

No. 45043-7-II

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COURT OF APPEALS, DIVISION II  
OF THE STATE OF WASHINGTON

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RICHARD SORRELS, ET AL; Appellants,

VS

SAM CHUI, ET AL; Respondents

---

BRIEF OF RESPONDENT WANG

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Respectfully Submitted

Mingxia Wang  
Involved Party as a Respondent  
4422 Somerset Blvd, SE  
Bellevue, WA 98006

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## **I. Introduction**

The Sorrels' No. 4 and No.5 of the Assignment of Error oppose the Orders entered in the Trial Court on May 24, 2013. The No. 1 of the Assignment of Error alleged that Mingxia Wang has interfered with the Sorrels' deposition schedule. This brief will mainly respond to the assignments regarding the May 24, 2013 Orders and the deposition schedule.

## **II. Response to Assignment of Error**

The Sorrels did not appeal and have no assignment of error as to the Order entered in the Trial Court on January 4, 2013. They also did not arrange to have the Report of Proceedings on January 4, 2013 transferred to this Court of Appeal. Apparently the Sorrels submitted that the Trial Court did not err in entering the January 4, 2013 Order.

The Orders entered in the Trial Court on May 24, 2013 merely reiterate the January 4, 2013 Order with additional and updated information. When the Sorrels have submitted that the Trial Court did not err in entering the January 4, 2013 Order, they should also submit that the Court did not err in entering May 24, 2013 Orders.

There is no harm to the Sorrels, regardless of whether Mingxia Wang has interfered with Sorrels' deposition schedule or not.

### **III. Counterstatement of the Case**

On April 13, 2007, Mingxia Wang's husband, Sam Chui, successfully bid on the subject real property at 9410 Glencove Rd, Gig Harbor, Washington at the trustee's sale. A case in favor of Sam Chui regarding to this property has been affirmed by this Court of Appeal years ago. Westar Funding, Inc. et al. vs. Richard Sorrels, et al., 157 Wn. App. 777 (2010).

Mingxia Wang has exactly the same and equal interest as Sam Chui has in this property. Therefore Mingxia Wang was inadvertently involved in the present case because of her own interest and her clerical assistance to Sam Chui. On May 10, 2013, Chui and Wang sold the property. CP 444-445. Successive owner is Travis Moegling and/or Partner Fund LIC.

Richard Sorrels was the prior owner before Chui. R Sorrels once used the site of 9410 Glencove as a junkyard and thus committed a public nuisance. 2002 local news, CP 497-498. Although the Pierce County did the site clean-up, the junk items that R Sorrels had locked inside the building were still there when

the title was transferred to Chui. The useless junk became the subject of the Sorrels' conversion claim in the present lawsuit and the subject of abandonment declared by Trial Court on May 24, 2013.

On December 27, 2011 Richard Sorrels filed this action against Mavi Macfarlane, who is the real agent for Chui and Wang. After knowing Sorrels' new lawsuit threat, on December 30, 2011 Chui filed another action Pierce County Cause No. 11-2-17078-6 to oust and eject the Sorrels. Answer, ¶ 12, CP 26; CP 90 (title and caption); CP 289; RP 11/9/2012, page 2-3. On January 25, 2012, R Sorrels amended the complaint, (1) adding his son, Christopher Sorrels as a plaintiff, and (2) adding Sam Chui, Terry Eastwood, and Dave Eastwood as defendants individually or as a marital community. CP 15-23. The Sorrels claimed three causes of action: (1) trespass, unlawful entry and forcible detainer, (2) conversion, and (3) adverse possession. Apparently the adverse possession, if prevailed by the Sorrels, would be against only the true owners, Chui and Wang.

