

I. IDENTITY OF RESPONDENT

Pyramid Homes Incorporated, Respondent, asks this court to deny review of the Superior Court decision as requested in appellant's motion for discretionary review.

II. DECISION

Petitioners have asked this court to review only the trial court's denial of their motion to continue the hearing on respondent's motion for summary judgment. (Mot. For Discretionary Review at 1).

III. ISSUES PRESENTED FOR REVIEW

1. May the court grant discretionary review when the appellants fail to address any of the requirements contained with RAP 2.3(b)?
2. Do the merits of the appellant's case require discretionary review when the appointment of an interpreter is a matter within the discretion of the trial court?

IV. STATEMENT OF THE CASE

On May 8, 2006, appellants named Coldwell Banker Barbara Sue Seal Properties (hereinafter "CBBSSP") as defendant in a complaint related to the sale of real estate. On August 17, 2006, plaintiffs filed and served a First Amended Complaint naming Pyramid Homes Incorporated

(hereinafter “Pyramid”) as an additional defendant. Ex. A. The amended complaint alleges CBBSSP and Pyramid engaged in a conspiracy in the restraint of trade in violation of the Washington State Consumer Protection Act; that CBBSSP was negligent in its representation of plaintiffs by disclosing restricted information under RCW 18.100.070; and that Pyramid employed discriminatory housing practices in violation of RCW 49.60.030 and the US Constitution. Ex. A. Between the dates of August 17, 2006 and December 22, 2006, appellant’s engaged in vigorous litigation in an attempt to recover on their claims. This litigation included a motion for default against Pyramid and CBBSSP, filing improper liens of lis pendens against parcels of land unrelated to the controversy, and attempting to remove the case to an improper federal forum in violation of the United States Code. Ex. B. Appellant’s represented themselves in all hearings associated with these actions without requesting the assistance of an interpreter.

On September 27, 2006 Pyramid filed a motion for summary judgment against all claims for relief offered by Appellants. Ex. C. Appellants were properly served and on October 11, 2006 received notice that oral argument would take place on November 3, 2006. Ex. D. Appellant’s failed to indicate a desire for the presence of an interpreter

until they filed a “Notice of Hearings Strike” on October 31, 2006, three days prior to the scheduled hearing. Ex. E. Subsequently, on November 3, 2006, the Superior Court denied appellant’s “Notice of Hearings Strike” and granted Pyramid and CBBSSP’s motions for summary judgment. Ex. F.

V. ARGUMENT

A. The requirements of RAP 2.3(b) are not satisfied by appellant’s motion for discretionary review.

RAP 2.3(b) states:

Except as provided in section (d), discretionary review may be accepted only in the following circumstances:

- (1) The superior court has committed an obvious error which would render further proceedings useless;
- (2) The superior court has committed probable error and the decision of the superior court substantially alters the status quo or substantially limits the freedom of the party to act;
- (3) The superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by an inferior court or administrative agency , as to call for review by the appellate court; or
- (4) The superior court has certified, or that all parties to the litigation have stipulated, that the order involves a controlling question of law as to which there is substantial ground for a difference of opinion and that immediate

review of the order may materially advance the ultimate termination of the litigation.

RAP 2.3(b).

Appellant's offer no argument or analysis of RAP 2.3(b) as required. Appellant's merely attempt to argue the merits of the trial court's order. As such, appellant's offer no evidence in support of their motion for discretionary review. Therefore, their motion should be denied.

B. Appellant's motion for discretionary review lacks on the merits of the claims.

The appointment of an interpreter is a matter within the discretion of the trial court "to be disturbed only upon a showing of abuse." State v. Gonzales-Morales, 138 Wn.2d 374, 381, 979 P.2d 826, 830 (1999) (quoting State v. Trevino, 10 Wn. App. 89, 94, 516 P.2d 779 (1974)). Under this standard of review, appellate courts have typically upheld trial courts decisions concerning the use of interpreters. Id.

Review of the court's order denying appellant's "Notice of Hearings Strike" demonstrates the following findings:

- A. Plaintiff's were served with Defendant's Motion for Summary Judgment on September 29, 2006;

- B. Plaintiffs were allowed 35 days to arrange the presence of an interpreter at the November 3, 2006 Motion for Summary Judgment;
- C. Plaintiffs failed to secure the presence of any interpreter, including court certified interpreters available through the Clark County Superior Court; and
- D. Plaintiffs have drafted numerous pleadings in the case and have appeared in Clark County Superior Court for previous hearings. Plaintiffs have not previously stated a need for an interpreter.

Exhibit F.

Clearly, the trial court weighed the history of the litigation and determined appellants had conducted substantial litigation without the need of an interpreter. In addition, appellant's agreed they had the responsibility to hire and interpreter and had income do so. 1RP 2. The trial court's decision does not rise to the level of any error, much less obvious or probable error. The trial court merely analyzed the appellant's previous ability to communicate in court and in pleadings and determined appellants were adequately versed in the English language. Additionally, the court inquired into any potential indigency and was advised by

appellants that they had income. A reasonable magistrate, similarly situated, could easily rule the same. The trial court's decision does not offer a showing of abuse. Appellant's motion for discretionary review should be denied.

VI. REQUEST FOR ATTORNEY'S FEES AND COSTS

On December 22, 2006, Clark County Superior Court Judge Robert Harris granted attorney's fees and costs to Pyramid under CR 11. Ex. G. As part of the order, the trial court indicated in part that:

“The Court finds that Plaintiffs’ pleadings to this court are not well grounded in fact and are not warranted by existing law or contain a good faith argument for new law. Further, it appears to this court that Plaintiffs did not attempt a reasonable inquiry into the circumstances of the case. Had Plaintiffs done so, they would have discovered that Pyramid was not obligated to accept their offer. Further, Plaintiffs would have discovered that their causes of action have absolutely no merit.”

Currently, Appellant's attempt to appeal the trial court's order denying their “Notice of Hearing's Strike” and request for a continuance in order to

secure the presence of an interpreter at a later date. Even if this court grants appellant's motion for discretionary review, it does not alter the fact that appellant's case is still dead in the water upon remand. Examination of the causes of action in this case reveals the appellant's have no scintilla of hope for recovery. Further, this motion for discretionary review is an improper vehicle for analyzing these issues. This is yet another attempt by appellants to extend this vexatious litigation. This motion for discretionary review is consistent with the words of appellant Harper when he states, just prior to the trial court granting summary judgment, "I will not stop." 1RP 14. Clearly, appellants' wish to continue to harass Pyramid and do so with this baseless motion for discretionary review.

VII. CONCLUSION

Appellants' motion for discretionary review is without merit. Not only does their argument lack merit, but they fail to address the criteria of RAP 2.3(b). This motion for discretionary review is yet another attempt to harass Pyramid and needlessly increase respondents' costs of litigation. Therefore, Pyramid respectfully requests this court deny appellants' motion for discretionary review and grant Pyramid's request for fees and costs.

DATED this 11 day of January, 2007.

RESPECTFULLY SUBMITTED:


Albert F. Schlotfeldt, WSBA #19153
Of Attorneys for Pyramid Homes, Inc.

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

JOHN HARPER
LANA KUDINA

Plaintiffs,

COLDWELL BANKER BARBARA
SUE SEAL PROPERTIES
and PYRAMID HOMES
INCORPORATED

Defendants.

CASE NO. 06 2 02392-1

FIRST AMENDED
COMPLAINT
UNFAIR PRACTICE
RCW 49.60.225

To: Calliste J. Warfield, Attorney for Defendant Coldwell Banker Barbara Sue Seal Properties;
To: Mark Bush, Registered Agent and President for Pyramid Homes, Inc.

INTRODUCTION AND DIFINITION

- A. "John Harper" and "Lana Kudina" refers to Plaintiffs;
- B. "This matter" refers to the litigation filed in the Superior Court of Washington in Clark County, No. 06 2 02392-1;
- C. "Subject property" refers to 307 NW 53rd Ct., Vancouver, WA 98663, Lot #6 in the Lincoln Meadows subdivision;
- D. Defendant Coldwell Banker Barbara Sue Seal Properties further referred as "CB BSSP"
- E. "Communication" means and includes without limitation, written contact, email contact or verbal contact by phone, in person, etc.

1.

Plaintiffs. John Harper and Lana Kudina, are couple with three children ages: 5, 9, and 15, residents of Portland, Oregon.

2.

In fall of 2006, the 5 year old child will attend kindergarten; the 9 year old will attend 4th grade of Elementary school, and the 15 year old child will transfer to high school 9th grade.

3.

Defendant CB BSSP. is Washington Corporation, doing business as a real estate agency under the State of Washington law.

4.

Jenny Keepers is the Sales Associate Agent of CB BSSP, Defendant whose office is located at Vancouver Square 5101 NE 82nd Ave. Suite 100, Vancouver, WA 98662.

5.

Defendant Pyramid Homes Inc. is Washington Corporation, doing business as a construction company under the State of Washington law. Pyramid Homes, Inc` main office is located at: 10000 NE 7th Ave., Suite 120, Vancouver, WA 98685.

6.

Mark Allen Bush, President of Defendant Pyramid Homes, Inc. whose office is located at 10000 NE 7th Ave., Suite 120, Vancouver, WA 98685.

FACTUAL ALEGATIONS

7.

