

NO. 41641-7-II

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

JULIE WITT,

Respondent,

vs.

RONDALD D. YOUNG, as the personal representative of the Estate of
Danny Merle Young and the ESTATE OF DANNY MERLE YOUNG,

Petitioner.

11 JUL -9 PM 2:52
STATE OF WASHINGTON
BY [Signature]
CLERK

PM 7/5/11

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF
WASHINGTON FOR CLARK COUNTY

The Honorable Barbara Johnson, Judge

Clark County Cause No. NO. 10-2-02260-4

BRIEF OF RESPONDENT

BRIAN A. WALKER
Attorney for Respondent

Brian Walker Law Firm, P.C.
900 Washington Street, Suite 790
Vancouver, WA 98660
(360) 695-8886

TABLE OF CONTENTS

	Page
1. <u>TABLE OF AUTHORITIES</u>	3
2. <u>STATEMENT OF THE CASE</u>	4
3. <u>ISSUES PRESENTED</u>	6
4. <u>ARGUMENT</u>	7
5. <u>CONCLUSION</u>	12
6. <u>LIST OF EXHIBITS</u>	13

1. TABLE OF AUTHORITIES

Page

WASHINGTON CASES

Barto v. Stewart, 21 Wash. 605, 59 P. 480 (1899).9, 10

Connell v. Francisco,127 Wn.2d 339, 346, 898 P.2d 831 (1995).7

Cunningham v. Reliable Concrete Pumping, Inc.,126 Wn. App. 222, 224, 108 P.3d 147 (2005).....11

Hennessey Funeral Home v. Dean, 64 Wn.2d 985, 395 P.2d 493 (1964). 10

In re Brenchley's Estate, 96 Wash. 223, 226, 164 P. 913 (1917)7

In re Marriage of Lindsey,101 Wn.2d 299, 304, 678 P.2d 328 (1984)7

Loveridge v. Fred Meyer, Inc.,125 Wn.2d 759, 763, 887 P.2d 898 (1995)10

Olver v. Fowler, 131 Wn. App. 135, 145, 126 P.3d 69 (2006).....8

Olver v. Fowler, 161 Wn.2d 665, 168 P.3d 348 (2007)8

Rains v. State,100 Wn.2d 660, 663, 674 P.2d 165 (1983).....11

St. Hillaire v. Food Services of Amercia, Inc., 82 Wn.App. 343, 917 P.2d 1114 (1996).....10

Safeco Insurance v. Gannon, 54 Wn.App. 330, 774 P.2d 30 (1989).....10

Yakima County v. Officer's Guild, 157 Wn. App. 304 (2010).....10

2. STATEMENT OF THE CASE

JULIE WITT and DANNY MERL YOUNG's 17-year, continuous, marital-like relationship ended on September 26, 2009 with DANNY MERL YOUNG's death. Exh. 1. During their relationship, Ms. WITT and DANNY MERL YOUNG held themselves out to the public as a marital couple, had planned to marry, and had obtained a marriage license. *Id.* DANNY MERL YOUNG (hereinafter referred to as the "Decedent") died intestate and his brother, RONDALD D. YOUNG (hereinafter referred to as the "Personal Representative") initiated proceedings to probate the Decedent's estate. *Id.*

When Ms. WITT and the decedent (hereinafter collectively referred to as the "couple") met in 1992, neither had real property, nor any significant personal property. *Id.* All real or personal property which was owned or possessed by the couple at the time of the Decedent's death was acquired by the couple during their relationship. *Id.*

The Personal Representative was aware of the couple's cohabitation and the duration of their relationship, however, he failed in his petition to administer the estate of the Decedent to identify any interest that JULIE WITT held in the couple's real or personal property. Exh.s 2, 3 & 4.

Throughout the relationship, JULIE WITT worked and made substantial contributions to the quasi marital community. Exh.s 1, 2

The Personal Representative, who had had very little contact with the Decedent for a number of years prior to the Decedent's death, quickly positioned himself as Personal Representative and began administering the estate, Clark County Case No. 09-4-00823-1, filed October 13, 2009. Exh.s 2, 3.

On February 5, 2009, the Personal Representative filed an ejectment action to remove JULIE WITT from the couple's home, Clark County Case No. 10-2-00526-2. Exh. 5.

Being unable to afford the home by herself, Ms. WITT agreed to vacate the home and did so, leaving nearly all personal, and all real property she had accumulated with the Decedent during the last 17 years of her life.

Exh.s 1, 2. As a condition of Ms. WITT's agreement to vacate the home, however, the Estate acknowledged Ms. WITT's interest in the home, and all other property therein, in a Stipulation filed with the Court on March 12.

2010. Exh. 6. The Stipulation included the following language

acknowledging JULIE WITT's interest in the estate:

Julie Witt's vacation of the property shall not be deemed a waiver of her claim that she has an interest in all of both the real and personal property at the subject location.

Italics provided. *Id.*

On March 20, 2010, JULIE WITT timely filed a claim with the Estate which was later rejected. Exh.s 7, 8.

On April 30, 2010, 32 days following the Estate's rejection, Ms. WITT filed a Petition in the Estate to establish her interest in each and every item of property of the estate. Exh. 9. The Personal Representative filed a motion to dismiss the Petition as being untimely. The Court denied the motion noting that further factual findings needed to be made, and upon the representation of JULIE WITT that she would file a separate Complaint to establish the extent of her interest. Exh. 10 (Clerk's Notes).

On June 16, 2010, JULIE WITT filed the Complaint herein. Exh. 1. The Personal Representative moved for summary judgment based solely upon his claim that Ms. WITT forfeited her interest in the real and personal property by failing to comply with the technical requirements of the non-claim statute.

The Court denied the motion for summary judgment.

