NO. 91704-3

SUPREME COURT OF THE STATE OF WASHINGTON

WILLIAMS PLACE, LLC,

Appellant,

v.

THE STATE OF WASHINGTON, by and through the Department of Transportation,

Respondent.

RESPONDENT'S ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

The petition for review should be denied because Williams Place, LLC ("Williams Place") has failed to demonstrate any basis under RAP 13.4(b) to support discretionary review. Contrary to Williams Place's argument, the decision below is fully consistent with, and indeed compelled by, decisions of the Supreme Court. Moreover, the opinion is consistent with the state constitution and presents no substantial issue of public interest that should be determined by the Supreme Court.

II. RESTATEMENT OF THE ISSUES

1. Did the trial court correctly determine that Williams Place had failed to demonstrate a genuine issue of fact that it had a legal right that was taken or damaged by WSDOT?

2. Does a landowner abutting a road vacated by a valid legislative order have a private easement in the route of the former road on the property of another when the landowner and its predecessors did not have a private right-of-way that existed independent of the former road?

3. Does the subsequent purchaser doctrine bar a landowner from asserting a claim of inverse condemnation for a property right allegedly taken by the government prior to its ownership?[1]

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[1] The Petition for Review included issues no. 6 and 7 concerning equitable estoppel and standing to raise claims of third parties. Petition at 1. Williams Place has abandoned these issues by not providing argument. Courts should disregard contentions with no cited authority. *See Oregon Mut. Ins. Co. v. Barton*, 109 Wn. App. 405, 418, 36 P.3d 1065 (2001) ("Arguments must be supported by citation to legal authority."). *See also Yeats v. Estate of Yeats*, 90 Wn.2d 201, 209, 580 P.2d 617 (1978) (refusing to consider proposition for which no authority is cited).

III. RESTATEMENT OF THE CASE

This case concerns the southern 26 acres of a 220-acre parcel Williams Place owns in Whitman County ("County") that is bisected by SR 270. CP 139. In order to access this southern sub-parcel from SR 270, Williams Place used a previously vacated County road and bridge to cross Paradise Creek and a former railroad right-of-way that is now a County trail. CP 87, 88. Williams Place alleges that the removal of the bridge across Paradise Creek at WSDOT's direction is a taking by in inverse condemnation. The trial court and Court of Appeals, however, held that WSDOT had established that Williams Place had no legal property right of highway access via the bridge and vacated road across the County trail, thus requiring no compensation to Williams Place. An understanding of the history of the property is helpful to explaining why Williams Place had no legal right of highway access.[2]

A. A. Summary Of Key Facts.

1. Property events prior to Williams Place's ownership.

In 1881 and 1882, the federal government conveyed by patent the land that is presently owned by Williams Place and its neighbor to the east, Motley, respectively. The land conveyed by the United States to

[2] The boundaries at issue in this appeal may be best understood by reference to the diagrams contained in the Court of Appeals' opinion. *Williams Place, LLC v. State*, No. 31681-5-III, at 4, 5, 7, 8, 10. (Wash. App. Apr. 14, 2015). Copies of the diagrams are in the Appendix.

Motley's 1882 predecessor was in Section 1 and the land conveyed by the United States to Williams Place's 1881 predecessor was in Section 2. CP 689, 692-694. With respect to the Williams Place and Motley property at issue in this case, the record gives no indication that this property had unity of ownership or a common grantor other than the United States.

Paradise Creek runs east to west through these properties as did Garrison Road, which was constructed and established in 1882. CP 87, 143. Near the section line between these properties, a short northerly spur of Garrison Road crossed Paradise Creek at the location at issue in this case. *See* Appendix at A-1.

In 1885 and 1886, the predecessors of Motley and Williams Place conveyed land to the Columbia and Palouse Railroad Company, which later became the County trail. CP 687, 690. This 1886 conveyance created Williams Place's southern sub-parcel. CP 687. Williams Place's predecessors were required to cross this intervening strip of land between their southern sub-parcel and Paradise Creek to reach what would later become a highway access connection at milepost 6.9. CP 702-04, 695-701.

In the 1930s, a new County road was constructed to replace Garrison Road. In 1933, Williams Place's predecessors, the Brosas, conveyed a right-of-way of 80 feet in width to the County for Secondary Road Project No. 11. The conveyance document included a waiver of "all

claims for damages of whatever kind which may be occasioned to said land or premises, or to any portion thereof, or to the undersigned by the location, establishment, opening and use of said road." CP 96. For a depiction of the location of Secondary Road 11, see Appendix at A-3.

In 1935, the Whitman County Board of County Commissioners vacated Garrison Road. CP 102-03. The vacation order did not provide for any private easements to be retained by, or granted to, the various abutting owners along the vacated road. *Id.* No objections were made to the order vacating the road. *Id.* According to the order vacating Garrison Road, it was vacated because it had been "thrown into disuse by reason of the establishment and construction of Secondary Road Project No. 11 and ... [was] not being used by vehicular traffic." CP 102. Secondary Road Project No. 11 was located north of Paradise Creek and its general alignment would later become SR 270. CP 143.

2. Property actions post-dating Williams Place's ownership.

Williams Place acquired the subject property from Sig and Carol Jorstad in 2005. CP 104. When traversable, the bridge over Paradise Creek made highway access feasible at milepost 6.9. The bridge and associated crossing site were in varying states of disrepair that made crossing impossible in some years. CP 49, 223-24, 226-29. The bridge and highway

access point have never been on or abutted Williams Place's property, nor has Williams Place offered proof of any documented easement or other right to cross the County trail to reach the bridge. Between the vacation of Garrison Road in 1935 and the state's acquisition of additional right-of-way in the 1950s, the bridge crossing site was owned by Motley's predecessor. CP 105-08, 111, 115, 242.

