

RECEIVED
SUPREME COURT
STATE OF WASHINGTON
Mar 04, 2014, 3:55 pm
BY RONALD R. CARPENTER
CLERK

WASHINGTON SUPREME COURT

Supreme Court Docket No. 89775-1

E **ORF**
RECEIVED BY E-MAIL

Court of Appeals Div. III Docket No. 303314

IN THE MATTER OF THE ESTATE OF WENDELL K. MILES

Joyce Tasker, Petitioner

Colville Valley Animal Sanctuary, Respondent

**REPLY TO RESPONDENT'S OPPOSITION TO
PETITION FOR REVIEW**

ROBERT A. SIMEONE, WSBA #12125
ATTORNEY FOR PETITIONER
PO BOX 522
COLVILLE WA 99114
(509) 684-5847

 ORIGINAL

TABLE OF CONTENTS

A.	REPLY	1.
1.	Ms. Tasker Has A Personal Stake In The Outcome Of The Case	1.
a.	The Trend In Washington Is Toward Broadening Standing.	2.
b.	Ms. Tasker Has As Legitimate Claim To Standing As Did The Appellant In <i>Germeau</i> .	3.
2.	It Was The Respondent's Place To Raise The Standing Issue At The Trial Level, Not Ms. Tasker's.	4.
3.	Estoppel Prevents The Respondent From Addressing The Standing Issue At The Appellate Level Notwithstanding The Court's Inherent Authority To Consider The Issue.	7.
a.	<i>Ahmad</i> .	8.
b.	<i>Local 1789 And High Tide</i> .	10.
4.	The Standing Issue Here Is No More Jurisdictional Than It Was In <i>Germeau</i> .	11.
a.	<i>Wolstein</i> .	12.
B.	CONCLUSION	13.

TABLE OF AUTHORITIES

WASHINGTON CASES

<i>Ahmad, Iman, Hatem and Muslim America v. Town of Springdale</i> , No. 31339-5-III	7, 8, 9, 11, 13.
<i>Germeau v. Mason County Sheriff's Office</i> , 271 P.3d 932, 166 Wn App 789 (Wash.App. Div II 2012)	2, 3, 4, 11, 12.
<i>Glass v. Windsor Navigation</i> , 504 P.2d 1135, 81 Wn.2d 726 (Wash. 1973).....	12.
<i>High Tide Seafoods v. State</i> , 725 P.2d 411, 106 Wn.2d 695 (Wash. 1986).....	7, 8, 10, 11, 12.
<i>Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports</i> , 45 P.3d 186, 146 Wn.2d 207 (Wash. 2002).....	7, 8, 9, 10, 12.
<i>State v. Cardenas</i> , 47 P.3d 127, 146 Wn.2d 400 (Wash. 2002).....	10, 11.
<i>Wolstein v. Yorkshire Ins. Co. Ltd.</i> , 985 P.2d 400, 97 Wn.App. 201 (Wash.App. Div. 1 1999).....	12.

A. REPLY

1. Ms. Tasker Has A Personal Stake In The Outcome Of The Case.

Despite the uncalled for and unprofessional criticisms of Ms. Tasker by counsel for Respondent in his Responsive Memorandum - berating her personally and criticizing her misfortunes all the way down to her poverty-imposed eating restraints - Ms. Tasker is a well-liked individual for her work with animals. Numerous affidavits submitted on her behalf so attest. People from all walks of life consider her work for animal causes to be indispensable in rural Stevens County. (CP 121-123, 238-240, 241-242). She devotes nearly all of her time and most of her money to the welfare of domestic animals running Dog Patch, her solely owned Private Operating Foundation, championing the cause of animals. Ms. Tasker is Dog Patch and Dog Patch is Ms. Tasker.

As does any charitable organization, Ms. Tasker's Dog Patch depends upon contributions from outside sources to help pay for the tremendous expense of the operation that she otherwise absorbs herself. Contribution of almost all of her own income is not enough. As a result of the Superior Court's ruling in the underlying cause, she and Dog Patch, the oldest animal rights charitable organization in the Colville area share none of the value of Miles' gift of real property.

