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No. 53743-5-II

DIVISION II, COURT OF APPEALS
OF THE STATE OF WASHINGTON

DANIEL G. SZMANIA
Defendant/Appellant,

Vs.

WELLS FARGO BANK N.A., AS.
TRUSTEE FOR BEAR STEARNS ARM TRUST 2007-3
Plaintiff/Respondent.

ON APPEAL FROM THE SUPERIOR COURT
OF WASHINGTON FOR CLARK COUNTY
The Honorable Bernard F. Veljacic
No. 16-2-02606-4

APPELLANT'S MOTION FOR DISCRETIONARY REVIEW

ORAL ARGUMENTS REQUESTED

Daniel G. Szmania, Defendant/Appellant, Pro Se'.
HM1 USNR Retired,
U.S. Supreme Court No. 11-6137
U.S. Supreme Court No. 18-734
PO Box 757., Brush Prairie, WA 98606-0757
360-718-1402, dszmania@quixnet.net

Title Page

RAP 17.3 (b)

1. Identity of Petitioner and Moving Party: Daniel G. Szmania, (Szmania) who is the Defendant/Appellant in the instant case.

Szmania seeks the relief designated in Part 2.

2. Decision Below/Statement of Relief Sought: Szmania respectfully request a Discretionary Review by the Supreme Court of the State of Washington to review de novo the January 5th, 2021 Opinion by the Court of Appeals of the State of Washington, Division II, .No. 53743-5-II. On January 25, 2021 a non party Motion to Publish was filed. There have been no other Orders filed after the above noted decision.

3. Issues Presented for Review:

(a) Loss of Subject Matter Jurisdiction: Did the Superior Court of Washington for Clark County (Superior Court), make errors in its rulings on Szmania's Motion to Dismiss CP 14 when the case on appeal was Removed to Federal District Court by Szmania on May 18, 2017? *See* CP 18. This was before the hearing on May 26, 2017 for the Writ of Restitution. *See* CP 19.

Did the Court of Appeals for the State of Washington, Division II, (Appeals Court) error by ignoring this fact not only in the instant case on appeal, No. 53743-5-II, but also in the FIRST APPEAL in No. 50523-1-II too?

See Opinion of The Court of Appeals of the State of Washington, Division II, No. 50523-1-II, dated: January 3, 2019. (Opinion #1).

See Opinion of The Court of Appeals of the State of Washington, Division II, No. 53743-5-II, dated: January 5, 2021. (Opinion #2).

It is well settled law in 28 U.S.C. § 1446(d) **Procedure for removal of civil action, (d) NOTICE TO ADVERSE PARTIES AND STATE COURT.**—

*Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, **which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.*** (Emphases added!) *See* CP 14, page 5 at 22-25. *See* Appellants Reply Brief- Appeal #2, No. 53743-5-II, dated: January 8, 2020. (Appeal #2 Reply) Pages: 7, 12, 16 and 17.

As we see in *Id.* the Superior Court immediately loses Subject Matter Jurisdiction. The only legal remedy is for the case to be Remanded. It never was Remanded back from District Court.

With Szmania's Motion to Dismiss CP 14 GRANTED as stated in Opinion #1, and with NO SUBJECT JURISIDCTION the Order for Writ of Restitution *See* CP 23 and Writ of Restitution Issued *See* CP 24 would have never been issued. But since it was and the Superior Court did not reverse it, Szmania needs to be made whole as if the Writ never happened.

(b) Lack of Personal Jurisdiction: Did the Superior Court make errors in its rulings on Szmania's Motion to Dismiss CP 14 when the case on appeal was lacking in Personal Jurisdiction over Szmania for improper Service by Wells Fargo?

The Appeals Court the FIRST APPEAL in No. 50523-1-II ruled in agreement with Szmania that proper service was NOT perfected on Szmania. *See* Opinion #1. Service never did occur!

Did the Appeals Court in the SECOND APPEAL in No. 53743-5-II, Opinion #2, error by ignoring this fact and not applying Szmania's MOTION TO DISSISS as GRANTED as ruled in Opinion #1?

"There is no discretion to ignore lack of jurisdiction!" *Joyce v. U.S. 474 2D 215.*

With Szmania's Motion to Dismiss CP 14 GRANTED as stated in Opinion #1, and with NO PERSONAL JURISIDCTION the Order for Writ of Restitution *See* CP 23 and Writ of Restitution Issued *See* CP 24 would have never been issued. But since it was and the Superior Court did not reverse it, Szmania needs to be made whole as if the Writ never happened.

(4) Statement of the Case for both (a) and (b):

On December 22, 2016 Wells Fargo files Summons CP 2 and Compliant CP 3.

On January 9, 2017 CP 5 and CP 6 Wells Fargo attempts Service on Szmania only one (1) time.

On January 23, 2017 Wells Fargo does an Ex Parte Motion for Alternative Service CP 7.

On January 23, 2017 Ex Parte Order for Alternative Service CP 8 is issued. This Order clearly stated on page 2 that service shall be completed by posting on the subject property in a conspicuous place and mailed Certified Mail, Return Receipt Requested, a copy of the Summons CP 2 and the Complaint CP 3. Wells Fargo never complied fully for they failed service by Certified Mail, Return Receipt Requested and they never posted on Szmania's property in a conspicuous place of a copy of the Summons CP 2 and the Complaint CP 3. *See* Opinion #1, page 4." *We agree that Wells Fargo failed to comply with the alternative service statute, and the superior court's order based on that statute, by failing to mail a copy of the summons and complaint by certified mail.*"

On February 16, 2017 Szmania files his Motion to Dismiss (MTD) CP 14 and supporting Declaration (Decl) CP 13 with a Citation for Hearing set for Friday April 28, 2017.

On April 25, 2017 Wells Fargo files their Opposition CP 16 to Szmania's MTD.

On April 28, 2017 hearing held on Szmania's MTD CP 17. The Superior Court enters NO Orders and sets over until May 26, 2017.

On May 18, 2017 Szmania REMOVES Superior Court Case No.16-2-02606-4, CP 18 via 28 U.S.C. § 1446(d), thus removing Subject Matter Jurisdiction from the Superior Court and placing it with the U.S. District Court. The case was never Remanded within 30 days per 28 U.S.C. § 1447(c), Procedure after removal generally. **“A motion to remand the case on the basis of any defect other than lack of subject matter jurisdiction *must be made within 30 days after the filing of the notice of removal under section 1446(a).*”** (Emphases added!) See Appeal #1 Reply, page 17. See the Conforming Stamp from District Court on top of pages in CP 18 pages 6-14.

