of a foreclosed property and to vacate a default judgment against him in the foreclosure proceeding. He alleges that the superior court violated his procedural due process rights and his right to represent himself pro se by disallowing a late-filed motion and denying his oral motion to continue. He also alleges he is entitled to equitable tolling of the

redemption period and that his tender of \$1,000 was adequate to redeem his property. Because Nair fails to adequately allege any error, we affirm the superior court.

FACTS

In May 2017, The Meadows Owners Association (Meadows)¹ filed a complaint for lien foreclosure based on nonpayment of fees for a condominium unit in Snohomish County. Meadows obtained a default judgment against Jayakrishnan Nair and proceeded with a sheriff's sale. Joyous Investments, LLC, (Joyous) purchased the unit at the sale. After the redemption period expired, Joyous moved to confirm the sheriff's sale and issue the deed, which was so ordered by the trial court on August 28, 2018. Nair then moved for reconsideration and to vacate the default judgment, which was denied. Nair timely appealed.

ANALYSIS

I. Scope of Appeal

We first note the scope of the appeal before us. A party may appeal only from a final judgment in an action or proceeding, including an order on a motion to vacate a judgment and final orders after judgments that impact a substantial right. RAP 2.2(a)(1), (10), (13). A party has 30 days to file a notice of appeal. RAP 5.2(a). An appellate court will only extend this time in "extraordinary circumstances" to "prevent a gross miscarriage of justice." RAP 18.8(b). While

¹ Meadows has not filed a brief or otherwise participated in this appeal. Joyous states in its brief that because Meadows was paid in full after the sheriff's sale, Meadows is not impacted by any of the issues.

Nair emphasizes that he appears pro se, we hold a pro se litigant to the same procedural rules as an attorney. In re Martin, 154 Wn. App. 252, 265, 223 P.3d 1221 (2009).

On August 14, 2018, Nair filed a motion objecting to the sheriff's sale, requesting that the sale be vacated. The trial court denied his motion that same day.² Nair filed a motion for reconsideration and to vacate the default judgment on September 7, 2018. It was also denied.³ The time for Nair to appeal those decisions has long passed, and he has failed to identify any extraordinary circumstances that would compel us to extend the time to appeal. As such, we decline to reach the issue of whether the sale should be set aside on equitable grounds.

Nair also asks this court to determine whether Joyous committed a federal crime. He does not tie this assignment of error to a particular decision of the trial court, does not provide any citations to the record in support of this claim, and fails to provide any legal authority in support of this issue. See RAP 2.2(a), 10.3(a)(6). This question is beyond the scope of this court and we decline to reach it.

Accordingly, our review is limited to Nair's due process challenge, the issue of equitable tolling of the redemption period, and the determination as to the adequacy of his tender for redemption.

² The trial court also sanctioned Nair under CR 11 "for engaging in vexatious litigation."

³ Although the order was not transmitted to this court, both parties appear to agree in their briefing that Nair filed a motion for reconsideration, which was denied.

II. Due Process Challenge

Nair argues he was deprived of an opportunity to be heard and to represent himself because the trial court disallowed his Interim Response to Motion for Vacating Restraining Order and Issuance of Sheriff's Deed, and denied his oral motion to continue.

We review constitutional challenges de novo. Hale v. Wellpinit Sch. Dist. No. 49, 165 Wn.2d 494, 503, 198 P.3d 1021 (2009). We review a decision denying a motion to continue for an abuse of discretion, reversing only if the decision is "exercised on untenable grounds or reasons." Wood v. Milionis Constr., Inc., 198 Wn.2d 105, 133, 492 P.3d 813 (2021).

RAP 10.3(a)(6) requires an appellant in their brief to include the argument in support of the issue "with citations to legal authority and references to relevant parts of the record." While we construe the Rules of Appellate Procedure liberally, we also hold a pro se litigant to the same procedural rules as an attorney. RAP 1.2(a); Martin, 154 Wn. App. at 265.

This court "will not consider an inadequately briefed argument." Norcon Builders, LLC v. GMP Homes VG, LLC, 161 Wn. App. 474, 486, 254 P.3d 835 (2011); see also Cowiche Canyon Conservancy v. Bosley, 118 Wn.2d 801, 809, 828 P.2d 549 (1992) (court would not consider arguments unsupported by reference to the record or citation of authority); see also Orwick v. City of Seattle, 103 Wn.2d 249, 256, 692 P.2d 793 (1984) ("It is not the function of trial or appellate courts to do counsel's thinking and briefing.").

Nair neglects to do more than cast bare allegations of constitutional and civil rights violations by the trial court. He cites only the Fourteenth Amendment to the United States Constitution, article 1, section 3 of the Washington State Constitution, and section 1654 of Title XXVIII of the United States Code. He fails to lay out the test for procedural due process, to apply law to any facts, and to provide citations to the record in support of his allegations.