Yet the Respondent asserts Ms. Tasker is not an aggrieved party

and never had a “personal stake in the outcome of the case.” (Opposition to Petition for Review, p. 6.) This to say that Ms. Tasker, who as noted by Respondent in its Opposition Memorandum, has subsisted during hard times in her life for the sake of animals, has no interest in seeing to it that part of the Miles’ gift is steered in her direction to give her some relief from the heavy load she carries herself. Any casual look at Ms. Tasker’s situation would show the erroneousness of that contention. (CP 128-129) To say Ms. Tasker does not have a “personal stake in the outcome” of the distribution of the Miles’ gift is to put form before substance and ignore reality.

a. The Trend In Washington Is Toward Broadening Standing.

To extrapolate the rule from *Germeau* to the standing issue in this case, the court should not allow hypertechnical barriers to obstruct the substantive issues on appeal. *Germeau v. Mason County*, 166 Wn. App. 789, 804, (*Pet. For Rev. denied*, 174 Wn.2d 1010, 281 P.3d 686 (Wash. 2012)). The trend in Washington for some time now is to construe the standing requirement in a liberal fashion to allow actions to go forward on their merits. See *Gustafson v. Gustafson*, 47 Wn.App. 272, 734 P.2d 949 (Wash.App. Div. 1 1987). In *Gustafson*, a plaintiff who did not fulfill the criteria of CR 23.1 in that she was not a shareholder at the time of commencement of the suit was permitted by the court to go forward in a

WASHINGTON SUPREME COURT

Supreme Court Docket No. 89775-1

Court of Appeals Div. III Docket No. 303314

IN THE MATTER OF THE ESTATE OF WENDELL K. MILES

Joyce Tasker, Petitioner

Colville Valley Animal Sanctuary, Respondent

**REPLY TO RESPONDENT'S OPPOSITION TO
PETITION FOR REVIEW**

ROBERT A. SIMEONE, WSBA #12125
ATTORNEY FOR PETITIONER
PO BOX 522
COLVILLE WA 99114
(509) 684-5847

TABLE OF CONTENTS

A.	REPLY	1.
1.	Ms. Tasker Has A Personal Stake In The Outcome Of The Case	1.
a.	The Trend In Washington Is Toward Broadening Standing.	2.
b.	Ms. Tasker Has As Legitimate Claim To Standing As Did The Appellant In <i>Germeau</i> .	3.
2.	It Was The Respondent's Place To Raise The Standing Issue At The Trial Level, Not Ms. Tasker's.	4.
3.	Estoppel Prevents The Respondent From Addressing The Standing Issue At The Appellate Level Notwithstanding The Court's Inherent Authority To Consider The Issue.	7.
a.	<i>Ahmad</i> .	8.
b.	<i>Local 1789 And High Tide</i> .	10.
4.	The Standing Issue Here Is No More Jurisdictional Than It Was In <i>Germeau</i> .	11.
a.	<i>Wolstein</i> .	12.
B.	CONCLUSION	13.

TABLE OF AUTHORITIES

WASHINGTON CASES

<i>Ahmad, Iman, Hatem and Muslim America v. Town of Springdale</i> , No. 31339-5-III	7, 8, 9, 11, 13.
<i>Germeau v. Mason County Sheriff's Office</i> , 271 P.3d 932, 166 Wn App 789 (Wash.App. Div II 2012)	2, 3, 4, 11, 12.
<i>Glass v. Windsor Navigation</i> , 504 P.2d 1135, 81 Wn.2d 726 (Wash. 1973).....	12.
<i>High Tide Seafoods v. State</i> , 725 P.2d 411, 106 Wn.2d 695 (Wash. 1986).....	7, 8, 10, 11, 12.
<i>Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports</i> , 45 P.3d 186, 146 Wn.2d 207 (Wash. 2002).....	7, 8, 9, 10, 12.
<i>State v. Cardenas</i> , 47 P.3d 127, 146 Wn.2d 400 (Wash. 2002).....	10, 11.
<i>Wolstein v. Yorkshire Ins. Co. Ltd.</i> , 985 P.2d 400, 97 Wn.App. 201 (Wash.App. Div. 1 1999)	12.

A. REPLY

1. Ms. Tasker Has A Personal Stake In The Outcome Of The Case.

Despite the uncalled for and unprofessional criticisms of Ms. Tasker by counsel for Respondent in his Responsive Memorandum - berating her personally and criticizing her misfortunes all the way down to her poverty-imposed eating restraints - Ms. Tasker is a well-liked individual for her work with animals. Numerous affidavits submitted on her behalf so attest. People from all walks of life consider her work for animal causes to be indispensable in rural Stevens County. (CP 121-123, 238-240, 241-242). She devotes nearly all of her time and most of her money to the welfare of domestic animals running Dog Patch, her solely owned Private Operating Foundation, championing the cause of animals. Ms. Tasker is Dog Patch and Dog Patch is Ms. Tasker.