On May 26, 2017 the Superior Court precedes with Hearing for Writ of Restitution in spite of having NO SUBJECT MATTER JURISDICTION after the REMOVAL; CP 19 page 2 Szmania tells the Superior Court it has NO JURISDICTION after REMOVAL to District Court. The Superior Court acknowledged on the record that the REMOVAL was done! The Superior Court: acknowledges seeing the Notice of Removal: *“And I have seen from both parties a notice of removal,..”* See RP Volume I, Page 25 at 15 to 16. Without Jurisdiction the Superior Court arrogantly enters Orders CP 20 Findings and Order to Proceed Notwithstanding Defendant's Notice to Clerk of Removal to Federal Court, dated: May 26, 2017 and CP 21 Order Denying Defendant's Motion to Dismiss and Setting time for Hearing and CP 22 Order for Default and Default Judgment, dated May 26, 2017. Wells Fargo and the Superior Court blatantly note the case was REMOVED in CP 20, page 2 to 3.

Wells Fargo also lies about the filing in Federal District Court. All one has to do is look at the conformed stamps on the top of the pages in CP 18 pages 6-14. Also on May 26, 2017, the Superior Court precedes further with CP 23 Order for Writ of Restitution and CP 24 Writ of Restitution in spite of having NO SUBJECT MATTER JURISDICTION after Szmania's REMOVAL to Federal District Court. *See* CP 18.

On June 23, 2017 Szmania timely Appeals: CP 25 Defendant's Notice of Appeal #1, No. 50523-1-II, and CP 26 Filing Fee First Appeal No. 50523-1-II.

On July 5, 2017 the Clark County Sheriff's executed the Writ of Restitution and kicked Szmania and his family out of his home of 16+ years the Szmania had fully paid off. *See* CP 28 Return of Restitution, dated: July 6, 2017.

On January 3, 2019 Appeal Opinion #1 (CP 38) in favor of Szmania. Highlights of the ruling:

Page 1: *"Because Wells Fargo failed to comply with the alternative service statute and the trial court's order for alternative service, we reverse."*

Page 4: *"We agree that Wells Fargo failed to comply with the alternative service statute, and the superior court's order based on that statute, by failing to mail a copy of the summons and complaint by certified mail."*

Page 5: *"As a result, we reverse the superior court's denial of Szmania's motion to dismiss."*

Page 10: *"We reversed based on Wells Fargo's improper service of process. 3"*

On February 14, 2019 MANDATE is filed by the Appeal Court in No. 50523-1-II, for Opinion #1 (CP 38).

On June 13, 2019 Szmania files:

1. CP 39 Citation for Friday July 19, 2019, for Szmania's Motion for Possession and Damages.
2. CP 40 Declaration of Daniel G. Szmania in Support of Defendant's Motion for Damages.
3. CP 41 Defendant's Motion for Possession and Damages.
4. CP 42 (Proposed) Order for Possession and Damages.
5. CP 43 Certificate of Service for Defendant's Motion for Possession and Damages, (CP 39, CP 40, CP 41, CP 42).

On June 25, 2019 Szmania files:

1. CP 46 Letter to Judge Veljacic with modified (Proposed) Order for Motion for Possession and Damages.
2. CP 47 Certificate of Service for: Letter to Judge Veljacic with modified Proposed Order for Motion for Possession and Damages.

On July 17, 2019 Wells Fargo files their late Opposition to Defendant Szmania's Motion for Possession and Damages. *See* CP 59.

On Friday July 19, 2019, Szmania's Motion for Possession and Damages hearing. *See* CP 60. Superior Court sets over until August 9, 2019 due to technical issues with filing system.

On Friday August 9, 2019, Hearing continued. *See* CP 62. The Superior Court totally ignores the fact that the case was Removed to Federal District Court by Szmania on May 18, 2017 and was striped of its Subject Matter Jurisdiction. *See* CP 18.

The Superior Court totally ignores the fact that the Opinion #1 of The Court of Appeals of the State of Washington, Division II, No. 50523-1-II, dated: January 3, 2019 READS:

See CP 38 Decision at:

Page 1, **“Because Wells Fargo failed to comply with the alternative service statute and the trial court’s order for alternative service, we reverse.”** (*Emphases added!*)

Page 4, **“We agree that Wells Fargo failed to comply with the alternative service statute, and the superior court’s order based on that statute, by failing to mail a copy of the summons and complaint by certified mail.”** And **“Scanlan v. Townsend, 181 Wn.2d 838, 847, 336 P.3d 1155 (2014). Proper service of the summons and complaint is essential to invoke personal jurisdiction over the defendant. Id.”** (*Emphases added!*)

Page 5 **“As a result, we reverse the superior court’s denial of Szmania’s motion to dismiss.”** (*Emphases added!*)

Page 10 **“We reversed based on Wells Fargo’s improper service of process.”** (*Emphases added!*)

See <http://www.courts.wa.gov/opinions/pdf/D2%2050523-1-II%20Unpublished%20Opinion.pdf>

See Szmania’s Appeal #2 Brief page 8.

Once again the Superior Court refuses to acknowledge that:
(a) It had NO SUBJECT MATTER JURISDICTION due to Szmania’s REMOVAL as of May 18, 2017 and no REMAND within 30 days. *See* CP 18.

(b) It had NO PERSONAL JURISDITON due to Opinion #1 noted above for lack of Process of Personal Service on Szmania.

These well settled legal facts means Szmania's Motion to Dismiss CP 14 is now GRANTED, therefore the following need to be REVERSED and Szmania should be made whole as if the below never happened!

CP 21 Order Denying Defendant's Motion to Dismiss and Setting time for Hearing, dated May 26, 2017.

CP 22 Order for Default and Default Judgment, dated May 26, 2017.

CP 23 Order to Issue Writ of Restitution, dated: May 26, 2017.

CP 24 Writ of Restitution Issued, dated: May 26, 2017.

CP 64 Superior Court Ruling Denying of Defendant/Appellant MOTION FOR POSSESSION AND DAMAGES, (CP 41), August 9, 2019.