Terry and Dave Eastwood removed some junk near the doors so that real estate agents could safely open the doors and show the property interior to potential buyers. Macfarlane Dec., ¶ 8,

CP 63. The conversion claim, if prevailed by the Sorrels, would be directly against the Eastwoods and indirectly against Macfarlane, Chui and Wang. Because the Sorrels failed to serve the Summons and deposition notice upon the Eastwoods, on January 4, 2013 the Sorrels decided to dismiss the Eastwoods with prejudice. The Order of January 4, 2013. ¶ (3), CP 407-412.

#### **IV. Important Proceedings and Relevant Facts**

On November 9, 2012, the trial court entered the Order Granting Motion for Summary Judgment and dismissed Sorrels' complaint entirely with prejudice as to Sam Chui. CP 279-281.

On November 21, 2012, Macfarlane and Eastwood filed a Motion for Involuntary Dismissal with the full and complete defense against all of the Sorrels' claims. CP 515 - 531. In response to the motion, the Sorrels through their attorney Mr. Mills agreed to dismiss with prejudice, as to all defendants, the first cause of action - trespass, unlawful entry and forcible detainer, and the third cause of action - adverse possession. The January 4, 2013 Order, ¶ (1), CP 407-412. As a result, this lawsuit was reduced to only one claim - the conversion - the sole and monetary relief, which is subject to mandatory arbitration as the Sorrels requested for. CP 400- 402. Otherwise this case would not be subject to mandatory arbitration

because (1) the Sorrels' request for arbitration was filed late and (2) the defendants opposed the arbitration. CP 527. CP 361-362. Wang agreed to arbitrate the conversion with the Sorrels in exchange for Sorrels' promise to remove the remaining personal property, although Wang's husband, Chui, has been dismissed with prejudice entirely from this lawsuit in the Summary Judgment on November 9 2012,

On January 4, 2013, the trial Court practically disposed of all claims and issue, as agreed upon by all parties including Mingxia Wang. The Order of January 4, 2013, CP 407-412. The Court needed only two things to close the case: (1) the result of the binding arbitration as to conversion within 90 days, and (2) whether the Sorrels' property was removed or bond posted within 80 days, or otherwise abandoned. The Order of January 4, 2013, ¶ (2), ¶ (6), CP 407-412.

The Sorrels didn't file anything with the Arbitrator to pursue the conversion, just as they hadn't done anything in the Court. The Sorrels didn't remove the junk property or posted bond for it either. Therefore Chui and Wang filed the Motion for Declaratory Judgment Re Abandonment on May 10, 2013. CP 435-440. The motion was scheduled to be heard on May 24, 2013. A couple of

days before May 24, 2013, the Sorrels did two things. First, the Sorrels filed a Motion to Shorten Time and to Dismiss Conversion Claims (see Final Judgment of May 24, 2013, page 1, last sentence). CP 450. Secondly, the Sorrels filed the same cause of action by changing the plaintiffs' name to Glencove LLC and adding new owners after Chui as defendants. RP 5/24/2013, p 2-4. As a result, on May 24, 2013 the Court entered the Final Judgment (including the declaration of abandonment) to dismiss this lawsuit with prejudice. CP 450-452. The arbitration hearing before Mr. Hansen was no longer needed and cancelled by Mr. Mills. RP 5/24/2013, page 22.

Since all agents, buyers and sellers have relied on the prior Order of January 4, 2013 (CP 407 - 412) and the Order of April, 19, 2013 ("Mr. Sorrels to Remove Property within 10 days", CP 434, handwriting therein), the Court further declared that Chui's right to disposal of said abandonment was free to be assigned to successive owners in any manner. CP 450-452. Relying on court orders, the real property was officially transferred<sup>1</sup> on May 10, 2013. CP 444-445.

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<sup>1</sup> The closing date was initially set for April 30, 2013 the day after the Sorrels would complete the removal on April 29, 2013. Because Chui and Wang extended additional

Since the Sorrels submitted that the Court did not err on January 4, 2013, this brief mainly presents the argument regarding the pending items on January 4, 2013, which are the result of arbitration as to conversion and the abandonment declared by the Trial Court.

