Supreme Court No. 96973-6

Court of Appeals No. 49988-6-II

SUPREME COURT OF THE STATE OF WASHINGTON

JOHN K. KENNELL, as managing member of POTATO PATCH LLC, a Washington Limited Liability Company,

Plaintiff/Appellant,

v.

DAVID GREER NIELSEN and RITA NIELSEN, husband and wife; EDWARD LUCKE and JOAN LUCKE, husband and wife; JAMES STOVER and BONNIE STOVER, husband and wife; WILLIAM TINNESAND and DEBORAH TINNESAND, husband and wife; PENELOPE RADEBAUGH, a married woman as her separate estate; and JENNIE MOWATT, a single woman,

Defendants/Respondents.

RESPONDENTS' ANSWER TO PETITION FOR REVIEW

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I. INTRODUCTION

Contrary to Plaintiff/Appellant Potato Patch, LLC's ("Potato Patch") unsupported assertions, this case does not involve any issues of substantial public interest warranting review under RAP 13.4(b). Instead, this case concerns Potato Patch's repeated and nearly decade-long legal maneuvers to improve its access to rural property in Jefferson County which it bought on speculation for development. In pursuit of its improved access, Potato Patch *already* litigated and lost access claims across Canyon Creek Road (the same road at issue in this dispute) in a 2010 lawsuit ("2010 Lawsuit"). Potato Patch obtained access to the Potato Patch Property, however, through a different route which crossed two properties also owned by Potato Patch.

Dissatisfied with access across its own properties, Potato Patch sold its access rights and sued its neighbors for access over Canyon Creek Road. In taking another bite at the apple, Potato Patch now claimed it had a right to open an unestablished, never-used, landlocked 1944 right of way granted to Jefferson County (not a party to this lawsuit), commonly referred to as the "McGrew ROW." Potato Patch also alleged a right to privately condemn land owned by Respondents ("Point Whitney Owners") and expand an easement burdening land owned by the Washington State

Department of Fish and Wildlife ("WDFW"), who is also not a party to this lawsuit.

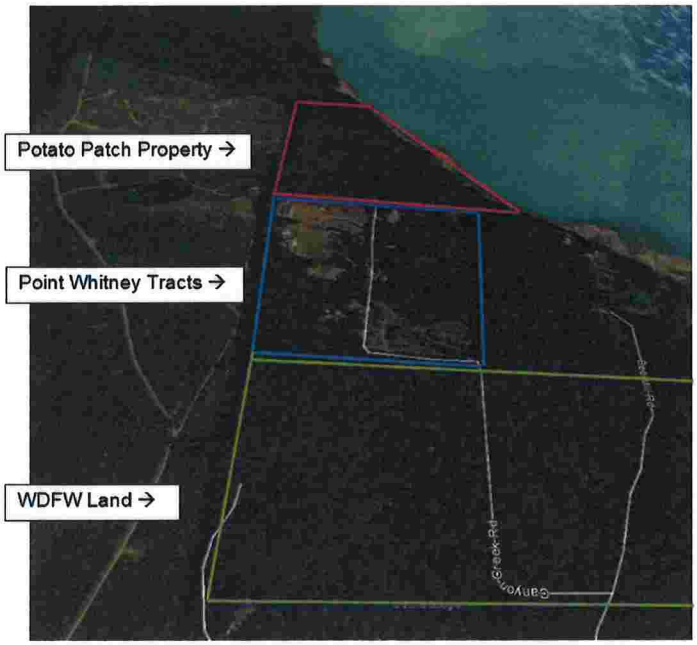
Three separate courts have unequivocally determined Potato Patch does not have a right of access across Canyon Creek Road. This case does not present issues of substantial public interest, significant questions of constitutional law, or require resolution of conflicting legal authority. The Court should deny Potato Patch's Petition for Review.

II. COUNTERSTATEMENT OF THE CASE

As the Court carefully reviews the relevant record, it will become self-evident that Potato Patch has taken significant liberty with, or simply misstated, the facts of this case.