Szmania timely Appeals:

CP 65 Defendant's Notice of Appeal #2, dated: August 23, 2019, and Motion to Recall of Mandate in Appeal #1, No. 50523-1-II.

CP 66 Appellant's Statement of Arrangements of Verbatim Report of Proceedings, dated August 23, 2019.

CP 67 Designation of Clerk's Papers, dated: August 23, 2019.

CP 68 Certificate of Service for: Defendant's Notice of Appeal, Designation of Clerks Papers, Appellant's Statement of Arrangements and Motion to Recall Mandate, dated: August 23, 2019.

On August 27, 2019 the Washington State Court of Appeals, Division II DENIES Szmania's Motion to Recall Mandate in Appeal #1, No. 50523-1-II.

On September 19, 2019 Szmania pays the \$290.00 filing fee for Appeal #2, No. 53743-5-II.

On September 24, 2019 Verbatim Report of Proceedings was filed with the Washington State Court of Appeals, Division II, No. 53743- 5-II, Clark County No. 16-2-02606-4.

On October 10, 2019 Clerk's Papers were filed with the Washington State Court of Appeals, Division II, No. 53743-5-II, Clark County No. 16-2-02606-4.

On November 7, 2019, Appellants Brief filed- Appeal #2, No. 53743-5-II, Cited as: Appeal #2 Brief.

On November 22, 2019 Wells Fargo files: Respondent's Motion for Extension of Time to File Answering Brief: form December 6, 2019 to December 20, 2019.

On November 25, 2019 Ruling by The Court of Appeals of the State of Washington, Division II, No. 53743-5-II. They Grant Wells Fargo the 14 day extension to December 20, 2019 to file their Respondent's Brief.

On December 20, 2019, Respondent's Responsive Brief filed- Appeal #2, No. 53743-5-II, Cited as: Response Appeal #2.

On January 8, 2020, Appellants Reply Brief filed- Appeal #2, No. 53743-5-II, Cited as: Appeal #2 Reply.

On January 5, 2021, Opinion of The Court of Appeals of the State of Washington, Division II, No. 53743-5-II, Cited as: Opinion #2.

*“In an unlawful detainer action, plaintiff bears the burden to prove, **by a preponderance of the evidence, the right to possession of the premises.**” Duprey v. Donahoe, 52 Wn.2d 129, 135, 323 P.2d 903 (1958). (Emphases added!)*

(a) Loss of Subject Matter Jurisdiction:

The Material Facts on Appeal now clearly show that Szmania Removed Clark County Superior Court case No. 16-2-02606-4 to Federal District Court on May 18, 2017 and said court was striped of its Subject Matter Jurisdiction. *See* CP 18.

It is well settled law:

28 U.S.C. § 1446(d) **Procedure for removal of civil action, (d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—**
*Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, **which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.*** (Emphases added!) *See* CP 14, page 5.

The language in 1446 is clear! “**and the State court shall proceed no further unless and until the case is remanded.**” (Emphases added!)

In both Opinion #1 and Opinion #2 (which is on appeal now), both appeals courts ignored the fact the instant case on appeal was removed in CP 18.

“the filing of a removal petition terminates the state court’s jurisdiction until the case is remanded, even in a case improperly removed.” *Lowe v. Jacobs, 243 F.2d 432, 433 (5th Cir.), cert. denied, 355 U.S. 842, 78 S.Ct. 65, 2 L.Ed. 52 (1957).* (Emphases added!)

To illustrate this point we look at the Opinions:

On January 3, 2019 Appeal Opinion #1, No. 50523-1-II in favor of Szmania. Highlights of the ruling:

Page 6: “*Szmania argues that the superior court did not have subject matter jurisdiction over Wells Fargo’s unlawful detainer action because a prior lawsuit he initiated against Wells Fargo had been removed to federal court.*” (Emphases added!)

Page 9: “*Again, he claims that removal of a separate case to federal court precluded the superior court from entering any order on Wells Fargo’s unlawful detainer action.* (Emphases added!)

The Appeals Court totally disregarded the Material Fact in CP 18 that Szmania REMOVED the case on appeal No. 16-2-02606-4 to Federal District Court on May 18, 2017 before any rulings in this case. Thus all the rulings after said removal need to be reversed! And yes a prior case regarding Szmania’s home was also removed. The rulings that need to be **REVERSED:**

The May 26, 2017 trial court’s actions of: Findings *See* CP 19 & CP 20, Order Denying Motion to Dismiss, *See* CP 21, Default Judgment *See* CP 22, and Order for Writ of Restitution *See* CP 23 and Writ of Restitution Issued *See* CP 24.

And

The August 9, 2019, trial court's actions of: Superior Courts hearing CP 62, Plaintiff's Order of Dismissal of the Action CP 63 and Plaintiff's Order on Defendant's Motion for Possession and Damages, CP 64.

And **GRANTING** Defendant's Motion to Dismiss CP 14 the Motion for Possession and Damages CP 41.

On January 5, 2021 Appeal Opinion #2, No. 53743-5-II.

Highlights of the ruling:

*"Page 3- Szmania argued that the superior court did not have subject matter jurisdiction or personal jurisdiction over the unlawful detainer action **because a prior, separate lawsuit he initiated against Wells Fargo had since been removed to federal court** and service of process was improper." (Emphases added!)*

*'MR. SZMANIA: I just want to clarify, because 28 USC 1446 subsection (d) clearly says that once a notice is filed with the clerk of the court, which shall affect the removal, and the state court shall proceed no further unless and until the case is remanded. In my humble opinion, from my view, you're proceeding in the case by entering an order. So do you have an authority that overrides 28 USC 1446 subsection (d)? **THE COURT:** I haven't heard a question so I'm not going to respond. And moreover, I'm typically not the one to respond to questions.'" See RP Volume I, Page 28 at 14 to 24. **The case has NEVER been Remanded thus Jurisdiction is in the Federal Court!** See RP Volume I, page 10 at 10. "This case has not been remanded." See Appeal #1 Brief page 38.*

(b) Lack of Personal Jurisdiction:

On January 5, 2021 Appeal Opinion #2, No. 53743-5-II.