## **V. ARGUMENT**

### **A. Declaratory Judgment Re Abandonment and Final Judgment were properly entered on May 24, 2013.**

Apparently the Sorrels have submitted that no error occurred on January 4, 2013 and they agreed with every provisions in the January 4, 2013 Order. Said Order was initially proposed and manually drafted by the Sorrels through their attorney Mr. Mills.

According to the Report of Proceedings on May 24, 2013 and the contents of May 24, 2013 Orders, this Court of Appeal will easily find that May 24, 2013 Orders reiterate the January 4, 2013 Order with additional and updated information. CP 407-412, CP 447-452. Judge Arend said:

I'm going to sign the declaratory judgment that the property has been abandoned by Mr. Sorrels, and his failure to timely go onto the property pursuant to court order. It was very nice of the then property owners to extend and extend and extend his time

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time for the Sorrels' removal (see CP 435-440), Chui and Wang postponed to sign the Deed on May 6, 2013. The deed was recorded on May 10, 2013. CP 444-445.

beyond my court order to go onto the property and get it.

RP 5/24/2013, p7. The “court order” referred herein is the January 4, 2013 Order.

The Sorrels, through their attorney Mr. Mills, agreed with the Trial Judge that the Sorrels property had been abandoned as of May 6, 2013 pursuant to January 4, 2013 Order. Mr. Mills said to Judge Arend:

Well, that’s your ruling. But that’s already actually in the court order. The prior order says that.

RP 5/24/2013, p 20. The “court order” or the “prior order” referred herein is the January 4, 2013 Order.

Judge Arend commented on the Final Judgment proposed by Mingxia Wang and said to Mr. Mills as follows:

And I think she’s just bringing it forward. And then that Sam Chu’s right to dispose of said abandonment was or is free to be assigned to successor/owners in any manner. Plaintiff(s) stay off the property. Blocking the driveway. I think these were in the prior orders, and she’s just bringing them forward. Do you have any objection?

RP 5/24/2013, p 20.

The Order of January 4 reflected the agreement among three parties: plaintiffs, defendants and the Court; and it was proposed and manually drafted by the Sorrels through their

attorney. CP 410-412. However the Sorrels' opening brief amended, p 15 stated:

A second item to consider is that there was never any intention to "abandon" any property.

The doctrine of Estoppel applies against the Sorrels as to this statement.

When the Final Judgment and the Order Granting Motion for Declaratory Judgment re Abandonment reflect provisions in the January 4, 2013 Order that the Sorrels agreed, the doctrine of Estoppel applies against the Sorrels. The Trial Court did not err on May 24, 2013.

**B. Final Judgment with Prejudice is Properly Granted on May 24, 2013 When the Sorrels Wanted to Cancel the Arbitration of conversion claim.**

The Sorrels requested the conversion claim to be assigned to arbitration after defendants had already presented the full and complete defense. Mingxia Wang's Memorandum Authorities was filed on November 5, 2012. CP 489-498. The Sorrels' Statement of Arbitrability was filed late on December 7, 2012. CP 361-362. If the Sorrels' request for arbitration was rejected as the defendants initially wanted, the conversion claim would have been dismissed

with prejudice as a matter of law as the full and complete defense has provided. There should be no conversion claim when Chui and Wang claim no ownership upon the property and when the Sorrels refuse to retrieve his property. The case law cited by Mingxia Wang in her memorandum authorities are Edward Reeder v. Georges S. Harmeling et al, 75 Wn. 2d 499 (1969); Excelsior Mortgage Equity Fund II LLC v. Schroeder, Wn. App. 177 Wn. App. 333 (2012); and Quinn v. Cherry Lane Auto Plaza, Inc. 153 Wn. App. 710, 722, 225 P.3d 266 (2009). See the Appendix A, Mingxia Wang's Memorandum Authorities in Support to Dismissal of Plaintiffs' Claim of Conversion. CP 489-498.