3. ISSUES PRESENTED

i. Whether a Spouse, or Quasi-Spouse, Forfeits her Vested Interest in the Real and Personal Property, Claimed by the Personal Representative of her Deceased Quasi-Spouse's Estate, by Failing to Comply with the Technical Requirements of the Non-Claim Statute.

ii. Whether, in this case, the Personal Representative Should be Precluded or Estopped from using the Non-Claim Statute to Bar the Claim of a Party when it had already Acknowledged the Party's Claim in Exchange for her Agreement to move from the Real Property in earlier litigation.

4. ARGUMENT

i. A Spouse, or Quasi-Spouse, does not Forfeit her Vested Interest in the Real and Personal Property, Claimed by the Personal Representative on Behalf of her Deceased Quasi-Spouse's Estate, Merely by Failing to Comply with the Technical Requirements of the Non-Claim Statute..

“A committed intimate relationship is defined as a stable, marital-like relationship where both parties cohabit with knowledge that a lawful marriage between them does not exist.” *Connell v. Francisco*, 127 Wn.2d 339, 346, 898 P.2d 831(1995). During a committed intimate relationship, “[a]ll property acquired during the relationship is "presumed to be owned by both parties." *Id at* 350, 51. Upon the death of one party to a committed intimate relationship, the same principles can be applied in order to equitably divide the quasi-marital estate between the surviving party and the successors of the deceased party. *In re Marriage of Lindsey*, 101 Wn.2d 299, 304, 678 P.2d 328 (1984).

This presumption is not simply extinguished when misfortune takes the life of one party before the other; “since the property would have been divided equitably had the deceased man still lived, the man's heirs could not have "better rights" simply because of his death.” *In re Brenchley's Estate*, 96 Wash. 223, 226, 164 P. 913 (1917).

In 2006, The Washington Court of Appeals, Division One, summarized the interests of a surviving partner’s interest in the property

accumulated by both partners during their relationship, upon the death of the other partner:

Each spouse in a marriage has a present, vested, undivided, one-half interest in the community property. The death of one spouse does not generate a new right or interest in the surviving spouse; rather, the survivor already owns half the property, and that interest is neither created nor extinguished by the other spouse's death. At the moment of death, the community ends and the property becomes the separate property of each. Thus, when a married person dies, the surviving spouse immediately owns half the community property as his or her separate property. This is true whether or not the decedent dies intestate.

Applying community property principles by analogy, each partner in a committed intimate relationship owns an undivided interest in the joint property. After a partner dies, that partner's share is the estate upon which inheritance rules will operate. Because all the [parties to the committed intimate relationship]'s property was joint property, all their property is equitably divided between [them].

Olver v. Fowler, 131 Wn. App. 135, 145, 126 P.3d 69 (2006) (internal cites omitted). A year after the release of this opinion, the Washington State Supreme Court affirmed the Court of Appeals, noting "[b]y analogy to community property law, [a partner to a committed intimate relationship has] an undivided interest in the couple,s jointly acquired property,.... The death of one or both partners does not extinguish that right). *Olver v. Fowler*, 161 Wn.2d 665, 168 P.3d 348 (2007).

By dying first, DANNY MERL YOUNG did not suddenly acquire all of JULIE WITT's interest in their shared property. Nor did he confer upon his estranged brother the right to cheat JULIE WITT out of her share of the property. By the *Olver* equation of a committed intimate relationship to a marital relationship for application of inheritance rules, Ms. WITT did not forfeit her vested interest in their quasi-marital estate just because Mr. YOUNG died first.

The Appellant relies upon *Barto v. Stewart*, 21 Wash. 605, 59 P. 480 (1899), a 112-year-old decision which was rendered at a time when the non-claim statute allowed for a six-month window in which to present a claim. *Barto v. Stewart*, however, is inapposite.

In *Barto v. Stewart*, the Court ruled that the surviving partner of the banking establishment which went bankrupt and left the shareholders with residual liability, should have filed his claim upon the deceased partner's estate within the then 180 days claims bar period as the surviving partner was aware within that period that there was residual liability for the shareholders, and that the surviving partner's claim was merely a general claim upon the funds available in the estate.

In this matter, rather than a general claim upon the funds available in the estate, we are dealing with a vested interest in property claimed by the estate, but which never actually became part of the decedent's estate.

The other cases cited by the Appellant which cite *Barto* with approval, are cases dealing with entirely different types of claims, and not vested property interests at all. *Hennessey Funeral Home v. Dean*, 64 Wn.2d 985, 395 P.2d 493 (1964) (claim for funeral home services rendered on behalf of decedent); *St. Hillaire v. Food Services of Amercia, Inc.*, 82 Wn.App. 343, 917 P.2d 1114 (1996) (apple growers dissatisfied with clearinghouse's handling and sales of Apple's, *Barto* cited for breach of fiduciary duty standard); and *Safeco Insurance v. Gannon*, 54 Wn.App. 330, 774 P.2d 30 (1989) (escrow agent's negligent notarization of signature, insurer impleaded, *Barto* cited for assistance in defining the term "claim").

ii. In this Case, the Estate Should be Precluded or Estopped from using the Non-Claim Statute to Bar the Claims of Ms. WITT Because it had already Acknowledged her Claim in Exchange for her Agreement to move from the Real Property.

Res judicata, or claim preclusion, bars the relitigation of claims and issues that were litigated, or might have been litigated, in a prior action.

Yakima County v. Officer's Guild, 157 Wn. App. 304 (2010), citing *Loveridge v. Fred Meyer, Inc.*, 125 Wn.2d 759, 763, 887 P.2d 898 (1995).

For the doctrine to apply, "a prior judgment must have the same (1) subject matter, (2) cause of action, (3) persons and parties, and (4) the quality of the persons for or against whom the claim is made (identity of interest).