As does any charitable organization, Ms. Tasker's Dog Patch depends upon contributions from outside sources to help pay for the tremendous expense of the operation that she otherwise absorbs herself. Contribution of almost all of her own income is not enough. As a result of the Superior Court's ruling in the underlying cause, she and Dog Patch, the oldest animal rights charitable organization in the Colville area share none of the value of Miles' gift of real property.

Yet the Respondent asserts Ms. Tasker is not an aggrieved party

and never had a “personal stake in the outcome of the case.” (Opposition to Petition for Review, p. 6.) This to say that Ms. Tasker, who as noted by Respondent in its Opposition Memorandum, has subsisted during hard times in her life for the sake of animals, has no interest in seeing to it that part of the Miles’ gift is steered in her direction to give her some relief from the heavy load she carries herself. Any casual look at Ms. Tasker’s situation would show the erroneousness of that contention. (CP 128-129) To say Ms. Tasker does not have a “personal stake in the outcome” of the distribution of the Miles’ gift is to put form before substance and ignore reality.

a. The Trend In Washington Is Toward Broadening Standing.

To extrapolate the rule from *Germeau* to the standing issue in this case, the court should not allow hypertechnical barriers to obstruct the substantive issues on appeal. *Germeau v. Mason County*, 166 Wn. App. 789, 804, (*Pet. For Rev. denied*, 174 Wn.2d 1010, 281 P.3d 686 (Wash. 2012)). The trend in Washington for some time now is to construe the standing requirement in a liberal fashion to allow actions to go forward on their merits. See *Gustafson v. Gustafson*, 47 Wn.App. 272, 734 P.2d 949 (Wash.App. Div. 1 1987). In *Gustafson*, a plaintiff who did not fulfill the criteria of CR 23.1 in that she was not a shareholder at the time of commencement of the suit was permitted by the court to go forward in a

quiet title action where she contended a corporation wrongly sold a property asset. The court permitted the plaintiff there to go forward with her suit reasoning that

sound public policy dictates that this result be followed.

Gustafson at 278.

That same equitable principle says that hypertechnical rules should not be permitted to stand in the way of reviewing the trial court's refusal to implement the *Cy Pres* doctrine in the distribution of the Miles' property. Mr. Tasker should have the opportunity to have the case reviewed. Sound public policy dictates such a result.

b. Ms. Tasker Has As Legitimate Claim To Standing As Did The Appellant In *Germeau*.

Respondent claims that Richard Germeau, the Police Guild representative who was not an attorney, was not the Police Guild itself, and was not the accused officer himself, "had a personal stake in the outcome of that matter", thus standing to have the FOI case reviewed. (Opposition Memorandum of Respondent, p.6.) Ms. Tasker agrees. So did the Court of Appeals. But for Respondent to say in the same sentence that Ms. Tasker does not have that same personal stake in the outcome of her case where the fact patterns of the two cases are parallel is intellectually dishonest. Merely stating that Germeau had an interest in his

case conferring standing upon him, but that Ms Tasker does not is an insufficient explanation. Respondent gives no rationale for its bald assertion. Rather, this is specious, unsupported argument.

Respondent cannot avoid the inescapable conclusion that *Germeau* says Ms. Tasker's case must go forward. None of the Respondent's attempts to argue to the contrary wash. The relative positions of the two litigants in their respective cases, Germeau in the one and Ms. Tasker in the other, are too similar for the Respondent's position to have any merit.

2. ***It Was The Respondent's Place To Raise The Standing Issue At The Trial Level, Not Ms. Tasker's.***

Respondent submits that Ms. Tasker never argued she had standing to appear on behalf of Dog Patch at the trial level (Opposition Brief of Respondent at p. 7), then goes on to say "this is likely because the trial court proceeded under the abiding impression that Ms. Tasker had no personal stake in the matter, rather Dog Patch was vying for the Miles' property." *Id* at 8.

There is no support in the record for this proposition. It is not likely that the court proceeded under any such impression suggested by the Respondent. To the contrary, the first time it crossed the mind of the Superior Court Judge to ask the question about which entity was before the court, Ms. Tasker or Dog Patch, was at a hearing on February 12,

2012. There the Court wondered aloud whether it should have inquired along the way as to the identity of the entity making its special appearance. (VRP 2/3/12 at 23:3-4) At that point, the Appeal of the Ruling had already been filed and the facts cemented in place.