The Plaintiffs ran some research on Vancouver schools at www.great schools.net. As a result, they have chosen the Lincoln, Franklin, Lake Shore, and Felida Elementary schools based on one of the high rating scores in WASL tests and after the school programs. (See Exhibit 5).

8.

Jenny Keepers represented Plaintiffs as a buyer`s agent in the purchase of a vacant Lot #6, located in Lincoln Meadows subdivision Vancouver, Washington Clark County. (See Exhibit 2,4 pg1) Mrs. Keepers could have refused to be Plaintiff`s agent, but she chose not to.

9.

On March 16th 2006, Mrs. Keepers said that Lot #6 in the Lincoln Meadows subdivision just came back on the market. Plaintiffs immediately decided to purchase that Lot. However, Plaintiffs could not decide without their kids first seeing the school and Lot 6 because they were the one who will attend this school and live in this neighborhood.

///

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10.

2 The next morning of March 17th 2006, about 8:30 a.m., Plaintiffs and their children Roman and
3 Ekaterina (age 9 and 5) went to the Lincoln Meadows subdivision. In order to chose the most
4 appropriate vacant Lot, so they could build their family's "dream" house. Plaintiffs' kids wanted Lot #6
5 because of the wooded area in the back yard and the easy access to the creek. The kids also adore their
6 future school.

11.

8 At 9:06 a.m. on the same day, Mr. Harper (Plaintiff) got call from Mrs. Keepers while he and his
9 family were at Lot #6. Mrs. Keepers said that Lot #6 is still available. Mr. Harper requested more
10 information on Lot #6.

12.

12 At 10:30 a.m. Mrs. Kudina called Mrs. Keepers to schedule at 12:30 appointment and to write an
13 offer for Lot #6 to the seller.

13.

15 At 11:39 a.m. CBBSSP' agent got a fax from the seller's agent with the legal dimensions and the
16 site plan of the vacant Lot (#6) in the Lincoln Meadows subdivision. (See Exhibit 3)

14.

18 At 12:30 Plaintiffs and their two younger kids met Jenny Keepers at her office and wrote a full
19 price offer on Lot #6 as it was originally advertised, plus an extra one thousand. The total offered price
20 was \$151,000. (See Exhibit 4) In addition, Plaintiffs wrote a check in the amount of \$1,000 as Earnest
21 Money. Defendant's agent said "**This amount would be enough to fix Plaintiffs rights on this Lot**".
22 Plaintiffs were agreed that Pyramid Homes will build a house on that subject property, with their own
23 plan.

15.

25 At 7:08 p.m. of March 17, 2006, Defendant's agent called Plaintiff and said: "Plaintiffs lost the
26 deal on Lot #6 because "another person" (security dealer, who purchased this Lot for resale) wrote an
27 offer on or about 4:00 p.m. of the same day. He gave more money (\$10,000) as an Earnest Money. The
28 Defendant said that they already signed a construction contract for \$420,000, and brought plans for this
29 property.

30 ///

1 16.

2 Plaintiffs told Defendant's agent that **it was an unfair deal** because it should be on first come –
 3 first serve basis and **it was not an auction**, where you place the highest bid. Mr. Harper mentioned that
 4 he will not give up on that deal and if he needed to give \$10,000 as an earnest money he would.
 5 John Harper asked Jenny Keepers if she could talk again with the seller. The CBBSSP' agent said, "I
 6 will not talk to the seller's agent, we still have an appointment with the builder on March 21, 2006 at
 7 9:30 a.m. and we will discuss this issue then".

8 17.

9 On March 21, 2006 at 9:30 a.m., Plaintiffs went to the Pyramid Homes' office to talk about Lot
 10 #6 in the Lincoln Meadows subdivision. Jenny Keepers met Plaintiffs in the hallway and brought them
 11 to the meeting room. The unknown man from Pyramid Homes, came to the same meeting room and
 12 without identifying himself announced: "Lot # 6 in Lincoln Meadows subdivision is sold and there was
 13 nothing to say about it". Lana Kudina asked: "Sir, please identify yourself" three times because
 14 CBBSSP' agent Jenny Keepers previously told to Plaintiffs that they will meet with the Builder.

15 18.

16 While Mrs. Kudina was trying to obtain the name and the title of Pyramid Homes'
 17 representative, Mrs. Keepers got into the conversation and begins to defend Pyramid Homes and
 18 disclosed information about John Harper, such as he is a General Contractor who builds houses in Long
 19 Beach, Washington. The CB BSSP's agent was disclosing personal information that rose up the
 20 conflicting situation between the seller and the buyer, even though Mrs. Kudina tried to stop her by
 21 saying: "Mrs. Keeper, you should stop disclosing the information about John Harper as a Builder".

22 19.

23 John Harper asked who bought this property and when the contract/offer was signed. Mr.
 24 Grisham refused to provide this information. At this time the CB BSSP's agent represented the seller
 25 and by doing this she breached her duties as a buyer's agent. At the end of this appointment on March
 26 21, 2006, Mr. Harper requested for a business card from Pyramid Homes' representative twice. The
 27 Pyramid Homes' representative finally provided Plaintiffs with his business card with the name and no
 28 title.

29 20.

30 On March 21, 2006 at 11:47 a.m. Mr. Harper called Pyramid Homes and asked their secretary,

1 Carol. about Mr. Grisham's title, and asked to speak with someone who is above his level. He then left
 2 message with Mark Bush, President of Pyramid Homes. Mr. Bush returned Mr. Harper's call at 12: 35
 3 p.m and stated: "Mrs. Keepers faxed Plaintiffs offer on March 20th. instead of March 17th. 2006".
 4

5 THE CAUSES OF ACTION

6 COUNT I

7 **Conspiracies in restrain of trade under RCW 19.86.030**

8 Plaintiffs incorporate by reference herein the allegations set forth in ¶¶ 14-20, and do further allege and
 9 aver as follows:

10 21.

11 Defendants conspired and combined together, to effect a preconceived, common, and concerted
 12 plan of action. Defendants' common plan had unlawful primary purposes, namely to defraud the
 13 Plaintiffs. Each Defendant intended to accomplish their unlawful common plan. Upon information
 14 (Exhibit 8.9) and belief, each Defendant, as a member of the conspiracy, had knowledge of the intent of
 15 all Defendants to accomplish their unlawful common plan.

16 22.

17 On March 17 and 21 of 2006, both Defendants, with intent to defraud the Plaintiffs, told to
 18 Plaintiffs that "subject property" was sold. This representation was false and known to be false by each
 19 Defendant at the time they were made. In fact, Lot #6 in the Lincoln Meadows Subdivision located at
 20 physical address: 307 NW 53rd CR, Vancouver, WA 98663 still belongs to the Pyramid Homes, Inc.,
 21 and there was no sale transaction recorded by the Clark County or the Tax Assessors office since it was
 22 purchased by the Pyramid Homes, Inc. until the present time or August 14, 2006 on this Lot. (See
 23 Exhibit 6. 7).

24 23.

25 Plaintiffs relied upon this wrongful representation, and were induced to believe that the above
 26 described Lot was sold on March 17, 2006. Plaintiffs told their kids that another person purchased
 27 "subject property". After this news, their three children were very upset, and their son was cried
 28 because he lost the opportunity to enjoy this place.

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24.

Defendants conspired and combined together, to effect a preconceived, common, and concerted plan of action. Mr. Bush's first statement said that he received the purchase offer on March 20th, 2006. After the entire investigation, made by the Department of Licensing, Mr. Bush changed his story about receiving the Plaintiffs' offer on the 20th of March 2006 in his letter to Ms. Keepers. He confirmed that he received the purchase offer on the 17th, not 20th of March 2006. (Exhibit 8 pg 2) There is no date, but Ms. Keepers signed below that she received the letter from Mark Bush on April 20, 2006. In "Defendants responses to Plaintiff set of Interrogatories" Jenny Keepers hid the fact that Mark Bush was lying.

25.

Defendants made this fraudulent representation for the purpose of inducing the Plaintiffs to back off the purchasing of Lot #6 in the Lincoln Meadows Subdivision.

26.

As a result of the Defendants' conduct, the Plaintiffs sustained compensatory damage in the amount of \$151,000.

COUNT II

Negligent Misrepresentation under RCW 18.100.070

Plaintiffs incorporate by reference herein the allegations set forth in ¶¶ 15-19, and do further allege and aver as follows:

27.

In the course of real estate sale operations and conduct of their business, Defendant CB BSSP, in which they had a pecuniary interest, negligently misrepresented to the Plaintiffs the address for Lot #6 in the Lincoln Meadows Subdivision. Defendant CB BSSP' stated the address for Lot #6 in the Lincoln Meadows Subdivision as 329 NW 53rd Cr, Vancouver, WA 98661 was false, and the Plaintiffs reasonably relied upon it. Based on the Clark County records the correct address is: 307 NW 53rd Cr., Vancouver, WA 98663.

28.

If the Defendant's agent refused to sign the contract to represent the Plaintiffs as a buyer's

1 agent, then Plaintiffs would negotiate directly with the seller and will buy this property before 2:00 p.m.
2 on March 17, 2006.

3 29.

4 After the meeting on March 21, 2006 was over, Mrs. Keepers had told the Plaintiffs to go find
5 another Real Estate-Agent. She not only wrecked the whole deal, but crossed over to their side.