Rains v.State,100 Wn.2d 660,663,674 P.2d 165(1983).

Judicial estoppel is an equitable doctrine that prevents a party from gaining an advantage by asserting one position in court and later taking a clearly inconsistent position. *Cunningham v. Reliable Concrete Pumping,Inc.*,126 Wn. App. 222, 224, 108 P.3d 147 (2005).

In the prior eviction matter, in order to obtain the benefit of Ms. WITT's vacation of the real property, with or without her personal belongings, the Personal Representative acknowledged Ms. WITT's claim in all real and personal property being claimed by the Estate. Later, in the present action, the Personal Representative claims that Ms. WITT has no claim in the property he is claiming on behalf of the Estate. The Personal Representative's denial of Ms. WITT's claim upon the property being held by the Estate should be precluded by the doctrine of res judicata.

Alternatively, in the eviction action, the probate matter, and the action herein, we still have the same subject matter, claims, parties, and the nature of claims remain the same. All that has changed is the Personal Representative's acknowledgment of Ms. WITT's claim that she has an interest in all of both the real and personal property at the subject location. The Personal Representative should be judicially estopped from denying his

earlier acknowledgement of Ms. WITT's claim upon the property being held by the Estate.

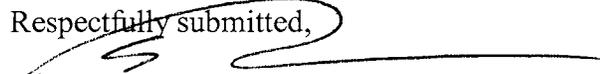
5. CONCLUSION

JULIE WITT's interest in the property being held by the estate is one which exists independently of the Estate. It is a vested interest in each and every specific item of personal and real property being held by the Estate. As such, it does not deplete the Estate and the non-claim statute does not apply to her interest.

Had Ms. WITT chosen to remain in the house and claim all within it her property, the Estate would have been required to sue her in order to recover the property, a portion of which may have been included in the Estate. JULIE WITT's choice to cooperate and vacate the home and leave personal property behind was in the interests of the Estate and herself. Her claim is not extinguished nor compromised by the Personal Representative's choice to come out of the woodwork, probate his estranged brother's estate and ignore his brother's quasi-spouse's interest in all that lay within.

DATED this 3 day of July, 2011.

Respectfully submitted,


BRIAN A. WALKER, WSBA # 27391
Attorney for Respondent

6.. LIST OF EXHIBITS

- | | |
|------------|---|
| EXHIBIT 1 | Verified Complaint |
| EXHIBIT 2 | Declaration of Julie Witt re: Response to Motion for Reconsideration on Order Denying Motion for Summary Judgment |
| EXHIBIT 3 | Petition for Intestate Probate, Appointment of Administrator, and Order of solvency |
| EXHIBIT 4 | Certificate of Mailing Copy of Notice of Appointment and Pendency of Probate Proceedings |
| EXHIBIT 5 | Complaint for Ejectment |
| EXHIBIT 6 | Stipulation re: Motion for Writ of Restitution |
| EXHIBIT 7 | Creditor's Claim (of Julie Witt) Against the Estate |
| EXHIBIT 8 | Notice of Rejection of Claim of Julie Witt |
| EXHIBIT 9 | Petition to Establish Interest in Estate |
| EXHIBIT 10 | Clerk's Notes for Judge Barbara Johnson Probate Docket, June 11, 2010. |

FILED

2010 JUN 16 PM 2:36

Sherry W. Parker, Clerk
Clark County

4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

JULIE WITT,

Petitioner

v.

RONALD D. YOUNG, as the personal
representative of the Estate of DANNY
MERLE YOUNG, Deceased and

The Estate of DANNY MERLE YOUNG,
Deceased,

Respondent.

NO. 10 2 02260 4

COMPLAINT FOR PARTITION OF
REAL AND PERSONAL PROPERTY

COMES NOW the Petitioner, JULIE WITT, by and through her attorney
of record, Brian A. Walker, and alleges and claims as follows:

PARTIES

1. JULIE WITT, Petitioner, is a resident of Clark County, Washington.
2. DANNY MERLE YOUNG was a resident of Clark County, Washington until the date of his death.
3. RONALD D. YOUNG, is the personal representative of the Estate of DANNY MERLE YOUNG, Deceased.

3

EXHIBIT 1
1 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VENUE

2. Since all parties resided in Clark County, Washington at all times material to this complaint, and since all acts which give rise to the cause of action herein occurred in Clark County, Washington, venue properly lies in Clark County Superior Court.

STATEMENT OF FACTS

3. JULIE WITT and DANNY MERLE YOUNG met in 1992 and began dating immediately.

4. JULIE WITT and DANNY MERLE YOUNG began residing together in 1992.

5. At the time JULIE WITT and DANNY MERLE YOUNG began residing together, neither party owned any real property.

6. At the time JULIE WITT and DANNY MERLE YOUNG began residing together, neither party owned any personal property of any significant value.

7. JULIE WITT and DANNY MERLE YOUNG resided together continuously in a marital-like relationship for the 17 years prior, and up until, DANNY MERLE YOUNG's death.

8. During their 17-year, marital-like relationship, JULIE WITT worked continuously and contributed significantly to the quasi community estate she shared with DANNY MERLE YOUNG.

9. DANNY MERLE YOUNG was disabled in a work related accident in 1972 and was not able to be employed after that time, but received monthly disability income.

10. DANNY MERLE YOUNG died on September 26, 2009.

11. During their 17 year relationship, JULIE WITT and DANNY MERLE YOUNG held themselves out to the public as a marital couple.

JW
EXHIBIT 1
2 of 4

1 12. Within the year before DANNY MERLE YOUNG died, JULIE WITT and
2 DANNY MERLE YOUNG obtained a marriage license with plans to marry shortly
3 thereafter.

4 13. During their 17 year relationship, JULIE WITT and DANNY MERLE YOUNG
5 acquired interests in personal and real property which, had they been married, would
6 have been community property.