The court ordered a legal notice would be published in the newspaper stating “*anyone or any organization* asserting an interest in or to the real property of this estate shall forthwith make their appearance, provide substantiation as to their assertion of interest and be prepared to present their position to the court.” (See attached Addendum 1, Affidavit of Publication.) Ms. Tasker expressed her interest in the outcome of the distribution proceeding before that notice, but came before the court on the same footing. Her Request for Special Notice of Proceeding read “Joyce Tasker in behalf of Dog Patch...” Ms. Tasker made her appearance as a participant in the estate proceeding by way of the Request for Special Notice in her own behalf and “in behalf of Dog Patch Humane”. (CP 842) Had there been any objection to her standing to participate the other interested parties, certainly Respondent CVAS, should have spoken up. Instead:

- CVAS’s own attorney Mr. Webster, in his Certificate of Service of Ms. Tasker’s Interrogatories notes service upon Robert Simeone, “Attorney for Joyce Tasker”. (CP 670);

- The signature line of these Interrogatories also prepared by CVAS on its attorney's pleading paper, reads "Joyce Tasker, an interested party". (See attached Addendum 2-3.) (Emphasis Added)
- The Interim Report filed by the Estate noted that "Joyce Tasker and CVAS have requested special notice", (CP 20); putting her as an individual on the same footing with the respondent;
- The Notice of Intent to Withdraw by Mr. Webster, former attorney for CVAS was directed to "Bob Simeone, Attorney for Joyce Tasker". (CP 671).

These facts, coupled with Respondent's free-standing, unsupported assertion, beg the question: Why would Ms. Tasker or anyone in her position question her own standing in the action in the first instance when her personal appearance was so readily acknowledged all around?

Respondent's suggestion that it should have been Ms. Tasker who brought the matter of standing before the court is not procedurally provided for. A party does not appear in an action and ask if it has standing to do so, whether as a jurisdictional matter or not. Ms. Tasker all along asserted her rightful place as a contender for the Miles' gift as an "individual interested in the outcome of the proceeding" according to the Court-ordered Notice, and in behalf of herself and her Private Operating Foundation, Dog Patch when she filed her initial Request for Special

Notice of the Probate Proceeding. Nowhere in the record does it appear that the trial court proceeded under the “abiding impression” that Ms. Tasker had no “personal stake in the matter” as the Respondent would misdirect this court into believing. Respondent is estopped from challenging her participation due to lack of standing as explained in the next section.

3. **Estoppel Prevents The Respondent From Addressing The Standing Issue At The Appellate Level Notwithstanding The Court’s Inherent Authority To Consider The Issue.**

In its Opposition Memorandum, Respondent attempts to explain away the rules in cases cited by Ms. Tasker in support of her position. *High Tide Seafoods v. State*, 106 Wn.2d 695, 702, 725 P.2d 411 (1986) and *Int’l Ass’n of Firefighters, Local 1789 v. Spokane Airports*, 146 Wn.2d 207, 212 n.3, 45 P.3d 186 (2002). Both stand for the proposition that standing cannot be challenged for the first time on appeal.

Ms. Tasker’s argument that standing cannot now be raised is twofold: first, decisional law on the point says standing cannot be raised for the first time on appeal *Ahmad, Iman, Hatem and Muslim America v. Town of Springdale*, No. 31339-5-III; and second, on the basis of estoppel.

Regarding estoppel, an allusion to a standing argument was included in an affidavit by a non-party witness after the August 29, 2011

disposition hearing. That affidavit by one Lisa Gallagher (CP 783, filed October 18, 2011) was submitted in support of the unsuccessful motion by Mrs. Rose, director of CVAS, to reopen the record. (CP 670) The Gallagher affidavit in retrospect arguably touched upon the issue of standing. However, neither the Estate nor CVAS ever developed the issue to the point where Ms. Tasker could have done something about it. CVAS made no motion or took any other action to which Ms. Tasker had to respond, or that would have alerted Dog Patch to consider making its own appearance. Had Ms. Tasker known there would be a challenge to her right to prosecute her case she could have taken measures to correct any perceived error. Because it caused Ms. Tasker to rely to her detriment on its inaction, CVAS is now estopped from raising the standing argument for the first time on appeal.