A. The Point Whitney Tracts is a Small, Quiet Community

The Point Whitney Tracts is a small, quiet, rural residential community comprising only seven parcels of land owned by the named respondents. CP 104. The Point Whitney Tracts is surrounded by undeveloped land, as depicted by the aerial photo below. CP 104.



B. The Private Canyon Creek Road was Created Exclusively for the Benefit of the Point Whitney Tracts

In 1990, the owner of what is now the Point Whitney Tracts stipulated with a neighbor to provide the Point Whitney Tracts, and only the Point Whitney Tracts, a private easement over the land identified as WDFW Land above. CP 104, 107-15. The easement is restricted to the Point Whitney Owners' ingress, egress, and utilities. CP 108. This easement was used to create the Canyon Creek Road easement. CP 104, 115. Neither Potato Patch, nor any of its predecessors in interest, was a party to the stipulation which created the Canyon Creek Road easement. The easement does not serve the Potato Patch Property. CP 107-15. The

land burdened by the easement was subsequently acquired by the WDFW (who is not a party to this lawsuit). CP 30, 104, 164-65.

C. Canyon Creek Road is a Private Road

Canyon Creek Road is a private road. CP 15, 21, 205. The plat which created the Point Whitney Tracts specifically states Canyon Creek Road is an easement. CP 115. Canyon Creek Road was not dedicated to the public. CP 115. In fact, Potato Patch concedes Canyon Creek Road is private: "Canyon Creek Road is a private easement." CP 15.

D. Potato Patch Purchased the Potato Patch Property on Speculation

In early 2010 Potato Patch purchased the undeveloped Potato Patch Property. CP 101, 132. At that same time, Potato Patch also purchased two properties to the southeast of the Potato Patch Property (the "Duesing Properties"). CP 132, 144, 161. Neither the Potato Patch Property nor the Duesing Properties had legal road access at the time of purchase, a fact known to Potato Patch. CP 145, 162, 250.

E. Potato Patch Already Sued for Legal Access Over Canyon Creek Road in 2010

Legally significant but disregarded by Potato Patch in its Petition for Review (and before the Court of Appeals) is the fact that Potato Patch already sued for (and lost) access over Canyon Creek Road in 2010. CP 137, 164-69, 177-78. Specifically, Potato Patch asserted claims

against the WDFW (the landowner to the south of the Point Whitney Tracts) for (1) "an easement thirty feet in width for ingress and egress centered on Canyon Creek Road," and (2) an easement to the Duesing Properties (which abut the Potato Patch Property). CP 168-69.

Potato Patch needs access over all of Canyon Creek Road to reach the Potato Patch Property, including that portion of Canyon Creek Road which crosses WDFW land. CP 134, 139. Potato Patch and its attorney recognized Potato Patch had a potential claim for a private way of necessity against the Point Whitney Owners prior to bringing the 2010 Lawsuit (but elected not to pursue that claim). CP 138, 174. The Point Whitney Owners were not parties to the 2010 Lawsuit. CP 164. The WDFW is not a party to this lawsuit.

1. The Court Dismissed Potato Patch's Claims for Access Over Canyon Creek Road in the 2010 Lawsuit

The Court dismissed Potato Patch's access claims for an easement over Canyon Creek Road on summary judgment in the 2010 Lawsuit. CP 177-78. Interestingly, the WDFW argued Potato Patch was not entitled to an easement over Canyon Creek Road, in part, because Potato Patch failed to join the Point Whitney Owners. CP 185. It is equally true in this case that Potato Patch cannot legally access the Potato Patch Property via Canyon Creek Road without obtaining legal access across

land owned by the WDFW (something it did not do) as well as land owned by the Point Whitney Owners. CP 134.

