

FILED
Court of Appeals
Division III
State of Washington
2/14/2024 10:38 AM

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SUPREME COURT
STATE OF WASHINGTON
2/14/2024
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No. 39115-9

**COURT OF APPEALS, DIVISION III
OF THE STATE OF WASHINGTON**

RAYMOND RESER,)	MOTION FOR
)	SUBSTITUTION OF
Appellant,)	BYRON G. RESER,
)	PERSONAL
v.)	REPRESENTATIVE OF
)	THE ESTATE OF
POLLUTION CONTROL)	RAYMOND RESER
HEARINGS BOARD, et al,)	ESTATE AS APPELLANT
)	
Respondent.)	
)	

I. IDENTITY OF MOVING PARTY

Appellant, Raymond Reser Estate, by and through its counsel of record Rolfe Law Office, PLLC and Wyatt E. Rolfe submits this motion for substitution of party.

II. STATEMENT OF RELIEF SOUGHT

Pursuant to RAP 3.2(a)-(b), the Appellant, the Estate of Raymond Reser, moves this Court for a substitution of parties. The Court is requested to substitute Byron G. Reser, Personal Representative of the Estate of Raymond Reser, as the Appellant in this proceeding.

III. FACTS RELEVANT TO MOTION

The Appellant in this matter, Raymond Reser, died on July 28, 2023, leaving Washington property and water rights subject to probate. Assets of the decedent include water rights that are the subject of this proceeding.

The nominated party for substitution, Byron G. Reser, was appointed on December 8, 2023 in the Superior Court for Walla Walla County (Case No. 23-4-00170-360) as Personal Representative of the Estate of Raymond Reser. Byron G. Reser is the Appellant's sibling and a contingent beneficiary of the Ferguson Farm.

IV. GROUNDS FOR RELIEF AND ARGUMENT

Pursuant to RAP 3.4(a), an appellate court will substitute parties to a review when it appears that a party is deceased. A party with knowledge of the death shall promptly move for substitution of parties. RAP 3.4(b).

Mr. Byron G. Reser is the duly appointed Personal Representative of the Raymond Reser Estate. Substitution of Byron G. Reser as the Appellant is appropriate and the motion should be granted.

V. CONCLUSION

The Court should grant the motion pursuant to RAP 3.4(a)–(b).

Pursuant to RAP 18.17(b), I hereby certify this Status Report contains 459 words, excluding the parts of the document exempted from the word count by RAP18.17(c).

///

RESPECTFULLY SUBMITTED this 14th day of
February 2024.

/s/ Wyatt E. Rolfe, WSBA No. 43581
Wyatt E. Rolfe, WSBA No. 43581
Attorney for Appellant Reser Estate,
By and through Personal
Representative, Byron G. Reser

CERTIFICATE OF SERVICE

I certify that on February 14, 2024, I caused to be served appellant's Motion of Substitution in the above-captioned matter upon the parties herein via the Appellate Court filing portal.

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I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 14th day of February 2024 in Walla Walla, Washington.

/s/ Wyatt E. Rolfe, WSBA No. 43581
Wyatt E. Rolfe, WSBA No. 43581
Attorney for Appellant Reser Estate,
By and through Personal
Representative, Byron G. Reser

ROLFE LAW OFFICE, PLLC

February 14, 2024 - 10:38 AM

Transmittal Information

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Appellate Court Case Title: Raymond Reser v. Pollution Control Hearings Board, et al
Superior Court Case Number: 21-2-00538-9

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