In both *High Tides* and *Local 1789*, challenges to standing were properly addressed by the appellate courts but they were first addressed in the trial court. The bright-line rule is that standing is not raised for the first time on appeal. Respondent's arguments to the contrary, that rule remains our law. *Ahmad, supra*.

a. *Ahmad*

Respondent attempts to parse the *Ahmad* decision to bring the holding around to a position consistent with its argument. *Ahmad, Iman,*

Hatem and Muslim America v. Town of Springdale, No. 31339-5-III. The fact remains that *Ahmad* holds that standing cannot be raised for the first time on appeal.

In *Ahmad*, the trial court denied individual plaintiffs Satem and Ahmad the right to argue for the writ of mandamus they applied for due to their non-attorney status. They lacked standing. The issue was not developed by those two plaintiffs but they raised it on appeal. It was deemed waived. The issue was not denied by the appellate court on review because it was jurisdictional, as posited by the Respondent. That rationale does not appear in the decision. Rather, the individual plaintiffs were estopped from raising the issue for the first time on appeal in accordance with court rule and precedent.

Ms. Tasker understands decisions by Washington courts to the contrary, viz., that standing may be raised for the first time on appeal:

Although Airport raised the standing issue as an affirmative defense in its answer to Union's complaint, it failed to assert it on summary judgment. The Court of Appeals, however, correctly observed that standing is a jurisdictional issue that can be raised for the first time on appeal. See *Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports*, 103 Wash.App. 764, 768, 14 P.3d 193 (2000) (citing RAP 2.5(a); *Mitchell v. Doe*, 41 Wash.App. 846, 847, 706 P.2d 1100 (1985)), review granted, 143 Wash.2d 1019, 25 P.3d 1019 (2001).

Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports, 45 P.3d 186, 146 Wn.2d 207 (Wash. 2002), footnote 3.

The footnote cited above is the “pinpoint cite” that Respondent challenges Ms. Tasker to provide in support of her proposition that the different outcome in cases on this point turns on the presence or absence of the estoppel aspect. This footnote helps explain what appears to be a contradiction with the rule from *Cardenas*, to wit, a party waives a standing issue by not raising it at trial. *State v. Cardenas*, 146 Wn.2d 400, 404-05, 47 P.3d 127, 57 P.3d 1156 (2002). The two can be reconciled by the estoppel element in the facts. That is, cases where standing was entertained by the courts of appeal had as a common denominator that the issue was somehow brought up at the trial level even if not adjudicated.

For example:

b. *Local 1789 And High Tide*

In *Int'l Ass'n of Firefighters, Local 1789 v. Spokane Airports*, 45 P.3d 186, 146 Wn.2d 207 (Wash. 2002), the standing defense was included as an affirmative defense although not considered by the court in the ruling on summary judgment. No such notice of the State's position on standing was given the criminal defendant in *Cardenas*.

In *High Tide Seafoods v. State*, 725 P.2d 411, 106 Wn.2d 695 (Wash. 1986), a challenge by a fish wholesaler to the constitutionality of

certain excise taxes collected on purchase of fish from non-Indian sellers, the court found plaintiffs had standing. This conclusion was reached even though the plaintiffs there were not able to prove their injury fell within the zone of the fishing rights of treaty Indians, and thus did not have standing to challenge RCW 82.27 by asserting treaty rights of Indians. *High Tide* at 702. Nevertheless, the Court, evidencing its expansive view on the issue of standing and wishing to review the substantive constitutional challenges before it, rejected the challenge to standing. *Id* at 702.

The rule from *Cardenas*, applied in *Ahmad*, should also be applied in the instant case: a party waives the right to raise the standing argument by not raising the issue at trial. It is in essence an estoppel issue. CVAS withheld the argument and sprang it on Ms. Tasker after a time when she could not do anything about it. Such trickery should not be rewarded with the extraordinary remedy of dismissal.

4. ***The Standing Issue Here Is No More Jurisdictional Than It Was in Germeau.***

Respondent characterizes the nature of the standing issue here as “jurisdictional.” While this interpretation might be a convenient way for Respondent to try to have some special treatment accorded its issue, this court should not buy into such a characterization. Ms. Tasker filed and

served her Notice of Appeal in a timely way. This is not the same as the jurisdictional objection that was raised to standing in *Glass v. Windsor Navigation*, 81 Wn. 2d 726, 729 (1973) cited by the Respondent for its proposition. The same characterization that the issue was jurisdictional could have been assigned to the standing issue in *Germeau*. But Division II turned away the standing challenge there even though it could have been regarded as “jurisdictional.”

