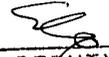


FILED  
COURT OF APPEALS  
DIVISION II

2012 DEC -7 PM 4: 02

STATE OF WASHINGTON

BY   
DEPUTY

No. 42617-0-11

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In the Court of Appeals for  
The State of Washington  
Division Two

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WILLIAM M. PRICE & SUSAN G. PRICE

Respondents

Vs.

VERONICA G. PRICE

Appellant

---

ON APPEAL FROM THE SUPERIOR COURT OF THE STATE OF  
WASHINGTON FOR PACIFIC COUNTY  
THE HONORABLE MICHEAL J. SULLIVAN, PRESIDING JUDGE

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AMENDED APPELLANT'S REPLY BRIEF

TO RESPONDENT'S BRIEF

---

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ARGUMENT

I am the Appellant, Veronica G. Price. I am a registered nurse without a criminal or addiction history. I am challenging the grievous Determination of Verbal Harassment pertaining to children so I can return to work to provide care for vulnerable adults and children without the serious stigma of this judgment.

My present goal is to substantiate that Respondent William Monte Price continues to provide misleading false documentation in their Respondent's Brief, documentation that contradicts the court record. False statements and serious irregularities in procedures and protocol led directly to the August 19, 2011 court's Determination of Verbal Harassment.

Secondary to serious health and monetary issues, including the need for major surgery, I am no longer requesting to return to the Superior Court for a retrial. If your court agrees with my challenge, I am requesting that you reverse the August 19, 2011 Washington State Superior Court of Pacific County judgment of Verbal Harassment.

I am the wife of the late "Jerry" Frederick M. Price. He died December 30, 2010. He had a greater than 85 year love relationship with the property of concern. For several years before his death we were in the process of attempting to negotiate buying out Respondent William Monte Price and his four siblings' one-sixth interest in the property of concern. This was in order for my late husband to live the rest of his life peacefully in the Long Beach home. See Exhibit B: Declaration Letters of "Jerry" Frederick M. Price, April 27 and June 6, 2007. At the time of his death there had been a decade of broken commitments by William Monte Price and his four siblings regarding the Long Beach property. I became

involved for the first time in 2002 when I had to step in financially to stop William Monte Price and his four siblings from allowing the property to foreclose (Exhibit B, page 3)

Declaration/Letter of "Jerry" Frederick M. Price, April 27 2007:

In 2002, my wife and I learned that they were about to allow the property to foreclose. They had not kept their commitment to pay the taxes for at least four years. My wife, Veronica Price, now a retired registered nurse, immediately began paying the taxes to prevent foreclosure. The one-sixth owners offered to purchase my two-thirds ownership in exchange for paying the delinquent taxes. We refused to sell our property for approximately \$14,000. We did, however, naively agree to sell our two-thirds ownership. They made an agreement to form a corporation and purchase my two-thirds majority interest in the property. Over the past five years all of their offers to purchase my majority interest failed or were not fair or equitable offers.

In 2007, my late husband made the decision that he no longer wanted to wait for William Monte Price and his siblings to purchase what was then our two-thirds ownership. On June 16, 2008, we purchased an additional one-sixth of the property from Billie Anne Holmes. This increased our ownership from two-thirds to five-sixths. CP 62-65 Litigation Title Report. Our intention continued to be to purchase William Monte Price and his siblings' one-sixth interest.

As the majority owners we had, and I continue to have the inequitable financial and legal responsibility for William Monte Price and his four siblings, their extended families and friends to have full use and access to the property pursuant to Tenants in Common Law. Even though William Monte Price only owned one-thirtieth interest in the property, he controlled the use of the property through intimidation, CP 30, not only of me, but of my late husband, his uncle, who was in his eighties and required around-the-clock nursing care. I, however, chose to continue to communicate with William Monte Price regarding the property and

serious health issues. CP 30 lines 18-28. I am providing this information as part of my argument because I was unable to successfully supplement my late husband's Declarations of April 27 and June 6, 2007 to the Court of Appeals until November 9, 2012 (Exhibit B). The Litigation Title Report CP 62-65, and Exhibit B inform your court of the history of our relationship with William Monte Price and his siblings.

William Monte Price and his family's abuse of the property escalated near the time of my husband's death to failing to winterize the plumbing and, as a direct result, leaving the house saturated with sewage and water, and boarding up the home for the winter and leaving it for my late husband and me to have the expense of mandatory extensive plumbing repairs. I actually replaced the entire first floor bathroom. The Declaration Letters of "Jerry" Frederick M. Price, the Verbatim Report of my testimony at the August 19, 2011 trial, VRP 22, 23, 24. Also the Memorandum Opposing Protection Order CP 10, 11 and 13, verifies the history that led to my present five-sixths majority ownership in the property.

It is my goal as the Appellant to provide your court with evidence from the record that William Monte Price and Susan Price continue to provide substantial misleading and false information in their Respondents Brief.

Motion for Reconsideration CP 19, lines 9-14:

One of my primary goals of this document is to state that Monte and his wife misled the Long Beach Police Department and Pacific County Superior Court by giving them false information order to obtain an anti-harassment/protection order. They made the Department believe my legal residence was not at the property I legally reside on but made them believe they were restricting me from a vacation home in which we have equal legal responsibility and ownerships. They knowingly stated I lived in Seattle, Washington.

I believe this is in order to support the inaccurate information in their August 17, 2011 Petition for Protection – Harassment (PTORAH). The Respondents abused

their discretion by using their own grandchildren in order to have me removed and restrained from my lawful residence. This is a violation of RCW 10.14.080(8). \*The record repetitively contradicts William Monte Price's first sentence in the August 17, 2011 Petition for Protection – Harassment in which he falsely provides the date of August 6, 2011 as the date we were together for the first time in the month of August. VRP page 13, lines 4-9 and 24-25 and page 14, lines 1-3. This may have been in order to falsely support the repetitive legal criteria for Verbal Harassment pursuant to RCW 10.14.080. The court record supports that there are a multitude of reasons that the Court of Appeals should reverse Judge Michael Sullivan's August 19, 2011 Determination of Verbal Harassment. My goal is to show Respondents are guilty of misrepresentation in the record that rises to the level of misconduct pursuant to CR 60(b)(4). Case law provides that:

“[i]t is immaterial whether the misrepresentation was innocent or willful. The effect is the same whether the misrepresentation was innocent, the result of carelessness, or deliberate.” *People's State Bank v. Hickey*, 55 Wn.App at, 371. (citations omitted). Respondent's misrepresentations resulted in her obtaining a one-sided decision at trial.

Pursuant to CR 13(a) there is:

Clear and convincing evidence of fraud, misrepresentation, or other misconduct of an adverse party serves as a basis for **relief from a judgment** if the moving party was “prevented from fully and fairly presenting its case or defense.

The rule itself, by its terms, applies to levels of misconduct that do not necessarily rise to the level of fraud. *Suburban Janitorial Servs. V. Clarke American*, 72 Wn.App. 302, 308 n.7, 863 P.2d 1377 (1939). In fact, CR 60(b)(4) “is aimed at judgments [\*32] which were unfairly obtained.” *Peoples State Bank v. Hickey*, 55 Wn. App. 367, 372, 777 P.2d 1056 (1959).

**Respondent's False Information, Misconduct and Irregularities  
in the Proceedings Pursuant to Civil Rule 59**

A. **Confidential Information Form of August 17, 2011** (Exhibit A):

Respondent William Monte Price intentionally falsely provided the court my only address as being at 9723 Palatine Avenue North in Seattle, Washington. This falsely led the court to believe that they were removing me from vacation property on August 17, 2011 and I would be returning to a home in Seattle. This was the address where my husband, "Jerry" Frederick M. Price, died on December 30, 2010. CP 22. It is well known that within weeks of his death I moved onto the property of concern, not arbitrarily, but in order to do extensive cleanup and repairs of water and sewage damage that William Monte Price and his son Mo left in the home for my late husband and me to clean up along with having the expense of major plumbing repairs. There has been greater than a decade of William Monte Price and his four siblings leaving damage for my late husband and me to repair. After my husband and I paid greater than \$16,800 for a new roof, VRP 23, William Monte Price failed to keep his commitment to replace the upstairs dry rotted windows. VRP 23.

B. **The Petition for Protection Harassment of August 17, 2011 CP 1, 2, 3:**

The first sentence stating that I was with them on **August 6, 2011** is incorrect and is contradicted in William Monte Price and Susan Price's own testimony in the Verbatim Report when questioned by Judge Michael Sullivan at the August 19, 2011 hearing.