6 30.

7 Plaintiffs relied upon this wrongful representation, and were induced to believe that the "subject
8 property" was sold on March 17, 2006. As a result of Defendant CB BSSP' actions, the Plaintiffs
9 sustained compensatory damage in the amount of \$151,000.

10
11 **COUNT III**

12 **Disclosure of restricted information under RCW 18.100.070**

13 Plaintiffs incorporate by reference herein the allegations set forth in ¶18, and do further allege and aver
14 as follows:

15 31.

16 Jenny Keepers was told not to disclose information about John Harper being a builder before the
17 meeting on March 21, 2006. Plaintiffs and their kids wanted to purchase the property for personal
18 pleasure located in the good neighborhood with high ranking Elementary and High schools in
19 Vancouver Washington, and with an easy access to the freeway.

20 32.

21 The CB BSSP' agent started disclosing that information to Pyramid Homes Inc, against the
22 Plaintiffs will. Plaintiff, Lana Kudina, tried to stop her from doing this however Jenny Keepers would
23 not listen.

24 33.

25 As a result of Defendants' conduct, the Plaintiffs sustained compensatory damage in the amount
26 of \$151,000.

27 **COUNT IV**

28 **Discriminatory Housing Practice under RCW 49.60.030 and Civil Rights**

29 Plaintiffs incorporate by reference herein the allegations set forth in ¶¶ 15-19, and do further allege and
30 aver as follows:

34.

According to the US Constitution, all citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by citizens thereof to inherit, purchase lease, sell, hold, and convey real and personal property. It is more than the simple purchase of housing, for it directly impacts the hopes, dreams, aspirations, and economic destiny of those involved.

35.

On March 17, and 21, 2006 the Plaintiff Lana Kudina was denied the purchase of the "subject property" by Pyramid Homes, Inc., the Defendant, because her spouse, John Harper is a Builder. The Defendant Pyramid Homes completely ignored the fact that Lana Kudina agreed to let Pyramid Homes, Inc. build a house. (See Exhibit 4 pg. 5).

36.

As a result of Defendants' conduct, Plaintiffs sustained the following damages: future house loss in the amount of \$490,000.

37.

Plaintiffs reserve the rights to request a jury trial. Plaintiffs expressly reserve the rights to plead further claims, cross claims or third-party claims as future investigation and/or discovery may warrant.

CONCLUSION

WHEREFORE, the Plaintiffs respectfully request that this Court grant the following relief:

That process issue to the Defendant requiring them to answer within the time required under the Rules;

That the Court enters a judgment against the Defendants as follows:

FIRST CLAIM FOR RELIEF ON COUNT-I Against the Defendant, Coldwell Banker Barbara Sue Seal Properties, RCW 49.60.225.

- a. Awarding compensatory damage in the amount of \$151,000.
- b. Awarding punitive damage in the amount of \$450,000.
- c. Awarding Plaintiff any further or additional relief which the court finds equitable or just.

///

1 SECOND CLAIM FOR RELIEF ON COUNT-II Against the Defendant. Coldwell Banker

2 Barbara Sue Seal Properties, RCW 49.60.225.

- 3 a. Awarding compensatory damage in the amount of \$151,000.
- 4 b. Awarding punitive damage in the amount of \$450,000.
- 5 c. Awarding Plaintiff any further or additional relief which the court finds equitable or just.

7 THIRD CLAIM FOR RELIEF ON COUNT-III Against the Defendant. Coldwell Banker

8 Barbara Sue Seal Properties, RCW 49.60.225.

- 9 a. Awarding compensatory damage in the amount of \$151,000, under RCW 49.60.225,
- 10 b. Awarding punitive damage in the amount of \$450,000, under RCW 49.60.225
- 11 c. Awarding Plaintiff any further or additional relief which the court finds equitable or just.

13 FIRST CLAIM FOR RELIEF ON COUNT-I Against the Defendant. Pyramid Home

14 Incorporated. RCW 49.60.225.

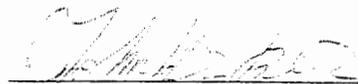
- 15 a. Awarding compensatory damage in the amount of \$151,000.
- 16 b. Awarding punitive damage in the amount of \$450,000.
- 17 c. Awarding Plaintiff any further or additional relief which the court finds equitable or just.

19 SECOND CLAIM ON RELIEF ON COUNT-IV against the Defendant. Pyramid Home

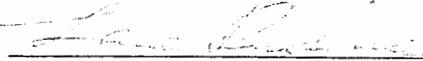
20 Incorporated. RCW 49.60.225.

- 21 a. Awarding compensatory damage in the amount of \$490,000.
- 22 b. Awarding punitive damage in the amount of \$980,000.
- 23 c. Awarding Plaintiff any further or additional relief which the court finds equitable or just.

25 DATED this 17 August, 2006

26 

27 Plaintiff, In Pro Se John Harper

28 

29 Plaintiff, In Pro Se Lana Kudina
30

FILED
SEP 25 2006

JoAnne McBride, Clerk, Clark Co.

True Copy

1 IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

JOHN HARPER and LANA KUDINA

Plaintiffs,

v.

COLDWELL BANKER BARBARA SUE
SEAL PROPARTIES; and PYRAMID HOMES
INCORPORATED,

Defendants.

Case No. 06-2-02392-1

RULE 55 MOTION AND AFFIDAVIT
FOR ORDER OF DEFAULT
AND DEFAULT JUDGMENT
AGAINST CO-DEFENDANT
PYRAMID HOMES INC.

2

3

JUDGMENT SUMMARY

4 JUDGMENT CREDITOR(S): John Harper and Lana Kudina (In Pro Se)

5 JUDGMENT DEBTOR (S): Pyramid Homes Incorporated

6 ATTORNEY FOR JUDGMENT DEBTOR Albert F. Schlotfeldt, WSBA #19153

7 PRINCIPAL AMOUNT ON THE COUNTS I and IV as stated on the FIRST AMENDED

8 COMPLAINT: \$2,071,000 (Two Millions Seventy One Thousand dollars).

9 LITIGATION EXPENSES (court fees, cost for legal books and forms and copying, title
10 search fees, Lis Pendens filing fees, Summons serving fees, other mailing cost) \$2,060.00
11 (Two Thousand Sixty dollars).

12 TOTAL: \$2,073,060.00 (Two Millions Seventy Three Thousands and Sixty dollars).

13 Other disbursements and sheriff's fees: to be determined.

14 POST JUDGMENT INTEREST RATE: 9% per annum from the date hereof until paid.

Motion And Affidavit For Order
Of Default And Default Judgment

Page 1

John Harper & Lana Kudina
PO Box 16566
Portland, OR 97292
Ph: (503) 267-3536

EXHIBIT 3
PAGE 1

1 The undersigned Plaintiffs being first duly sworn on oath and say: that on information
2 and belief the following statements are true and correct; that all necessary papers as noted below
3 have been filed with the Court; that the above named Defendant is not protected by the Soldiers'
4 Civil Relief Act and is not an infant or incompetent person; that the time for response to First
5 Amended Complaint has elapsed; that venue is properly laid in Clark County as noted below;
6 and that the Plaintiffs move for an ORDER OF DEFAULT and DEFAULT JUDGMENT which
7 is not different in kind from the amount that prayed for in the First Amended Complaint.

8 4:

9 First Amended Complaint filed: August 17, 2006

10 5.

11 Summons and First Amended Complaint served on: August 22, 2006

12 6.

13 Proposed Response Date: September 12, 2006

14 7.

15 Plaintiffs' respond to defendant Pyramid Homes Inc. for Motion for More Definite Statement
16 was served on September 12, 2006 based on personal statement of Albert F. Schlotfeldt,
17 Attorney for the Pyramid Homes Inc., before the Judge Robert Harris on September 15, 2006.

18 8.

19 Proposed Response Date to motion for more definite statement pursuant to Court Rule 12 (B):
20 10 days after the service of the more definite statement, or September 22, 2006.

21 9:

22 In this action, pursuant to the CR 55, the co-defendant Pyramid Homes Incorporated having
23 been regularly served with process, and having failed to answer the plaintiffs' First Amended
24 Complaint filed herein, no answer or demurrer having been filed with the clerk of said court
25 within the time specified in the Summons and Certificate of Service, and the legal time for
26 answering had been expired.

27
Motion And Affidavit For Order
Of Default And Default Judgment

Page 2

John Harper & Lana Kudina
PO Box 16566
Portland, OR 97292
Ph: (503) 267-3536

EXHIBIT B
PAGE 2

The Plaintiffs further allege that amount due is certain and move for an ORDER OF DEFAULT AND DEFAULT JUDGMENT jointly and severally against defendant Pyramid Homes Incorporated.

Default and Judgment Prayed for:

On the Count I. Conspiracies with Coldwell Banker Barbara Sue Seal Properties RCW 19.86.030

- a. Awarding compensatory damage in the amount of \$151,000.
- b. Awarding punitive damage in the amount of \$450,000.

On the Count IV. Discriminatory Housing Practice RCW 49.60.225 and civil rights

- a. Awarding compensatory damage in the amount of \$490,000
- b. Awarding punitive damage in the amount of \$980,000

Total amount on both counts: \$2,071,000.00 (Two Millions Seventy One Thousand dollars).