The standing issue was within the contemplation of the Respondent, alluded to at the trial level in the Gallagher affidavit but withheld. CVAS made no motion or took any other action to which Ms. Tasker had to respond, or that would have alerted Dog Patch to consider making its own appearance.

In both *High Tides* and *Local 1789*, challenges to standing were properly addressed by the appellate court, but they were first addressed in the trial court. The Court did not consider the issue for the first time on appeal.

a. *Wolstein*

Wolstein v. Yorkshire Ins. Co., 97 Wn.App. 201 (1999), cited by the Court of Appeals below for the proposition that standing can be reviewed *de novo*, does not have facts comparable to the instant case. In *Wolstein*, the issue of standing was addressed by the trial court, although

the ruling was not included in its order on summary judgment. Standing was not addressed by the trial court at all at the trial level in the instant matter or even mentioned. The two cases are on a very different footing.

The rule to be gleaned from this group of cases on the subject is that standing can be raised for the first time on appeal, conditioned upon the requirement that the issue must first have been raised in some fashion in the trial court. That rule appears to be the state of our law on the subject. *Ahmad, supra*. It does not apply to Ms. Tasker's case, for the reason that the condition of being raised first at the trial court was not fulfilled.

B. CONCLUSION

The Court should accept review of the dismissal of Ms. Tasker's appeal on the basis of standing for the reasons set forth above. The appeal should then go forward allowing the Appellate Court to address the applicability of the *Cy Pres* doctrine to the Miles' Estate.

Respectfully submitted this ____ day of March, 2014.

/s/ Robert A. Simeone
ROBERT A. SIMEONE, WSBA #12125
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 4th day of March, 2014, I caused to be served a true and correct copy of the foregoing Appellant's Reply to Opposition to Petition for Review by the method indicated below, and addressed to the following:

GARY G. WEBER	<input checked="" type="checkbox"/>	Regular Mail
ATTORNEY AT LAW	<input type="checkbox"/>	Certified Mail
PO BOX 383	<input type="checkbox"/>	Hand Delivered
COLVILLE WA 99114	<input type="checkbox"/>	Facsimile

ADAM P. KARP	<input checked="" type="checkbox"/>	Regular Mail
ATTORNEY AT LAW	<input type="checkbox"/>	Certified Mail
114 W MAGNOLIA ST STE 425	<input type="checkbox"/>	Hand Delivered
BELLINGHAM WA 98225	<input type="checkbox"/>	Facsimile

/s/ Brenda Keller
BRENDA KELLER, Legal Assistant to
ROBERT A. SIMEONE, WSBA #12125

OK
LPC
2

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON

SS COUNTY OF STEVENS

IN THE SUPERIOR COURT OF
THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF
STEVENS

FILED
IN SUPERIOR COURT STEVENS COUNTY
AUG 15 2011
PATRICIA A. CHESTER
COUNTY CLERK

No. 05-4-01842-1
NOTICE TO INTERESTED PARTIES OF A HEARING WHEREIN THE COURT SHALL DETERMINE THE PARTY OR PARTIES TO WHOM THE REAL PROPERTY OF THIS ESTATE SHALL BE DISTRIBUTED
In the Matter of the Estate of Wendell K. Miles, Deceased

#10-4-00043-2

NOTICE IS GIVEN that on August 29, 2011 at 1:30 p.m. I Room 209 of the Stevens County Courthouse, before the Honorable ALLEN C. NEILSON, one of the Judges of the above entitled Court, an evidentiary hearing shall be held to establish the person(s) or entities whom shall take the real property of this estate. This hearing is necessitated by the language of the Decedent's Will wherein it is stated:

I give and devise the following sums of money and/or specific items of property in the following manner:

... Colville human society my real estate ...

Further that, [a]ny bequest listed above in favor of a person or organization not living or in existence at the time of my death shall lapse, and the money and/or property so devised shall become a part of my estate residue.

Therefore, anyone or any organization asserting an interest in or to the real property of this estate shall forthwith make their appearance, provide substantiation as to their assertion of interest and be prepared to present their position to the court. They should file all their documents forthwith with the Stevens County Clerk's office at 215 South Oak Street, Room 206, Colville, WA 99114 and serve copies on the attorney for the estate, and all other attorneys of record listed below.

