

FILED
SUPREME COURT
STATE OF WASHINGTON
8/30/2023
BY ERIN L. LENNON
CLERK

FILED
Court of Appeals
Division I
State of Washington
8/30/2023 1:33 PM

Case No. 102322-7

IN THE SUPREME COURT OF THE
STATE OF WASHINGTON

Court of Appeals Division 1, Case No. 83114-3

KEITH WELCH, Petitioner

and

CHRIS WALDEN, Respondent

RESPONDENT'S RESPONSE TO APPELLANT'S MOTION FOR
EXTENSION OF TIME TO PETITION FOR REVIEW

Rob Trickler
WSBA #37125
Attorney for Chris Walden
2302 Rucker Ave Unit 4
Everett, WA 98201
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RESPONDING PARTY

The Respondent Chris Walden by and through counsel Rob Trickler

STATEMENT OF RELIEF SOUGHT

The Respondent is respectfully requesting the Appellants motion for extension of time to file petition for review be denied.

FACTS

This is one of two appeals filed and litigated by the Defendant relating to possession of the same real property. Both appeals have been ongoing for circa 2 years and both now decided in favor of the Respondent Chris Walden.

ARGUMENT

It was the Appellant who elected to answer the Respondent's unlawful detainer by filing a quiet title and adverse possession action. It was the Appellant who decided to appeal both decisions in those two Superior Court actions. It was the Appellant who moved for additional time

nearly a dozen times in each appeal dragging them both on for two years. It is the Appellant who informed the Respondent that he was intentionally dragging this matter out as long as he could (see attached declaration of Chris Walden. The fact that the Court of Appeals decided to hear without oral argument both of the Appellant's appeals on the same day was reasonable, practical and certainly foreseeable. This should be allowed to be used as an excuse for yet another extension of time to just draw this case out longer.

CONCLUSION

Respectfully, the motion for extension of the time to file petition for review should be denied.

Respectfully Submitted

/s/ Rob Trickler
Rob W. Trickler, WSBA #37125
Attorney for Chris Walden

DECLARATION OF SERVICE

I certify that on the 30th day of August 2023, I caused a true and correct copy of this Response to be served by electronic filing,

Dated this 30th day of August, 2023, at Everett, Washington.

/s/ Rob Trickler
Rob W. Trickler

EXHIBIT A

DECLARATION

I, Chris Walden, solemnly declare and affirm the following facts based on my personal knowledge:

I am Chris Walden and I reside at 20132 33rd Ave NE Arlington, WA 98223.

On August 2, 2023, I received a phone call from Mr. Welch at approximately 9:00AM. The purpose of his call was to extend congratulations on my success in winning both appeals related to the legal matters of adverse possession and his eviction.

During our conversation, Mr. Welch informed me that he required additional time to vacate the property and gather his belongings.

Mr. Welch presented an offer to pay me a monthly sum of \$4000, which he indicated was in line with the amount he was currently remitting for the supersedeas bond. He went on to mention that the funds he had contributed to the bond could be accessed by me if I were to instruct my attorneys to cease their actions.

It was communicated to me by Mr. Welch that should I decline his proposal, he had intentions of prolonging the legal proceedings with the aim of causing delays, despite his acknowledgment that the likelihood of the Supreme Court reviewing the case was low.

Furthermore, Mr. Welch expressed an interest in purchasing the property from me and requested that I provide an assessment of the property's value.

I affirm that I did not entertain any of Mr. Welch's threats or offers. I explicitly conveyed my lack of interest in his propositions. In response, I informed him of my intention to consult my attorney for guidance on the matter.

Subsequent to this communication, I promptly terminated the phone call.

I make this declaration with the understanding that any false statements herein may result in legal penalties.

Executed this 30 day of August, 2023, at Arlington, WA.

Chris Walden

Chris Walden

THE LAW OFFICE OF ROB W. TRICKLER PLLC

August 30, 2023 - 1:33 PM

Transmittal Information

Filed with Court: Court of Appeals Division I
Appellate Court Case Number: 83114-3
Appellate Court Case Title: Christopher Walden, Respondent v. Keith Welch, Appellant
Superior Court Case Number: 21-2-00257-8

The following documents have been uploaded:

- 831143_Answer_Reply_to_Motion_20230830133143D1312518_7280.pdf
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Answer/Reply to Motion - Response
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- kpwjr@att.net

Comments:

Respondent's Response to Appellant's Motion for Extension of time to Petition for Review.

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