2. Potato Patch Obtained Legal Access to the Potato Patch Property via the Duesing Properties in the 2010 Lawsuit

In the 2010 Lawsuit, Potato Patch prevailed on its claim for access to the Duesing Properties (owned by Potato Patch). This access right gave Potato Patch access to the Potato Patch Property because the Duesing Properties abut the Potato Patch Property. CP 133, 189-92, 195-97, 249, 260. Potato Patch even recorded an easement over the Duesing Properties to access the Potato Patch Property by vehicle. CP 136, 195-97, 250, 260.

3. Potato Patch Voluntarily Terminated Its Legal Access

On January 10, 2014, the Kennells voluntarily terminated the easement burdening the Duesing Properties in furtherance of the sale of the Duesing properties to a third-party unrelated to this lawsuit. CP 142, 199-201, 260. Potato Patch then brought this lawsuit against the Point Whitney Owners to replace its relinquished access by privately condemning Canyon Creek Road. CP 10-18. The Court of Appeals noted that Potato Patch may have retained an implied easement by necessity over the Duesing Properties, had it not affirmatively relinquished its rights to its easement. *Potato Patch LLC v. Nielsen*, 49988-6-II, 2018 WL 5810048, at *2, n. 3 (Wash. Ct. App. Nov. 6, 2018) ("Decision").

F. The Unestablished, Never Used 1944 McGrew Right of Way

Having already lost the 2010 Lawsuit seeking an easement over Canyon Creek Road, Potato Patch tried to convince the trial court and Court of Appeals it could access the Potato Patch Property via a never used, unestablished, landlocked 1944 right of way commonly referred to as the McGrew Right of Way ("McGrew ROW"). CP 26-40, 177-78, 199-201. Potato Patch even argued, as a matter of law, that the 1944 McGrew ROW was *actually* Canyon Creek Road, which is provably false. CP 31.

1. Background to the McGrew ROW

In 1944, G.F. McGrew owned a portion of what is now the Point Whitney Tracts. CP 98. In 1944, G.F. McGrew conveyed a right of way for possible future road purposes to Jefferson County. CP 98, 203. The McGrew ROW does not reference the Potato Patch Property, Potato Patch, or any of its predecessors in any way. CP 33, 203. Additionally, despite Potato Patch's unsupported speculation, other than the express terms of the McGrew ROW there is no evidence in the record reflecting G.F. McGrew's intent in 1944.[1]

[1] Potato Patch repeatedly states G.F. McGrew "intended" the McGrew ROW to serve Potato Patch. It is unclear how Potato Patch now divines G.F. McGrew's intent, particularly for the first time in its Petition for Review.

2. The McGrew ROW Follows the Eastern Boundary of the Point Whitney Tracts

By its express terms, the McGrew ROW is "to follow the eastern boundary" of the property then owned by G.F. McGrew:

> A right of way for road . . . This road to follow the eastern boundary as near as possible except where natural obstacles prevent . . . (Underline added). CP 203.

It is undisputed that Jefferson County never established a road on the eastern boundary of the Point Whitney Tracts (or anywhere else on the Point Whitney Tracts). CP 32, 141, 205, 214. No road currently exists on the eastern boundary of the Point Whitney Tracts. CP 141.

3. The Unestablished McGrew ROW is Unusable Because it is Not Connected to Any Road

Legally significant, but also disregarded by Potato Patch, is the undisputed fact that the McGrew ROW is landlocked and not connected to any road. CP 98. The McGrew ROW is landlocked because G.F. McGrew did not own the southerly 165 feet of the Point Whitney Tracts when he granted the McGrew ROW to Jefferson County. CP 98. The undisputed facts are as follows: in 1940 G.F. McGrew sold to Frank Stewart the lower (southern) 165 feet of the Point Whitney Tracts ("Stewart Property"). CP 98. This transfer occurred before G.F. McGrew conveyed the alleged McGrew ROW to Jefferson County. CP 98. As a result, Jefferson County has no interest in the Stewart Property because

G.F. McGrew had no interest in the Stewart Property when he conveyed the McGrew ROW. CP 98. This means there is a legal gap of approximately 165 feet between the alleged McGrew ROW and the nearest road (the private Canyon Creek Road). CP 98. Jefferson County confirms "[the McGrew ROW] does not connect to any other public right of way, so it is essentially, 'landlocked' from public access." CP 205-06.[2]

4. The McGrew ROW does not Cross WDFW Land

It is also undisputed that the McGrew ROW does not cross the land owned by the WDFW. CP 16, 205-06, 214. As such, even if the McGrew ROW were not landlocked via the 165-foot gap, Potato Patch still could not access the McGrew ROW because the McGrew ROW does not cross WDFW land to connect to any public right of way. CP 203, 214.