7 14. Among the property acquired and/or maintained by the parties was a home on 15
8 acres (a five bedroom home with common address of 38004 NE 94th Avenue, La Center,
9 Washington 98629); a significant number of working vehicles, including, but not limited
10 to, a 1968 Ford Mustang Mach I and a 1948 Plymouth Coupe; and numerous tools and
11 household furnishings.

12 15. As a member of quasi community with DANNY MERLE YOUNG, JULIE WITT
13 acquired a vested interest in all personal and real property acquired by either or both of
14 them both during their 17 year relationship.

15 16. JULIE WITT and DANNY MERLE YOUNG, at the time of his death, with the
16 exception of small items of personal property, were tenants in common in all personal
17 and real property acquired by them both during their 17 year relationship.

18 17. As a member of quasi community with DANNY MERLE YOUNG, JULIE WITT
19 is entitled to an equitable share of all personal and real property acquired by either or
20 them both during their 17 year relationship.

21 18. The real property, and substantially all of the personal property, owned by
22 DANNY MERLE YOUNG at the time of his death is now in the possession of the Estate
23 of DANNY MERLE YOUNG.
24
25

Jw
EXHIBIT 1
3 of 4

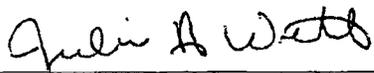
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

WHEREFORE, JULIE WITT requests that this Court award her an equitable share of all real and personal property in the Estate of DANNY MERLE YOUNG; statutory attorney fees; and such other and further relief as the court deems equitable and just.

DATED this 14 day of June, 2010.


BRIAN A. WALKER, WSBA # 27391
Of Attorneys for Plaintiff

I am the Plaintiff in the above-entitled action. I have read the foregoing Complaint for Damages, know the contents thereof and believe the same to be true.


JULIE WITT

SIGNED AND SWORN to before me on this 14 day of June, 2010, by JULIE WITT.


NOTARY PUBLIC
Residing at Vancouver.

My Appointment Expires: 4/9/12

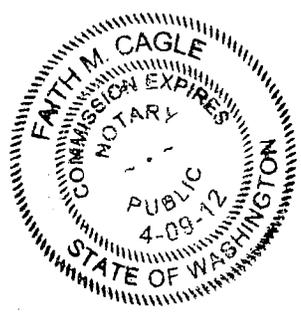


EXHIBIT 1
1 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Handwritten signature

FILED

2010 DEC 15 PM 3:39

Sherry W. Parker, Clerk
Clark County

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR CLARK COUNTY

JULIE WITT,

Petitioner,

v.

RONALD D. YOUNG, as the personal
representative of the Estate of DANNY
MERL YOUNG, Deceased and

The Estate of DANNY MERL YOUNG,
Deceased,

Respondent.

NO. 10-2-02260-4

DECLARATION OF JULIE WITT RE:
RESPONSE TO MOTION FOR
RECONSIDERATION ON ORDER
DENYING MOTION FOR SUMMARY
JUDGMENT

COMES NOW JULIE WITT, and declares as follows:

1. Danny (the Decedent) and Ronald (the personal representative) did not get along at all and had very little contact. In the 17 years I lived with Danny before his death, Ronald came over at most three times.

2. Danny and I had our rocky periods during our relationship, but we were together at his death. I did not just move in after he died.

3. When I left the house, it was in a hurry and under extreme pressure from Ronald because he wanted to sell it. I left with only the items I could carry or store – just my personal effects. I was assured by my attorney that the personal representative would gather and preserve the assets so I had little to worry about. What I was not able to carry

EXHIBIT 2
25
2 of 5

30

1 or store included, as best as I can remember at this point is the following items and their
2 estimated value:

Item	Value
1. Dishes	\$ 200.00
2. Pots and pans	\$ 100.00
3. Stove	\$ 100.00
4. Large cabinet that held dishes/pots and pans	\$ 50.00
5. Glass cabinet and all the trinkets	\$ 50.00
6. Kitchen table	\$ 20.00
7. Cabinet full of canned goods	\$ 100.00
8. Cabinet that glass case sat on	\$ 10.00
9. White table and shelves	\$ 20.00
10. Canned foods	\$ 50.00
11. Two door cabinet and all the bagged and boxed foods	\$ 50.00
12. Freezer	\$ 100.00
13. Can openers	\$ 5.00
14. Bowls	\$ 50.00
15. Piano	\$ 1,000.00
16. Pictures	\$ 300.00
17. Toaster	\$ 5.00
18. Collection cast iron skillet	\$ 200.00
19. Mixer	\$ 5.00
20. New Waffle iron	\$ 5.00
21. Antique waffle iron	\$ 50.00
22. Refrigerator	\$ 100.00
23. Knives	\$ 100.00
24. Air compressor	\$ 200.00
25. Frame straightener	\$ 500.00
26. Welder	\$ 150.00
27. Chain saw	\$ 100.00
28. Tractor implements	\$ 200.00
29. Stacks of lumber	\$ 150.00
30. Barn full of odds and ends	\$ 50.00
31. tool boxes full of tools both mechanical and wood work	\$ 500.00
32. Guns	\$ unknown
33. Antique brown woodstove	\$ 50.00
34. Electric shop hoist	\$ 100.00
35. Chandelier from upstairs living room	\$ 20.00
36. Four shelf stand and books for gardening/cook/health	\$ 20.00
37. Clothes	\$ 100.00
38. Claw foot bathtub	\$ 1,000.00
39. Large tub	\$ 20.00