*VRP excerpts pages 13, lines 4-9*

*A. THE COURT: Well, who was – who was in the house when you first – who was in the house first, you or Ms. Veronica Price **when you first arrived at the house** for your, I'll call it a vacation? I think you used that word. Who was in the house: Anybody?*

*VRP page 13 lines 24 and 25, page 14 lines 1 – 3:*

*B. We did show up. We did show up and she had – she was gone. She left for a week and then she came back last – I think it was Monday or Tuesday –  
Susan Price: **Tuesday.***

The date of the hearing was August 19, 2011. Respondents William Monte Price and Susan Price have confirmed the fact that I arrived for the first time during their vacation on Tuesday. That was August 16, 2011. This confirms the fact that I was only with William Monte Price and his family for one night. Our mutual emotionally-charged argument on the morning of August 17, 2011 that was apparently video-taped does not meet the legal criteria for verbal harassment pursuant to This timeframe does not meet the legal criteria for harassment pursuant to:

*RCW 10.14.010 Legislative Finding, Intent, Treatises and Practice Aids:  
“Course of conduct” means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose. “Course of conduct: includes, in addition to any other form of communication, contact or conduct, the sending of an electronic communication, but does not include constitutionally protected free speech. Constitutionally protected activity is not included within the meaning of “course of conduct.”*

The date of August 16, 2011 has witnesses to verify that it is correct. We had a mutual argument the morning of August 17, 2011 and William Monte Price and Susan Price filed a Petition for Protection – Harassment at approximately 12:00 noon on the same day, August 17, 2011. The August 17, 2011 Temporary Order for Protection and Notice of Hearing were served to me by the Long Beach police who removed me from my bed at approximately 10:15 on the same night of August 17, 2011. This substantiates the fact that I was only with William Monte Price and his family for **one night** the night of August 16, 2011. The witnesses to this fact include Long Beach Police Officer Sarah Vaughn, CP 20, and neighbor Michael Binion, who was present when I arrived to my home and was with William

Monte Price and his family on August 16, 2011. Michael Binion wrote a declaration regarding witnessing William Monte Price physically intimidating me when I arrived to my home on August 16, 2011, CP 16 and 17. David Hedspeth, CP 19, was also with me and William Monte Price when I arrived to the home the afternoon of August 16, 2011. Michael Binion's declaration confirms that I did not enter my home ranting and raving on August 16, 2011. This can also be verified by David Hedspeth. CP 20.

The fact that David Hedspeth and Michael Binion were with me and William Monte Price and his family on August 16, 2011 contradicts Respondent's false statement in RB page 12:

Neither individual was present during the entire time that Ms. Price interacted with her own family members.

The only conduct that was predatory is not on trial in this appeal. Susan Price had to be restrained by her husband, William Monte Price, to prevent her physically attacking me when I entered my home for the first time on August 16, 2011. Subsequently, William Monte Price was witnessed displaying predatory behavior by neighbor, Michael Binion.

CP 16 and 17:

*On August 16, 2011, Veronica came by my house and asked if I would help David Hedspeth unload the moving van. Upon arriving I noticed Monty Price walk in Veronicas direction getting within inches of her face, seeming to try and intimidate her. The front door was open, I was on the porch and they were about ten feet inside the house. I could not hear what Mr. Price was saying, but did hear Veronica saying, "I'm not afraid of you, you can't tell me what to do, don't you think this is my house too?" She appeared to be afraid of Monty Price. The next night she got removed from her house. Then called me very upset and crying. I am not a psychiatrist or a psychologist, but I can state that Veronica Price appears to be a stable rational person. Veronica Price was not seemingly aggressive when she entered her house on August 16, 2011.*

The subsequent excerpt from the Verbatim Report also substantiates the fact that I was not present in the home with William Monte Price and his family **on August 6, 2011 or any time in August before August 16, 2011.**

VRP page 16, line 16:

WILLIAM PRICE: Just that we would be granted relief until next Tuesday. I mean, it's – I understand that she may not have a permanent residence anywhere. I don't know that but I also know that she has been – **she stayed somewhere for a week, never showed up – actually 10 days –** and then all of a sudden here she is.

The above statement from the Respondent's Brief clarifies the fact that I \*was not in the house in the month of August before August 16, 2011. It can be confirmed by witnesses Michael Binion, David Hedspeth, police officer Sarah Vaughn and her colleague that I arrived the afternoon of August 16, 2011. I only sat outside in my car one night before William Monte Price filed his Petition for Protection Harassment at approximately 12:00 noon on August 17, 2011. On the morning of August 17<sup>th</sup> we had a mutual emotionally-charged argument that William Monte Price has confirmed to be regarding damage to the property. CP 22, lines 23-25.

When the court questioned William Monte Price regarding providing an example of ranting and raving, the VRP of the August 19, 2011 hearing substantiates the fact that our primary argument was my concern regarding damage to the property in compliance with RCW 10.14.030.

*THE COURT: Be more specific. You say ranting and raving. What -- what does that mean?*

*WILLIAM PRICE: She came in and -- as she stated in here, she has accused us of multiple sins upon the house, allowing the bathroom upstairs to go to pot, allowing the house to go to pot, etc., etc.*

CP 22 lines 23-26 – excerpt:

*What Susan referred to as harassment was my response to their extreme physical and verbal harassment.*

This argument apparently was videotaped. CP 15. I now understand that any audio taping that catches the spoken word of the person being recorded without his consent is a violation of RCW 10.73.030. It makes no difference if the person making the sound recording has an interest in the home. A related statute, RCW 10.73.080, makes it a gross misdemeanor to violate RCW 10.72.030. Therefore it was illegal for them to videotape me on August 17, 2011.

As stated, my nephew, William Monte Price and his wife Susan have misused their grandchildren named in the August 17 Petition for Protection – Harassment and their presence in the Long Beach house and property to obtain:

**C. A Temporary Order of Protection and Notice of Hearing of August 17, 2011 CP 4, 5:**

This petition gave William Monte Price the legal right to make the decision on how this petition would be served. CP 4, 5. William Monte Price unnecessarily chose to have the Long Beach Police enter the \*home at approximately 10:15 at night, CP 7, serving me with the documents and forcibly removing me from the home while I was resting quietly in my bed. CP 22 lines 4-17. The Respondent's Brief makes it falsely appear that there was only an Ex Parte Temporary Order for Protection. They leave out part of the Temporary Order of Protection, which was the fact that on the same order there was a Notice of Hearing with a date of August 19, 2011.

The August 19, 2011 8:30 a.m. hearing took place in violation of RCW 10.15.070 Hearing – Service:

*Except as provided in RCW 10.14.085, personal service shall be made upon the Respondent not less than five court days before the hearing.*

It was at the August 19, 2011 hearing that the **second** Protection Order 2011 was **issued without Judge Michael Sullivan's entering Findings of Facts and Conclusions of the Law**. This was supposed to be a non-jury trial. This was only approximately 32 hours after the time I was served by Long Beach Police Officer Sarah Vaughn with the Return of Service – Harassment (RTS), CP 6-7, and the Temporary Protection Order and Notice of the August 19, 2011 hearing. CP 4-5. This did not allow me adequate time to appropriately prepare and legally understand what was going to occur in a hearing where I was being charged with verbal harassment. The court could have also potentially issued an injunction in which I could not enter my property or home for greater than a year. The judge determined that he had heard enough harassment when referring to my testimony at the hearing. Absolutely all testimony had a legal purpose: protecting and preserving my late husband's and my majority interest and approximately \$150,000 financial investment in the property. VRP 22, 23, 24, 25, 26. pursuant to RCW 10.14.030.

VRP Page 27 lines 5, 6, and 13 verify the fact that I attempted to inform Judge Michael Sullivan that William Monte Price had to restrain Susan Price from attempting to attack me. The court completely ignored me. My attorney did not have time before the hearing to meet with me to know all the facts that occurred. Susan Price, page 17 lines 20-25, attacked my cognitive status or perception of reality, similar to the way she did when she was following me around in the house, calling me disparaging names on the morning of August 17, 2011.

If you carefully review my testimony you will see that all of it is regarding protecting my property pursuant to RCW 10.14.030 Course of Conduct –

Determination of Purpose:

In determining whether the course of conduct serves any legitimate or lawful purpose, the court should consider whether ... (4) the respondent is: acting pursuant to any statutory authority, including but not limited to acts which are reasonably necessary to: (a) protect property or liberty interests.