If the Sorrels had not wanted to cancel the arbitration in May 2013, the defendants/respondents would prevail because the Sorrels hadn't presented proof and had no proof at all for the value of their junk. The Sorrels' attorney, Mr. Mills said in Court:

.... But I still don't want to have an arbitration about Mr. Sorrels' property when he's admitting he doesn't have proof that it's there. We could dismiss that with prejudice, which is the conversion claim set up in Case No. 1, which at least ....

RP 5/24/2013, p13.

There is additional reason that the dismissal of conversion should be with prejudice. Judge Arend said:

I'm not setting aside the arbitration hearing because he has brought, again, the same causes of action for conversion, so the arbitration needs to go forward. I'm not dismissing the conversion claim unless it's dismissed in its entirety including as against Glencove.

RP 5/24/2013, P7. Apparently, the dismissal had to be with prejudice in order to prevent litigation for the same cause.

Furthermore, RCW 4.56.150, challenge to legal sufficiency of evidence — Judgment in bar or of nonsuit, provides:

In all cases tried in the superior court with a jury, the defendant, at the close of the plaintiff's evidence, or either party, at the close of all the evidence, may challenge the legal sufficiency of the evidence to warrant a verdict in favor of the adverse party, and if the court shall decide as a matter of law the evidence does not warrant a verdict, it shall thereupon discharge the jury from further consideration of the case and enter a judgment in accordance with its decision, which judgment if it be in favor of the defendant shall be a bar to another action by the plaintiff for the same cause: PROVIDED, That in case the defendant challenge ...: AND PROVIDED, FURTHER, That nothing in this section shall be construed to authorize the court to discharge the jury and determine disputed questions of fact.

In present case, there are no questions of fact. All defendants, including Mingxia Wang, the involved party, are entitled to a favorable judgment that shall be a bar to another action by the Sorrels for the same cause.

The Sorrels through their attorney chose the dismissal of conversion with prejudice, instead of going for the binding arbitration not subject to a trial de novo that the Sorrels have agreed with previously. RP 5/24/2013, p 14-17. The Sorrels had already agreed to dismiss other two claims with prejudice as shown in January 4, 2013 Order. CP 407. Therefore from all aspects, the Trial Court did not err in granting dismissal of conversion with prejudice and thus did not err in granting the Final Judgment either.

**C. The Sorrels have implicitly submitted that the Order Granting Motion for Declaratory Judgment Re Abandonment is Properly Entered.**

On May 24, 2013, after Judge Arend signed the Final Judgment, she entered the order proposed by new owners of 9410 Glencove property through their attorney, Mr. Davies. RP 5/24/2013, p. 18. That Order is the Order Granting Motion for Declaratory Judgment re Abandonment, which (1) quashed the erroneous TRO in the Sorrels' new cause No. 13-2-09134-3 and (2) declared that the new owners Travis Moegling and/or Partner Fund LLC have the same right that prior owner Sam Chui had for disposal of the abandoned property. CP 469-471, CP 475-477. All filings in the Cause No. 13-2-09134-3 are accessible to public,

which has a Summary Judgment entered against the Sorrels. However, the Sorrels didn't appeal any orders in Cause No. 13-2-09134-3 including said Order Granting Motion for Declaratory Judgment re Abandonment.

Although the Sorrels have appealed the said Order in present case, they didn't serve the appeal notice upon Travis Moegling and Partner Fund LLC and didn't list Moegling and the LLC as respondents either. CP 469-471. CP 475-477. Apparently the Sorrels implied or submitted that the Trial Court did not error in entering the Order Granting Motion for Declaratory Judgment Re Abandonment at least as to Travis Moeling and Partner Fund LLC. This is demonstrated that the appeal is frivolous.

The Sorrels appeal also has additional internal and external inconsistency as demonstrated as follows.