LITIGATION EXPENSES (court fees, cost for legal books and forms and copying, title search fees, Lis Pendens filing fees, Summons serving fees, other mailing cost): \$2,060.00 (Two Thousand Sixty dollars).

TOTAL JUDGEMENT: \$2,073,060.00 (Two Millions Seventy Three Thousand and Sixty dollars).

1 **POST JUDGMENT INTEREST RATE:** 9% per annum from the date hereof until paid.

2 **THE SHERIFF'S FEE AND OTHER DISBURSEMENTS:** to be determined

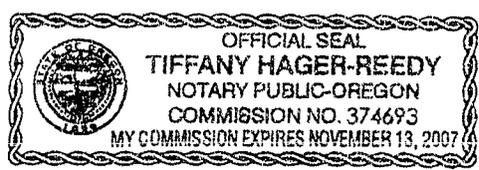
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By *John Harper*
John Harper In Pro Se

By *Lana Kudina*
Lana Kudina In Pro Se

13 SUBSCRIBED and SWORN to before me on this 25th day of September, 2006.

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18



Tiffany Hager-Reedy
NOTARY PUBLIC for the State of Oregon
Exp. Nov 13, 2007
Columbia, MO

20 On the basis of the foregoing Motion and Affidavit for an Order of Default and Default
21 Judgment, IT IS ORDERED that the defendant be declared in default for failure to respond to
22 these two actions and ADJUDGED that the Plaintiffs are awarded judgment against the
23 Defendant Coldwell Banker Barbara Sue Seal Properties in the amount set forth above.

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Signed this _____ day of _____, 20____.

JUDGE ROBERT HARRIS

CERTIFICATE OF SERVICE

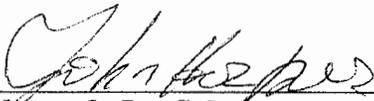
I hereby certify that the foregoing RULE 55 MOTION AND AFFIDAVIT FOR ORDER OF DEFAULT and DEFAULT JUDGMENT AGAINST PYRAMID HOMES INCORPORATED

was served on this 25 day of September 2006, at the following address:

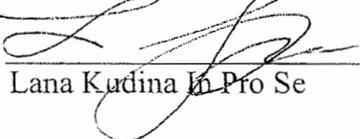
*Albert F. Schlotfeldt
Duggan Schlotfeldt & Welch PLLC
900 Washington Str, Suite 1020
PO BOX 570
Vancouver, WA 98666-0570*

by mailing him a true copy of thereof, certified by us as such, placed in a sealed envelope addressed set forth above, and deposited in the U.S. Post Office mail at Portland, Oregon, on said day with postage prepaid.

Dated this 25 day of September 2006.



John Harper In Pro Se



Lana Kudina In Pro Se

4219273 LP

Rec Fee - \$43.00 Pages: 12 - JOHN HARPER
Clerk County, WA 9/7/06 2:38 PM

RETURN ADDRESS:

JOHN HARPER,
LANA KUDINA
PO BOX 16566
PORTLAND, OR 97292

LIS PENDENS LIEN

STATE OF WASHINGTON
CLARK COUNTY

NOTICE is hereby given to the PYRAMID HOMES INCORPORATED (GRANTOR) mailing address: 10000 NE 7th Ave Ste 120, Vancouver, WA 98685, that JOHN HARPER AND LANA KUDINA (GRANTEES), address: PO BOX 16566, Portland, OR 97292, filed this Notice of Lis Pendens Lien for the purpose of protecting and securing the equitable interest for the Grantees have in said properties and claims that this Notice of Lis Pendens Lien on Real Properties is in the AMOUNT of: Two Millions Seventy One Thousand Dollars (\$2,071,000.00). The following 10 properties situated at:

1. HOME CREST ADJUSTED LOT 31, 24A, Assessor's Property Tax Parcel or Account Number: 101910-000, Address: 5305 NW Daniels St, Vancouver, WA 98663.
2. HOME CREST ADJUSTED LOT 30. 23A, Assessor's Property Tax Parcel or Account Number: 101904-000, Address: 316 NW 53RD CR, Vancouver, WA 98663.
3. HOME CREST ADJUSTED LOT 29 .22A, Assessor's Property Tax Parcel or Account Number: 101902-000, Address: 308 NW 53RD CR, Vancouver, WA 98663.
4. HOME CREST ADJUSTED LOT 28 .29A, Assessor's Property Tax Parcel or Account Number: 101900-000, Address: 302 NW 53RD CR, Vancouver, WA 98663.
5. HOME CREST ADJUSTED LOT 26. 53A , Assessor's Property Tax Parcel or Account Number: 101895-000, Address: 307 NW 53RD CR, Vancouver, WA 98663.
6. HOME CREST ADJUSTED LOT 24 1.32A, Assessor's Property Tax Parcel or Account Number: 037918-740, Address: 319 NW 53RD CR, Vancouver, WA 98663.
7. HOME CREST ADJUSTED LOT 23 .17A, Assessor's Property Tax Parcel or Account Number: 037918-739, Address: 321 NW 53RD CR, Vancouver, WA 98663.
8. HOME CREST ADJUSTED LOT 21 .20A, Assessor's Property Tax Parcel or Account Number: 037918-737, Address: 329 NW 53RD CR, Vancouver, WA 98663.

9. HOME CREST ADJUSTED LOT 20 .19A, Assessor's Property Tax Parcel or Account Number: 037918-736, Address: 331 NW 53RD CR. Vancouver, WA 98663.

10. HOME CREST ADJUSTED LOT 18 .18A, Assessor's Property Tax Parcel or Account Number: 037918-733, Address: 320 NW 52ND St. Vancouver, WA 98663.

(See Attached Legal Descriptions, Exhibit A. pp1-10)

Cause for this action is as follows:

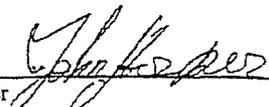
Lis Pendens (Case Pending) pursuant to State Statute, Washington Session Law 1963 c. 137 § 1 [RCW 4.28.325] of The State of Washington regarding the following case filed in the Clark County Superior Court of the State of Washington, Case No. 06-2-02392-1.

This Lien may be Removed only as Follows: 1) Satisfaction of this Notice of Lien by Respondent by full payment/or property is taken in lieu of monetary value, or upon final determination of the Clark County Superior Court. Petitioners will file release of Lien within TEN (10) days after Respondent have satisfied this Lis Pendens Lien.

Notice to Respondent: This "Claim of Lis Pendens Lien" shall be deemed as prima facie evidence of admission of "waiver" to all rights on the properties described herein. This "Claim of Lis Pendens Lien" once perfected shall be evidence of debt subject to enforcement.

Caution & Judicial Notice: Notice to any person, National, Federal or State Administrative agent(s), Law Enforcement Officer(s), Legislator(s), or Judicial Officer(s), who attempts to modify, circumvent, and/or negate this Notice of Claim of Lien, shall be deemed outlaws and/or felons and shall be prosecuted to the Public Law as codified at USC 42 1983, 1985, 1986 and subject to fine and penalties under the Federal Common Law of up to \$10,000.00 fine per individual.

We the undersigned Grantees, being duly sworn on oath or affirmation that all the information and statements in this Instrument are true and correct to the best of our knowledge and belief under penalty of perjury pursuant to the Law of The People of the State of Washington. All Statements made in good faith and in the interest of justice.



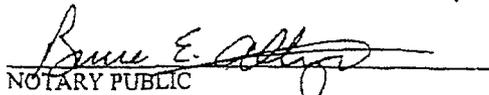
John Harper



Lana Kudina

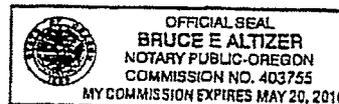
State of Oregon
Multnomah County

WITNESS our signatures this 6th day of September, 2006, in the presence of:



NOTARY PUBLIC

My commission expires:



Clark County Property Information		
Account Summary		
		Account No 101910-000 Tax Status REGULAR PARCEL
Site Address 5305 NW DANIELS ST, VANCOUVER, 98663		Abbreviated Legal Description HOME CREST ADJUSTED LOT 31 ,24A
Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online		
Property Owner PYRAMID HOMES INCORPORATED	Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685	Property Location Address 5305 NW DANIELS ST, VANCOUVER, 98663
Administrative Data Info...	Sales History	Assessment Data Info...
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range NW 1/4,S1S,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone 60 C-Tran Benefit Area Yes	Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583184 Sale Amount \$1,008,000.00 Previous Sale Year Sale Date 08/17/2005 Document Type CORR Excise Number 0575337 Sale Amount \$0.00	Land Value \$41,200.00 Building Value \$0.00 Total Property \$41,200.00 Re-valuation Cycle 1 Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.24 acres Subdivision Info... HOME CREST Survey Info... 055015 Survey Info... 055078 Land Use Code Info... Unused or Vacant Land - No Improvements

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EXHIBIT A
 PAGE 1 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06



Clark County Property Information

Account Summary

Account No 101904-000 Tax Status REGULAR PARCEL

Site Address 316 NW 53RD CR, VANCOUVER, 98663
 Abbreviated Legal Description HOME CREST ADJUSTED LOT 30 .23A
 Account | Building | Environmental | Taxes | Documents | Permits | Splits/Merges |
 Sales | New Search | Maps Online