It may be acceptable to not have Findings and Facts and Conclusions of the Law in the Ex Parte Temporary Order for Protection and Notice of Hearing, i.e. the first August 17, 2011 hearing at the South District Court of Pacific County in Long Beach. It, however, is legally supported in multiple case laws where it is absolutely necessary in a non-jury trial such as the August 19, 2011 8:30 a.m.

Superior Court trial:

CR 52(a)(2) requires findings and conclusions when temporary injunctions are granted or refused, and in all final domestic relations decisions, including uncontested dispositions.

Findings and conclusions are definitely required when an order for protection under RCW 10.14.080 is entered after a contested hearing. An order for protection is similar to a permanent injunction entered after trial CR 52(a)(2)(A) requires **findings and conclusions** even in cases involving a temporary

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\*I am also challenging the Temporary Protection Order and Notice of Hearing of the same date of which I have not been afforded my legal right to have a recording, a Verbatim Report or the knowledge of who was presiding over this first hearing which took place at the Pacific County South District Court in Long Beach, Washington. It may have been Judge Michael Sullivan or a Commissioner.

injunction. Moreover, all these anti-harassment protection order cases are tried on the facts without a jury.

In the various reported decisions involving anti-harassment appeals under Chapter 10.14 RCW, the trial courts have generally entered extensive findings of fact and conclusions of law. See *McIntosh v. Nafziger*, 69 Wn. App. 906, 909-10, 851 P.2d 713 (1993); *Burchell v. Thibault*, 74 Wn. App. 517, 552, 874 P.2d 196 (1994).

A long line of Washington cases have uniformly required findings of fact and conclusions of law in all non-jury cases (both civil and criminal). *Bard v. Kleeb*, 1 Wash. 370, 25 P. 467, 27 P.273 (1890); *Colvin v. Clark*, 83 Wash. 376, 145 P. 419 (1915); *Western Dry Goods Co. v. Hamilton*, 86 Wash. 478, 150 P.1171 (1915); *State ex rel. Dunn v. Plese*, 134 Wash. 443, 235 P. 961 (1925); *State v. Medcraft*, 167 Wash. 274, 9 P.2d 84 (1932); *Seattle v. Silverman*, 35 Wn.2d 574, 214 P.2d 180 9 (1950); *State v. Helsel*, 61 Wn.2d 81, 377 P.2d 408 (1962); *State v. Wood*, 68 Wn.2d 303, 412 P.2d 303, 412 P.2d 779 (1966); *State v. Russell*, 68 Wn. 2d 748, 415 P.2d 503 (1966); *State v. Wilks*, 70 Wn. 2d 626, 424 P.2d 663 (1967); *State v. Edwards*, 3 Wn. App.638, 477 P.2d 28 (1970); *Turner v. Walla Walla* 10 Wn. App. 401, 517 P.2d 985 (1974).

**Even if the Findings of Facts and Conclusions of the Law had been entered by Judge Michael Sullivan at the August 29, 2011 hearing, substantial evidence does not support issuance of an Anti-Harassment Order under the statutory factors to be considered.**

In the August 19, 2011 hearing, Judge Michael Sullivan stated, VRP page 29: "I've heard enough harassment." (I believe this is referring to my testimony.) This was in order to support his determination of Verbal Harassment. On August 19, 2011, Judge Michael Sullivan made a similar ruling as the *Thomas v. Thomas* case law.

In *Thomas v. Thomas*, 477 A.2d 728(B)(C) interpreted the District of Columbia domestic violence act. The jurisdiction uses federal pattern civil rules similar to Washington rules. The trial court entered a protection order simply based upon stating there was "good cause to believe" commission of domestic violence, without entering findings of fact. The respondent appealed, claiming that the trial court's ruling was a "farce." The appellate court agreed with respondent, reversing and remanding to the trial court: [T]he finder of fact must provide the court with findings sufficient to facilitate appellate review .... We have no such findings before us. This absence is particularly critical since appellant's sole contention is that the

allegations offered by appellee are untrue. We hereby remand the record of this proceeding to the trial court with instructions to prepare a written statement of its findings, based upon the hearing already completed. Thomas, 477 A.2d at 729.

Nothing in the record indicates that the witnesses were sworn and there was no evidence at the hearing that my attorney was afforded the opportunity to cross-examine the witnesses.

Regarding Respondent's false statement RB page 10:

*At no time did Ms. Price's attorney request an opportunity cross examine William and Susan Price or suggest that other witnesses were needed to resolve the dispute.*

This was contradicted at the August 19, 2011 hearing, VRP page 6 lines 5-25:

*MS. MARINO-BLAIR: Your honor, if I might just ask the Court two questions of Mr. Price.*

*THE COURT: I'll tell you what, go ahead and ask me - - and Ms. Price will hear it.*

*MS. MARINO-BLAIR: I'm just wondering if - - from my understanding, they don't dispute that Veronica Price has an interest in the house - - in the house.*

*THE COURT: Not that I'm aware of.*

*MS. MARINO-BLAIR: Okay. And, in fact, a five-sixths interest in the house.*

*THE COURT: Well, whether it's five-sixths or not, she has an interest.*

*MS. MARINO-BLAIR: She has an interest in the house. Okay. Well, your honor, as you're aware, this was brought under RCW 10.14.080 and subsection (8) states that the Respondent should not be prohibited from using or enjoying her real property, any property that she has a cognizable claim to, any real property, unless that Order is issued under RCW 26.09.*

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RB page 25:

My friend, attorney Thomas Degan, wrote the sentence regarding that a 62-year-old woman posed any risk of great or irreparable harm is laughable. I thought he had removed this from my Appellant's Brief. I do not think that any part of this appeal is laughable.

CP 25 Declaration of Sharon Gove:

I know that it is difficult for Veronica to get up the steep narrow stairway as she has severe degenerative joint [disease]. She also has had multiple

abdominal surgeries in the past three years. I was therefore shocked when I learned that Veronica was removed from her legal residence.

I have serious concern regarding the fact that the Respondent's Brief and Clerks Papers refers to the timeframes in which I was with his family allegedly ranting and raving in multiple contradictory ways. William Monte Price provided testimony in the VRP page 14, lines 6 – 25 that states I was with them two nights. This conflicts with his own Respondent's Brief page 9, which states I arrived on August 16, 2011, and was removed after **one night** on August 17, 2011.

There were significant procedural irregularities that led to the August 19, 2011 hearing that prevented me from having a fair trial. There was only thirty-two hours between the time the police removed me from my bed in my home and the August 19, 2011 8:30 a.m. hearing. This is in violation of:

*Procedural Error – Violation of Procedural Law  
RCW 10.14.070 Hearing – Service  
Except as provided in RCW 10.14.085, personal service shall be made upon the Respondent not less than five court days before the hearing.*

This did not provide time for me to prepare for the hearing.

Memorandum of Opposing Protection Order CP 10.  
None of the incidents alleged by Petitioners rise to the level of imminent harm and in fact Veronica Price is at serious risk for loss of her much more substantial investment, damage to her personal property and exposure to liability for injury to an invitee or family member. In the past there have been incidents which brought the police to the house; damage

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My friend, attorney Thomas Degan, wrote the sentence regarding that a 62-year-old woman posed any risk of great or irreparable harm is laughable. I thought he had removed this from my Appellant's Brief. I do not think that any part of this appeal is laughable.

has been done to the home and property in the home; and the other "joint owners" have as recently as this year allowed pipes to freeze.

RB page 7: they falsely state that I told them that they had no right to be there. I have always abided by the Tenants in Common Law and allowed them to have full access to the property.

Though they have equal rights of possession, tenants in common own separate estates—separate titles. They need not even own the same estate, as long as both estates are possessory; e.g., one may have a life estate and the other a fee simple. Their estates need not have been acquired at the same time or by the same instrument, though they usually are. They may own unequal shares, though in the absence of evidence showing intent to own unequally, they own equally. Washington has held that unequal contribution of purchase price creates a presumption of intent to own shares proportional to each one's contribution.

Real Estate Property Law Ch. 1 page 58 § 1,28

There is a long history of my late husband and I having a larger contribution to the purchase price. This includes purchasing Billie Ann Holmes' one-sixth interest in June of 2008. The Pacific County taxes that we have paid in our name for the past decade substantiates our unequal larger share in the property. At this time I own a five-sixths interest.

### **Inequitable Taxes**

**Special Exceptions from Coverage** The Litigation Title Report, CP 62, 63, 65 –, (1) General Taxes were paid as follows:  
William Monte Price total individual taxes paid in 2011 was approximately \$133.77.  
The total amount I paid was \$2,694.16. I also paid thousands of dollars for the years they failed to pay any of the taxes and were going to allow it to foreclose.