**D. The Sorrels Advanced Frivolous Argument.**

Several actual and constructive notices have been sent to Mr. Sorrels to vacate the property and remove personal property before 2011. CP 489-498, especially CP 495 Exhibit A therein. Contradict to the fact, the Sorrels' opening brief amended, p 14, stated:

When there is a failure to provide the notices required under RCW 61.24.040 and RCW. 61.24.060, the court has NO jurisdiction over an unlawful detainer action (RCW 59.12.032).

The Sorrels provided no law to support their statement. Just opposite to their statement, the purchaser at a trustee's sale may commence an unlawful detainer action to obtain possession under chapter 59.12 RCW without first providing notice. RCW 61.24 provides for detailed notices and provides opportunities to cure for the defaulting property owner. An additional notice prior to commencement of an unlawful detainer action would be superfluous. *Savings Bank v. Mink*, 49 Wn. App. 204, 208, 741 P.2d 1043 (1997).

The Sorrels asserted through their attorney that if the defendants had prosecuted an unlawful detainer action and obtained a Writ of Restitution, the Sorrels would have been provided time frames during which they could have peacefully removed all of their personal property. CP 401-402. The January 4, 2013 Order allowed 80 days for the Sorrels to remove the property. CP 408-409. The 80 days is longer time frame than any type Writ of Restitution would have allowed. However the Sorrels wanted to remove the property starting on Saturday, March 23, 2013, which

was 3 days before expiration of the allowed 80 days. CP 424 (line 21-23), CP 425 (line 12-15). The Sorrels might say that three days were wasted because Mingxia Wang's request for a hold harmless agreement. However on April 19, 2013, the Court gave the Sorrels 10 days to make up for the 3 days lost. CP 434 ("Mr. Sorrels to remove property within 10 days" - handwritten). Then Sorrels started to remove the property on Saturday, April 27, 2013, which was again 3 days before expiration of the allowed 10 days. CP 435 (line 20-23). Upon request, Mingxia Wang twice extended the time allowed to the Sorrels beyond the deadline of April 29, 2013 until May 6, 2013. The Sorrels didn't remove anything. The Sorrels might have a long story about why they couldn't remove the property. CP 442. However the Sorrels should have known that the execution of the court orders was not contingent on any conditions. The Sorrels have been given longer time than the law and the Court Order allowed.

The Sorrels filed this lawsuit on December 27, 2011. More than 9 months after filing this suit, on October 17, 2012 the Sorrels sent the notices of deposition<sup>2</sup> to defendants. CP 130. The Sorrels unilaterally set Chui's deposition time 9:00 am October 24, 2012

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<sup>2</sup> The notice of deposition as to Terry Eastwood has been incorrectly sent to Mavi Macfarlane's address. CP 130.

while they were aware of October 29 due date of response to Motion for Summary Judgment. CP 344-346. In anticipating the unavailability on October 24, 2012, Sam Chui asked Mingxia Wang to inform the Sorrels to reschedule. Mingxia Wang sent the reschedule requests to Chui's attorney, the Sorrels and the court reporter's office. As a result, Sam Chui did the deposition on October 26, 2012. Mingxia Wang did nothing to cancel all three depositions because Macfarlane went for deposition on October 24 and Eastwood didn't show up due to the Sorrels' failure to serve the notice. The Trial Court found no harm to the Sorrels when Chui's deposition was done 2 days after the Sorrels' favored date. Actually, there is no issue of material fact in this case regardless of whether the deposition was done or not. The Sorrels cited Magana v. Hyundai Motor, 167 Wn. 2d 570 , 220 P. 3d 191 (2009) for sanctions against Chui and Wang. Sorrels' opening brief amended, p5. However, there is no willfulness by Chui or Wang and no prejudice suffered by the Sorrels as in the Magana case. Therefore the Trial Court did not err in entering the Order Denying Plaintiffs' Motion for Sanctions for Interfering with Discovery.

## **VI. CONCLUSION**

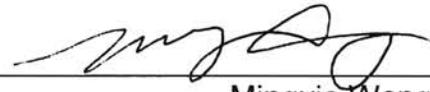
There is no genuine issue of material facts, the trial court did not err. Trial court orders should be affirmed.