Dated this 14th day of June, 2011.
GARY G. WEBER
WSBA #4824
Attorney for Estate
115 West Astor, Suite 202
PO Box 383
Colville, WA 99111
THOMAS F. WEBSTER
Attorney at Law
116 North Main Street
Colville, WA 99114
ROBERT A. SIMEONE
Attorney at Law
300 East Birch Avenue
Colville, WA 99114
Published: June 22, 29 & July 6, 2011

The undersigned, on oath states that she is an authorized representative of the Statesman-Examiner, a weekly newspaper, which newspaper is a legal newspaper of general circulation published in Colville, Washington; that said newspaper has been published regularly, at least once a week, in the English language, as a newspaper of general circulation, in the county of Stevens, State of Washington for at least six months prior to its date of approval by order of the Superior Court of Stevens County as a legal newspaper and at all times herein mentioned has been printed either in whole or in part in the office maintained at said place of business. The annexed is a printed copy, which was published in the regular and entire issue of said newspaper for a period of 3 week(s), commencing on the 22 day of June and ending on the 12 day of July, 2011; that said newspaper was regularly distributed to its subscribers during said period.



Jamie Allenbauer
Subscribed and sworn to me
11 day of August

Notary Public in
State of W

49

OK
LPC
LPC

IN THE SUPERIOR COURT OF
THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF
STEVENS

No. 05-4-01842-1
NOTICE TO INTERESTED PARTIES OF A HEARING WHEREIN THE COURT SHALL DETERMINE THE PARTY OR PARTIES TO WHOM THE REAL PROPERTY OF THIS ESTATE SHALL BE DISTRIBUTED
In the Matter of the Estate of Wendell K. Miles, Deceased

NOTICE IS GIVEN that on August 29, 2011 at 1:30 p.m. I Room 209 of the Stevens County Courthouse, before the Honorable ALLEN C. NEILSON, one of the Judges of the above entitled Court, an evidentiary hearing shall be held to establish the person(s) or entities whom shall take the real property of this estate. This hearing is necessitated by the language of the Decedent's Will wherein it is stated: I give and devise the following sums of money and/or specific items of property in the following manner:
... Colville human society my real estate ...
Further that, [a]ny bequest listed above in favor of a person or organization not living or in existence at the time of my death shall lapse, and the money and/or property so devised shall become a part of my estate residue.

Therefore, anyone or any organization asserting an interest in or to the real property of this estate shall forthwith make their appearance, provide substantiation as to their assertion of interest and be prepared to present their position to the court. They should file all their documents forthwith with the Stevens County Clerk's office at 215 South Oak Street, Room 206, Colville, WA 99114 and serve copies on the attorney for the estate, and all other attorneys of record listed below.

FILED
IN SUPERIOR COURT STEVENS COUNTY
AUG 15 2011
PATRICIA A. CHESTER
COUNTY CLERK

#10-4-00043-2

Dated this 14th day of June, 2011.
GARY G. WEBER
WSBA#4824
Attorney for Estate
115 West Astor, Suite 202
PO Box 383
Colville, WA 99114
THOMAS F. WEBSTER
Attorney at Law
116 North Main Street
Colville, WA 99114
ROBERT A. SIMEONE
Attorney at Law
300 East Birch Avenue
Colville, WA 99114
Published: June 22, 29 & July 6, 2011

AFFIDAVIT OF PUBLICATION
STATE OF WASHINGTON
SS COUNTY OF STEVENS

The undersigned, on oath states that he/she is an authorized representative of the Statesman-Examiner, a weekly newspaper, which newspaper is a legal newspaper of general circulation published in Colville, Washington; that said newspaper has been published regularly, at least one a week, in the English language, as a newspaper of general circulation, in the county of Stevens, State of Washington, for at least six months prior to its date of approval by order of the Superior Court of Stevens County as a legal newspaper, and at all times herein mentioned has been printed either in whole or in part in the office maintained at said place of business. The annexed is a printed copy, was published in the regular and entire issue of said newspaper for a period of 3 week(s), commencing on the 22 day of June and ending on the 12 day of July and that said newspaper was regularly distributed to its subscribers during all of said period.



Jaymi Allenbaugh
Subscribed and sworn to me before this
11 day of August, 2011.