Highlights of the ruling:

*“Page 1- Szmania filed a motion to dismiss based **in part on insufficient service**, which the superior court denied and then entered a writ of restitution. Szmania appealed. **We reversed the superior court’s denial of his motion to dismiss based on insufficient service and remanded for further proceeding.**” (Emphases added!)*

*“Page 3- Szmania argued that the superior court did not have subject matter jurisdiction or personal jurisdiction over the unlawful detainer action because a prior, separate lawsuit he initiated against Wells Fargo had since been removed to federal court **and service of process was improper.**” (Emphases added!)*

*“Page 4- **We held that “Wells Fargo did not comply with the statutory requirement for alternative service, and it did not meet its initial burden of proving a prima facie case of sufficient service” because Wells Fargo did not show proof of service by certified mail. Clerk’s Papers (CP) at 9. However, we rejected Szmania’s arguments that the superior court lacked jurisdiction or that venue was improper and declined to address the merits of Szmania’s CR 12(b)(6) arguments.** (Emphases added!)*

***“Page 6-We held that service had not been properly completed and reversed the denial of Szmania’s CR 12(b)(6) motion to dismiss on that ground alone.”** (Emphases added!)*

*“Page 4-(Opinion #1, No. 50523-1-II) “Scanlan v. Townsend, 181 Wn.2d 838, 847, 336 P.3d 1155 (2014). **Proper service of the summons and complaint is essential to invoke personal jurisdiction over the defendant. Id.**” (Emphases added!)*

(5) Argument for both (a) and (b):

(a) Loss of Subject Matter Jurisdiction:

The Material Facts on Appeal clearly show that Szmania Removed Clark County Superior Court case No. 16-2-02606-4 to Federal District Court May 18, 2017 and this action striped said court of its Subject Matter Jurisdiction. *See* CP 18.

It is well settled law:

28 U.S.C. § 1446(d) **Procedure for removal of civil action, (d) NOTICE TO ADVERSE PARTIES AND STATE COURT.—**
*Promptly after the filing of such notice of removal of a civil action the defendant or defendants shall give written notice thereof to all adverse parties and shall file a copy of the notice with the clerk of such State court, **which shall effect the removal and the State court shall proceed no further unless and until the case is remanded.*** (Emphases added!) *See* CP 14, page 5.

The language in 1446 is clear! “**and the State court shall proceed no further unless and until the case is remanded.**” (Emphases added!)

The Superior Court of Judge Veljacic arrogantly and without precedent ignored well settled law in 28 U.S.C. § 1446(d). A judge who ignores jurisdiction issues should not be presiding on the bench let alone in the Washington State Appellate Court, Division III!! The trial court committed an obvious error which would render further proceedings useless. **Page 15 of 20**

The Material Facts on Appeal dictate the Superior Court had NO SUBJECT MATTER JURISDICTION after Szmania REMOVED case No. 16-2-02606-4 to Federal District Court on May 18, 2017. *See* CP 18.

Therefore as a matter of Well Settled Law all the Superior Court's above listed Findings, Orders and Writs must be REVERSED and Szmania made Financially Whole as he was the day before said listed Findings, Orders and Writs were issued as plead in Szmania's Motion for Possession and Damages CP 41.

Other issues: *"State courts do not adjudicate whether an action could be properly removed. Once a defendant has filed a notice to remove a case, jurisdiction is transferred automatically and immediately by operation of law from the state court to the federal court. Any objection to removal must be presented to the federal court. If a federal court finds that the notice of removal was in fact defective, or that the federal court does not have jurisdiction, the case is remanded to the state court."* (Emphases added!) https://en.wikipedia.org/wiki/Removal_jurisdiction
See Page 21, December 11, 2017 Appeal #1 Brief

(b) Lack of Personal Jurisdiction:

The Opinion #1, No. 50523-1-II:

See CP 38 Decision at:

Page 1, **"Because Wells Fargo failed to comply with the alternative service statute and the trial court's order for alternative service, we reverse."** (Emphases added!)

Page 4, **“We agree that Wells Fargo failed to comply with the alternative service statute, and the superior court’s order based on that statute, by failing to mail a copy of the summons and complaint by certified mail.”** And **“Scanlan v. Townsend, 181 Wn.2d 838, 847, 336 P.3d 1155 (2014). Proper service of the summons and complaint is essential to invoke personal jurisdiction over the defendant. Id.”** (Emphases added!)

Page 5 **“As a result, we reverse the superior court’s denial of Szmania’s motion to dismiss.”** (Emphases added!)

Page 10 **“We reversed based on Wells Fargo’s improper service of process.”** (Emphases added!)

See <http://www.courts.wa.gov/opinions/pdf/D2%2050523-1-II%20Unpublished%20Opinion.pdf>

See Szmania’s Appeal #2 Brief page 8.

As penned on page 4 of *Id.*, without proper service, the Superior Court can NOT invoke Personal Jurisdiction over Szmania.

On January 5, 2021 Appeal Opinion #2, No. 53743-5-II.

Highlights of the ruling:

“Page 1- Szmania appealed. We reversed the superior court’s denial of his motion to dismiss based on insufficient service and remanded for further proceedings.” (Emphases added!)

“Page 3- Szmania argued that the superior court did not have subject matter jurisdiction or personal jurisdiction over the unlawful detainer action because a prior, separate lawsuit he initiated against Wells Fargo had since been removed to federal court and service of process was improper.” (Emphases added!)

“Page 4- We held that “Wells Fargo did not comply with the statutory requirement for alternative service, and it did not meet its initial burden of proving a prima facie case of sufficient service” because Wells Fargo did not show proof of service by certified mail. Clerk’s Papers (CP) at 9. However, we rejected Szmania’s arguments that the superior court lacked jurisdiction or that venue was improper and declined to address the merits of Szmania’s CR 12(b)(6) arguments.” (Emphases added!)

RCW 59.18.290 (1) It is unlawful for the landlord to remove or exclude from the premises the tenant thereof **except under a court order so authorizing. Any tenant so removed or excluded in violation of this section may recover possession of the property or terminate the rental agreement and, in either case, may recover the actual damages sustained. The prevailing party may recover the costs of suit or arbitration and reasonable attorneys’ fees”**
Emphases added!

See <https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.290>

The “court orders” are invalid do to lack or PERSONAL AND SUBJECT MATTER JURISIDITION and Szmania is the Prevailing Party with Opinion #1, No. 50523-1-II:
See Appeal Opinion #2, No. 53743-5-II, page 4-8.

The Appellate Court in Appeal Opinion #2, No. 53743-5-II relaying only on RCW 59.18.290 (1) is in error. Szmania also cited the following in his Motion for Possession and Damages, CP 41.