The Sorrels attempted second time to take back the real property lost to the 2007 foreclosure. For their junk property taken to the dump, the Sorrels first agreed to binding arbitration not subject to trial de novo and then requested to cancel said arbitration. The full and complete defense against the conversion has been presented to the Trial Court. The Sorrels did not remove their remaining junk property on their agreed deadline although they were given more time than the law and court order allowed. They stated that their medical conditions caused them to cancel the arbitration and be incapable of removing their junk. However with the same medical condition, they were perfectly able to file a new lawsuit using the same cause of action and file this appeal Pro Se. They are not bothered by whether their actions or appeals are factually or legally supportable because they want to abuse the process and to harass respondents. This appeal is frivolous.

This Court of Appeal has awarded attorney fees in prior case, Westar Funding Inc., et al v. Sorrels, 157 Wn. App. 777, 239 P.3d 1109 (2010), none of which have been paid by Sorrels and threat of which do not seem to deter Sorrels from baseless litigation

and frivolous appeal. The award of attorney fees under RCW 4.84.185 in the November 9, 2013 Summary Judgment should be affirmed by this Court of Appeal. RAP 18.9 is designed to discourage baseless appeal. Accordingly sanctions should be imposed against the Sorrels, and the payment of attorney fees should be a condition of any further actions by the Sorrels regarding the same property and same issue. Justice will be served if the Sorrels are precluded from filing further matters until the attorney fees have been paid.

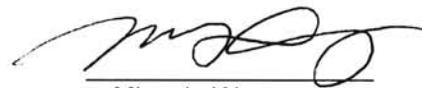
Respectfully submitted, this 27<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Mingxia Wang  
Involved Party as a Respondent  
4422 Somerset Blvd SE  
Bellevue, WA 98006

CERTIFICATE OF SERVICE

I certify that on May 27<sup>th</sup>, 2014, I caused a true and correct copy of the foregoing document to be delivered via first class U.S. mail, postage prepaid, to the following person of record:  
**Richard and Christopher Sorrels**, 9316 Glencove Rd, Gig Harbor, WA 98329; **Mavi Macfarlane**, 11607 State Route 302, Gig Harbor, WA 98329; **Robert Henry**, 601 Union St, Ste 2600, Seattle, WA 98101. A copy was also sent via the same type of mail to **Richard and Christopher Sorrels' possible new address**, 9013 Ken Peninsula Highway N, Unit A, Lakebay, WA 98319-8518.

Dated this 27<sup>th</sup> day of May, 2014.

  
\_\_\_\_\_  
Mingxia Wang

November 05 2012 12:02 PM

KEVIN STOCK  
COUNTY CLERK  
NO: 11-2-16925-7

HON. STEPHANIE A. AREND  
Motion noted for Friday, November 9, 2012  
At 9:00 am

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

RICHARD SORRELS, a single person;  
ET AL;

Plaintiffs,

v.

MAVI MACFARLANE, a single person;  
ET AL;

Defendants,

No. 11-2-16925-7

MINGXIA WANG'S

MEMORANDUM AUTHORITIES

IN SUPPORT TO DISMISSAL OF

PLAINTIFFS' CLAIM OF

CONVERSION

Comes now the defendant Mingxia Wang, and submits the following  
Memorandum of Authorities in Support to Dismissal of Plaintiffs Claim of Conversion.

On October 29, 2012 the deadline for plaintiffs to respond to Sam Chui's  
Motion for Summary Judgment, Plaintiffs filed the second motion of continuance citing  
CR 56(f). The motion of continuance indirectly opposed Chui's Motion of Summary  
Judgment, especially opposing the dismissal of plaintiffs' claim of conversion.