In 2001, WSDOT granted Motley a temporary highway access permit for milepost 6.9 and a permit to construct a temporary bridge over Paradise Creek in place of the prior failing structure. CP 49-59. This bridge allowed Motley to access his property from the highway access point at milepost 6.9 until WSDOT completed repairs to Sunshine Road, a County road that Motley uses to access SR 270. CP 49. Motley had also acquired an easement to cross the County trail to reach the temporary bridge. CP 227, 319-21. In 2007, WSDOT directed Motley to remove the temporary bridge at milepost 6.9 after WSDOT had completed improvements to Sunshine Road. CP 228.

B. Procedural History.

Williams Place filed this inverse condemnation[3] action on September 7, 2007, within a week of Motley's removal of the temporary

[3] "A party alleging inverse condemnation must establish the following elements: (1) a taking or damaging (2) of private property (3) for public use (4) without just compensation being paid (5) by a governmental entity that has not instituted formal proceedings." *Phillips v. King County*, 136 Wn.2d 946, 957, 968 P.2d 871 (1998).

bridge at WSDOT's direction. CP 1-5.

On cross motions for summary judgment, the trial court found that WSDOT owned the property where Paradise Creek and the adjoining connection to SR 270 were located, and that the bridge was removed in 2007 through state action by WSDOT. CP 427-437. It concluded that factual disputes existed as to all remaining issues raised. *Id.*

In 2009, after the court's order on summary judgment and while this case was still pending, Williams Place brought quiet title actions against Whitman County and Blue Mountain Railroad in both state and federal court regarding the fee interest in the County trail. According to Williams Place, the settlement of this litigation resulted in the County granting Williams Place an easement in 2012 to cross the County trail at a separated grade (over or under the trail) two tenths of a mile west of milepost 6.9 at a location where Williams Place's property abuts the County trail. *See* CP 677-78, 784, 800-05. WSDOT has indicated that it would consider granting Williams Place a highway access permit at the location of its 2012 easement to cross the County trail, obviously very near the milepost 6.9 access that is at issue in this case. CP 676. The parties stipulated to the dismissal of the state and federal quiet title actions. CP 784-85.

After receiving the 2012 easement, Williams Place filed a renewed motion for partial summary judgment. CP 465. WSDOT filed a cross motion for summary judgment. CP 468-80.

The trial court issued a written memorandum decision and order granting WSDOT's motion for summary judgment, after determining that there were no genuine issues of material fact regarding Williams Place's failure to produce evidence supporting its claim that it had a property right to access SR 270 at milepost 6.9. CP 908-913, 914-917. The Court of Appeals affirmed, reasoning that Williams Place had failed to demonstrate a genuine issue of fact that WSDOT's actions in 2007 deprived it of an existing right of access to SR 270. *Williams Place, LLC v. State*, No. 31681-5-III, at 2, 39 (Wash. App. Apr. 14, 2015).

C. Misstatement Of The Record By Williams Place.

Preliminarily, the State must correct a misstatement of the record by Williams Place in its Petition for Review. Prior to filing its Petition for Review, Williams Place had maintained as an "undisputed fact" that Garrison Road was constructed in 1882. CP 87. Williams Place also placed evidence in the record that Garrison Road was established and constructed in 1882. CP 87, 143. In its petition for review, and in support of its theory that it retained a private easement following the vacation of Garrison Road, Williams Place now argues, "Importantly, Garrison Road

was not '*constructed*' in 1882." Petition at 12 (emphasis in original). This statement is in direct conflict with the following pleadings it has filed.

1. 2008 declaration of one of the limited liability company's managing members. ("Based on a review of the public record, Garrison Road was constructed in 1882.") CP 87.

2. 2008 memorandum in support of motion for partial summary judgment. ("UNDISPUTED FACTS" "Garrison Road was constructed in 1882 . . . .") CP 174.

3. 2008 reply in support of motion for partial summary judgment. ("UNDISPUTED FACTS" "[I]n 1882 when Garrison Road was constructed.") CP 304.

4. 2012 memorandum in support of renewed motion for partial summary judgment. ("UNDISPUTED FACTS" "Garrison Road was constructed in 1882 . . . .") CP 449.

5. 2012 reply in support of renewed motion for partial summary judgment. ("UNDISPUTED FACTS" "[I]n 1882 when Garrison Road was constructed . . . .") CP 769.

6. 2013 opening brief before the Court of Appeals. ("Garrison Road was a public road constructed in 1882 . . . ." "Garrison Road was constructed in 1882."). Appellant's Opening Br. at 1, 4.

This substantial attempted revision of the facts also includes, without citation, a theory regarding what Williams Place has described as a "wagon trail" and as "an existing wagon road." Appellant's Petition at 3, 12. As far WSDOT can discern from the record, there is no reference to a wagon trail or wagon road in the record.

IV. REASONS WHY REVIEW SHOULD BE DENIED

A. The Court Of Appeals' Conclusion That Williams Place Did Not Receive A Private Easement Through the 1935 Vacation of A County Road Does Not Conflict With Any Decision Of This Court Or the Court Of Appeals.

Williams Place fails to show that the Court of Appeals' opinion conflicts with any decision of this Court or the Court of Appeals. This Court should thus deny review. Williams Place primarily argues that the Court of Appeals' opinion conflicts with the *Van Buren v. Trumball*,[4] *Howell v. King County*,[5] and *Curtis v. Zuck*[6] cases. Williams Place is incorrect because the Court of Appeals properly interpreted this line of cases, and properly determined that they do not apply to the inapposite facts of Williams Place's failed private easement claim.