Additionally, the trial court was acting pursuant to its discretion under the Snohomish County Local Court Rules, which state “[a]ny material offered at a time later than required by this rule may be stricken by the court and not considered.” SNOHOMISH COUNTY SUPER. CT. LOCAL CIV. R. 7(c). Nair’s motion was filed June 30, 2020 at 10:59 a.m. The hearing during which the judge disallowed Nair’s motion was conducted on June 30, 2020 and docketed at 9:30 a.m. The judge was permitted by the local court rules to disallow any late material, and Nair fails to adequately brief any constitutional challenge to that decision. As such, his argument fails.

Nair likewise fails to make any legal or factual argument regarding the denial of his motion to continue. Without more, we cannot say the trial court abused its discretion in denying the oral motion to continue or violated Nair’s due process rights in doing so.

III. Redemption

Nair next argues he is entitled to equitable tolling of the redemption period because Joyous grossly exaggerated the redemption amount and that his tender of \$1,000 was adequate to redeem before the redemption period expired.

Redemption of real property from sale is controlled by Chapter 6.23 RCW. We interpret a statute de novo. Dep't. of Ecology v. Campbell & Gwinn, LLC., 146 Wn.2d 1, 9, 43 P.3d 4 (2002).

A. Equitable Tolling

Absent an exception, a judgment debtor has 12 months from the date of the sheriff's sale to redeem the property. RCW 6.23.020(1). One such exception equitably tolls the redemption period "when the redemptioner in possession submits a grossly exaggerated statement of the sum required to redeem" such that the judgment debtor "cannot with due diligence ascertain the sum required to redeem within the time remaining." Millay v. Cam, 135 Wn.2d 193, 206, 955 P.2d 791 (1998).

In support of this assignment of error, Nair offers only his bare allegations as to fraud. He asserts that Joyous was not required to pay off a prior deed of trust and should not have, that the interest rate was incorrect, and that Joyous collected more rent than it reported. We agree with Joyous that nothing in RCW 6.23.020(2)(c) required it to pay the senior lien in a particular way to benefit Nair. Nair provides no support to counter Joyous's contention that its only option to stop the trustee's sale for the senior lien was to pay it in full. Joyous, in contrast, provided sworn declarations and accountings about the amounts paid and rents collected during the redemption period.

Joyous correctly asserts that RCW 6.23.020(2) allows a purchaser to collect "[t]he amount of the bid, with interest thereon at the rate provided in the judgment to the time of redemption." (Emphasis added). The July 19, 2017

Order of Default provided a 12 percent annual interest rate. RCW 6.23.090(1) allows a purchaser to obtain insurance for the property, and the clerk's minutes for the hearing suggest that the trial court found Joyous had to pay to insure the property.⁴ Nair provides no basis for his assertion that this interest rate or the insurance expenses contravened any law apart from his own bare allegations of misconduct.

Finally, Nair alleges Joyous collected more rents than they reported, claiming the home could have been rented at \$1,500 per room per month, based on his own calculations. He offers no legal authority supporting the contention that Joyous as purchaser was required to rent the unit at all, let alone for a particular amount or following a particular business model like the one he offers. Given that Nair had a year to redeem the unit, it was reasonable for Joyous to continue renting to the current tenant. There is nothing about the rental income that suggests a gross exaggeration in Joyous's reporting.

Because Nair has failed to support any of his allegations with law or fact, we affirm the trial court's confirmation of the sheriff's sale to Joyous.

B. Adequate Tender

Nair next argues his tender of \$1,000 on August 5, 2019, was sufficient to redeem or toll the expiration of the redemption period. His argument that this tender was sufficient rests entirely on his allegations of gross exaggeration of expenses and rents, which are unsupported in fact or law. As such, his tender

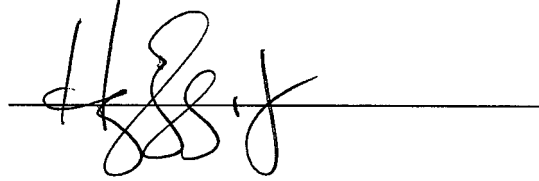
⁴ The hearing was not recorded and no written order was transmitted to this court. The parties submitted clerk's minutes generated at the hearing which contain the court clerk's written summary of the proceeding, but nothing more.

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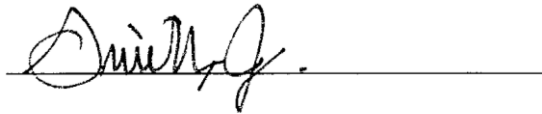
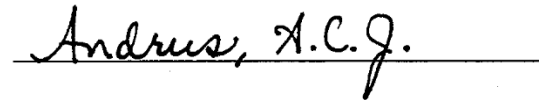
of \$1,000 was inadequate compared to the \$339,823.02 required by statute.

RCW 6.23.020(2).

Finding no error in the trial court's rulings, we affirm.

A handwritten signature in black ink, appearing to be "H. E. J.", written over a horizontal line.

WE CONCUR:

A handwritten signature in black ink, appearing to be "Smith, J.", written over a horizontal line.A handwritten signature in black ink, appearing to be "Andrus, A.C.J.", written over a horizontal line.