Mingxia Wang has exactly the same/equal interest as Sam Chui has in the  
subject real property. Therefore Mingxia Wang wants to argue for dismissal of plaintiffs'  
claim of conversion as Sam Chui does. Mingxia Wang's arguments herein also serve as  
the objection/opposition to plaintiffs' second motion for continuance.

1 I. The case laws support the dismissal of plaintiffs' claim of conversion.

2 Plaintiffs' claim of conversion is very close factually to the issue discussed by  
3 Supreme Court in Edward Reeder v. Georges S. Harmeling et al, 75 Wn.2d 499 (1969).  
4 Mr. Reeder had orchid plants in a plastic greenhouse owned by Mr. Harmeling during  
5 the fall and winter of 1964-65. Mr. Reeder knew that Mr. Harmeling would need the  
6 greenhouse after March 1, 1965 but intentionally kept orchid plants in it ignoring Mr.  
7 Harmeling's oral requests of removal. Mr. Harmeling taking the law into his own hands  
8 without any formal written demand for the removal and resorting to self-help without a  
9 writ of restitution, he removed the orchid plants from his greenhouse and set them down  
10 on the ground outside. The orchid plants all perished. Mr. Reeder sued Mr. Harmeling in  
11 the theory of conversion of orchid plants. Id. at 500. Everyone in this case was wrong.  
12 Id. at 499. The trial court dismissed Mr. Reeder's lawsuit. The judgment of dismissal  
13 was affirmed by Appellate court and Supreme Court. Id. at 502.

14  
15 Sam Chui became the owner of the subject real property at a Trustee's Sale in  
16 2007. This property has a non-habitable building full of junks left by prior owner Richard  
17 Sorrels (Macfarlane Dec. ¶ 6, filed in this Court on 9/18/2012). The attorney, Jerome  
18 Froland, sent the notice of removal of these junks to Mr. Sorrels in 2007. **Exhibit A.** The  
19 2009 Superior Court decision of Sam Chui's right to possession<sup>1</sup>, and 2010 Appellate  
20 Court affirmation of Sam Chui's right<sup>2</sup>, were equivalent to written notices to Mr. Sorrels  
21 for the removal. In addition, Mr. Sorrels knew very well all relevant Washington laws.  
22 However ignoring the actual and constructive notices Mr. Sorrels has never removed  
23  
24  
25  
26  
27  
28

29  
30 <sup>1</sup> Westar Funding Inc., et al v. Sorrels, et al, Pierce County Cause # 07-2-07660-9 (2009).

<sup>2</sup> Westar Funding Inc., et al v. Sorrels, et al, 157 Wn. App. 777 (2010).

1 these junks from the building, just as Mr. Reeder did not remove orchid plants. Sam  
2 Chui deemed these junks as abandoned by prior owner because no one claimed them,  
3 with a coincident fact that Sam Chui has to use this real property as vacant/raw  
4 /undeveloped land as suggested by appraiser and construction builder, because of no  
5 connection to and no permit yet for water, electricity and sewage.  
6

7 In November 2011, Terry Eastwood helped Mavi Macfarlane, the realtor agent  
8 hired by Sam Chui; and removed the portion of junks around the entrances for the  
9 safety purpose and showing interior to potential buyers (Macfarlane Dec. ¶ 7 & 8; and  
10 Eastwood Dec. ¶ 4 filed with this Court on 9/27/2012). What they did was very similar to  
11 what Mr. Harmeling have done, without written notice in advance and without a writ of  
12 restitution,  
13

14  
15 If Mr. Sorrels really cares about and wants his junks that were removed by Mr.  
16 Eastwood, he had plenty of time about 5 years to avoid and prevent the incident. "That  
17 all the damage suffered by the Plaintiffs could have been avoided by the exercise of  
18 slight care on his part. That he failed to exercise such care." Id. at 501. Mr. Sorrels'  
19 argument for all claims in this lawsuit is very identical to Mr. Reeder's in that "This  
20 argument seems rest on the thesis that he had a right to occupy ... in perpetuity." Id. at  
21 501.  
22

23  
24 Mr. Sorrels has no intention and does not attempt to take these junks even  
25 after July, 2012 Sam Chui's attorney, Robert Henry, sent a notice through his prior  
26 attorney. **Exhibit B.** The voluminous junk is currently still in the non-habitable building.  
27 The record shows that Plaintiffs notoriously had his junks to be other parties' burden.  
28 **Exhibit C and D.** Accordingly Sam Chui has filed a cause # 11-2-17078-6 in this Court  
29  
30 to seek the help to remove remaining junks.