CP 10 states my husband and I paid \$5,132.57 in May of 2003 and approximately \$10,279.01 in April of 2007 as the trustees of the Green Revocable Living Trust to prevent foreclosure of the property secondary to the years that

William Monte Price and his siblings failed to keep their commitment to pay the taxes. Page 2 of the April 27 2007 Declaration Letter of "Jerry" Frederick M. Price.

The Respondent's argument that this is a vacation property and that I arbitrarily moved in is not in compliance with Judge Michael Sullivan's statement in the August 17, 2011 Temporary Protection Order and Notice of Hearing. CP 4-5:

*This order is to keep the peace. Any partition of real property on a permanent basis; rights to occupy **and use the property** must be decided in a separate Superior Court action. The court makes no findings as to parties' rights to title/deed.*

Judge Michael Sullivan, unfortunately, did not take the time to understand that my majority ownership in the property has been legally well established for years. Please see Old Republic National Title Insurance Company Litigation Guarantee Ltsg 08008320 issued through the office of Pacific County Title Company. CP 62, 63, 64, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77. Please pay attention to Schedule A and B 65 and 66. In the Respondent's Brief first footer, they have incorrectly stated that I inherited five-sixths of the property and they inherited one-sixth from my husband, "Jerry" Frederick M. Price. This is incorrect. The Litigation Title Report substantiates the fact that I have had a significant ownership in this property for years. This includes a community property agreement of August 5, 2002, and purchasing an additional one-sixth of the property from Billie Anne Holmes on June 16, 2008, at which time we were co-trustees of the Green Revocable Trust. Please see Litigation Title Report, CP 62 – 67.

Regarding an earlier verbal agreement pursuant to Tenants in Common Law, I did agree to have William Monte Price and his family use the property in August 2011. I, however, did not agree to be gone.

*VRP page 24, lines 3-26 and page 25, lines 1-4, excerpt: I told him I wanted to know when people were coming because I was not going to leave the house because I had finally learned that there were arrests in the house and I have copies of the arrest. Neighbors were complaining about fires on the porches with fireworks being thrown into them and the Fire Department being informed. All this is documented. I got very concerned about ever leaving the house again with the history. City Hall was informed.*

*Anyway, so I - - Monte did have the respect to call me and tell me that he'd like to be there Father's Day and he'd like to be there from the 5<sup>th</sup> until the 22<sup>nd</sup> and I said fine. Then he called me again and said, "**But you can't be there.**"*

*And I, Veronica G. Price, said, "I am not going to leave unless I have something else I need to do."*

*And he, William Monte Price, said, "**Well, then I'm going to go to court and I'm going to get you out. I'm going to get a lawyer...**" and da, da, da, da, da" **...and you're going to have to leave.**"*

*I said, "This has become my home because you've abused it, your family has abused it, ... - - this is pictures of it - - "...and I'm not going to allow you to bully me the way - - bully me the way you did my husband and I for the last 10 years."*

This coincides with my husband "Jerry" Frederick Marcus Price's

Declaration letter of April 29, 2007, Exhibit B:

Our intentions are to hire an attorney to either negotiate the purchase of the percentage I do not own, petition the court to do a partition of the property, or establish one owner of the property of concern. After many years of owning two-thirds of 1901 Boulevard N., Long Beach, Washington, **multiple ownership has without a doubt failed. My wife and I pay the majority of the taxes and insurance on a home that is not only run by my nephews but some of them have succeeded in creating a hostile atmosphere in which we are unwelcome.**

As stated, there was approximately a decade of broken commitments of William Monte Price and his four siblings who owned one-sixth of the property, one-thirtieth individually.

April 27, 2007 Declaration letter of "Jerry" Frederick M. Price, page 1, 2, 3 paragraphs 1, 2, excerpt:

Over the past five years all of their offers to purchase my majority interest failed, or they were not fair or equitable offers. (See paragraph 6, page 4, see paragraph 1, 2, 3). Paragraph 4 states: my sister, Elizabeth Price Morgan owns the property immediately north of the property of concern. She always paid her taxes. Her daughter, Billie Ann Holmes, inherited her one-sixth of the property of which I own two-thirds. **Our goal is to purchase Billie Holmes' one-sixth interest without being on the other side of a lawsuit.**

My husband and I purchased Billie Anne Holmes' one-sixth interest in the property "without being on the other side of a lawsuit" on June 6, 2008. This is confirmed in \*the Litigation Title Report CP . At the time that we purchased her one-sixth interest my husband and my ownership or interest in the property went from two-thirds to five-sixths. It was purchased by both my husband and me as co-trustees of the Green Revocable Trust.

April 27, 2007 Declaration letter of "Jerry" Frederick M. Price

We have given the other one-sixth owners greater than five years to purchase my interest in the property. **I no longer want to sell it to them. I now want to purchase their interest.**

We cannot continue to share ownership with William Montelius Price, siblings, children, grandchildren and many friends that use the property we take the majority interest for. My wife considers it a liability, particularly since **my brother, Bill Price, drowned in the ocean in front of the house** in approximately 1930. While the other one-third owners cannot sue us, their friends can. **The liability of the people we do not even know using the property is too great. Over the past five years, while waiting for William Montelius Price and siblings to keep their commitment to purchase my interest,** repairs have become necessary. No one wants to do major repairs on a house they do not completely own. Even with multiple ownership, my wife and I are seeking a licensed roofer. We are now starting to do the needed repairs.

There are many problems that will be resolved with only one owner. As the majority senior owner, we hope to purchase all of the property from the other owners for fair market value.

As stated, my goal is to purchase the other one-third owners' interest in the property. I would like to live there peacefully with my wife.

June 6, 2007, Declaration and Corrections, page 2, paragraph 4:

It is important for the court to know that my wife, Veronica Price, has been my primary financial support for years. **This includes paying a majority of taxes on the property concerned.** When we learned some of my nephews were going to let the property foreclose without my knowledge in 2002, my wife paid the taxes to prevent foreclosure. **She supported us on her registered nurse's salary and personal inheritance.** Without her assistance we would no longer own this property. As of April 30, 2007, we share in paying all of our taxes and bills. No one should imply that she is not a good person, a loving wife, or without good financial intentions. Without her assistance we would not own any property at all. I will always appreciate my wife Veronica's Registered Nurse assistance. She has supported and continues to support my desire to live. She has been relentless in assisting with providing me with the medical care I need to maintain my independence at home.

We are looking forward to hiring an attorney to assist your court in resolving this complex matter.

On Page 5 of the RB, as stated before, William Monte and Susan Price's own testimony confirms the fact that I did not arrive to the Long Beach home until August 16, 2011. The last paragraph of page 5 and beginning of page 6 again falsely states that I was there three days. Susan Price again falsely stated in the RB that on "Veronica's subsequent appearances at the house the three youngest grandchildren were affected." Susan and William Monte Price's own testimony when questioned by the court in the VRP page 13 lines 24-25, verifies the fact that there were "no subsequent appearances." They verified that I arrived for the first time on Tuesday August 16, 2011 and I was removed by the Long Beach Police on August 17, 2011.

In the RB, page 6, last two paragraphs, as stated, it was Susan Price that initiated the conduct that frightened her grandchildren. When I arrived to the home William Monte Price had to restrain Susan Price to prevent her from physically attacking me. CP 20. I understand that they are not on trial in this appeal. The

Respondents, however, initiated the harassing atmosphere that apparently frightened their grandchildren.

RB Page 7 addresses the serious issue that no one can ignore: that they falsely charged me with harassing their grandchildren. The fact is, they witnessed "the young girl running out of the house." RB page 7

*Extremely upset, the young girl had "run out of the house in tears and down the block." VRP 17*

The Respondents appear to not only be falsely charging me with harassing their grandchild, whom I do not know and had never formally met. They appear to be blaming me for their own negligence regarding not carefully watching their grandchildren on ocean front property. CP Exhibit B, April 27 2009 Declaration Letter, pages 1, 2, 3.

*Incidental victims not targets of harassment does not require protection from further unwanted contact (West's RCWA 10.14.020(1)).*

*Member of religious sect was not a victim of alleged harassment by excommunicated members and, therefore, could not bring action under civil anti-harassment statute, where member just happened to be in company of reverend who was target of harassment. (West's RCWA 10.14.020(1)).*

There was absolutely no evidence that I would provide actual and substantial injury to their grandchildren. The only risk of substantial injury that these children had is the grandparents, William Monte Price and their family's inability to carefully watch their children as one was witnessed to run outside crying. As a long-term registered nurse, CP , I can state that it was abusive for William Monte Price and Susan Price to use their own grandchildren in the August 17, 2011 Petition for Protection – Harassment in which the record substantiates they provided false

testimony under oath in order to illicitly remove me, their aunt from jointly owned property.