Williams Place contends that when the County vacated Garrison Road in 1935, the Brosas, its predecessors in interest, retained a private easement in the route of the vacated road to reach the former bridge site.

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[4] 92 Wash. 691, 159 P. 891 (1916).
[5] 16 Wn.2d 557, 134 P.2d 80 (1943).
[6] 65 Wn. App. 377, 829 P.2d 187 (1992).

Petition at 10. In Washington, under the *Van Buren* line of cases, a landowner retains a private easement in a portion of a road vacated through the nonuser statute[7] when the landowner had an independently existing private right which was unaffected by the nonuser statute.

The Court of Appeals properly determined that Garrison Road was vacated pursuant to valid legislative authority and not through the nonuser statute. *Williams Place, LLC,* No. 31681-5-III, slip op. at 20-30. The 1935 order of the Board of County Commissioners vacating Garrison Road terminated all rights of use by the abutting owners. *See Bay Industry, Inc. v. Jefferson Cnty*, 33 Wn. App. 239, 653 P.2d 1355 (1982). If the Brosas had an inverse condemnation claim arising out of the vacation order, those claims would have been against the County and, in any event, would not survive the Brosas' conveyance of the land under the subsequent purchaser doctrine as described below at 19.

B. The Court of Appeals' Opinion Is Consistent With Prior Cases Addressing Pre-existing Easements.

Williams Place claims that the Court of Appeals' opinion conflicts with the doctrine that "a landowner has a private right-of-way in a strip of land which is or subsequently becomes a public street or highway, such

[7] Under the non-user statute applicable in the *Van Buren* line of cases, a county road remaining unopened for five years after the order or authority for opening it is vacated by operation of law. *See* Laws of 1889-90, ch. 19 § 32 p. 603; *Van Buren*, 92 Wash. 691, 694; *Howell*,16 Wn.2d 557, 558; *Curtis*, 65 Wn. App. 377.

private right is ordinarily held to survive the vacation or abandonment of the street or highway by the public." Petition at 11 (citing Private Easement in the Way Vacated, Abandoned or Closed by Public, 150 A.L.R. 644 (1944)). But in order to create this alleged conflict, Williams Place completely reverses its position with respect to undisputed facts, and asserts for the first time on appeal that Garrison Road was *not* constructed in 1882. As detailed above at 7-9, throughout this litigation Williams Place has asserted in declarations and briefing exactly the opposite. *E.g.,* ("Garrison Road was constructed in 1882." CP 87). Williams Place cannot now seek to create a conflict by changing the alleged facts that it has previously asserted.

This court should disregard Williams Place's new argument that Garrison Road was not constructed in 1882 and any alleged facts supporting this argument which are not in the record. RAP 9.12. *See also In re Dependency of Penelope B.*, 104 Wn.2d 643, 660, 709 P.2d 1185, 1195 (1985) ("We cannot consider matters referred to in the brief but not included in the record."); *Sourakli v. Kyriakos, Inc.*, 144 Wn. App. 501, 509, 182 P.3d 985, 989 (2008) ("An argument neither pleaded nor argued to the trial court cannot be raised for the first time on appeal." . . . "On review of an order granting or denying a motion for summary judgment

the appellate court will consider only evidence and issues called to the attention of the trial court." citing RAP 9.12).

Williams Place should also be judicially estopped from taking these inconsistent positions regarding the 1882 construction of Garrison Road. Courts have uniformly recognized that the judicial estoppel doctrine exists "to protect the integrity of the judicial process" by "prohibiting parties from deliberately changing positions according to the exigencies of the moment." *New Hampshire v. Maine*, 532 U.S. 742, 749-50, 121 S. Ct. 1808, 1814, 149 L. Ed. 2d 968 (2001) (quoting cases). Put another way, judicial estoppel is properly invoked "not only to prevent a party from gaining an advantage by taking inconsistent positions, but also because of 'general considerations of the orderly administration of justice and regard for the dignity of judicial proceedings,' and to 'protect against a litigant playing fast and loose with the courts.'" *Hamilton v. State Farm Fire & Casualty Co.*, 270 F.3d 778, 782 (9th Cir. 2001) (quoting cases).

Three factors to consider when deciding whether to apply the doctrine are: (1) is a party's later position inconsistent with his earlier position; (2) was the party's earlier position accepted by a court; and (3) would the party gain an unfair advantage, or impose an unfair detriment on an opposing party, if not estopped from changing positions. *Id.*; *Arkison v. Ethan Allen, Inc.*, 160 Wn.2d 535, 538-39, 160 P.3d 13 (2007).

All three elements are satisfied here. An overarching concern is the "risk of inconsistent court determinations" arising from a party's change in position, which would undermine the integrity of the judicial process. *New Hampshire*, 532 U.S. at 755, 121 S. Ct. at 1817.

Applying the facts that Williams Place averred to the trial court, as the Court of Appeals and this Court must do, there is no conflict between this doctrine concerning pre-existing easements and the Court of Appeals' opinion because Williams Place's asserted right is not independent of the existence of the former Garrison Road as a County road. Instead, this doctrine concerning pre-existing easements does not apply here because Williams Place's predecessor did not have a private right-of-way in Garrison Road, which was not established or constructed until after Williams Place's predecessor acquired its land from the federal government. CP 87, 143, 689, 694.

By revising the facts and its arguments regarding the date of the construction of Garrison Road, Williams Place is attempting to fit the facts within this doctrine and should be prevented from doing so under RAP 9.12 and judicial estoppel.