Also Szmania is a **tenant is sufferance** as the owner and the “alleged previous” owner by Wells, living in the home after the illegal trustee sale by Wells. Szmania qualifies as a “*tenant in sufferance*” per RCW 59.04.050. See Szmania’s Appeal #2 Brief

page 23. Thus Szmania is qualified under the following RCW's for Possession and Damages. RCW 59.18.290 (1) Says:” **Any tenant so removed**” This includes a **Tenant in Sufferance** too!

Page-23, 29 & 43 *Id*: Further we see in RCW 59.18.375 Forcible entry or detainer or unlawful detainer actions—Payment of rent into court registry—Writ of restitution—Notice.
(4) “Issuance of a writ of restitution under this section shall not affect the defendant's right to schedule a hearing on the merits. “
(And) “**If the court concludes at the show cause hearing that the writ of restitution should not have been issued because of any legal or equitable defense to the eviction, then the writ of restitution must be quashed and the defendant must be restored to possession.** “(Emphases added!)
<https://app.leg.wa.gov/rcw/default.aspx?cite=59.18.375>

Here the Superior Court and the Appellate Courts should conclude that they are lacking in PERSONAL AND SUBJECT MATTER JURISIDICICTION based upon the lacking of Service and the Removal. *See* Opinion #1, No. 50523-1-II. *See* CP 18.

We further see in RCW 59.18.380:
“*If it appears to the court that the plaintiff should not be restored to possession of the property, the court shall deny plaintiff's motion for a writ of restitution and enter an order directing the parties to proceed to trial within thirty days on the complaint and answer.*”
See <https://app.leg.wa.gov/RCW/default.aspx?cite=59.18.380>
See Szmania's Appeal #2 Brief page 9.

Also Wells Fargo claims should be barred by Res Judicata. This was plead in Szmania's Motion to Dismiss CP 14 pages 2, 14, 17-19 and Motion for Possession and Damages CP 41, pages 14-15.

The Superior Court and the Appellant Courts have so far departed from the accepted and usual course of judicial proceedings as to call for review by the Washington Supreme Court. And the Superior court committed an obvious error which would render further proceedings useless in that Court.

Therefore as a matter of Well Settled Law all the Superior Courts above listed Findings, Orders and Writs must be REVERSED and Szmania made Financially Whole as he was the day before said listed Findings, Orders and Writs were issued as plead in Szmania's Motion for Possession and Damages CP 41.

“A judgment rendered by a court without personal jurisdiction over the defendant is void. It is a nullity. [A judgment shown to be void for lack of personal service on the defendant is a nullity.] “*Sramek v. Sramek*, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993). (Emphases added!) Page 27, December 11, 2017 Appeal #1 Brief.

(6) Conclusion

For the foregoing reasons; the well settled law as noted above needs to be applied in this case by this Supreme Court of Washington with the above Reversals and Granting's being done.

Szmania is also available for oral arguments and request oral arguments; and. request cost payable by Wells Fargo, Per RAP 18.1 (a), and Szmania also asked under RAP 18.1 that no attorney fees or cost be awarded to Wells Fargo. This Motion is within the limits found in RAP 17.4 (g) (1) not to exceed 20 pages. Szmania asks for any other relief this Court deems appropriate.

(7) Appendix.

Enclosed you'll find a Conformed Copy of:
Opinion of The Court of Appeals of the State of Washington, Division II,
No. 53743-5-II, dated: January 5, 2021. Cited as: Opinion #2.

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- 4) Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992), rev. denied 252 Kan. 1093 (1993).Page 20.

State Statutes

- 1) RCW 59.04.050 Tenancy by sufferance-Termination. Page 18.
- 2) RCW 59.18.290 (1) (2) Removal or exclusion of tenant from premises—Holding over or excluding landlord from premises after termination date. Pages 18, 19.
- 3) RCW 59.18.375 Forcible entry or detainer or unlawful detainer actions—Payment of rent into court registry—Writ of restitution—Notice. Page 19.
- 4) RCW 59.18.380 Forcible entry or detainer or unlawful detainer actions—Writ of restitution-Answer-Order-Stay-Bond. Page 19.

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- 1) 28 U.S.C. § 1446(d) Procedure for removal of civil action (d) Notice to Adverse Parties and State Court., Pages 2, 5, 11, 15.
- 2) 28 U.S.C. § 1447(c), Procedure after removal generally. Page: 5.

Regulations and Rules

- 1) RAP 17.3 CONTENT OF MOTION. Pages 1.
- 2) RAP 17.4 FILING AND SERVICE OF MOTION— ANSWER TO MOTION..... Page 20.
- 3) RAP 18.1 Attorney Fees and Expenses. Page 20.

Other Sources Cited

- 1) Wikipedia Removal Jurisdiction, Page 16.
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1. CP 2 Summons, dated: December 22, 2016. Page: 4.
2. CP 3 Complaint for Unlawful Detainer, dated: December 22, 2016. Page 4.
3. CP 5 and CP 6 Declaration of Non Service, dated: January 9, 2017. Page: 4.
4. CP 7 Ex Parte Motion for Alternative Service, dated: January 23, 2017. Page: 4.
5. CP 8 Ex Parte Order for Alternative Service, dated: January 23, 2017. Page: 4.
6. CP 13 Declaration of Daniel G. Szmania, dated: February 16, 2017. Page: 5.
7. CP 14 Defendant's Motion To Dismiss, dated: February 16, 2017, Pages: 1, 2, 3, 4, 5, 9, 11, 13, 15, 19.
8. CP 15 Order Granting Szmania's Motion to Dismiss, CP 14. Pages 15 and 19.
9. CP 16 Opposition to Defendant's Motion to Dismiss, dated: April 25, 2017. Page: 5.
10. CP 17 Motion Docket Hearing, dated: April 28, 2017. Page: 5.
11. CP 18 Removal to U.S. District Court, dated: May 18, 2017. Pages: 1, 5, 6, 8, 11, 12, 15, 16, 19.
12. CP 19 Motion Hearing, dated: May 26, 2017. Pages: 1, 5, 12.
13. CP 20 Findings and Order to Proceed Notwithstanding Defendant's Notice to Clerk of Removal to Federal Court, dated: May 26, 2017. Pages 5, 12.