Property Owner PYRAMID HOMES INCORPORATED		Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685		Property Location Address 316 NW 53RD CR, VANCOUVER, 98663	
Administrative Data Info...		Sales History		Assessment Data Info...	
Zoning Designation	Codes... R-6	Last Sale Year		Land Value	\$11,700.00
Comprehensive Plan	UL	Sale Date	01/03/2006	Building Value	\$0.00
Census Tract	41003	Document Type	DEED	Total Property	\$11,700.00
Jurisdiction	Vancouver	Excise Number	0583184	Re-valuation Cycle	1
Fire District	Vancouver	Sale Amount	\$1,008,000.00	Assessor Neighborhood	101
Park District	District 1	Previous Sale Year		2005 Values for 2006 Taxes	
School District	Vancouver	Sale Date	07/20/2005	Land Data	
Elementary	Franklin	Document Type	QCD	Approximate Area	Info... 0.23 acres
Middle School	Discovery	Excise Number	0571530	Subdivision Info...	HOME CREST
High School	Hudsons Bay	Sale Amount	\$0.00	Survey Info...	055015
Sewer District	Vancouver			Survey Info...	055078
Water District	Vancouver			Land Use Code Info...	Unused or Vacant Land - No Improvements
Neighborhood	Northwest				
Section-Township-Range	NW 1/4, S15, T2N, R1E				
Urban Growth Area	Vancouver				
Transportation Impact Fee	Vancouver				
Transportation Analysis Zone					
C-Trans Benefit Area	Yes				

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EXHIBIT A
PAGE 2 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT B
PAGE 9

	Clark County Property Information Account Summary	
	Account No 101902-000 Site Address 308 NW 53RD CR, VANCOUVER, 98663 Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online	Tax Status REGULAR PARCEL Abbreviated Legal Description HOME CREST ADJUSTED LOT 29 .22A
Property Owner PYRAMID HOMES INCORPORATED	Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 998685	Property Location Address 308 NW 53RD CR, VANCOUVER, 98663
Administrative Data Info...	Sales History	Assessment Data Info...
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range NW 1/4,S15,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone C-Tran Benefit Area Yes	Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583184 Sale Amount \$1,008,000.00 Previous Sale Year Sale Date 07/20/2005 Document Type QCD Excise Number 0571530 Sale Amount \$0.00	Land Value \$11,200.00 Building Value \$0.00 Total Property \$11,200.00 Re-valuation Cycle 1 Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.22 acres Subdivision Info... HOME CREST Survey Info... 055015 Survey Info... 055078 Land Use Code Info... Unused or Vacant Land - No Improvements

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EXHIBIT A
 PAGE 3 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT B
 PAGE 10



Clark County Property Information

Account Summary

Account No 101900-000

Site Address
302 NW 53RD CR, VANCOUVER, 98663

Account | Building | Environmental | Taxes | Documents | Permits | Splits/Merges | Sales | New Search | Maps Online

Tax Status REGULAR PARCEL

Abbreviated Legal Description
HOME CREST ADJUSTED LOT 28 .29A

Property Owner PYRAMID HOMES INCORPORATED	Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 098685	Property Location Address 302 NW 53RD CR, VANCOUVER, 98663
Administrative Data Info...	Sales History	Assessment Data Info...
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range HW 1/4,S15,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone 50 C-Tran Benefit Area Yes	Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583184 Sale Amount \$1,008,000.00 Previous Sale Year Sale Date 08/17/2005 Document Type CORR Excise Number 0575337 Sale Amount \$0.00	Land Value \$11,300.00 Building Value \$0.00 Total Property \$11,300.00 Re-valuation Cycle 1 Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.29 acres Subdivision Info... HOME CREST Survey Info... 055015 Survey Info... 055078 Land Use Code Info... Unused or Vacant Land - No improvements

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EXHIBIT A
PAGE 4 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

Clark County Property Information	
	
Account Summary Account No 101895-000 Tax Status REGULAR PARCEL	
Site Address Abbreviated Legal Description 307 NW 53RD CR, VANCOUVER, 98663 HOME CREST ADJUSTED LOT 26 .53A Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online	
Property Owner PYRAMID HOMES INCORPORATED	Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685
Property Location Address 307 NW 53RD CR, VANCOUVER, 98663	
Administrative Data Info...	Sales History
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewar District Vancouver Water District Vancouver Neighborhood na Section-Township-Range 1/4,S15,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Hazel Dell Transportation Analysis Zone 60 C-Tran Benefit Area Yes	Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583184 Sale Amount \$1,008,000.00 Previous Sale Year Sale Date 08/17/2005 Document Type CORR Excise Number 0575337 Sale Amount \$0.00
Assessment Data Info...	
Land Value \$15,000.00 Building Value \$0.00 Total Property \$15,000.00 Re-valuation Cycle 1 Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.53 acres Subdivision Info... HOME CREST Survey Info... 055015 Survey Info... 055078 Land Use Code Info... Unused or Vacant Land - No Improvements	

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EXHIBIT A
 PAGE 5 of 10

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EXHIBIT B
 PAGE 12

Clark County Property Information		Account Summary	
		Account No 037918-740	Tax Status REGULAR PARCEL
		Site Address 319 NW 53RD CR, VANCOUVER, 98663	Abbreviated Legal Description HOME CREST ADJUSTED LOT 24 1.32A
Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online			
Property Owner PYRAMID HOMES INCORPORATED		Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685	
		Property Location Address 319 NW 53RD CR, VANCOUVER, 98663	
Administrative Data Info...		Sales History	
Assessment Data Info...		2005 Values for 2006 Taxes	
Land Data			
Zoning Designation	Codes... R-6	Last Sale Year	
Comprehensive Plan	UL	Sale Date	01/03/2006
Census Tract	41003	Document Type	DEED
Jurisdiction	Vancouver	Excise Number	0583184
Fire District	Vancouver	Sale Amount	\$1,008,000.00
Park District	District 1		
School District	Vancouver	Previous Sale Year	
Elementary	Franklin	Sale Date	10/31/2005
Middle School	Discovery	Document Type	QCD
High School	Hudsons Bay	Excise Number	0581140
Sewer District	Vancouver	Sale Amount	\$0.00
Water District	Vancouver		
Neighborhood	na		
Section-Township-Range	NW 1/4,S15,T2N,R1E		
Urban Growth Area	Vancouver		
Transportation Impact Fee	Hazel Dell		
Transportation Analysis Zone	60		
C-Tran Benefit Area	Yes		
Land Value	\$80,400.00		
Building Value	\$0.00		
Total Property	\$80,400.00		
Re-valuation Cycle	1		
Assessor Neighborhood	101		
Approximate Area	Info... 1.32 acres		
Subdivision Info...	HOME CREST		
Survey Info...	055015		
Survey Info...	055078		
Land Use Code Info...	Unused platted land.		

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EXHIBIT A
PAGE 6 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT B
PAGE 13

Clark County Property Information	
	
Clark County Property Information Account Summary	
Account No 037918-739	Tax Status REGULAR PARCEL
Site Address 321 NW 53RD CR, VANCOUVER, 98663	Abbreviated Legal Description HOME CREST ADJUSTED LOT 23 .17A
Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online	
Property Owner PYRAMID HOMES INCORPORATED	Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685
Property Location Address 321 NW 53RD CR, VANCOUVER, 98663	
Administrative Data Info...	Sales History
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range 1/4, S15, T2N, R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone C-Tran Benefit Area Yes	Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583183 Sale Amount \$448,000.00
	Assessment Data Info...
	Land Value \$10,300.00 Building Value \$0.00 Total Property \$10,300.00 Re-valuation Cycle 1 Assessor Neighborhood 101
	2005 Values for 2006 Taxes
	Land Data
	Approximate Area Info... 0.17 acres Subdivision Info... HOME CREST Survey Info... 055078 Survey Info... 055015 Land Use Code Info... Unused platted land.
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EXHIBIT A
PAGE 7 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT 3
PAGE 14

		Clark County Property Information Account Summary	
		Account No 037918-737 Site Address 329 NW 53RD CR, VANCOUVER, 98663 Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online	Tax Status REGULAR PARCEL Abbreviated Legal Description HOME CREST ADJUSTED LOT 21 .20A
Property Owner PYRAMID HOMES INCORPORATED		Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98685	
Property Location Address 329 NW 53RD CR, VANCOUVER, 98663			
Administrative Data Info...		Sales History	
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range NW 1/4,S15,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone C-Tran Benefit Area Yes		Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583183 Sale Amount \$448,000.00 Previous Sale Year Sale Date 07/20/2005 Document Type QCD Excise Number 0571530 Sale Amount \$0.00	
		Assessment Data Info...	
		Land Value \$38,600.00 Building Value \$0.00 Total Property \$38,600.00 Re-valuation Cycle 1. Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.20 acres Subdivision Info... HOME CREST Survey Info... 055015 Survey Info... 055078 Land Use Code Info... Unused platted land.	