G. The Parties Cross-Move for Summary Judgment and Potato Patch's Claims are Dismissed as a Matter of Law

In December 2016, Potato Patch moved for summary judgment to establish "as a matter of law that the McGrew ROW was relocated to the location of Canyon Creek Road." CP 31, 34-36. In response, the Point Whitney Owners cross-moved for summary judgment dismissal of Potato Patch's claims.

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[2] An illustration depicting the landlocked McGrew ROW is attached as Appendix A.

The trial court dismissed Potato Patch's claims as a matter of law. In an unpublished opinion, the Court of Appeals affirmed the trial court's decision. Both courts held:

- The McGrew ROW was not Canyon Creek Road;
- The McGrew ROW was landlocked and unusable;
- Potato Patch could not add itself to the Point Whitney Owners' easement across WDFW land and extend the easement to serve the Potato Patch Property because the increased burden would constitute an impermissible private taking of public land under *Granite Beach Holdings, L.L.C. v. Dep't of Nat. Res.*, 103 Wn. App. 186, 11 P.3d 847 (2000) and related authority; and
- No reasonable necessity existed for Potato Patch to encumber the Point Whitney Tracts because Potato Patch could not gain access across WDFW land (in fact, Potato Patch had already sued for and lost access across WDFW land).[3]

The decision of the Court of Appeals relies on well-established Washington law and this case does not present issues of substantial public interest or any other basis for review under RAP 13.4(b). Instead, it

[3] The trial court also held Potato Patch's private way of necessity claim failed because it voluntarily terminated its access rights under *Ruvalcaba v. Kwang Ho Baek*,

involves a single party's attempt to establish access to rural property in Jefferson County via a private easement—access it has already litigated and lost (in front of three courts).

III. ARGUMENT

A. The Court of Appeals Correctly Applied Well-Established Washington Law in Affirming Dismissal of Potato Patch's Claims and No Issues of Substantial Public Interest Exist

Potato Patch argues the Court of Appeals misapplied *Granite Beach Holdings, L.L.C. v. Dep't of Nat. Res.*, creating an issue of substantial public interest warranting review. Potato Patch is mistaken. An issue of "substantial public interest" arises when a holding has the potential to affect a significant number of proceedings in the lower courts and review is necessary to avoid unnecessary litigation and/or confusion on a common issue. *State v. Watson*, 155 Wn.2d 574, 577, 122 P.3d 903, 904 (2005). It is obvious that Potato Patch's attempt to expand an easement across State land does not present an issue of substantial public interest. Moreover, *Granite Beach Holdings* is well-established, well-reasoned, directly on point, and dispositive of Potato Patch's claims.

In *Granite Beach Holdings*, the court held that expansion of an easement over property owned by the State was prohibited as an

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175 Wn.2d 1, 282 P.3d 1083 (2012). The Court of Appeals did not expressly rule on this issue.

impermissible condemnation of public land under facts substantially similar to those present here. There, the plaintiff purchased land (the "Granite Property") completely surrounded by land owned by the State. The Granite Property could only be accessed by logging roads which ran across State land. The plaintiff in the Granite Beach case (like Potato Patch) purchased the Granite Property knowing it was landlocked.

Two private property owners owned land neighboring the Granite Property. These property owners (like the Point Whitney Tracts) held private easements over State land for ingress and egress to only their properties. The plaintiff in *Granite Beach* (like here) sought to "condemn a private way of necessity for ingress and egress over the easement rights held [by the private parties]." The easements held by the private property owners were restricted to the owners' ingress and egress across State land. *Granite Beach Holdings,* 103 Wn. App. at 202.