XHIBIT 2
2 of 5



1	40. Room divider screens	\$ 50.00
	41. Washer and dryer	\$ 250.00
2	42. Large bathtub	unknown
	43. Towels	\$ 100.00
3	44. Washcloths	\$ 10.00
	45. Blankets	\$ 100.00
4	46. Pillows	\$ 50.00
	47. Afghans	\$ 20.00
5	48. Silver tea service	\$ 50.00
	49. Mirror that was tri fold	\$ 50.00
6	50. TV	\$ 100.00
	51. Shoes	\$ 200.00
7	52. Paperwork for everything; bankruptcy papers, old and new	irreplaceable
	53. Cabinet that went around head and sides of bed	\$ 50.00
8	54. Everything I've collected for the last 17 years	unknown
	55. Colored crystals	\$ 100.00
9	56. Felix the cat	\$ 20.00
	57. Bed	unknown
10	58. W-2's	irreplaceable
	59. Granting Hospital visits	irreplaceable
11	60. Bankruptcy papers	irreplaceable
	61. Wedding album from Jerry and I	irreplaceable
12	62. Divorce papers for Jerry and I	irreplaceable
	63. All old court papers	irreplaceable
13	64. My baby book	irreplaceable
	65. Jeannie's baby book	irreplaceable
14	66. Birth certificate	irreplaceable
	67. Jeannie's birth certificate	irreplaceable
15	68. Danny's table	\$ 500.00
	69. Splitting mauls	\$ 100.00
16	70. Wedges	\$ 100.00
	71. Flowers	\$ 50.00
17	72. Rude our dog	irreplaceable
	73. Hoe and rake	\$50.00
18	74. Shovels	\$50.00
	75. Bear closet	\$30.00
19	76. Slabs for tables	\$ 50.00
	77. Mirror beside bed	\$ 50.00
20	78. Wood stoves - insert	\$200.00
	79. 5 th wheel trailer	\$ 12,800.00
21	80. Cookie jars	\$ 100.00
	81. Bird houses	\$ 20.00
22	82. Old Kodiak cameras	\$ 100.00
	83. 6 geese	irreplaceable
23	84. Dalmatian statue	\$ 10.00
	85. Oriental statues	\$ 20.00

XHIBIT 2
3 of 5

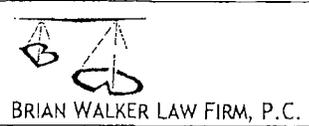
DECLARATION OF JULIE WITT
Page 3 of 5



100 East 13th Street
Suite 111
Vancouver, WA 98660
(360) 695-8886 Phone
(360) 695-8886 Fax

1	86. Avon perfume bottles	\$ 100.00
	87. TV from bedroom	\$ 50.00
2	88. DVD player	\$ 50.00
	89. DVS -- movies	\$ 100.00
3	90. Antique radios	\$ 500.00
	91. Dressers	\$ 200.00
4	92. Canner	\$ 10.00
	93. Canning jars/jelly jars	\$ 10.00
5	94. Animal drinking tub -- geese swimming pool	\$ 100.00
	95. Lawn mowers	\$ 100.00
6	96. All kinds of stereos; TV's	\$ 200.00
	97. Collection of die cast cars	\$ 100.00
7	98. Zane gray book collection	\$ 100.00
	99. Locking cabinet upstairs	\$ 50.00
8	100. Agates in yard	irreplaceable
	101. 6 cases for marble tiles	unknown
9	102. Two well pumps	\$ 400.00
	103. Holding tank	\$ 50.00
10	104. Barn full of good lumber in loft	\$ 100.00
	105. 4 boxes grout	\$ 20.00
11	106. Elk and deer horns	\$ 20.00
	107. 1/2 pickup load of knotty pine	\$ 100.00
12	108. Pickup load of slabs of wood - red wood and black walnut	\$ 200.00
	109. 4-5 gallons of paint -- grey white	\$ 10.00
13	110. Fencing around car pen	\$ 20.00
	111. Chicken wire	\$ 20.00
14	112. Steel fence posts at least 50	\$ 20.00
	113. 48' Plymouth coupe	\$ 5,000.00
15	114. 65' el camero	\$ 2,500.00
	115. 68' javlin	\$ 450.00
16	116. 86' dodge pickup	\$ 500.00
	117. 87' Celica	\$ 300.00
17	118. 68' mach 1	\$ 5,000.00
	119. 50' jeep	\$ 1,000.00
18	120. 48' service vehicle trike	\$ 3,000.00
	121. 63' service vehicle Harley	\$ 3,000.00
19	122. 78' Datsun pickup	\$ 500.00
	123. 88' jeep Cherokee	\$ 1,200.00
20	124. 89' Chevy pickup	\$ 500.00
	125. 63' star liner	\$ 1,000.00
21	126. Tow truck	\$ 500.00
	127. 89' 300Z	\$ 2,000.00
22	128. 68' bronco	unknown
	129. All kinds of piles of scrap metal	\$ 4,000.00
23	130. Frame off a bus	unknown
24	131. Engine stand	\$ 50.00
25		

XHIBIT 2
4 of 5



100 East 13th Street
Suite 111
Vancouver, WA 98660
(360) 695-8886 Phone
(360) 695-8886 Fax

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

132.	Bread truck	\$ 300.00
133.	Boat motor	\$ 100.00
134.	Cherry picker	\$ 200.00
135.	Totes	unknown
136.	64' matador	\$ 1,500.00
137.	Three cave men	\$ 20.00
138.	Elephants	\$ 100.00
139.	Vases	\$ 100.00
140.	Nutcrackers	\$ 10.00
141.	Value cover	Unknown
142.	Gadget set	Unknown

Again, the list above is going from my memory, review of pictures I took, and my best estimates of value. The value estimates may change.

4. Danny and I were not wealthy – far from it. Danny was on disability and I worked full time as a waitress. We struggled to keep the house, falling behind on taxes and then taking loans and repaying them each time in order to stay in the home. I contributed all of my money to maintaining our home, and to our right to remain there.