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EXHIBIT A
 PAGE 8 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT B
 PAGE 15

		<h3>Clark County Property Information</h3>	
		Account No 037918-736 Site Address 331 NW 53RD CR, VANCOUVER, 98663 Account Building Environmental Taxes Documents Permits Splits/Merges Sales New Search Maps Online	Account Summary Tax Status REGULAR PARCEL Abbreviated Legal Description HOME CREST ADJUSTED LOT 20 .19A
Property Owner PYRAMID HOMES INCORPORATED		Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 98663	
Property Location Address 331 NW 53RD CR, VANCOUVER, 98663			
Administrative Data Info...		Sales History	
Zoning Designation Codes... R-6 Comprehensive Plan UL Census Tract 41003 Jurisdiction Vancouver Fire District Vancouver Park District District 1 School District Vancouver Elementary Franklin Middle School Discovery High School Hudsons Bay Sewer District Vancouver Water District Vancouver Neighborhood Northwest Section-Township-Range NW 1/4,S15,T2N,R1E Urban Growth Area Vancouver Transportation Impact Fee Vancouver Transportation Analysis Zone 60 C-Tran Benefit Area Yes		Last Sale Year Sale Date 01/03/2006 Document Type DEED Excise Number 0583164 Sale Amount \$1,008,000.00 Previous Sale Year Sale Date 10/31/2005 Document Type QCD Excise Number 0581140 Sale Amount \$0.00	
		Assessment Data Info...	
		Land Value \$36,600.00 Building Value \$0.00 Total Property \$36,600.00 Re-valuation Cycle Assessor Neighborhood 101 2005 Values for 2006 Taxes Land Data Approximate Area Info... 0.19 acres Subdivision Info... HOME CREST Survey Info... 055078 Survey Info... 055015 Land Use Code Info... Unused platted land.	

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EXHIBIT A
 PAGE 17 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

EXHIBIT B
 PAGE 16



Clark County Property Information

Account Summary

Account No 037918-733

Tax Status REGULAR PARCEL

Site Address
320 NW 52ND ST, VANCOUVER, 98663

Abbreviated Legal Description
HOME CREST ADJUSTED LOT 18 .18A

Account | Building | Environmental | Taxes | Documents | Permits | Splits/Merges |
Sales | New Search | Maps Online

Property Owner PYRAMID HOMES INCORPORATED		Owner's Mailing Address 10000 NE 7TH AVE STE 120 VANCOUVER WA, 098685		Property Location Address 320 NW 52ND ST, VANCOUVER, 98663	
Administrative Data		Sales History		Assessment Data	
Zoning Designation	Codes... R-6	Last Sale Year		Land Value	\$21,600.00
Comprehensive Plan	UL	Sale Date	01/03/2006	Building Value	\$0.00
Census Tract	41003	Document Type	DEED	Total Property	\$21,600.00
Jurisdiction	vancouver	Excise Number	0583183	Re-valuation Cycle	1
Fire District	Vancouver	Sale Amount	\$448,000.00	Assessor Neighborhood	101
Park District	District 1	Previous Sale Year		2005 Values for 2006 Taxes	
School District	Vancouver	Sale Date	07/20/2005	Land Data	
Elementary	Franklin	Document Type	QCD	Approximate Area	Info... 0.18 acres
Middle School	Discovery	Excise Number	0571530	Subdivision Info...	HOME CREST
High School	Hudsons Bay	Sale Amount	\$0.00	Survey Info...	055015
Sewer District	Vancouver			Survey Info...	055078
Water District	Vancouver			Land Use Code Info...	Unused platted land.
Neighborhood	Northwest				
Section-Township-Range	NW 1/4,S15,T2N,R1E				
Urban Growth Area	Vancouver				
Transportation Impact Fee	Vancouver				
Transportation Analysis Zone					
C-Tran Benefit Area	Yes				

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EXHIBIT A
PAGE 10 of 10

<http://gis.clark.wa.gov/applications/gishome/property/index.cfm?action=account&CFID=2055859&CFT...> 09/06/06

John Harper
Lana Kudina
PO Box 16566
Portland, OR 97292
Telephone: 503 267-3536
Plaintiffs Pro Se

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

JOHN HARPER, LANA KUDINA

Plaintiffs,

v.

COLDWELL BANKER BARBARA SUE
SEAL PROPARTIES; and PYRAMID HOMES
INCORPORATED,

Defendants.

Case No.

CV'06 1457 HU

NOTICE OF REMOVAL

Please take notice that Plaintiffs hereby removes this action as it was pleaded on the First Amended Complaint on the **Count I – Conspiracies under RCW 19.86.030 42.USC §1986 and Count IV – Discrimination under RCW 49.60.030 42 USC §3604** from the Superior Court of the State of Washington for Clark County to the United States District Court for the District of Oregon.

1.

John Harper and Lana Kudina and their three children are the plaintiffs in a civil action brought in the Superior Court of Clark County State of Washington and entitled: “ John Harper and Lana Kudina, Plaintiffs, v. Coldwell Banker Barbara Sue Seal Properties and Pyramid Homes Incorporated, Defendants”, Case No. 06-2-02392-1 (“The State Court Action”). A copy of the Summons and Amended Complaint in the Superior Court of Clark County State of Washington is attached to this notice and constitutes all pleadings and orders served on defendants in that action, to date.

NOTICE OF REMOVAL

EXHIBIT B
PAGE 18
Page - 1 -

2.

The two main legal reasons for requesting removal from state court to federal court are:

2.1 The case involves a federal issue such as the Constitution, treaties or laws of the

United States. Pursuant to 28 USC §1343(a), Civil rights and elective franchise: "The district courts shall have original jurisdiction of any civil action authorized by law".

Pursuant to 28 USC §1367: "the district court shall have supplemental jurisdiction over all claims that are so related to the same case or controversy under Article III of the United States Constitution", and 28 USC §1441(6): "Nothing in this subsection shall restrict the authority of the district court to transfer or dismiss an action on the ground of inconvenient forum". Pursuant to 28 USC §1441 (b), therefore, US District Court District of Oregon has jurisdiction over this case.

2.1.1 The State Court Action contains discrimination based on national origin and familial status with respect to the real estate transactions under the 42 USC §3604; Property rights of citizens under the 42USC §1982; Conspiracy and action for neglect to prevent under the 42USC §1986; Equal rights under the law pursuant to 42 USC §1981(a); a claim for compensatory damages pursuant to 28 USC §1343(a)(4), §3613(c)(1) ; and a punitive damages claim under 42USC §1986, 42 USC §1983.

2.2 Diversity jurisdiction - the parties are from different states in a case worth more than

75,000. The State Court Action is a controversy between citizens of two different states.

Pursuant to 28 USC §1332, "The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States".

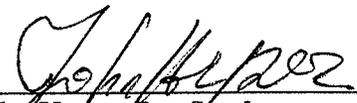
2.2.1 The State Court Action is a controversy between citizens of two different states. At the time the Summons and Compliant were served, the plaintiffs were Oregon Citizens and Pyramid Homes Inc. and Coldwell Banker were incorporated and had principal place of business in the Washington State. The plaintiffs will receive more impartial treatment in federal as opposed to the state court.

The practical reason for such a removal is that Superior Court of Clark County State of Washington, as many other state's courts, are very political and are often thought to favor local residents and big corporations. State judges are elected officials and run for reelection regularly, federal judges have a job for life. Being "home-towned" in a judicially county like Clark un the small of Vancouver, Washington State, is a significant disadvantage for any out of state residents. It's not just a matter of knowing the local law, but it's a matter of knowing the judges, leaders, educators, and clergy that constitute the political realities of practicing law in Washington. There is a significant possibility that there could not be a fair trial in the Superior Court of Clark County State of Washington.

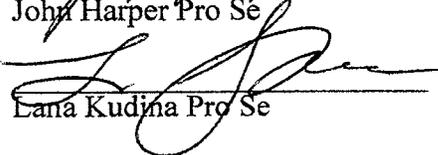
3.

This notice is signed pursuant FRCP 11.

DATED: October 16, 2006



John Harper Pro Se



Lana Kudina Pro Se

EXHIBIT B
PAGE 20

CERTIFICATE OF SERVICE

I hereby certify that the foregoing NOTICE OF REMOVAL was served on this 16 day of October 2006, at the following address:

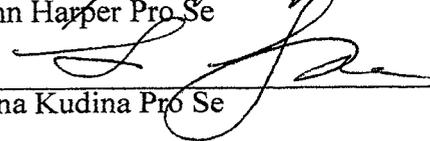
*Calliste J. Warfield
Hoffman Hart & Wagner LLP
Twenties Floor 1000 SW Broadway
Portland, OR 97205*

*Albert F. Schlotfeldt
Duggan Schlotfeldt & Welch PLLC
900 Washington Str, Suite 1020
PO BOX 570
Vancouver, WA 98666-0570*

by mailing to them a true copy of thereof, certified by me as such, placed in a sealed envelope addressed set forth above, and deposited in the U.S. Post Office mail at Portland, Oregon, on said day with postage prepaid.

Dated this 16 day of October 2006.



John Harper Pro Se


Lana Kudina Pro Se

COPY ORIGINAL FILED
SEP 28 2006
JoAnne McBride, Clerk, Clark Co

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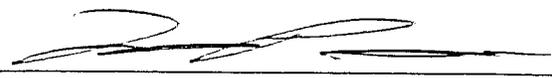
IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

JOHN HARPER and LANA KUDINA,)	
)	
Plaintiffs)	NO. 06-2-02392-1
)	
vs.)	
)	DEFENDANT PYRAMID HOMES,
COLDWELL BANKER BARBARA SUE)	INC.'S MOTION FOR SUMMARY
SEAL PROPERTIES; and PYRAMID)	JUDGMENT
HOMES INCORPORATED,)	
)	
Defendant)	

Pursuant to CR 56, Defendant, Pyramid Homes, Inc., by and through their attorneys of record, moves the Court for an entry of an order of summary judgment dismissing all of Plaintiff's claims against said Defendant.