*Party seeking injunction must show that he has clear legal or equitable right, that he has well-grounded fear of immediate invasion of that right, and that acts complained of are either resulting or will result in actual and substantial injury to him.*

*County of Spokane v. Local No. 1553, American Federation of State, County and Num. Employees, AFL-CIO (1995) 76 Wash. App. 765, 888 P.2d 735.*

As a registered nurse, CP , I find it to be extremely negligent for not one of the greater than twelve people in the house that witnessed her running out of the house in tears, followed her. It is not safe for any child to be alone on ocean front property with four and a half acres of wetland. I am not only concerned with unrelated children potentially drowning or becoming seriously injured, I am concerned with safety of any child left alone on this property. Please refer to the fact that in the Declaration Letter of "Jerry" Frederick M. Price, he refers to the fact that his brother, William Price, drowned on the property. Exhibit B, April 27 Declaration Letter, Page 4, paragraph 5.

*CP 31 lines 9-13 :*

*As majority owner, I could be held legally responsible if an unrelated child got hurt, or potentially drowned in the increased wetlands on the property. The wetlands were significantly increased this year secondary to the extension of 19<sup>th</sup> Avenue because they failed to install culverts, which resulted in damming up of spring pond and flooding our property.*

RB page 5 second paragraph incorrectly states that I engaged in contact that could be considered stalking. It is a violation of RCW 10.14.080(8) to prevent me from use or enjoyment of real property to which I have a cognizable claim unless that order is issued under Chapter 26.09 RCW .

RCW 10.14.080(8): The court, in granting ex parte temporary anti-harassment protection orders or civil anti-harassment protection orders,

shall not prohibit the respondent from the use or enjoyment of real property to which the respondent has a cognizable claim unless that order is issued under Chapter 26.09 RCW or under a separate action commenced with a summons and complaint to determine title or possession of real property.

Please remember, I was only with William Monte Price and family for one night, the night of August 16, 2011, before he filed the Petition for Protection – Harassment at approximately 12:00 noon on August 17, 2011.

*Stalking requires two separate acts of harassment, as defined in RCW 10.14.020, or two separate acts of following. State v. Kintz, 2010 Wash. LEXIS 714, 169 Wn. 2d 537, 238 P.3d 470 (2010).*

In William Monte Price's Petition for Protection – Harassment (CP 1, 2 and 3), he did not fill out the area where he is petitioning to stop stalking.

RB page 9: Again falsely states I was with them on August 6, 2011.

RB Page 18: Again I will state that I did not agree that I would not be present during their visit. Refer to VRP page 24, lines 3-26 and page 25, lines 1-4.

RB Page 19: First paragraph says that I “engaged in stalking behavior over the course of several days.” Again I will state that it has been confirmed that I was not with William Monte Price and his family for several days.

RB on page 19 respondent states that there was no evidence that the Price family present that week had damaged the property during the visit.

*CP 31 lines 9-13 : Personal belongings were stolen when they were given permission by the court to return to my legal residence on August 19, 2011. This included No Trespassing signs on posts that legally warn neighborhood children from entering the property unsupervised, which has frequently occurred*

However, William Monte Price and his son, Mo Price, admitted to failing to winterize the pipes on the Fourth of July weekend, VRP page 23. There is also

documentation by my contractor, Mike Verbrigghe, that spoke of water damage to the house.

Letter of Mike Verbrigghe, Contractor #VERBRMJ90101:

*CP 24: Upon first inspection, I determined the chimney leaks were a flashing problem, and after looking at the foundation **discovered a major water leak**. I turned off the water and advised Mrs. Price to contact a plumber. **At this time Ms. Price was living fulltime in the house**. Upon general inspection of the home, and noting extreme disrepair, suggested that certain needs be addressed: Bathroom downstairs, kitchen, electrical, plumbing. During this time I addressed several issues including window replacement and dry rot repair. In the following months Ms. Price addressed these issues, using myself and other contractors. **In my professional opinion, by making these repairs, the house once again became livable.***

Regarding the dry rot windows that Mr. Verbrigghe replaced at my expense, please see VRP page 23.

VRP page 25 verifies the at least \$150,000 my late husband and I have invested in this property.

#### **Trummel v. Mitchell**

Regarding Trummel v. Mitchell, 156 Wn. 2d 653, 131 P.3d 305 (2006), this was a legal case study regarding Trummel v. Mitchell interaction over a substantial period of time. **This case does not compare with my interaction with William Monte Price and his family.** Please recall, I was only with William Monte Price and his family on this visit for one night, most of which I had little to no interaction with their family, the night of August 16, 2011, before he filed a Petition for Protection Harassment the next day at approximately 12:00 noon, August 17, 2011. Please refer to the fact that the last time I was with William Monte Price and family members before the afternoon of August 16, 2011 was the Fourth of July weekend. Testimony from Respondent William Monte Price:

VRP 14, lines 6-12:

*On July 4<sup>th</sup> I had come into the house with my daughter and son-in-law and we had stayed there for three nights because we'd gone sturgeon fishing in the area **and it was a very pleasant exchange with Mrs. Price.** Everything seemed wonderful and we assumed that the same would occur in August and in did not.*

The above-stated quote from the VRP substantiates the fact that I did not have a continuous contentious relationship with William Monte Price similar to Trummel v. Mitchell.

The Respondent's Brief inappropriately supports the lower court's August 19, 2011 Determination of Verbal Harassment by attempting to substantiate it with Trummel v. Mitchell. Not only did I not meet the repetitive requirement for verbal harassment, I certainly did not disrupt meetings, instigate fights, spy on residents, or threaten residents with criminal consequences if they failed to meet with me. RB page 21. Mitchell refers to Trummel's predatory conduct. It was in fact William Monte Price that threatened me with legal consequences if I did not leave my home during his vacation.

VRP page 24:

*And he, William Monte Price, said, "**Well, then I'm going to go to court and I'm going to get you out. I'm going to get a lawyer...**" and da, da, da, da, da, da" **...and you're going to have to leave.**"*

William Monte Price actually carried out his threat by using false testimony in his August 17, 2011 Petition for Protection – Harassment and Confidential Information Form. VRP 24.

In my appeal, to the best of my knowledge, Judge Michael Sullivan did not enter any Findings of Fact and Conclusions of Law before determining that he heard a lot of harassment before charging me with verbal harassment and removing me from my home a second time.

*Trummel v. Mitchell, 2006 Wash. LEXIS 266, 156 Wn. 2d 653, 131 P.3d 305 (2006):*

Extent

*Even though an antiharassment order against a housing project resident was proper to the extent it was based on the resident's conduct that had no free speech protections such as forcing a newsletter on other residents, yelling, name-calling, and spying on the other residents, the restriction prohibiting the resident from contacting other residents in any way and at any location was in excess of the trial court's authority.*

Modification

*Trial court abused its discretion in making a modification to enforce the prior order restraining the resident from posting to the internet any personal identifying information of any current, former, or future staff member or resident because the term "surveillance" was not broad enough to encompass the conduct included in the modification.*

In *Trummel v. Mitchell* there was restriction prohibiting the residents "from contacting any other residents in any way and in any location." As the appellant, I didn't write a newsletter, I didn't spy on the residents, **I didn't restrict the residents from contacting the other residents in any way.** I did not prevent William Monte Price and his wife from contacting their family members including the four siblings that collectively own one-sixth of the property.

In comparing *Trummel v. Mitchell* with my situation, I also did not restrain respondents William Monte Price and Susan Price from posting to the Internet any personal identifying information of any current, former or future staff member or residents because the term surveillance was not broad enough to encompass the conduct included in the Modification.

I certainly did not videotape my nephew and his family. It was in fact William Monte Price and his family that videotaped me and threatened me with physical assault. CP 15. William Monte Price was witnessed on August 16, 2011 by Mike Binion to come within inches of my face to seemingly attempt to intimidate me. CP 16-17. Please refer to excerpts, page \_\_\_\_ in this brief regarding William

Monte Price's testimony. CP 18-19: William Monte Price had to prevent his wife, Susan Price, from physically attacking me. This was reported to Long Beach Police Officer Sarah Vaughan at approximately 5:30 p.m. on August 16, 2011. As substantiated by the record, when William Monte Price and Susan Price were questioned by Judge Michael Sullivan, they clearly stated that I was only with them for one night: for the night of August 16, 2011, before they filed a Petition for Protection – Harassment the afternoon of August 17, 2011.