5. I am now concerned that Ronald had given or thrown away, or sold everything we had. And he is now trying to run me off completely by burdening me with additional court hearings. I request that the Respondent be required to pay for my attorney fees for this hearing.

I declare under the penalties of perjury under the laws of the State of Washington that the foregoing is true and correct at Vancouver, Washington this 15 day of December, 2010.



JULIE WITT, Petitioner

EXHIBIT Z
5 of 5

1 HEIRS AND DISTRIBUTEES OF THE ESTATE OF DANNY MERL YOUNG

2 Name/Address

Relationship

3 Ronald Dean Young
4 2909 Unander Avenue
5 Vancouver, WA 98660

Brother

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GILBERT H. KLEWENO, PLLC
Attorney at Law
904 S.E. 96th Avenue
Vancouver, Washington 98664
Vancouver 360/696-0401

EXHIBIT 3
3 of 3

FILED

2009 OCT 13 AM 10:40

Sherry W. Parker, Clerk
Clark County

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

In re the Estate of:)
DANNY MERL YOUNG,)
Deceased.)

NO. **09 4 00823 1**
CERTIFICATE OF MAILING COPY OF
NOTICE OF APPOINTMENT AND
PENDENCY OF PROBATE
PROCEEDINGS
RCW 11.28.237

I solemnly affirm that on October _____, 2009, the undersigned mailed a copy of the
NOTICE OF APPOINTMENT AND PENDENCY OF PROBATE PROCEEDINGS RCW
11.28.237, to each heir, legatee, devisee and/or transferee of decedent's nonprobate assets whose
name and address are known to the Administrator, as follows:

<u>NAME</u>	<u>ADDRESS</u>
Ronald Dean Young	2909 Unander Avenue Vancouver, WA 98660

CERTIFICATE

I certify under penalty of perjury under the laws of the State of Washington that the
foregoing is true and correct.

DATED: October 12, 2009, at Vancouver, Washington.

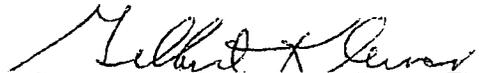

GILBERT H. KLEWENO, WSBA #1064
Attorney for Administrator



EXHIBIT 4

4

FILED
2010 FEB -5 AM 11:09
Sherry W. Parker, Clerk
Clark County

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

<p>Ronald D. Young, as the personal representative of the Estate of Danny Merl Young, deceased, Plaintiff, VS. Julie Witt, Robert Witt, Bobby Reed, and any other person occupying the subject premises, Defendants,</p>	<p>No. 10 2 00526 2 COMPLAINT FOR EJECTMENT RCW 7.28.030</p>
--	--

Plaintiff alleges:

- I. Plaintiff is the duly appointed, qualified and acting personal representative of the estate of Danny M. Young, deceased, being cause No. 09-4-00823-1 in the Superior Court of the State of Washington for Clark County.
- II. At the time of his death, the decedent was the resident occupant and an owner of the fee simple estate of all of the real property and personal property located in Clark County, Washington, commonly known as 38004 NE 94th Avenue, LaCenter, Washington, 98629, the legal description of which property is attached to this Complaint as "Exhibit A", and by this reference made a part of the Complaint.

COMPLAINT, PAGE 1

EXHIBIT 5

1 of 4

3

1 III. The defendants, Julie Witt, Robert and Bobby Reed, and other persons whose
2 names are not at the present time known to the Plaintiff have been and now are
3 unlawfully and without any legal authority, occupying, assuming possession of
4 and using the real property and the person property described above.

5 IV. In spite of repeated demands to vacate the premises the defendants remain
6 upon the property, continue to live upon the property and refuse to leave and
7 vacate the same.

8 V. The defendant have not paid any compensation to the estate for the use of the
9 property and have depreciated and damaged it all to the financial detriment of
10 the estate.

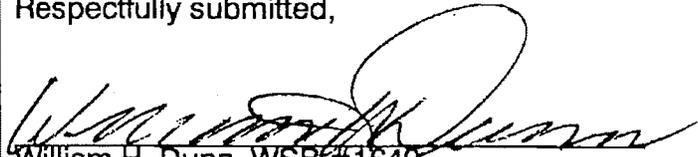
11 WHEREFORE, Plaintiff requests judgment against each of the defendants as
12 follows:

- 13 1. For an order of this court in the form of a Writ of Restitution
14 a. Immediately restoring to the plaintiff the exclusive possession and use of
15 all of the real and personal property described above;
16 b. Immediately evicting the defendants from coming on or around the
17 property or in any way interfering with the Plaintiff's peaceful possession
18 and use thereof;
- 19 2. For Judgment against each of the defendant for damages inflicted by them, or
20 any of them, upon the property, the improvements thereon, and any personal
21 property found to be damaged or missing therefrom.
- 22 3. For all costs of Plaintiff incurred herein;
- 23 4. For Judgment against each of them for reasonable attorneys fees incurred by
24 the Plaintiff in the prosecution of this action, all as allowed by applicable state
25 law.
- 26
27

1 5. For such other and further relief as shall be shown to be just and proper under
2 the facts of this case.

3 Dated: January 15, 2010.

4 Respectfully submitted,

5 

6 William H. Dunn, WSB #1649
7 Attorney for Plaintiff
8 P. O. Box 1016
9 Vancouver, WA 98666
(360) 694-4815
dunnwh@pacifier.com

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

EXHIBIT "A" - LEGAL DESCRIPTION

The following described real estate situated in Clark County, Washington, to-wit:

Parcel I

The South half of the Northeast quarter of the Southeast quarter of the Southeast quarter of Section Twenty (20), Township Five (5) North, Range Two (2) East of the Willamette Meridian.

EXCEPT that portion lying within County Road No. 38.