This motion is based upon the attached Declaration of Jon Grisham and the attached memorandum of law and the files and record herein.

DATED this 28th day of September, 2006


Quinn H. Posner, WSBA #31463
Of Attorneys for Defendant, Pyramid Homes, Inc.

DEFENDANT PYRAMID HOMES, INC.'S
MOTION FOR SUMMARY JUDGMENT - 1
18205002 P16 (Motion for SJ).doc

RECEIVED

DUGGAN SCHLOTFELDT & WELCH PLLC
ATTORNEYS AT LAW
900 Washington Street, Suite 1020
PO Box 370
Vancouver, Washington 98666-0570
(360) 699-1201 • (503) 289-6296

EXHIBIT C
PAGE 1

**COPY
ORIGINAL FILED**

OCT 11 2006

JoAnne McBride, Clerk, Clark Co.

IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

JOHN HARPER and LANA KUDINA,

NO. 06-2-02392-1

Plaintiffs

AMENDED CITATION

vs.

COLDWELL BANKER BARBARA SUE
SEAL PROPERTIES; and PYRAMID
HOMES INCORPORATED,

Defendant

TO THE CLERK OF THE COURT:

Please note the above cause for hearing at the following day and time:

DATE: Friday, November 3, 2006

TIME: 11:00 a.m.

JUDGE: Hon. Robert L. Harris

TO: Plaintiffs John Harper and Lana Kudina

The following matters in the above-entitled cause will be brought on for hearing at the above time and date: Motion for Summary Judgment

DATED this 11th day of October, 2006

for Mark Wheeler #3149
QUINN H. POSNER, WSBA #31463
Of Attorneys for Defendant, Pyramid Homes, Inc.

CITATION - 1
18205002 P22 (Amended Citation) 10/11/2006)

DUGGAN SCHLOTFELDT & WELCH PLLC
ATTORNEYS AT LAW
900 Washington Street, Suite 1020
PO Box 570
Vancouver, Washington 98666-0570
(360) 699-1201 • (503) 289-6299

EXHIBIT D
PAGE 1

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

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JOHN HARPER)
LANA KUDINA)
Plaintiffs,)
COLDWELL BANKER BARBARA)
SUE SEAL PROPERTIES)
and PYRAMID HOMES)
INCORPORATED)
Defendants.)

CASE NO. 06 2 02392-1

NOTICE OF HEARINGS STRIKE

**JUDGES: Honorable Robert Harris
Honorable Barbara Johnson**

21 To: THE COURT CLERK,
22 To: Calliste J. Warfield, Attorney for Defendant Coldwell Banker Barbara Sue Seal Properties,
23 To: Albert F. Schlotfeldt, Attorney for Defendant Pyramid Homes Incorporated.

24
25
26 The Plaintiffs move the court to strike hearing on Summary Judgment, scheduled on November
27 3, 2006 at 11:00 before Honorable Judge Robert Harris and hearing on Entry of Attorney's Fees before
28 Honorable Judge Barbara Johnson, scheduled on November 17, 2006 at 9:00 for the following reasons:

- 29
30 1) Scandalous matter and impertinent.
31 2) On October 16, 2006 the Notice of Removal to the Federal Court was filed (by Plaintiffs) with the
32 State court, removal is effective and the State court shall proceed no further until appropriate court
33 jurisdiction and venue will be established and until the case is remanded back to the State court.
34 28 USC §1447(d).
35 3) The Plaintiffs are Non-English speakers; because of the oral communication barriers they have the
36 right to an interpreter. This fundamental right safeguards the fairness of the court process. RCW
37 2.43.010.

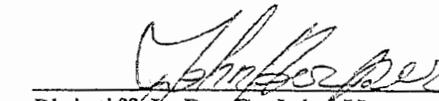
NOTICE OF HEARINGS STRIKE
CASE No 06202392-1

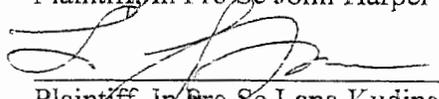
John Harper
Lana Kudina
PO Box: 16566
Portland, OR 97292
Ph: 503-267-3536

Page 1
EXHIBIT E
PAGE 1

1 4) On October 26, 2006 John Harper made a good faith effort through personal telephone call to
2 CBBSSP's Attorney Calliste Warfield to reschedule this date on the date when Plaintiff's Court
3 Certified interpreter is available, and have been unable to do so. Pursuant to RCW 2.43.010: "It is
4 hereby declared to be the policy of this state to secure the rights, constitutional or otherwise, of
5 persons who, because of a non-English-speaking cultural background, are unable to readily
6 understand or communicate in the English language, and who consequently cannot be fully
7 protected in legal proceedings unless qualified interpreters are available to assist them."
8

9 DATED this 31 October, 2006

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12 _____
13 Plaintiff, In Pro Se John Harper

14 
15 _____
16 Plaintiff, In Pro Se Lana Kudina
17

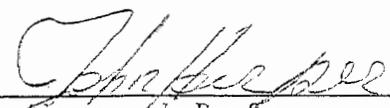
18 CERTIFICATE OF SERVICE

19 I hereby certify that on the 31 day of October 2006, I served the forgoing NOTICE OF
20 HEARING STRIKE on the following party at the following address:
21

22
23 Calliste J. Warfield
24 Hoffman Hart Wagner LLP
25 Twenties Floor
26 1000 SW Broadway
27 Portland, OR 97205

28 Albert F. Schlotfeldt
29 Duggan Schlotfeldt & Welch PLLC
30 900 Washington Street, Suite 1020
31 PO Box 570
32 Vancouver, WA 98666-0570

33 by mailing to them a true copy thereof, certified by us as such, placed in a sealed envelope addressed to
34 them at the addresses set forth above, and deposited in the U.S. Post Office at Portland, Oregon on said
35 day with postage prepaid.
36

37 
38 _____
John Harper In Pro Se



Lana Kudina In Pro Se

FILED

DEC 22 2006

JoAnne McBride, Clerk, Clark Co.

IN THE SUPERIOR COURT OF WASHINGTON FOR CLARK COUNTY

JOHN HARPER and LANA KUDINA,

Plaintiffs

vs.

COLDWELL BANKER BARBARA SUE SEAL PROPERTIES; and PYRAMID HOMES INCORPORATED,

Defendant

NO. 06-2-02392-1

ORDER GRANTING DEFENDANTS PYRAMID HOMES INCORPORATED'S MOTION FOR SUMMARY JUDGMENT

This matter came before the Court on Defendants' motion for summary judgment on November 3, 2006. Defendant Pyramid Homes, Incorporated ("Pyramid") was represented by Albert F. Schlotfeldt of Duggan Schlotfeldt & Welch PLLC, and Plaintiffs were represented PRO SE. The court having reviewed the following documents:

- 1) Pyramid's Motion for Summary Judgment;
- 2) Pyramid's Memorandum in Support of Motion for Summary Judgment;
- 3) Pyramid's Declaration of Jon Grisham and Exhibits A and B;
- 4) Plaintiffs' Opposition to Defendant Coldwell banker Barbara Sue Seal Properties ("CBBSSP") Motion for Summary Judgment dated October 16, 2006;

1 5) Plaintiffs' Cross-Motion for Partial Summary Judgment Against CBBSSP on the
2 Counts II and III & Memorandum in it Support dated October 18, 2006; and
3

4 6) All previous Affidavits and Exhibits filed by Plaintiffs.

5 Having heard oral argument from Plaintiffs and counsel for Pyramid and having
6 considered the files and records herein the court finds as follows:
7

8 A. There are no genuine issues of material fact; and

9 B. After consideration of all the relevant facts, only one reasonable conclusion
10 can be reached.
11

12 NOW THEREFORE,

13 IT IS ORDERED, ADJUDGED, AND DECREED:

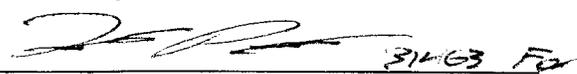
14 That Defendant Pyramid's Motion for Summary Judgment is granted and Plaintiffs'
15 claims against Defendant Pyramid are dismissed with prejudice. Defendants may move for
16 recovery of its reasonable attorney fees and costs.
17
18

19
20 DONE IN OPEN COURT this 12 day of December, 2006.

21 
22 _____
23 Judge: Robert Harris

24 SUPERIOR COURT JUDGE

25 Presented by:

26 
27 _____
28 ALBERT F. SCHLOTFELDT, WSBA #19153
29 Of Attorneys for Defendants
30

FILED

DEC 22 2006

JoAnne McBride, Clerk, Clark Co.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

JOHN HARPER and LANA KUDINA,

Plaintiffs,

v.

COLDWELL BANKER BARBARA SUE
SEAL PROPERTIES and PYRAMID
HOMES INCORPORATED,

Defendants.