Respondents have repetitively stated that I have promised not to be present with them on the property. This is false and it is unnecessary to repeat that it is false every time they repeat a false statement. I find it seriously grievous that Respondents are stating that:

RB page 26. middle paragraph:

Here, as in *Trummel*, the court fashioned a very new remedy which resulted in Mrs. Price being excluded from the property which she cohabited with the Price family for a matter of **two days** so they could complete their vacation without being harassed. Following this brief period, Ms. Price was allowed to return to her home and no further action was to be taken against her. The court should reject both the factual and constitutional attacks on the trial court's order.

Most significant is the fact that the Respondents, William Monte Price and Susan Price are minimalizing the amount of time I was restrained from my own property in half. I was restrained from my property for a matter of **four days, not two**.

Refer to August 17, 2011 Temporary Order of Protection and Notice of Hearing which was approximately two days and the Protection Order of August 19, 2011— an additional two days. This statement is indicative of false statements repetitively made in their appeal.

It is grievous to state, although the Price family had originally scheduled a longer vacation, the trial court decided that equity required that each party give up something. This is consistent with the trial court equitable powers in such situations. Please refer to VRP 28:

"Sitting in equity, a court may fashion broad remedies to do substantial justice to the parties and put an end to litigation." Hough v. Stockbridge, 150 Wn.2d 234, 236, 76 P.3d 192 (2002) (holding that district courts, sitting in equity, have power to issue mutual protection orders sua sponte under Wash. Art. IV, § 6 and Wash. Rev. Code § 10.14.080(6) under which broad discretion is specifically granted to fashion relief).

In the VRP page 11, lines 15-25 and page 12, lines 1-5:

THE COURT: Anything else from you, Ms. Marino-Blair?

MS. MARINO-BLAIR: No, Your Honor. I think basically this is -- you know, my concern is -- you know, my concern is that my client really doesn't have anyplace to go, although she is -- and if -- if anything, you know, there needed to be some mutual restraining order.

But, again, I just think that the way they've proceeded under this statute is just not adequate. So while I appreciate the Court probably wants to keep the peace, as you indicated in your Temporary Order, if there's any provision for that, it should certainly be mutual and it should take into consideration that she really has been living, you know, on the streets basically for the past couple of days. You know, not on the streets obviously but, you know, in a hotel and all of her personal belongings are there at the house.

THE COURT: Thank you.

Honorable Judge Michael Sullivan's Compromise, VRP page 28:

Okay, well, I'm going to compromise this. It's about the only thing I can think of to do in order to be fair. I find there's enough verbal harassment from what I've heard to -- to warrant at least the following:

I'm going to order that Ms. Veronica Price be excluded from the home until noon on the -- on the 21<sup>st</sup>, which is a Sunday. You're going to have to be out of there about **a day early or a half a day early or something.**

The Judge's compromise of "one-half to one day or something" cut from the

Prices' vacation did not compare the fact that Judge Michael Sullivan gave William

Monte Price permission in the August 17, 2011 Temporary Protection Order and Notice of Hearing to collaborate with the Long Beach Police in having me forcibly removed from my bed at approximately 10:15 at night. CP 5-6. One of the biggest travesties of this situation is that William Monte Price and his wife Susan have abused their own grandchildren by supporting false statements in the August 17, 2011 Petition for Protection – Harassment and repetitive false statements at the August 19, 2011 Superior Court hearing. Statements that are verified to be false in the Verbatim Report of the proceeding. The fact that they are my family and I had only just recently lost my husband, makes this entire situation devastating.

The Memorandum Opposing Protection Order states:

CP 13 lines 1-6:

Veronica Price has had to defend an Order to Show Cause re: Anti-harassment Order though this is clearly a dispute over ownership of the property in which the petitioners have nothing much to lose and everything to gain by attempting to continue the longstanding pattern of making her commitment to the house unbearable. The William Price family has not suffered any irreparable injury and by their own allegations are not likely to suffer any.

There was no evidence that my words invaded the rights of others or caused a breach of the peace. In an anti-harassment proceeding, the petitioner bears the burden of proof. It should be noted that in this proceeding no sworn testimony was presented at the hearing. The only statements presented under penalty of perjury were those contained in the initial pleadings: i.e., in the Petition for Protection Order. First, I was never given any opportunity to cross-examine William Monte Price or Susan Price regarding their accusations. The only conduct that was predatory is not on trial in this appeal. Susan Price had to be restrained by her husband, William Monte Price, to prevent her physically attacking me when

I entered the home for the first time in August on August 16, 2011. CP 28 lines 21-24. Subsequently William Monte Price was witnessed displaying predatory conduct by neighbor, Michael Binion. CP 16-17.

The Respondent's Brief falsely states that there were no witnesses that saw me interacting with his family. Please note that the Respondents have not provided any testimony or adult witnesses verifying my conduct under oath. CP

#### CONCLUSION

The Determination of Verbal Harassment order issued by the Washington State Superior Court of Pacific County in favor of William Monte Price and Susan Price on August 19, 2011, should be reversed secondary to misconduct of William Monte Price and Susan Price including but not limited to repetitive false statements, serious irregularities in the proceedings including the fact that Judge Michael Sullivan failed to enter Facts of Findings and Conclusions of the Law pursuant to Civil Rule 52(a)(2). Serious health and monetary issues including the need for serious surgery that I have put off prevents me from being able to withstand a retrial of this matter in the immediate future. Findings and conclusions are definitely required when an Order for Protection under RCW 10.14.080 is entered after a contested hearing. Civil Rule 52(a)(2)(A) requires findings and conclusions even in cases involving a temporary injunction, which is similar to my case. Moreover, all these anti-harassment order cases are tried on fact without a jury.

If the Court of Appeals attempts to state that I did not properly preserve the misleading and false information in my Appellant's Brief, I will refer to RCW 14.080 which:

Provides that the appellate court can refuse to review errors that have not been properly preserved, however, this rule is discretionary, rather than absolute. See *State v. Ford*, 137 Wn.2d 472, 972, P.2d 452 (1999).

The issue of preservation of error in the trial court should be contrasted with the issue of compliance with the Rules of Appellate Procedure.

RAP 1.2(1) provides:

These rules will be liberally interpreted to promote justice and facilitate the decision of cases on the merits. Cases and issues will not be determined on the basis of compliance or non-compliance with these rules except in compelling circumstances where justice demands, subject to the restrictions of Rule 18.8(b).

Although the County's arguments did not relate to any of its assigned errors on appeal, RAP 1.2(a) permitted liberal interpretation of the rules to promote justice, and the court exercised this discretion and considered the county's argument as an allegation that the board committed an error of law pursuant to RCW 34.05.570(3)(d); the nature of the challenge was clear in the briefing.

*Clark County v. W. Wash. Growth Mgmt. Hearings Review Bd.*,  
161 Wn. App. 204, 254 P.3d 862 (2011).

Failure to assign error to trial court's original 1989 order did not waive the right to assert error to the court of appeals clearly disclosed assignment of error to the entire ruling of the trial court; this ruling incorporated the 1989 interlocutory order.

*Mountain Park Homeowners Ass'n v. Tydings*, 125 Wn. 2d 337,  
883 P.2d 1383 (1994).

It has been legally verified through Clerks Papers and Verbatim Report of the August 19, 2011 hearing that William Monte Price and Susan Price continued to provide conflicting misleading information in order to prevent me from having a successful appeal of Determination of Verbal Harassment.

The Court was not only constitutionally overboard and vague with their determination of verbal harassment. Secondary to the fact that Respondents William Monte Price and Susan Price provided knowingly misleading and inaccurate information in the Petition for Protection Harassment, the Temporary

Order for Protection issued on August 17, 2011 (CP 4 and 5) should be considered void and unenforceable. The August 19, 2011 Protection Order should also be considered void and unenforceable secondary to the fact is legally verified that William Monte Price provided conflicting and inaccurate information not only under oath in the August 17, 2011 Petition for Protection Harassment and Confidential Information Form but it is also verified in the Verbatim Report that he knowingly provided conflicting and inaccurate information regarding when the harassment took place and lastly secondary to the fact that it is proven to be with William Monte Price for only one night. Our one mutual argument did not meet the repetitive criteria needed for harassment.

The court lacked jurisdiction to issue the order as the order prohibited myself, the Appellant, from the use or enjoyment of real property to which I have had years of legally well-established cognizable claim. CP 63, 68, 69, 70. This includes purchasing an additional one-sixth of the property in June of 2008 (VRP page 25 lines 1-13).