Parcel II

The Southeast quarter of the Southeast quarter of the Southeast quarter of Section Twenty (20), Township Five (5) North, Range Two (2) East of the Willamette Meridian.

EXCEPTING the following described land:

Beginning at a point 15 feet North and 20 feet West of the Southeast corner of said Section 20; thence West 5 feet; thence Southerly and Westerly, following the arc of a curve to the right having a radius of 89.6 feet and a central angle of 90°12'14" feet; thence South 5 feet; thence East, parallel to the South line of Section 20, 95 feet; thence PERSONAL REPRESENTATIVES DEED - 1

North 95 feet to the point of beginning.

EXCEPT that portion lying within County Roads No. 38 and 43.

FILED

2010 MAR 29 PM 2:25

Sherry W. Parker, Clerk
Clark County

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

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

Ronald D. Young, as the
personal representative
of the Estate of Danny
Merl Young, deceased,

No. 10-2-00526-2

Plaintiff,

STIPULATION RE
MOTION FOR WRIT OF
RESTITUTION

VS.

Julie Witt, Robert Witt,
Bobby Reed, and any other
person occupying the
subject premises,

Defendants,

Ronald D. Young, plaintiff, and Julie Witt, defendant,

through their respective attorneys, hereby stipulate and agree as
follows:

1. Julie Witt and all other persons residing on the subject premises shall completely vacate the same and shall remove all of their personal belongings therefrom on or before April 1, 2010.
1. They shall leave remaining on the property all appliances, furniture, household goods, personal effects and vehicles belongings of the late Danny Young. Julie Witt's vacation of the property shall not be deemed a waiver of her claim

Stipulation re Restitution, page 1

C. BITE
= of 2

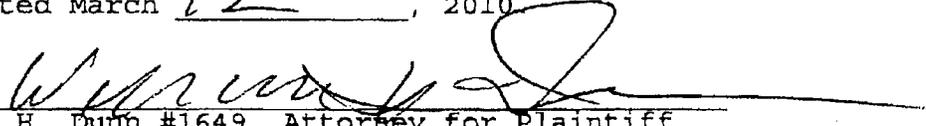
14
②

that she has an interest in all of both the real and personal property at the subject location.

2. Her attorney shall advise plaintiff's attorney immediately upon the premises being vacated.
3. Thereafter, but no later than April 1, 2010, plaintiff shall have the right to enter upon and take full possession of the premise and all of the contents thereon.
4. If the premises are not so vacated, plaintiff shall be entitled to have the court enter an order for a writ of restitution immediately, ex parte, and shall have the right to obtain a writ and execute the same without further notice to the defendants or their attorney.

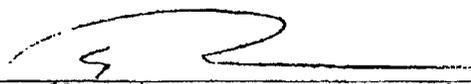
Dated March 12, 2010

14


William H. Dunn #1649, Attorney for Plaintiff

16

17


Brian A. Walker #27391, Attorney for Julie Witt

18

19

20

21

22

23

24

25

26

27

28
Stipulation re Restitution, page 2

EXHIBIT 6

2 of 3

2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FILED

2010 MAR 16 PM 4:34

Sherry W. Parker, Clerk
Clark County

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

In re: the Estate of:

NO. 09-4-00823-1

DANNY MERL YOUNG,

CREDITOR'S CLAIM
AGAINST ESTATE

Deceased.

1. CLAIM

- a. Claimant: Julie Witt
38004 NE 94th Avenue
La Center, WA 98629
- b. Statement of facts or circumstances constituting the basis upon which claim is submitted: Claimant had a 17 year quasi marital (meretricious) relationship with the Deceased and has an equitable claim on all real and personal property of the estate of the Deceased.
- c. Amount of claim: Equitable and quasi community property share of estate, ie; up to one half of the value the personal and real property of the estate.

DATED THIS 16 day of March, 2010.

Julie Witt

JULIE WITT, Defendant

XHIBIT 7
1 of 2

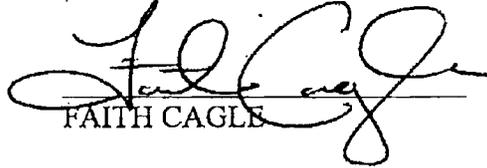
CREDITOR'S CLAIM AGAINST ESTATE	Page 1 of 2	BRIAN WALKER LAW FIRM, P.C. 100 East 13 th Street, Suite 111 Vancouver, WA 98660 (360) 695-8886
---------------------------------	-------------	--

15
60

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

2. SERVICE

This Claim was served on the attorney for the Estate on March 16, 2010
by Faith Cagle.



FAITH CAGLE

DATED THIS 16 day of March, 2010.



BRIAN WALKER, WSBA#27391
Attorney for Claimant

XHIBIT 7
2 of 2

FILED

2010 MAR 29 PM 2: 23

Benny W. Parker, Clerk
Clark County

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

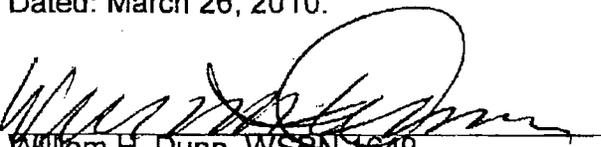
In re the estate of: DANNY M. YOUNG, deceased.	NO: 09-4-00823-1 NOTICE OF REJECTION OF CLAIM OF JULIE WITT
--	---

To: Julie Witt, Claimant.

And to: Brian A. Walker, Claimant's Agent or Attorney.

The undersigned personal representative of the estate rejects the claim submitted by claimant in an unliquidated amount. Claimant must bring suit in the proper court against the personal representative within 30 days after notification of rejection, otherwise the claim will be forever barred. The date of postmark is the date of notification by mail, if served by mail, and, the date of personal service if served by personal service.

Dated: March 26, 2010.