Case No. 06 2 02392-1

ORDER GRANTING COLDWELL
BANKER BARBARA SUE SEAL
PROPERTIES' SUMMARY
JUDGMENT MOTION

This matter came before the Court for hearing on the defendant Coldwell Banker Barbara Sue Seal Properties' motion for summary judgment seeking the following relief:

1. Dismissing plaintiffs' claim for Violation of RCW 19.86.030;
2. Dismissing plaintiffs' claim for Negligent Misrepresentation (RCW 18.100.070);
3. Dismissing plaintiffs' claim for Disclosure of Restricted Information (RCW 18.100.070); and
4. Awarding attorney fees and costs in favor of Coldwell Banker Barbara Sue Seal Properties.

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1 The Court heard oral argument of counsel for Coldwell Banker Barbara Sue Seal
 2 Properties and oral argument of plaintiffs, *Pro Se*. The Court considered the pleadings filed
 3 in the action. The Court also considered the following documents and evidence which was
 4 brought to the Court's attention before Coldwell Banker Barbara Sue Seal Properties'
 5 motion for summary judgment was granted:

6 1. Exhibit A attached to the Declaration of C. Warfield in support of Coldwell Banker
 7 Barbara Sue Seal Properties' motion for summary judgment:

- 8 a. The complaint filed by plaintiffs in Clark County Superior Court;
 9 b. The amended complaint filed by plaintiffs in Clark County Superior Court;
 10 c. Plaintiffs' Response to Defendants' Request for Statement of Damages;
 11 d. Harper / Kudina complaint filed with Department of Licensing;
 12 e. Ms. Keeper's narrative regarding the subject transaction that she submitted to the
 13 Department of Licensing along with transaction materials; and
 14 f. Letter from Department of Licensing dated August 3, 2006.

15 2. Exhibit B attached to the Declaration of C. Warfield in support of Coldwell Banker
 16 Barbara Sue Seal Properties' motion for summary judgment:

- 17 a. Letter dated July 11, 2006;
 18 b. Letter dated July 14, 2006;
 19 c. Letter dated July 27, 2006;
 20 d. Letter dated August 11, 2006;
 21 e. Letter dated August 28, 2006; and
 22 f. Letter dated August 31, 2006.

23 3. Plaintiffs' offer to purchase real property, described as "Lot 6, Lincoln Meadows,
 24 Vancouver, WA," attached as Exhibit C to the Declaration of C. Warfield in support of
 25 Coldwell Banker Barbara Sue Seal Properties' motion for summary judgment;

26 4. Fax cover sheet from Rollie Wolk to Jenny Keepers, faxed April 11, 2006, attached
 as Exhibit D to the Declaration of C. Warfield in support of Coldwell Banker Barbara
 Sue Seal Properties' motion for summary judgment;

5. Declaration of J. Keepers in support of Coldwell Banker Barbara Sue Seal
 Properties' motion for summary judgment;

///

- 1 6. Declaration of R. Wolk in support of Coldwell Banker Barbara Sue Seal Properties’
- 2 motion for summary judgment;
- 3 7. Declaration of V. Manning in support of Coldwell Banker Barbara Sue Seal
- 4 Properties’ motion for summary judgment; and
- 5 8. Plaintiffs’ Opposition to Coldwell Banker Barbara Sue Seal Properties’ motion for
- 6 summary judgment, including all exhibits.

7 Based on oral argument and the evidence presented, the Court finds:

- 8 1. The undisputed factual record establishes that:
 - 9 a. On the plaintiffs’ behalf, Jenny Keepers / Coldwell Banker Barbara Sue Seal
 - 10 Properties wrote and timely submitted an offer to the seller/builder of certain
 - 11 real property described as “Lot 6, Lincoln Meadows, Vancouver, WA;”
 - 12 b. The selier/builder of the subject property, defendant Pyramid Homes, elected
 - 13 to accept a different offer.
- 14 2. No genuine issue of material fact exists on plaintiffs’ claim against Coldwell Banker
- 15 Barbara Sue Seal Properties under the Consumer Protection Act and Coldwell
- 16 Banker Barbara Sue Seal Properties is entitled to judgment as a matter of law
- 17 dismissing the claim.
- 18 3. No genuine issue of material fact exists on plaintiffs’ negligent misrepresentation
- 19 claim against Coldwell Banker Barbara Sue Seal Properties and Coldwell Banker
- 20 Barbara Sue Seal Properties is entitled to judgment as a matter of law dismissing the
- 21 claim.
- 22 4. No genuine issue of material fact exists on plaintiffs’ claim against Coldwell Banker
- 23 Barbara Sue Seal Properties under RCW 18.100.070 for Disclosure of Restricted
- 24 Information and Coldwell Banker Barbara Sue Seal Properties is entitled to judgment
- 25 as a matter of law dismissing the claim.

24 ///

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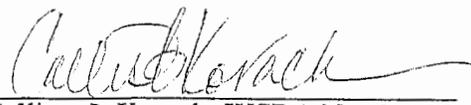
Based on the above findings, It is Ordered:

1. Defendant Coldwell Banker Barbara Sue Seal Properties' motion for summary judgment is granted;
2. Judgment shall be entered in favor of defendant Coldwell Banker Barbara Sue Seal Properties, dismissing each and every claim asserted by plaintiffs against Coldwell Banker Barbara Sue Seal Properties, with prejudice.
3. Defendant Coldwell Banker Barbara Sue Seal Properties may move for recovery of its reasonable attorney fees and costs.

DATED this 22 day of December, 2006


 Judge Robert Harris
 Superior Court Judge

Presented by:


 Calliste J. Korach, WSBA No. 31127
 Attorney for Defendant Coldwell Banker Barbara Sue Seal Properties

FILED
DEC 22 2006

JoAnne McBride, Clerk, Clark Co.

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JOHN HARPER and LANA KUDINA,)	NO. 06-2-02392-1
)	
Plaintiffs)	ORDER GRANTING DEFENDANT
)	PYRAMID HOMES
vs.)	INCORPORATED'S ATTORNEYS'
)	FEES AND COSTS AGAINST
COLDWELL BANKER BARBARA SUE)	PLAINTIFFS
SEAL PROPERTIES; and PYRAMID)	
HOMES INCORPORATED,)	
)	
Defendants.)	

THIS MATTER came before the Court upon Defendant Pyramid Homes Incorporated's ("Pyramid Homes") Motion for Summary Judgment. Pursuant to CR 11, Pyramid Homes requested an award of attorneys' fees and costs against Plaintiffs.

Oral argument for Pyramid Homes' Motion for Summary Judgment was heard on Friday, November 3, 2006. Pyramid Homes was represented by Albert F. Schlotfeldt. Plaintiffs appeared pro se. After reviewing the record and files herein and after considering the argument of the parties, the Court granted Pyramid Homes' Motion for Summary Judgment, dismissing all Plaintiffs' claims with prejudice. The Court finds that Plaintiffs' pleadings to

1 this court are not well grounded in fact and are not warranted by existing law or contain a
2 good faith argument for new law. Further, it appears to this court that Plaintiffs did not
3 attempt a reasonable inquiry into the circumstances of the case. Had Plaintiffs done so, they
4 would have discovered that Pyramid was not obligated to accept their offer. Further,
5 Plaintiffs would have discovered that their causes of action have absolutely no merit.
6

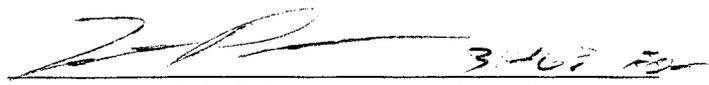
7
8 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that
9 Pyramid Homes is AWARDED its reasonable attorneys' fees and costs AGAINST Plaintiffs.
10 The amount of Pyramid Homes' attorneys' fees of 13,616 - and costs of 245 as
11 reflected in Pyramid Homes' Motion, Memorandum and Affidavit for attorneys' fees and
12 Cost Bill.
13

14
15
16 DATED this 22 day of December, 2006.

17
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19 
20 HON. ROBERT HARRIS, JUDGE

21 Presented by:

22 DUGGAN SCHLOTFELDT & WELCH PLLC

23
24
25 
26 ALBERT F. SCHLOTFELDT, WSBA #19153
27 Of Attorneys for Defendant Pyramid Homes, Inc.
28

29
30 ORDER AWARDING ATTORNEYS' FEES AND COSTS - 2
S:\Clients\18205\18205002\18205002 P35 (Order Awarding Fees).doc

DUGGAN SCHLOTFELDT & WELCH PLLC
ATTORNEYS AT LAW
900 Washington Street, Suite 1020
PO Box 570
Vancouver, Washington 98666-0570
(360) 699-1201 • (503) 289-6299

EXHIBIT G
PAGE 2

DECLARATION OF SERVICE

I hereby declare under the penalty of perjury of the laws of the State of Washington, that on this 11th day of January, 2007, a true and correct copy of the foregoing document was sent by depositing in the United States Mail, postage prepaid addressed to the following parties:

Boris Petrenko
1855 Trossachs Blvd. SE, 203
Sammamish WA 98075

Cecil A. Reniche-Smith
Twentieth Floor
1000 SW Broadway
Portland OR 97205

FILED
COURT OF APPEALS
DIVISION II
07 JAN 16 AM 10:36
STATE OF WASHINGTON
BY  DEPUTY


KESA KNUDSVIG