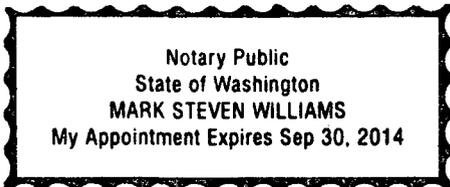
It is also the Appellant's position that the court should reverse the Washington State Superior Court of Pacific County Judge Michael Sullivan's Determination of Verbal Harassment under the third exception to the general rule "manifest error affecting a constitutional right." RAP 2.5 (a)(3). As a result of the court's ruling, I was forcibly removed from the bed in my home and property on August 17, 2011. (CP 28, lines 25-28). My freedom of movement was limited for a period of four days by court orders that were issued without jurisdiction and in violation of the statute. I was deprived of my right of due process of law and deprived of my use of my property and liberty under the 5<sup>th</sup> and 14<sup>th</sup> Amendments

to the United States Constitution and Article 1 paragraph 3 of the Washington State Constitution.

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

12/7/12 Tacoma WA Veronica G Price  
Date Place Name

I certify that I know or have satisfactory evidence that Veronica G Price is the person who appeared before me, and said person acknowledges that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledges it to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



GIVEN under my hand and official seal this 7th day of December, 2012

Mark Steven Williams  
Type/Print Name Mark Steven Williams  
NOTARY PUBLIC in and for the State of Washington,  
residing at Tacoma, WA  
My Commission expires: 9/30/2014

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2012, copies of the following document:

AMENDED APPELLANTS REPLY BRIEF  
TO RESPONDENT'S BRIEF

was served on counsel at the following address and by the method(s) indicated:

Bertha Baranko Fitzer  
Fitzer Law LLC  
950 Pacific Avenue, Suite 400  
Tacoma, WA 98402-4441

Washington State of Appeals Court  
950 Pacific Avenue  
Tacoma, WA 98402

Delivered by: \_\_\_\_\_

Delivered by Hand

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

DATED this 7 day of December, 2012, at Tacoma, WA.

  
Veronica G. Price, Pro Se  
740 North 35<sup>th</sup> Street  
Seattle, WA 98103  
(206) 351-5229

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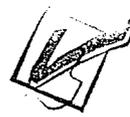
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Pacific County, WA

AUG 17

Virginia Leach, Clerk  
By   *ML*   Deputy

Confidential Information Form (INFO)						
County: PACIFIC		Cause Number: <u>11 2 00252 9</u>			Do not file in a public access file.	
<b>Court Clerk: This is a Restricted Access Document</b>						
<input type="checkbox"/> Divorce/Separation/Invalidity/Nonparental Custody/Paternity/Modifications <input type="checkbox"/> Sexual Assault <input type="checkbox"/> Other <input type="checkbox"/> Domestic Violence <input checked="" type="checkbox"/> Antiharassment <input type="checkbox"/> Information Change (Check if you are updating information)						
<input type="checkbox"/> A restraining order or protection order is in effect protecting <input checked="" type="checkbox"/> the petitioner <input type="checkbox"/> the respondent <input checked="" type="checkbox"/> the children.						
<input type="checkbox"/> The health, safety, or liberty of a party or child would be jeopardized by disclosure of address information because: _____ _____						
The following information about the parties is required in all cases: (Use the Addendum To Confidential Information Form to list additional parties or children)						
Petitioner Information		Type or Print Only		Respondent Information		
Name (Last, First, Middle) <u>Price William M. III</u>			Name (Last, First, Middle) <u>Veronica G. Price</u>			
Race <u>W</u>	Sex <u>M</u>	Birth date <u>11-4-46</u>	Race <u>W</u>	Sex <u>F</u>	Birth date <u>1946</u>	
Driver's Lic. or Identocard (# and State) <u>PRICEWM 542QD- WASH, STATE</u>			Driver's Lic. or Identocard (# and State), (or, if unavailable, residential address)			
Mailing Address (P.O. Box/Street, City, State, Zip) <u>1417 Melrose St. Walla Walla, WA 99362</u>			Mailing Address (P.O. Box/Street, City, State, Zip) <u>2723 Palantine Ave N Seattle, WA 98103-3021</u>			
Relationship to Child(ren) <u>Grandpa</u>			Relationship to Child(ren)			
The following information is required if there are children involved in the proceeding. (Soc. Sec. No. is <u>not</u> required for petitions in protection order cases (Domestic Violence/Antiharassment/Sexual Assault.)						
1) Child's Name (Last, First, Middle)						
Child's Race/Sex/Birth date						
Child's Soc. Sec. No. (If required)						
Child's Present Address or Whereabouts						



Frederick M. Price  
9723 Palatine Ave. N.  
PO Box 30148  
Seattle, WA 98103

June 4, 2007  
Pacific County Superior Court  
in South Bend, Washington

Superior Court in the State of Washington  
in and of Pacific County

Future Petition to Partition  
Property of the Green Living  
Trust Trustees "Jerry"  
Frederick M. Price and  
Veronica G. Price, a marriage  
community, majority owners of  
20/30 of the Long Beach  
property

Respondents:  
William Montelius Price and  
siblings, Darell Price,  
Howard Stevenson Price, Peter  
Nicolas Price, Gay Gwendolyn  
Price have 1/6 interest in  
the property

Claim no:

Declaration and Corrections  
in the April 27, 2007  
Declaration letter of "Jerry"  
Frederick M. Price, Trustee  
of the Green Living Trust

I, PAT M. GARDNER, County Auditor of Pacific  
County do hereby certify that I have compared the  
foregoing copy with the original instrument of record  
in my office and find the same as a true and correct  
copy of the original and the whole thereof.

IN TESTIMONY WHEREOF, I hereunto  
set my hand and seal this 12<sup>TH</sup> day of

OCT 12 2012  
PAT M. GARDNER, AUDITOR

By \_\_\_\_\_

I, "Jerry" Frederick M. Price, am of sound mind to write this  
Declaration and make corrections in my April 27, 2007 Declaration.  
This declaration is filed with the Pacific County Superior Court.  
[Copy included.]

In May of 2007, my wife and I paid an additional \$807.72 in taxes  
for a total of \$10,599.45 paid this year alone. This makes the taxes  
on Parcel #17405 701 6103 and 1101 0932 901 paid in full to date.

For the past six years, my wife and I have appreciated South Bend  
Treasurer worker Shelly Flemetis's professional, compassionate, and  
patient assistance with our complicated multi-ownership Long Beach,  
Washington, property.

Correction in Page 2 Paragraph 8:

My wife and I paid my nephew Darell Price's \$487.40 worth of  
taxes in May 2007. We now understand that his tax request is separate  
from his siblings William Montelius Price, Gay Gwendolyn Price

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Parnell, and Peter Nickolas Price. Their requests for taxes are with their eldest brother Howard Stevenson Price. To my knowledge, they are now up to date with their taxes for their undivided 1/6 ownership in the property.

The above stated nephews and niece are the adult children of my deceased brother Howard Price. They own an undivided one-sixth interest in the property. Darell Price's 1/6 ownership may be a divided interest. It is important for our court to know that I do not have an ongoing relationship with the majority of nephews. I have not seen any of the 1/6 owners for several years. My wife contacts William Montelius price at least every several months to discuss my health and the property of concern.

They were unable to keep their commitment to form a corporation to purchase my two-thirds majority interest in the property for greater than five years. My wife's and my goal is now to purchase all of the property at 1901 Boulevard North in Long Beach, Washington. My deceased sister Elizabeth Price Morgan's daughter, my niece Billie Anne Homes, was not part of the broken commitments to purchase my majority ownership in the property.

It is important for the court to know that my wife Veronica Price has been my primary financial support for years. This includes paying the majority of taxes on the property of concern. When we learned some of my nephews were going to allow the property to foreclose without my knowledge in 2002, my wife paid the taxes to prevent foreclosure. She supported us on her Registered Nurse's salary and personal inheritance. Without her assistance we would no longer own this property. As of April 30, 2007, we share in paying all of our taxes and bills. No one should imply that she is not a good person, a loving wife, or without good financial intentions. Without her assistance, we would not own any property at all. I will always appreciate my wife Veronica's Registered Nurse's assistance. She has supported and continues to support my desire to live. She has been relentless in assisting with providing me with the medical care I need to maintain my independence at home.

We are looking forward to hiring an Attorney to assist your court in resolving this complex matter.