The Court dismissed the plaintiff's private way of necessity claims as a matter of law on summary judgment. The Court of Appeals reasoned that the plaintiff's condemnation of the private easements "would expand the number of parties that may use the road and the purposes for which the road is used." *Id.* at 204 (underline added). The Court went on to state that the plaintiff was "seeking to be added to private easements rather than substituted for them, thereby effecting **an increased burden** on the

servient owner's interests, which cannot be done without condemning that owner's interest in whole or in part." *Id.* at 204 (emphasis added). "Allowing the [plaintiff] to condemn [the private property owner's easements] would be an expansion of the servitude placed upon the State lands by the original easement." *Id.* (citing *Brown v. Voss*, 105 Wn.2d 366, 715 P.2d 514 (1986) for the proposition that an "easement cannot be expanded to serve a parcel that was not part of the original easement.") (underline added).

Here, it is undisputed that Potato Patch's use of the Canyon Creek Road easement would increase the burden on State land. *See* Plaintiff's Complaint for Declaratory Relief (Amended) at ¶ 3.8 (noting that adding Potato Patch and the Potato Patch Property to the easement would create an "additional burden"). Additionally, the expansion of the Canyon Creek Road easement to serve another parcel (the Potato Patch Property), would likewise result in an increased burden on State land. Even more concerning, Potato Patch seeks to expand the easement burdening State land in the absence of the State (WDFW). Perhaps this is because Potato Patch already sued the State for access across Canyon Creek Road and lost. Potato Patch may not like it, but the analysis in *Granite Beach Holdings* applies nearly word-for-word to this case.

Should any doubt remain (which it should not), Potato Patch's own attorneys already advised Potato Patch that this is the law. Potato Patch's former attorney wrote an opinion email analyzing the expansion of existing easements for the benefit of the Potato Patch Property. Potato Patch's attorney cited *Brown v. Voss* (the same case cited by the Court in *Granite Beach Holdings*) for the rule that the lot benefited by an easement cannot expand the easement "to include an abutting parcel for purposes of the easement without overburdening." *Brown*, 105 Wn.2d at 372.[4]

Potato Patch's dislike of well-established Washington law does not have the potential to affect a significant number of lower court proceedings, is not an issue of substantial public interest, and does not form a basis for review under RAP 13.4(b). Potato Patch's Petition for Review should be denied.

B. Potato Patch's Misunderstanding of the Court of Appeals' Decision is not an Issue of Substantial Public Interest Warranting Review

Potato Patch mistakenly argues the Court of Appeals and trial court erred when they refused to transmogrify the McGrew ROW into the upper

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[4] Potato Patch also implies that the Court of Appeals' decision "impermissibly privileges" Stand land. Potato Patch apparently fails to recognize State land is protected from private condemnation under well-established Washington law. *See Jobe v. Weyerhaeuser, Co.*, 37 Wn. App. 718, 724, 684 P.2d 719 (1984) (holding "that a 'private way of necessity' cannot be acquired by a private party across State or municipality owned lands or their easements pursuant to RCW 8.24.").

portion of Canyon Creek Road. In support of its Petition for Review, Potato Patch: (1) speculates that Canyon Creek Road *must* be the McGrew ROW, and (2) argues Washington courts should have the power to ignore the terms of real estate documents and transform property rights at will. Potato Patch's arguments are wholly unsupported and demonstrate no issue of substantial public interest warranting review.