14. CP 21 Order Denying Defendant's Motion to Dismiss and Setting time for Hearing, dated May 26, 2017. Pages: 5, 9, 12.
15. CP 22 Order for Default and Default Judgment, dated May 26, 2017. Pages 5, 9, 12.
16. CP 23 Order to Issue Writ of Restitution, dated: May 26, 2017. Pages: 3, 4, 6, 9, 12.
17. CP 24 Writ of Restitution Issued, dated: May 26, 2017, Pages: 3, 4, 6, 9, 12.
18. CP 25 Defendant's Notice of Appeal #1, No. 50523-1-II, dated: June 23, 2017. Page: 6.
19. CP 26 Filing Fee First Appeal No. 50523-1-II, dated: June 23, 2017. Page: 6.
20. CP 28 Return of Restitution, dated: July 6, 2017. Page: 6.
21. CP 38 MANDATE dated February 20, 2019, with the January 3, 2019 Ruling in Division II, No. 50523-1-II. This Granted Szmania's MOTION TO DISMISS CP 14. Pages: 6, 7, 8, 16.
See <http://www.courts.wa.gov/opinions/pdf/D2%2050523-1-II%20Unpublished%20Opinion.pdf>
22. CP 39 Citation for Friday July 19, 2019, for Szmania's Motion for Possession and Damages, dated: June 13. 2019. Page: 7.
23. CP 40 Declaration of Daniel G. Szmania in Support of Defendant's Motion for Damages, dated: June 13. 2019. Page: 7.
24. CP 41 Defendant's Motion for Possession and Damages, dated: June 13. 2019. Pages: 7, 13, 16, 18, 19, 20.
25. CP 42 (Proposed) Order for Possession and Damages, dated: June 13. 2019. Page: 7, 15 and 19.

26. CP 43 Certificate of Service for Defendant's Motion for Possession and Damages, (CP 39, CP 40, CP 41, CP 42), dated: June 13, 2019. Page: 7.
27. CP 46 Letter to Judge Veljacic with modified Proposed Order for Motion for Possession and Damages, dated: June 25, 2019. Page: 7.
28. CP 47 Certificate of Service for: Letter to Judge Veljacic with modified Proposed Order for Motion for Possession and Damages, dated: June 25, 2019. Page: 7.
29. CP 59 Opposition to Defendant Szmania's Motion for Possession and Damages, dated: July 17, 2019. Page: 7.
30. CP 60 Motion Hearing, dated: July 19, 2019. Page: 7.
31. CP 62 Motion Hearing, dated: August 9, 2019. Pages: 8, 13.
32. CP 63 Superior Court Ruling of a Dismissal of the Action, August 9, 2019. Page 13.
33. CP 64 Superior Court Ruling Denying of Defendant/Appellant MOTION FOR POSSESSION AND DAMAGES, (CP 41), August 9, 2019. Pages 9, 13.
34. CP 65 Defendant's Notice of Appeal #2, dated: August 23, 2019, and Motion to Recall of Mandate in Appeal #1, No. 50523-1-II. Page 9.
35. CP 66 Appellant's Statement of Arrangements of Verbatim Report of Proceedings, dated August 23, 2019. Page: 9.
36. CP 67 Designation of Clerk's Papers, dated: August 23, 2019. Page: 9.

37. CP 68 Certificate of Service for: Defendant's Notice of Appeal, Designation of Clerks Papers, Appellant's Statement of Arrangements and Motion to Recall Mandate, dated: August 23, 2019. Page: 9.
38. Appellants Brief- Appeal #1, No. 50523-1-II, dated: December 11, 2017. Cited as: Appeal #1 Brief. Pages: 13, 16, 20.
39. Respondent's Responsive Brief- Appeal #1, No. 50523-1-II, dated: February 20, 2018. Cited as: Response Appeal #1. Pages:
40. Appellants Reply Brief- Appeal #1, No. 50523-1-II, dated: March 14, 2018. Cited as: Appeal #1 Reply. Pages: 5,
41. Opinion of The Court of Appeals of the State of Washington, Division II, No. 50523-1-II, dated: January 3, 2019. Cited as: Opinion #1. (CP 38 Mandate too!) Pages: 2, 3, 4, 6, 7, 8, 11, 12, 14, 16, 18, 19.
42. Appellants Brief- Appeal #2, No. 53743-5-II, dated: November 7, 2019. Cited as: Appeal #2 Brief. Pages: 8, 10, 17, 18, 19.
43. Respondent's Responsive Brief- Appeal #2, No. 53743-5-II, dated: December 20, 2019. Cited as: Response Appeal #2. Page: 10.
44. Appellants Reply Brief- Appeal #2, No. 53743-5-II, dated: January 8, 2020. Cited as: Appeal #2 Reply. Pages: 2, 10.
45. Opinion of The Court of Appeals of the State of Washington, Division II, No. 53743-5-II, dated: January 5, 2021. Cited as: Opinion #2. Pages: 2, 3, 10, 11, 13, 14, 17, 18.

Respectfully submitted;

s/ Daniel G. Szmania

Appellant/Defendant, Daniel G. Szmania, Pro Se', February 4, 2021
Presented: Daniel G. Szmania, Defendant, Pro Se'.
HM1 USNR Retired,
U.S. Supreme Court No. 11-6137
U.S. Supreme Court No. 18-734
PO Box 757, Brush Prairie, WA 98606-0757
360-718-1402, Email: dszmania@quixnet.net

CERTIFICATE OF SERVICE

Case No. 53743-5-II, Szmania v. Wells Fargo

Pursuant to RCW 9.A.72.085, the undersigned certifies under penalty of perjury under the laws of the United States and the State of Washington, that on the 4th day of February, 2021, I served via: (Indicated by and X) to the following persons, a true and correct copy of the Foregoing:

 X by CM/ECF by First Class Mail

1) DEFENDANT’S/ APPELLANT’S MOTION FOR DISCRETIONARY REVIEW

TO PLAINTIFF/RESPONDENT:

1) Wells Fargo Bank, N.A., AS TRUSTEE FOR BEAR STEARNS ARM TRUST 2007-3.
C/o Holland & Knight LLP, Garrett S. Garfield WSBA# 48375
601 SW Second Avenue, Suite 1800, Portland, OR 97204
503-243-2300, 503-517-2931, Garrett.Garfield@hklaw.com By: CM/ECF

I certify under penalty of perjury under the laws of the United States and the laws of the State of Washington that the foregoing is true and correct. **AND** Per GR 30 ELECTRONIC FILING AND SERVICE: (d) (2) (B) and (C) (ii): I ensure these electronic documents has the digital signature of the signer, myself; s/ Daniel G. Szmania.