C. The Court Of Appeals' Conclusion That Williams Place Did Not Receive A Private Easement Through the 1935 Vacation of A County Road Does Not Involve A Significant Question Of Law Under The Constitution Of The State Of Washington.

Williams Place asserts that "[t]he Court of Appeals decision conflicts with" and "violates the Washington State Constitution . . . ." Petition 10. Williams Place's constitutional concerns are not further described in its petition and appear to be based on the undisputed observation that an actual taking of property by a condemning authority without first paying just compensation would involve conduct prohibited by article I, section 16 of the Washington Constitution.

Pursuant to RAP 13.4(b)(3), the Supreme Court may accept review of a Court of Appeals' decision if a "significant question of law" under the Constitution is involved. Williams Place's Petition for Review fails to identify and explain a specific significant question of law under the Washington State Constitution for which it seeks review. This Court should thus deny review. *See Yeats v. Estate of Yeats*, 90 Wn.2d 201, 209, 580 P.2d 617 (1978) (refusing to consider proposition for which no authority is cited).

D. The Court Of Appeals' Conclusion That Williams Place Did Not Receive A Private Easement Through the 1935 Vacation of A County Road Does Not Involve An Issue Of Substantial Public Interest.

Whether Williams Place will have to build its own bridge at the location where Whitman County granted Williams Place an easement to cross the County trail is not of substantial public interest. Williams Place obtained an easement from the County to cross the County trail in 2012 at a location two tenths of a mile west of milepost 6.9. It was free before 2012 to attempt to negotiate an easement with the County at that location, or another location where its property abutted the County trail. Since it received this easement in 2012 to cross the County trail, Williams Place has enjoyed the rights of an abutter to the highway under the Highway Access Management Act and implementing regulations. RCW 47.50.010; WAC 468-51-030. WSDOT has indicated that it would grant Williams Place a highway access permit at a location where it is an abutter including a location consistent with the 2012 County trail easement if Williams Place were to apply. CP 232 ¶5, 236-37, 674-78, 800-05. Williams Place has not applied for access. CP 676.

1. Similarly Situated Owners in Eastern Washington.

Without citation to any evidence in the record or information capable of judicial notice, Williams Place suggests that there are other county road vacation situations with similar facts in Eastern Washington. Petition at 2, 10. Consequently, the rights of these unidentified owners and

unknown facts are not available to evaluate in terms of whether there is a substantial public interest.

In any event, Williams Place failed to prove that it had a right of access to the state highway at a particular location where it was not an abutter and did not have an easement to cross the intervening County trail to reach the highway access site. If and when future inverse condemnation cases raise county road vacation issues, the applicable statutes and case law as applied by the Court of Appeals in this case will also be available to these potential plaintiffs in order to discern whether or not they have a property right in a portion of a vacated road on the land of another.

Here, Williams Place remains free to apply to WSDOT for access to SR 270, a managed access facility, at the location where it now has an easement to cross the County trail. If these unidentified potential plaintiffs' claims involve managed access facilities, they too will be free to apply for access where they abut the highway or have the right to cross the intervening land of another to reach the highway. RCW 47.50.010; WAC 468-51-030.

Contrary to Williams Place's assertion that there are more landowners like Williams Place who face similar facts associated with county roads vacated in the 1930s, the facts of this case support the opposite conclusion. The 2008 declaration of the Whitman County parks

department director describes that: (1) most of the easements to cross the former railroad were described in recorded deeds; (2) abutting landowners were responsible to negotiate a new easement with Whitman County to cross the County trail; (3) there was no record of an easement for access to the Williams Place property; and (4) "When the [County] Trail was opened to the public in 1998, if a crossing easement existed with the railroad, the Trail would have been built to accommodate it, as has been the case with other crossing easements." CP 319-21.

Unlike Williams Place, the similarly situated landowners claiming that they owned a property right to cross the County trail could, in fact, prove that they had such a right. Thus, even the facts of this case do not support Williams Place's argument concerning similarly situated landowners in Eastern Washington.

2. Williams Place Misstates The Policy On Landlocking.

Williams Place misstates the applicable precedent on the policy against landlocking property. Relying on *Hellberg v. Coffin Sheep Co.*, 66 Wn.2d 664, 404 P.2d 770 (1965) and *Sorenson v. Czinger*, 70 Wn. App. 270, 852 P.2d 1124 (1993), Williams Place argues that the Court of Appeals' decision is contrary to "[t]he public policy of the State of Washington to prevent landlocking properties." Petition at 11. This misstates the public policy regarding landlocking by not mentioning

private ways of necessity under RCW 8.24.010 or the "rendered useless" requirement.

> [P]ublic policy that will not permit property to be landlocked and rendered useless, and in furtherance of that policy the owner, or one entitled to beneficial use of landlocked property, has right to condemn private way of necessity for ingress and egress. RCW 8.24.010.

Hellberg v. Coffin Sheep Co., 66 Wn.2d 664, 666-67, 404 P.2d 770, 773 (1965). RCW 8.24.010 "must be strictly construed, it rests on a public policy to prevent landlocked property from being rendered useless." *Sorenson v. Czinger*, 70 Wn. App. 270, 278, 852 P.2d 1124, 1129 (1993).

There are, however, limits to this public policy. For example, in *Ruvalcaba v. Kwang Ho Baek*, 175 Wn.2d 1, 282 P.3d 1083 (2012), this Court declined to extend this public policy to benefit property owners who had landlocked their own property and waited 35 years to bring a condemnation action for a private way of necessity under RCW 8.24.010.