1. Potato Patch's Speculation is not a Basis to Grant Review

Potato Patch urges this Court to grant review by mistakenly claiming the McGrew ROW and the upper portion of Canyon Creek Road must be the same. As an initial matter, this is not a basis upon which to grant review under RAP 13.4(b). Even if it was (which it is not), Potato Patch has presented *no evidence* in support of its wishful thinking. This is made clear by the Court of Appeals:

> The 1943 deed conveying the McGrew right of way to the County stated that the McGrew right of way would begin at the "point where present county road enters their property" and "follow the eastern boundary as near as possible except where natural obstacles prevent." Potato Patch did not provide any evidence as to where the "present county road" entered the property in 1943, nor did Potato Patch provide any evidence as to what constituted "as near as possible" to the eastern boundary of the Point Whitney Tracts in 1943. When deposed in 2016, Kennell stated that he did not know what point the 1943 deed referred to when it stated "'from point where present county road enters their property.'"
>
> A reasonable fact finder could not conclude that the County intended Canyon Creek Road to serve as the McGrew right of way when Potato Patch did not provide any evidence of

> such intent and did not provide any evidence showing what points the 1943 deed referred to when describing the McGrew right of way. And evidence that a road could not be built on the most eastern border of the Point Whitney Tracts could not allow a fact finder to speculate that Canyon Creek Road must be the 1943 McGrew right of way.

Decision, at *8 (underline added; internal citations to the record omitted).

It is obvious to any reasonable person in this case that the McGrew ROW and Canyon Creek Road are not the same. The McGrew ROW and Canyon Creek Road: are two different strips of land (one exists on the eastern boundary of the Point Whitney Tracts, the other runs through the center of the Point Whitney Tracts); were created by two different documents (one by a 1944 Quit Claim Deed, the other by the Point Whitney Tracts Large Lot Subdivision Plat); were created during two different time periods (one in 1944, the other in the 1990's); were created by two different people (one by G.F. McGrew, the other by Marvin Lorenzen); and serve two different interests (one was created in favor of the County, the other serves only the Point Whitney Tracts). Putting sprinkles on a rock does not make it a doughnut; repeatedly asserting the McGrew ROW is Canyon Creek Road does not make it so. Potato Patch's speculation does not have the potential to affect a significant number of proceedings in the lower courts and does not create a basis for review under RAP 13.4(b).

2. Potato Patch's Desire to Transmogrify the McGrew ROW into the Upper Portion of Canyon Creek Road is not a Basis for Review

Potato Patch mistakenly asserts the Court of Appeals 'questioned' whether Washington courts can resolve disputes over the location of easements. A cursory review of the Court of Appeals' Decision readily demonstrates the Court decided the McGrew ROW was not Canyon Creek Road and that a judicial determination concerning the precise location of the McGrew ROW (other than *not* Canyon Creek Road) was unnecessary because no remaining justiciable controversy existed between the parties. Decision, at *9.[5]

Nevertheless, in an attempt to manufacture a basis for review, Potato Patch asserts Washington courts should be able to disregard the express terms of real estate documents to transform the location of easements at will. Such a stance is wholly unsupported and, not surprisingly, Potato Patch cites no authority for this imaginative proposition. Instead, Potato Patch cites *Spencer v. Kosir*, 733 N.W.2d 921 (Wis. Ct. App. 2007), an inapposite Wisconsin court of appeals case.

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[5] The Court also noted Potato Patch presented no evidence concerning the precise location of the McGrew ROW. Further, it is important to note the McGrew ROW is an unopened, unused, landlocked, right-of-way reserved for use by Jefferson County, should it choose to do so.

In *Kosir*, the easement at issue was for "a right of way for road purposes across" the servient owner's parcel. *Id.* at 923. The easement did not identify, in any way, the location of the easement or the width of the easement. In locating the easement, the court noted that "[w]hen the location of an easement is not defined, the court has the inherent power to affirmatively and specifically determine its location." *Id.* at 925.

This is not the case here. The McGrew ROW specifically identifies its location on "the eastern boundary [of the Point Whitney Tracts] as near as possible except were natural obstacles prevent." Canyon Creek Road runs through the center of the Point Whitney Tracts, over 600 feet away from the Point Whitney Tracts eastern boundary. What Potato Patch truly seeks to do is *transform* the McGrew ROW into Canyon Creek Road without any legal support or evidence. Potato Patch's desire to transmogrify the McGrew ROW into Canyon Creek Road is not a matter of substantial public interest and is not a basis to grant review under RAP 13.4(b).[6]

[6] The Point Whitney Owners again note the McGrew ROW does not cross WDFW Land, meaning *even if* the McGrew ROW *was* the upper portion of Canyon Creek Road, such right of way would be landlocked and unusable by Potato Patch.