Chad Montgomery
Notary Public in and for the
State of Washington

49

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
28

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF STEVENS

In the Matter of the Estate of

WENDELL K. MILES,

Deceased.

No. 2010-4-00043-2

FIRST SET OF INTERROGATORIES
AND REQUEST FOR PRODUCTION
PROPOUNDED TO JOYCE TASKER

TO: JOYCE TASKER, AN INTERESTED PARTY, AND YOUR ATTORNEY, ROBERT
SIMEONE:

Pursuant to CR 26, CR 33 and CR 34 of the Superior Court Civil Rules, Colville Valley
Animal Sanctuary, herewith submits the following Interrogatories and Requests for Production.

These Interrogatories are to be answered separately and fully under oath and signed by
the person answering them within thirty (30) days from the date of service of said Interrogatories
upon you.

**IN ANSWERING THESE INTERROGATORIES, YOU ARE REQUIRED TO
FURNISH SUCH INFORMATION AS IS AVAILABLE TO YOU, NOT MERELY THE
INFORMATION WHICH YOU KNOW OF YOUR OWN PERSONAL KNOWLEDGE.**

**THIS IS INTENDED TO INCLUDE ANY INFORMATION IN THE POSSESSION
OF THE AGENT OR ATTORNEY OR ANY INVESTIGATOR FOR THE ANSWERING
PARTY.**

Court rules require that the Answers to Interrogatories be preceded by the questions and
thus extra copies of these Interrogatories are being served upon you in order to expedite the
answering thereof. You may type your answers immediately after the question and thus avoid
retyping the question. If the space provided is not sufficient to completely answer the

FIRST SET OF INTERROGATORIES AND REQUEST FOR - 1
PRODUCTION OF DOCUMENTS PROPOUNDED TO JOYCE TASKER
x:\probateclients\colvilleanimal\rogs

Webster Law Office, PLLC
116 N. Main St.
Colville, WA 99114
(509) 685-2261
Fax (509) 685-2267

1 ANSWERS AND RESPONSES dated this 9 day of Aug., 2011.

2
3
4 Joyce Tasker, Interested Party

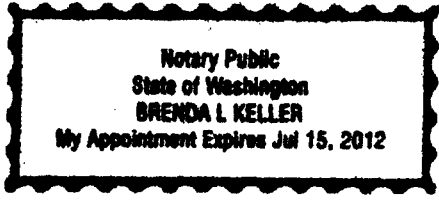
5 STATE OF WASHINGTON)
6) ss.
7 COUNTY OF STEVENS)

8 JOYCE TASKER, having been first duly sworn on oath, deposes and states:

9
10 I am the Director of the Dog Patch Group, Inc., an interested party herein. I have
11 read the foregoing answer and responses, know the contents thereof, and believe the same to be
12 true and correct.

13 Joyce Tasker, Interested Party

14
15 Signed and affirmed before me this 9 day of Aug., 2011, by BRENDA L KELLER.



17 Brenda L Keller
18 NOTARY PUBLIC in and for the State of
19 Washington, Residing at Huntera
20 My Commission Expires: 7/15/12

21 **ATTORNEY CERTIFICATION**

22 The undersigned attorney for the respondent Dog Patch Group, Inc. has read the
23 foregoing answers and responses and any objections thereto, and the answers and responses are
24 in compliance with CR 26(g).

25 [Signature]
26 _____, WSBA #
27 12125

OFFICE RECEPTIONIST, CLERK

To: Brenda Keller
Subject: RE: REPLY TO RESPONDENT'S OPPOSITION TO PETITION FOR REVIEW

Received 3/4/14

Please note that any pleading filed as an attachment to e-mail will be treated as the original. Therefore, if a filing is by e-mail attachment, it is not necessary to mail to the court the original of the document.

From: Brenda Keller [mailto:bkeller_simeonelaw@hotmail.com]
Sent: Tuesday, March 04, 2014 3:51 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: REPLY TO RESPONDENT'S OPPOSITION TO PETITION FOR REVIEW

To the Clerk of Court:

Please find attached for filing Reply to Respondent's Opposition to Petition for Review.

In the Matter of the Estate of Wendell K. Miles

Case No. 89775-1

Thank you,

Brenda Keller, Legal Assistant to
Robert A. Simeone, Attorney

Law Office of Robert A. Simeone
300 E Birch Ave
PO Box 522
Colville WA 99114
(509) 684-5847
robert_alan1@hotmail.com
WSBA No. 12125