The property south of SR 270 is not useless as it is farmed by one of the limited liability company's members using permissive access allowed by its neighbor to the west. CP 193-96, 228, 250, 357-58.

Williams Place claims it was landlocked by the removal of the temporary bridge in 2007. This argument fails to recognize that the conduct of Williams Place's predecessor in 1933 and 1935 landlocked this portion of its property by: (1) waiving all claims for damages arising from

the location for the replacement road for Garrison Road; and (2) failing to object to the vacation order which did not provide for an easement for Williams Places' predecessor over the route of the vacated road. At any rate, even if there was a governmental taking of a property right in the 1930s, the government involved was the County and not the State.

Consistent with the cases cited by Williams Place in support of its argument regarding the policy against rendering landlocked parcels useless, and until Williams Place received the 2012 easement from the County, it remained free to pursue a private way necessity as provided for by RCW 8.24.010.

3. Subsequent Purchaser Doctrine.

The Court of Appeals correctly described the subsequent purchaser doctrine, which prevents Williams Place from reviving claims not asserted by the Brosas, its fourth prior predecessor in interest.[8] Under the subsequent purchaser doctrine, claims for inverse condemnation do not survive the subsequent conveyance of the affected property. *See Crystal Lotus Enter. Ltd. v. City of Shoreline*, 167 Wn. App. 501, 505, 274 P.3d 1054 (2012); *Hoover v. Pierce Cnty.*, 79 Wn. App. 427, 433-34, 903 P.2d 464 (1995). The purchase price(s) paid by subsequent purchaser(s) are deemed to have reflected the existing diminished property value caused by

[8] There were three owners of the property between the Brosas and Williams Place: Crowe, Williams, and Jorstad. CP 104.

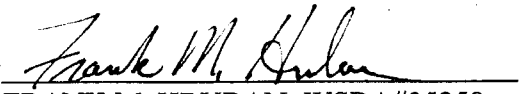
the alleged taking that occurred during the ownership of the predecessor. *Crystal Lotus Enter. Ltd,* 167 Wn. App. 501, 505. Here, perhaps Williams Place can look to the grantor if it made warranties regarding the existence of an unrecorded easement to cross the County trail. But it is not entitled to bring an inverse condemnation claim that, if it ever existed, expired over 70 years before the alleged taking.[9]

V. CONCLUSION

Williams Place has failed to demonstrate grounds for discretionary review by the Supreme Court of the Court of Appeals' decision affirming the trial court's dismissal of its inverse condemnation claim. None of the criteria for accepting review in RAP 13.4(b) are satisfied. This Court, therefore, should deny Williams Place's petition for discretionary review.

RESPECTFULLY SUBMITTED this 15th day of June, 2015.

ROBERT W. FERGUSON
Attorney General

By 
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Attorney for Respondent

[9] The Brosas did not object to the order vacating the road in 1935 and waived of all claims concerning the replacement road in 1933. CP 96, 102-03. The Brosas sold the property in 1937, seventy years before the 2007 temporary bridge removal. CP 104.

CERTIFICATE OF SERVICE

I, HEREBY CERTIFY that on the 15th day of June, 2015, I cause to be served a true and correct copy of the foregoing document to the following:

Kevin W. Roberts	X	Delivered
Black Dunn & Roberts		U.S. Mail
111 North Post, Suite 300		Overnight Mail
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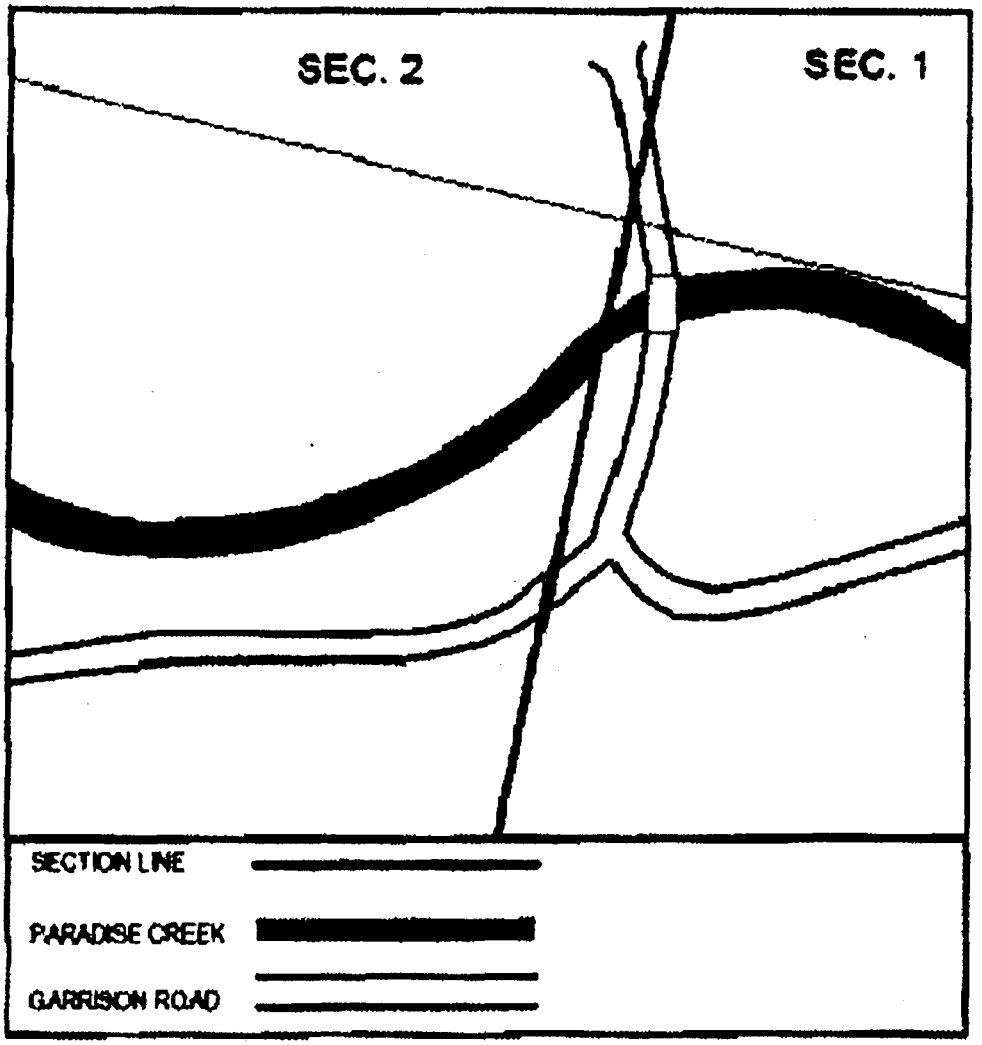
Margo Loree