C. Potato Patch's Voluntary Landlocking of Its Own Property is Not a Matter of Substantial Public Interest Warranting Review

Potato Patch mistakenly argues the "inappropriateness of the Court of Appeals' test for finding voluntary landlocking is a matter of substantial public interest" warranting review. As an initial matter, the Court of Appeals did not apply a 'test' for finding voluntary landlocking of property. In fact, the Court of Appeals did not even hold Potato Patch voluntarily landlocked the Potato Patch Property. This is evident from Potato Patch's own citation to the Court of Appeals' Decision on this issue, which is footnote 3 of the fact section. Regardless, Potato Patch's voluntary landlocking of its property is not a basis to grant review.

Under Washington law, summary judgment dismissal of a plaintiff's private way of necessity claim is appropriate where the plaintiff voluntarily landlocked its own parcel, made claims of reasonable necessity based on the financial impracticability of gaining access via the relinquished parcel, and waited a substantial amount of time before bringing its claims. *Ruvalcaba v. Kwang Ho Baek*, 175 Wn.2d 1, 282 P.3d 1083 (2012).

Here, Potato Patch seeks to do what this Court rejected in *Ruvalcaba*: sever the Potato Patch Property from access to a public road and condemn a private way of necessity over its neighbors, the Point Whitney Tracts. Indeed, Potato Patch makes an argument substantially

similar to that of the plaintiffs in *Ruvalcaba*: that it was impractical to build a road from the Duesing Properties to the Potato Patch Property due to a steep slope. CP 260. Potato Patch's voluntary landlocking of its own property is not a matter of substantial public interest warranting review.

IV. CONCLUSION

No basis exists to grant Potato Patch's Petition for Review: there are no issues of substantial public interest, no significant questions of constitutional law, and no conflicting legal authorities to resolve. Potato Patch's distortion of the Court of Appeals' Decision does not change this fact. Private condemnation of State land is impermissible under Washington law and speculation and wishful thinking cannot transmogrify the McGrew ROW into the separately created Canyon Creek Road. This Court should deny Potato Patch's Petition for Review.

RESPECTFULLY SUBMITTED this 18 day of April, 2019.