William H. Dunn, WSBN 1649
Attorney for Personal Representative

REJECTION OF CLAIM

EXHIBIT 8
of 1



3

FILED

2010 APR 30 PM 6:56

Sherry W. Parker, Clerk
Clark County

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

JULIE WITT,

Petitioner

v.

RONALD D. YOUNG, as the personal
representative of the Estate of DANNY
MERL YOUNG, Deceased and

The Estate of DANNY MERL YOUNG,
Deceased,

Respondent.

NO. 09-4-00823-1

PETITION TO ESTABLISH INTEREST
IN ESTATE

COMES NOW the Petitioner, JULIE WITT, by and through her attorney
of record, Brian A. Walker, and allege and claim as follows:

PARTIES

1. JULIE WITT, Petitioner, is a resident of Clark County, Washington.
2. RONALD D. YOUNG, is the personal representative of the Estate of DANNY MERL YOUNG, Deceased.
3. DANNY MERL YOUNG was a resident of Clark County, Washington until the date of his death.

EXHIBIT 9
1 of 3

PETITION TO ESTABLISH INTEREST IN ESTATE	Page 1 of 3	<u>BRIAN WALKER LAW FIRM, P.C.</u> 100 East 13 th Street, Suite 111 Vancouver, WA 98660 (360) 695-8886
--	-------------	--

18
wa

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

VENUE

2. Since all parties resided in Clark County, Washington at all times material to this complaint, and since all acts which give rise to the cause of action herein occurred in Clark County, Washington, venue properly lies in Clark County Superior Court.

STATEMENT OF FACTS

3. JULIE WITT and DANNY MERL YOUNG resided together continuously in a marital-like relationship for the 17 years prior, and up until, DANNY MERL YOUNG's death.

4. During their 17 year relationship, JULIE WITT and DANNY MERL YOUNG held themselves out to the public as a marital couple.

5. During their 17 year relationship, JULIE WITT and DANNY MERL YOUNG acquired interests in personal and real property which, had they been married, would have been community property.

6. During their 17 year relationship, JULIE WITT made substantial contributions to the quasi marital community.

7. As a member of quasi marital couple with DANNY MERL YOUNG, JULIE WITT is entitled to an equitable share of the Estate of DANNY MERL YOUNG.

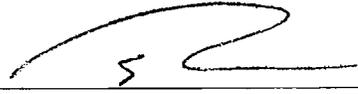
///
///
///
///
///

EXHIBIT C
2 of 3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

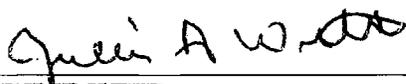
WHEREFORE, JULIE WITT requests that this Court award her an equitable share of the Estate of DANNY MERL YOUNG; and such other and further relief as the court deems equitable and just.

DATED this 2nd day of April, 2010.



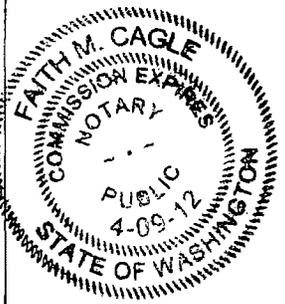
BRIAN A. WALKER, WSBA # 27391
Of Attorneys for Plaintiff

I am the Plaintiff in the above-entitled action. I have read the foregoing Complaint for Damages, know the contents thereof and believe the same to be true.



JULIE WITT

SIGNED AND SWORN to before me on this 30 day of April, 2010, by JULIE WITT.


NOTARY PUBLIC
Residing at Vancouver.

My Appointment Expires: 4/9/12

XHIBIT 9
3 of 3

** PREPARED **
06-10-10 07:42

FRIDAY, JUNE 11, 2010
PROBATE DOCKET
JUDGE BARBARA JOHNSON

FILED

2010 JUN 11 PM 4:31

Sherry W. Parker, Clerk
Clark County

CLERK: LORI MOORE

09-4-00715-3 12.
GUARDIANSHIP OF: MATUSAK, MARGUERITE
S, A.J. BIENIEWICZ, TANA MAY

1:58

PTN TO MODIFY GRDNSHP OF ESTATE

- MATTER SET OVER TO 06-18-2010P @ 1:30 P.M.

09-4-00772-2 13.
GUARDIANSHIP OF: DEUTSCH, THOMAS-P
BRINGUEL, CURTIS SMITH, KATHRYN E.-P

1:35

MTN TO DISMISS

- ORDER DISMISSING PETITION FOR GUARDIANSHIP IS SIGNED BY COURT

09-4-00823-1 14.
ESTATE OF: DUNN, WILLIAM HUDSON JR-P
YOUNG, DANNY MERL

2:58

MTN TO DISMISS CLAIM AND SHARE ESTA

- COURT GRANTS RELIEF AS FAR AS BARRING OF CREDITORS CLAIM
- MATTER WAS ORIGINALLY FILED AS A CREDITOR'S CLAIM
- COURT WILL NOT DISMISS OTHER PARTS OF PETITION
- COURT NOT PREPARED TO PRECLUDE OR RULE ON THE MERITS THAT A CLAIM CANNOT BE BROUGHT; MATTER WILL SET OVER 08-06-2010M6 @ 9:00 A.M.
- ESTATE'S RESPONSE TO MEMORANDUM IS FILED WITH CLERK

09-4-00944-0 15.
GUARDIANSHIP OF: PETTIS, BECKIE
JONES, PAMELA HARRISON, DAWN-P

1:59

APPRVL OF REPORT AND FEES

- ANGIE ARMSTRONG IS PRESENT
- COURT SIGNS/GRANTS ORDER APPROVING GUARDIANSHIP INVENTORY, PROPOSED DISBURSEMENTS, CARE PLAN; AND APPROVAL OF ATTORNEY FEES

✓ IBIT 10

1 OF 1

24 (PK)