Dated this 4th day of February, 2021, at Brush Prairie, Washington.

Respectfully submitted; s/ Daniel G. Szmania

Appellant/Defendant, Daniel G. Szmania, Pro Se’, February 4, 2021
Presented: Daniel G. Szmania, Defendant, Pro Se’.
HM1 USNR Retired,
U.S. Supreme Court No. 11-6137
U.S. Supreme Court No. 18-734
PO Box 757, Brush Prairie, WA 98606-0757
360-718-1402, Email: dszmania@quixnet.net

**CERTIFICATE OF SERVICE FOR: DEFENDANT’S/
APPELLANT’S MOTION FOR DISCRETIONARY REVIEW,
(Page 20 of 20 Total Pages for Motion) Page 1 of 1**

January 5, 2021

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

WELLS FARGO BANK, N.A., AS
TRUSTEE FOR BEAR STEARNS ARM
TRUST 2007-3,

Respondent,

v.

DANIEL G. SZMANIA,

Appellant.

No. 53743-5-II

UNPUBLISHED OPINION

SUTTON, J. — Wells Fargo purchased real property at a trustee’s sale, which was formerly owned by Daniel Szmania. After Szmania failed to vacate the property, Wells Fargo filed an unlawful detainer action. Szmania filed a motion to dismiss based in part on insufficient service, which the superior court denied and then entered a writ of restitution. Szmania appealed. We reversed the superior court’s denial of his motion to dismiss based on insufficient service and remanded for further proceedings. On remand, Szmania filed a motion for possession and damages. At a hearing on this motion, Wells Fargo orally moved to dismiss under CR 41(a)(1)(B). The superior court entered orders denying Szmania’s motion and granting Wells Fargo’s motion. Szmania appeals these orders.

Szmania argues that he is entitled to possess the real property and be awarded damages under RCW 59.18.290(1)¹ because he is a “tenant” and based on this court’s reversal of the superior court’s denial of his motion to dismiss. Szmania also argues that the superior court erred by granting Wells Fargo’s oral motion to dismiss under CR 41(a)(1)(B). He requests appellate attorney fees and costs.

We hold that (1) RCW 59.18.290(1) does not support Szmania’s claim for possession and damages, (2) this court’s prior opinion provides no basis for his motion for possession and damages, and (3) the superior court did not err by granting Wells Fargo’s oral motion to dismiss the case. We deny Szmania’s request for an award of appellate attorney fees and costs. We affirm the superior court’s order denying Szmania’s motion for possession and damages and granting Wells Fargo’s motion to dismiss.

FACTS²

In July 2016, Wells Fargo purchased property located in Brush Prairie, Washington at a trustee’s sale held pursuant to RCW 61.24. Szmania, the former owner of the property, failed to vacate the property following sale. In December 2016, Wells Fargo filed a complaint for unlawful detainer to remove Szmania from the premises and secure possession of its purchased property.

On January 23, 2017, Wells Fargo filed a motion for alternative service, requesting that the superior court allow alternative service by posting the unlawful detainer summons and complaint

¹ The legislature amended RCW 59.18.290 in 2020. LAWS OF 2020, ch. 315 § 7. Because the amendments are not relevant here, we cite to the current version of the statute.

² Unless otherwise indicated, the following facts derive from *Wells Fargo Bank v. Szmania*, noted at 7 Wn. App. 2d 1003 (2019).

on the premises and by mailing a copy to Szmania. In support of this motion, Wells Fargo attached a declaration of non-service from the process server, who stated that he had attempted to serve Szmania, but could not because the gate was locked, a car blocked the driveway, and a banner on the premises indicated a threatening environment. The superior court granted Wells Fargo's motion and entered an order for alternative service. This order stated that pursuant to RCW 59.12.040, service of process could be completed by posting a copy of the summons and complaint "in a conspicuous place on the subject [p]roperty" and by mailing a copy to Szmania by certified mail. *Wells Fargo*, slip op. at 2 (internal quotation marks omitted).

On February 2, Wells Fargo filed a declaration of service in which the process server stated that he served Szmania on January 30 "[b]y attaching in a secure manner to the main entrance of that portion of the premises of which the defendant has possession" the unlawful detainer summons and complaint. *Wells Fargo*, slip op. at 3 (internal quotation marks omitted). Wells Fargo also filed a certificate of mailing, which stated that a copy of the summons and complaint had been mailed to Szmania by first class mail on February 1.

On February 16, Szmania filed a motion to dismiss Wells Fargo's unlawful detainer action pursuant to CR 12(b)(1)-(6). Szmania argued that the superior court did not have subject matter jurisdiction or personal jurisdiction over the unlawful detainer action because a prior, separate lawsuit he initiated against Wells Fargo had since been removed to federal court and service of process was improper.

The superior court denied Szmania's motion to dismiss in May 2017. The superior court also entered an order for default judgment on Wells Fargo's unlawful detainer complaint, and

entered an order to issue writ of restitution without bond, which ordered possession of the premises restored in Wells Fargo. Szmania appealed.

We held that “Wells Fargo did not comply with the statutory requirement for alternative service, and it did not meet its initial burden of proving a prima facie case of sufficient service” because Wells Fargo did not show proof of service by certified mail. Clerk’s Papers (CP) at 9. However, we rejected Szmania’s arguments that the superior court lacked jurisdiction or that venue was improper and declined to address the merits of Szmania’s CR 12(b)(6) arguments.

After this case was remanded to the superior court for further proceedings, Szmania filed a motion entitled “Motion for Possession and Damages.” Wells Fargo opposed the motion.

On August 9, 2019, the superior court heard arguments on the motion. Wells Fargo orally moved for dismissal of the case under CR 41(a)(1)(B). The superior court subsequently entered an order denying Szmania’s motion for possession and damages³ and an order granting Wells Fargo’s motion to dismiss.⁴ Szmania appeals these orders.

ANALYSIS

I. STANDARD OF REVIEW

RCW 59.18.290 is part of Washington’s Residential Landlord-Tenant Act of 1973⁵ and it contains provisions allowing a tenant to recover possession of real property or damages from a landlord. RCW 59.18.290(1). Reviewing whether this statute applies outside of the landlord-

³ CP at 181 (order denying motion for possession and damages, filed Aug. 9, 2020).