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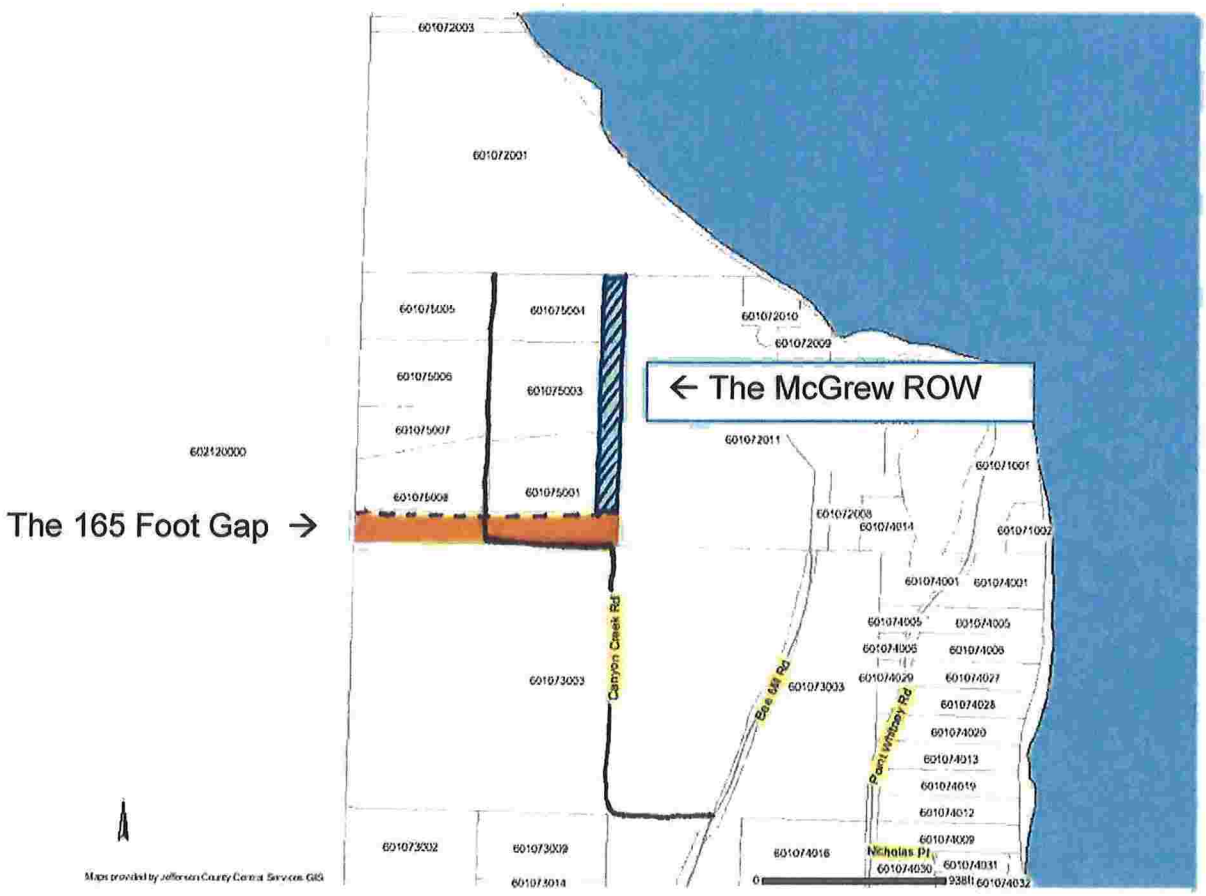
APPENDIX A

Jefferson County also confirms the McGrew ROW is landlocked: "[the McGrew ROW] does not connect to any other public right of way, so it is essentially, "landlocked" from public access. By this I mean that there is no legal way for the public to get to this right of way."[36] The alleged McGrew ROW would be depicted below in blue dashes. The 165 foot gap which land-locks the alleged McGrew ROW is depicted below in orange:



Jefferson County has no intention of building a road on the McGrew ROW now or in the future. Indeed, Jefferson County cannot develop the McGrew ROW because it would need a deed from the owners of Tract 1 of the Point Whitney Tracts to cross the 165 foot gap.[37] Jefferson County is not a party to this lawsuit.

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[36] Reed Decl. at ¶ 13, Exhibit L.

[37] Brandt Decl. at 1, ¶¶ 2-4.

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CERTIFICATE OF SERVICE

The undersigned declares under penalty of perjury, under the laws of the State of Washington, that the following is true and correct:

I am over the age of 18 years, not a party to nor interested in the above-entitled action, and competent to be a witness herein. On the date stated below, I caused to be served a true and correct copy of the **Respondents' Answer to Petition for Review** in the manner noted below:

Shane Seaman Cross Sound Law Group 18887 State Highway 305 NE Suite 1000 Poulsbo, WA 98370 shane@crosssoundlaw.com		By Messenger
	X	By U.S. Mail
		By Overnight Delivery
		By Facsimile
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Michael King Carney Badley Spellman, P.S. 701 Fifth Avenue, Suite 3600 Seattle, WA 98104 king@carneylaw.com		By Messenger
	X	By U.S. Mail
		By Overnight Delivery
		By Facsimile
	X	By Email

DATED this 18th day of April, 2019, at Seattle, Washington.

Mary O'Hara

MONTGOMERY PURDUE BLANKINSHIP & AUSTIN PLLC

April 18, 2019 - 10:03 AM

Transmittal Information

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