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

June 6 2007  
Date

"Jerry" Frederick M Price  
"Jerry" Frederick M. Price  
9723 Palatine Ave N.  
Seattle, WA 98103  
Home: (206) 322-1649  
Cell: (206) 853-9771



April 27, 2007  
for Pacific County Treasurer  
and Assessor and Court

Superior Court in the State of Washington  
in and of Pacific County

**Future Petition to  
Partition Property of the  
Green Living Trust  
Trustees "Jerry" Frederick  
M. Price and Veronica G.  
Price, a marriage  
community, majority owners  
of 20/30 of the property**

Claim no:  
**Declaration letter of  
"Jerry" Frederick M. Price,  
Trustee of the Green Living  
Trust to Pacific County  
Court, Treasurers and  
Assessors Office**

**Respondents:**

**William Montelius Price  
and siblings, Darryll  
Price, Howard Stevenson  
Price, Peter Nicolas  
Price, Gay Gwendolyn Price  
Parnell, ~~Howard Stevenson~~  
~~Price~~ have 1/6 undivided  
interest in the property**

*JMP*

I, **"Jerry" Frederick M. Price**, am of sound mind to write this Declaration. I am writing this now because I am eighty-six years old. I can still clearly communicate my wishes regarding my 20/30 interest in my Long Beach property. If I become unable my wife, Veronica Price, will



communicate on my behalf as the Co- or Successor Trustee of the Green Living Trust.

Our intentions are to hire an attorney to either negotiate the purchase of the percentage I do not own, petition the court to do a partition of the property, or establish one owner of the property of concern. After many years of owning two-thirds of 1901 Boulevard N., Long Beach, Washington, multiple ownership has without a doubt failed. My wife and I pay the majority of the taxes and insurance on a home that is not only run by my nephews but some of them have succeeded in creating a hostile atmosphere in which we are unwelcome. Our written request for schedules, rules, and safeguards regarding the home I own, the majority are ignored. I do not even know the majority of the distant relatives nor any of their friends that use the property.

We have come to your courthouse to pay all of the delinquent taxes to date on the property.

The property of concern is a one hundred and twenty year old Victorian beach house and approximately four and a half acres of separately taxed accreted land that goes to the mean high tide.

**Green Living Trust "Jerry" Frederick M. Price Trustee**

Parcel # 17 405 7016103  
Pioneer 16 03iL  
Undiv. 20/30 Interest Lots 3 to 6

**Green Living Trust "Jerry" Frederick M. Price Trustee**

Parcel # 1101 0932 901  
A:C 0-5  
1101109 194 LB iL  
Undiv. 20/30 Interest

*\$9,791.61 JMP*

We are paying ~~\$7,835.37~~ for the **Green Living Trust "Jerry" Frederick M. Price Trustee**

We are also paying for Darrell Price, Gay Gwendolyn Price Parnell, Peter Price, and William Montelius Price's delinquent taxes, i.e., \$487.40 (unless they pay before we do).

Gay Gwendolyn Price has not participated in creating a hostile environment. William Montelius Price has attempted



to form a corporation with his brothers to purchase the property. Unfortunately they cannot all agree on what is to occur with the property. They also did not offer us a fair or equitable amount of money on trade for my two thirds majority ownership in the property.

We have been paying the majority of taxes since we learned Pacific County requests for taxes were being sent to Darrell Price in Salem, Oregon, a nephew I do not know. I had agreed to have my nephew Peter Price pay taxes, in exchange for he and his siblings using the property of which I own the majority. In 2002, my wife and I learned that they were about to allow the property to foreclose. They had not kept their commitment to pay the taxes for at least four years.

My wife, Veronica Price, now a retired Registered Nurse, immediately began paying the taxes to prevent foreclosure. The one-sixth owners offered to purchase my two-thirds ownership in exchange for paying the delinquent taxes. We refused to sell our property for approximately fourteen thousand dollars!

We did however naively agree to sell our two-thirds ownership for fair market value to them. They made a written commitment to form a corporation and purchase my two-thirds majority interest in the property.

Over the past five years, all of their offers to purchase my majority interest failed or were not fair or equitable offers. I will not trade my two-thirds ownership in the house with lots in exchange for owning all of the accreted land. There is a one hundred and sixty thousand "latecomers" fee for the City of Long Beach's extension of Nineteenth Avenue. There are also lawsuits secondary to the fact that the City of Long Beach did not put in the appropriate storm drains. This resulted in flooding of homes.

My brother Henry and I stayed home and cared for our parents until they died. Henry went to work for the City of Seattle. I assisted with running our family's electrical business. I tacked my un-cashed paychecks from the electrical business to the wall, as my parents simply could not afford to pay me. This left me with less than three hundred dollar a month Social Security Pension.



The respondents' father, my brother Howard, left home to go to Whitman College. He was offered a partnership in the family business but chose to leave Henry and me with the responsibility of care for our parents and their business. This was only part of the reason Henry and I inherited the property of concern.

During the time that Howard was going to Whitman College then subsequently raising his family in Walla Walla, I took the primary responsibility for caring for the Long Beach property.

I owned half of the property of concern with my brother Henry Price since the 1960's. In 1972, he died of Multiple Sclerosis. He did not leave a will. I gained  $\frac{1}{3}$  of his  $\frac{1}{2}$ , making my interest two-thirds. My sister Elizabeth Price Morgan was given  $\frac{1}{6}$  of the property for the first time. My deceased brother Howard Price's five adult children obtained  $\frac{1}{6}$  of the property.

My sister Elizabeth Price Morgan owns the property immediately north of the property of concern. She always paid her taxes. Her daughter Billie Anne Holmes inherited her  $\frac{1}{6}$  interest in the property of which I own two-thirds. Our goal is to purchase Billie Anne Holmes'  $\frac{1}{6}$  interest without being on the other side of a lawsuit. We have given the other  $\frac{1}{6}$  owners greater than five years to purchase my interest in the property. I no longer want to sell it to them. I now want to purchase their interest.

We cannot continue to share ownership with William Montelius Price siblings, children, grandchildren, and many friends that use the property we take the majority financial responsibility for. My wife considers it a liability, particularly since my brother Bill Price drowned in the ocean in front of the house in approximately 1930.

While the other one-third owners cannot sue us, their friends can. The liability of the people we do not even know using the property is too great. Over the past five years while waiting for William Montelius Price and siblings to keep their commitment to purchase my interest repairs have become necessary. No one wants to do major repairs on a house they do not completely own.



Even with multiple ownership my wife and I are seeking a licensed roofer. We are now starting to do the needed repairs.

There are many problems that will be resolved with only one owner. As the majority senior owner we hope to purchase all of the property from the other owners for fair market value. When we obtain an attorney we will be prepared to state an "upset" price and if necessary purchase the small percentage property at auction.

*That we do not own 70%*

As stated, my goal is to purchase the other one-third owners undivided interest in the property. I would like to live there peacefully with my wife. We look forward to negotiating our purchase of the entire property, or having a Pacific County judge make a determination regarding the sale or partition of the property.

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

*"Jerry" Frederick M. Price April 27 2007*

"Jerry" Frederick M. Price  
Trustee of the Green Living Trust



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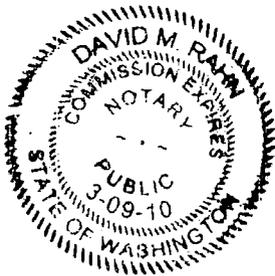
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STATE OF ~~COUNTY OF~~ Washington )  
COUNTY OF King ) SS::

This is to certify that on this 6TH day of June  
A.D. 2007, before me the undersigned, a Notary Public in and for  
the State of Washington, duly commissioned and qualified, personally  
appeared "Jerry" Frederick M. Price to me known to be the individual  
described in and who executed the within and foregoing instrument, and  
acknowledged to me that he signed and sealed the same as his free and  
voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my  
official seal, the day and year first above written.



David M. Rahn

Printed name:

David M. Rahn

Notary Public in and for the State  
residing at

Des Moines, WA



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Pacific Co, WA

STATE OF ~~COUNTY OF~~ Washington )  
COUNTY OF King ) SS::

This is to certify that on this 6TH day of June  
A.D. 2007, before me the undersigned, a Notary Public in and for  
the State of Washington, duly commissioned and qualified, personally  
appeared "Jerry" Frederick M. Rice to me known to be the individual  
described in and who executed the within and foregoing instrument, and  
acknowledged to me that he signed and sealed the same as his free and  
voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS THEREOF, I have hereunto set my hand and affixed my  
official seal, the day and year first above written.



David M. Rahn

Printed name:

David M. Rahn

Notary Public in and for the State  
residing at

Des Moines, WA



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