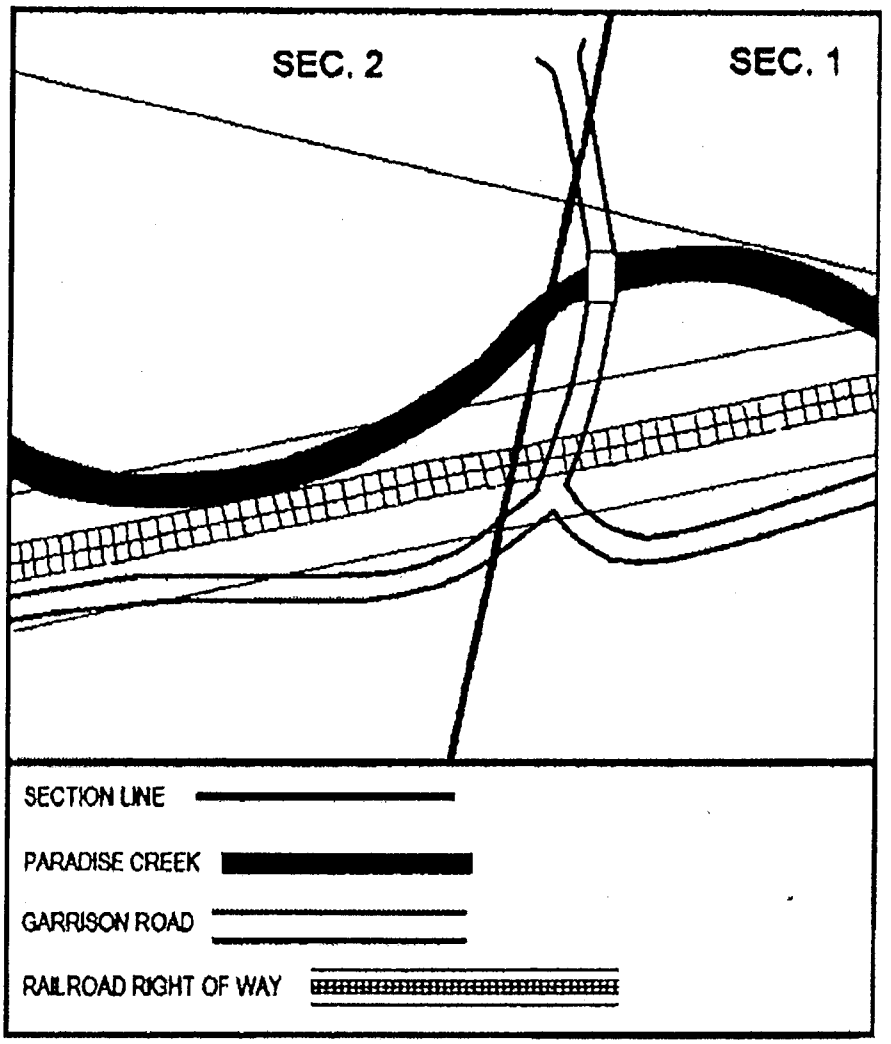
Margo Loree, Legal Assistant

APPENDIX A

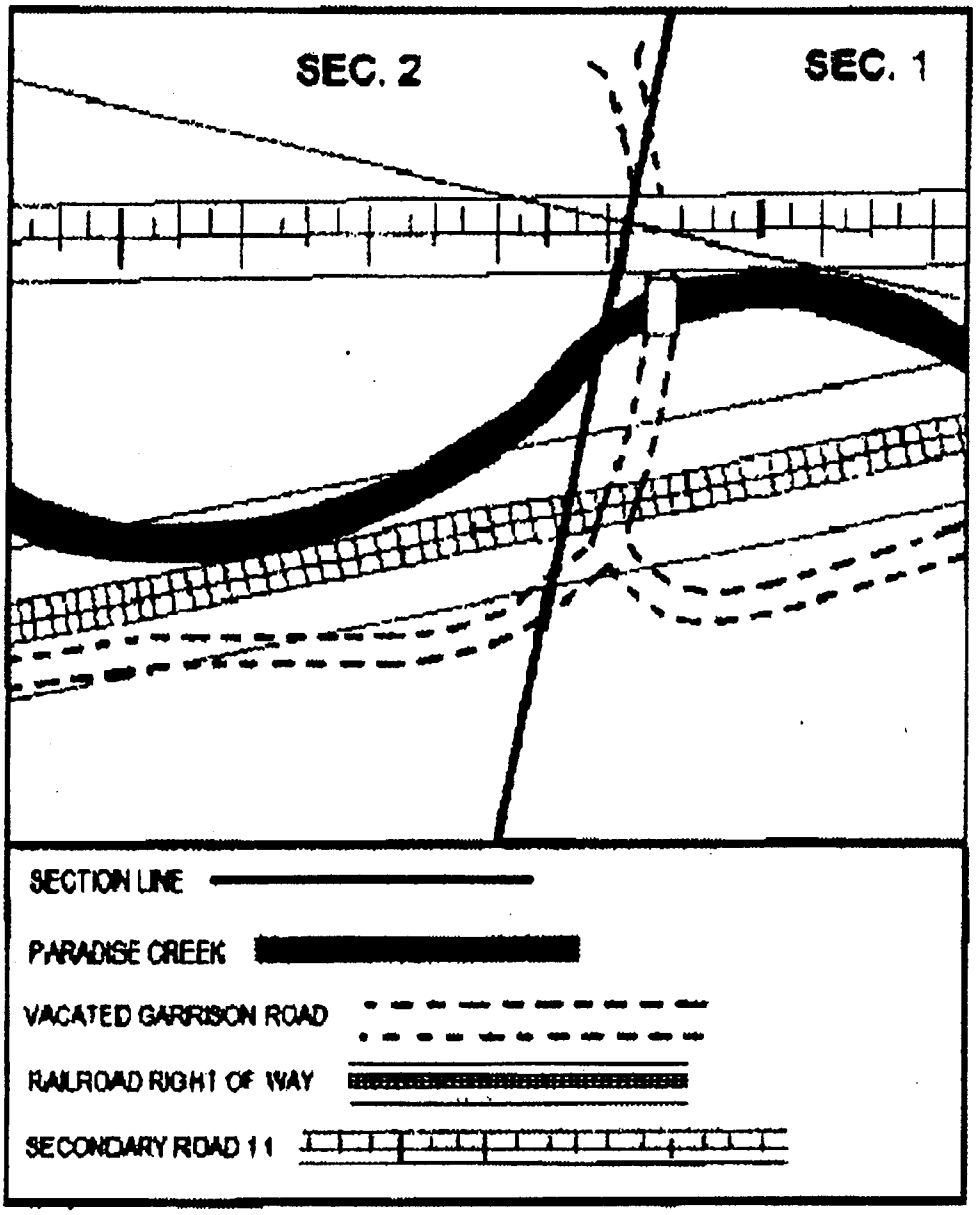