⁴ CP at 179 (order dismissing action, filed Aug. 9, 2020).

⁵ Ch. 59.18 RCW.

tenant context is a question of law and questions of law are reviewed de novo. *End Prison Indus. Complex v. King County*, 192 Wn.2d 560, 566, 431 P.3d 998 (2018). We also review de novo whether this court’s prior reversal of the superior court’s denial of Szmania’s CR 12(b)(6) motion to dismiss grants him possession and damages. *End Prison Indus. Complex*, 192 Wn.2d at 566.

II. RCW 59.18.290(1)

Szmania argues that RCW 59.18.290(1) entitles him to possession of the real property at issue in this case and to actual damages sustained.⁶ We disagree.

Under RCW 59.18.290(1),

It is unlawful for the landlord to remove or exclude from the premises the tenant thereof except under a court order so authorizing. Any *tenant* so removed or excluded in violation of this section *may recover possession of the property* or terminate the rental agreement and, in either case, *may recover the actual damages sustained*. The prevailing party may recover the costs of suit or arbitration and reasonable attorneys’ fees.

(Emphasis added.)

The term “tenant” is defined as “any person who is entitled to occupy a dwelling unit primarily for living or dwelling purposes under a rental agreement.” RCW 59.18.030(32).⁷

⁶ Szmania claims that he is a “tenant in sufferance” under RCW 59.04.050. Appellant’s Opening Br. at 23. Under RCW 59.04.050, “Whenever any person obtains possession of premises without the consent of the owner or other person having the right to give said possession, he or she shall be deemed a tenant by sufferance merely, and shall be liable to pay reasonable rent for the actual time he or she occupied the premises” Szmania’s claim fails because this statute, even if applicable, did not convey to Szmania any rights, nor does it entitle him to rights as a tenant under any portion of the Residential Landlord Tenant Act. It instead provides property owners the right to recover reasonable rent from any person wrongfully occupying the property. Accordingly, this argument fails.

⁷ The legislature amended RCW 59.18.030 in 2019. LAWS OF 2019, ch. 356 § 5. Because the amendments are not relevant here, we cite to the current version of the statute.

Szmania was not a tenant of Wells Fargo, was not entitled to occupy the real property in question at any relevant time, and did not have a rental agreement with Wells Fargo.

Szmania's motion for possession and damages referred to CR 7(b), but this rule provides certain standards for written motions in Washington State courts and does not provide a basis for any substantive relief. Szmania's motion referred to RAP 12.8 as well, but this rule references restoration of property taken from a party as a result of a trial court decision modified on appeal. This rule is inapplicable here because Szmania has not established a property interest or right to occupy the property at issue in this case when the case was filed or any time thereafter.

Accordingly, we hold that the superior court correctly denied Szmania's motion for possession and damages because the motion was based upon an inapplicable statute and Szmania did not cite any other potentially applicable authorities.

III. OUR EARLIER OPINION

Szmania argues that our earlier opinion regarding this matter entitles him to possession of the real property at issue and damages. We disagree.

In Szmania's first appeal, we rejected his substantive arguments that the superior court lacked subject matter jurisdiction and that venue was improper. We held that service had not been properly completed and reversed the denial of Szmania's CR 12(b)(6) motion to dismiss on that ground alone. Szmania assumes that this reversal meant that he had a right to continue to occupy the real property at issue.

However, our earlier opinion simply reversed the denial of the motion to dismiss and left further proceedings to the superior court. We did not instruct that the motion would be granted below or granted with prejudice. Our earlier opinion did not determine or suggest that Szmania

had any rights in the real property. The earlier opinion simply held that Wells Fargo had improperly served Szmania.

Accordingly, we hold that the superior correctly denied Szmania's motion for possession and damages because the motion lacked any legal basis upon which the superior court could have granted any relief.

IV. WELLS FARGO'S ORAL MOTION TO DISMISS

Szmania argues that the superior court erred by granting Wells Fargo's oral motion to dismiss under CR 41(a)(1)(B). We disagree.

We review a decision to grant a voluntary dismissal under CR 41 for an abuse of discretion. *Gutierrez v. Icicle Seafoods, Inc.*, 198 Wn. App. 549, 553, 394 P.3d 413 (2017). CR 41(a)(1)(B) provides the plaintiff in a Washington action with an absolute right to dismiss the action before resting at the close of its case in chief. *Gutierrez*, 198 Wn. App. at 553. Here, Wells Fargo, the plaintiff in the unlawful detainer case, orally moved for dismissal of the case under CR 41(a)(1)(B) before it rested. The superior court subsequently granted the motion.

Accordingly, we hold that the superior court did not err by granting Wells Fargo's oral motion to dismiss under CR 41(a)(1)(B).

ATTORNEY FEES

Szmania requests an award of appellate attorney fees and costs under RAP 18.1. Because Szmania is self-represented, he is not entitled to attorney fees or costs. *Mitchell v. Dep't of Corr.*, 164 Wn. App. 597, 608, 277 P.3d 670 (2011). Thus, we deny Szmania's request for an award of appellate fees and costs.

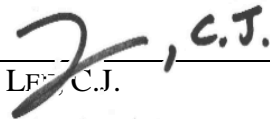
CONCLUSION

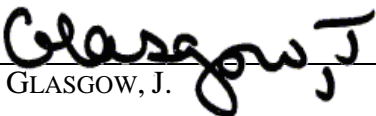
We hold that (1) RCW 59.18.290(1) does not support Szmania's claim for possession and damages, (2) this court's prior opinion provides no basis for his motion for possession and damages, and (3) the superior court did not err by granting Wells Fargo's oral motion to dismiss the case. We deny Szmania's request for an award of appellate attorney fees and costs. We affirm the superior court's order denying Szmania's motion for possession and damages and order granting Wells Fargo's motion to dismiss.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

We concur:


SUTTON, J.


L.F. C.J.


GLASGOW, J.

DANIEL SZMANIA - FILING PRO SE

February 04, 2021 - 2:11 PM

Transmittal Information

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Appellate Court Case Title: Wells Fargo Bank, Respondent v. Daniel G. Szmania, Appellant
Superior Court Case Number: 16-2-02606-4

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