JORSTAD/MOTLEY PROPERTIES, CIRCA 1882:



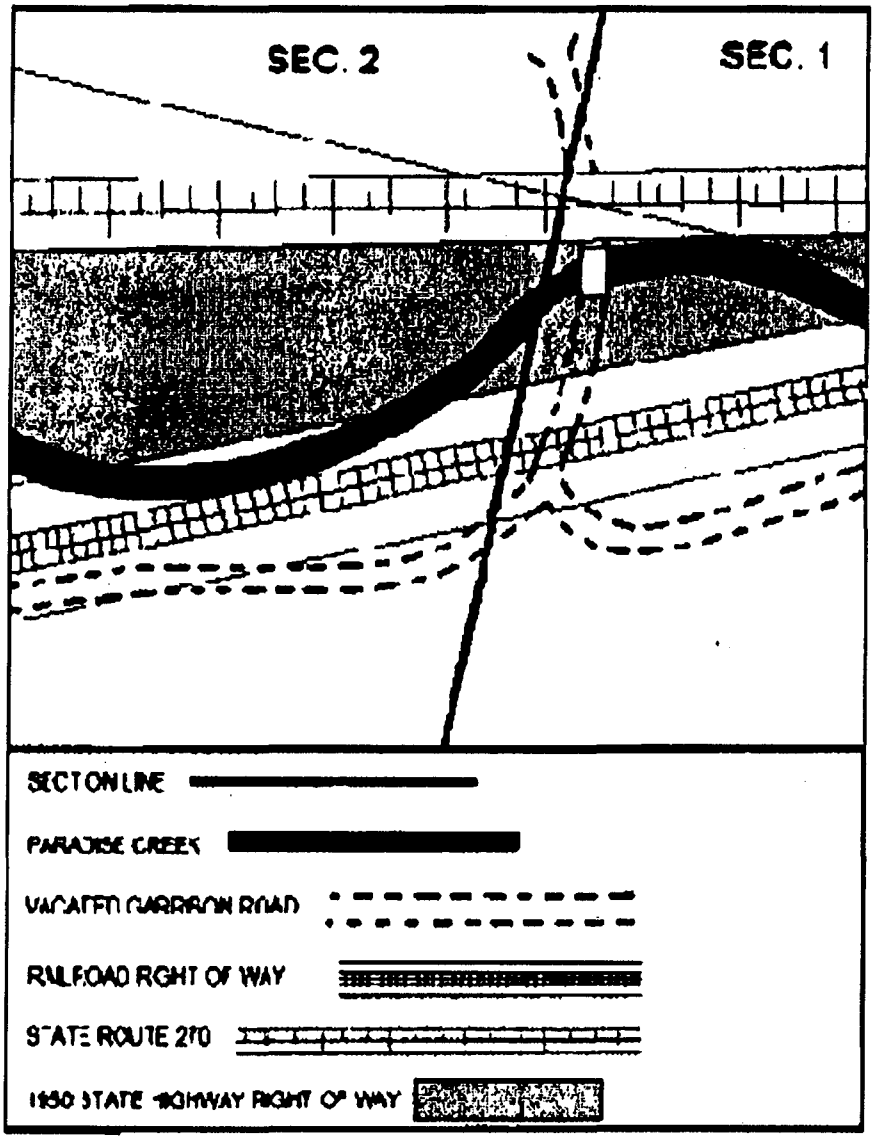
JORSTAD/MOTLEY PROPERTIES, CIRCA 1890:



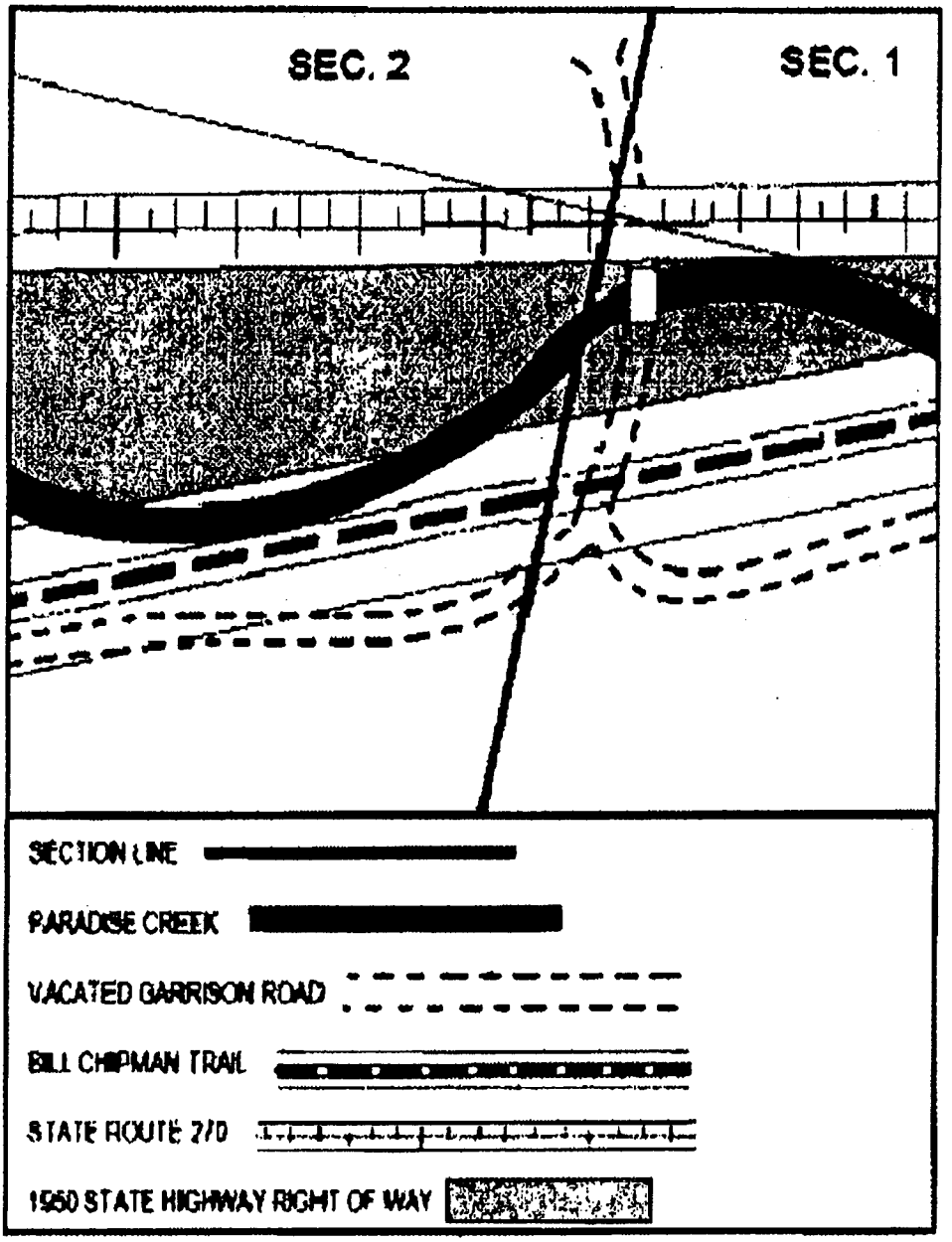
JORSTAD/MOTLEY PROPERTIES, CIRCA 1935:



JORSTAD/MOTLEY PROPERTIES, CIRCA 1951:



JORSTAD/MOTLEY PROPERTIES, CIRCA 1998:



OFFICE RECEPTIONIST, CLERK

To: Loree, Margo (ATG)
Cc: Kevin Roberts (kroberts@dunnandblack.com); Hruban, Frank (ATG); Orozco, Tiffany (ATG); David Groesbeck; ATG MI TPC EF
Subject: RE: Williams Place, LLC v. State of Washington, Supreme Court Case No. 91704-3

Rec'd 6/15/15

Supreme Court Clerk's Office

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: Loree, Margo (ATG) [mailto:MargoL@atg.wa.gov]
Sent: Monday, June 15, 2015 1:49 PM
To: OFFICE RECEPTIONIST, CLERK
Cc: Kevin Roberts (kroberts@dunnandblack.com); Hruban, Frank (ATG); Orozco, Tiffany (ATG); David Groesbeck; ATG MI TPC EF
Subject: Williams Place, LLC v. State of Washington, Supreme Court Case No. 91704-3

Hello. Attached for filing in re: Williams Place, LLC v. State of Washington, Case No. 91704-3 is the following:

- Respondent's Answer to Petition for Review

Frank M. Hruban is filing this pleading; WSBA #35258, 509-456-6394, frankh@atg.wa.gov

Sincerely,

Margo Loree
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