1 Mr. Sorrels was not happy for the 2007 non-judicial foreclosure, just as Mr.  
2 Reeder had not been too happy in his Orchid venture. Id. at 501. Mr. Sorrels  
3 intentionally invited removal of his junks by others, just as "Reeder could have been  
4 intentionally inviting just what did take place". Id. at 499. Mr. Sorrels wants to claim  
5 ownership of these junk but declines to retrieve them. There can be no claim of  
6 conversion where owner declines to retrieve its property from a party in possession who  
7 makes no claim that the property is its own. Excelsior Mortgage Equity Fund II LLC v.  
8 Schroeder, \_\_ Wn. App. \_\_ (Published Opinion<sup>3</sup> on October 18, 2012), slip opinion, p.  
9 11, citing Quinn v. Cherry Lane Auto Plaza, Inc. 153 Wn. App. 710, 722, 225 P.3d 266  
10 (2009).  
11  
12  
13

14 Accordingly as a matter of law the Court should dismiss plaintiffs' claim of  
15 conversion against any and all defendants. The arguments for the dismissal of other  
16 claims have been presented by Robert Henry, Chui's attorney.  
17  
18

19 **II. The discovery cutoff date of November 6 has elapsed prior to summary**  
20 **judgment hearing date of November 9.**  
21

22 P.6 of Mr. Sorrels' Motion of Continuance admitted that "At this time we see no  
23 need to continue the scheduled trial date." His statement indicated that there is no need  
24 to continue other scheduled dates, including discovery cutoff date. Even if plaintiffs were  
25 granted the continuance of summary judgment hearing, plaintiffs' additional discovery  
26 after November 6, 2012 is not enforceable.  
27  
28

29 \_\_\_\_\_  
30 <sup>3</sup> The slip opinion has been attached in Motion for Writ of Restitution filed and noted by Chui's attorney, Robert Henry, for November 9, 2012 Court hearing.

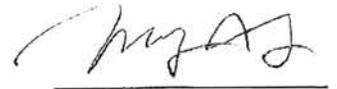
1 Without any valid reason, plaintiffs and their prior attorney failed to attend the  
2 non-compliance hearing scheduled on August 17, 2012. Plaintiffs and their prior  
3 attorney did not take depositions until more than ten months after filing of the lawsuit.  
4

5 In addition to second motion for continuance, plaintiffs have made two more  
6 motions: the Motion for Partial Dismissal of and the Motion for Severance of Claim of  
7 adverse possession. Citations in these motions do not favor plaintiffs' motions because  
8 either facts are irrelevant to instant case or conclusion of the law contradicts to the  
9 motions. Plaintiffs' motions and declarations were full of lies and manipulation of stories  
10 with the sole intention to delay the summary judgment hearing.  
11

12 Even if the Count granted the plaintiffs' motion for continuance, it would make  
13 no difference to the dismissal of the conversion claim as a matter of law.  
14

15 The Court should consider aforementioned in denying Plaintiffs' Motion of  
16 Continuance.  
17

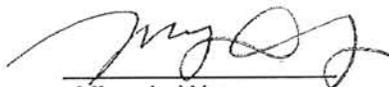
18 Respectfully submitted this 5th day of November, 2012.  
19

20   
21 \_\_\_\_\_  
22 Mingxia Wang  
23 Defendant, Pro Se  
24  
25  
26  
27  
28  
29  
30

CERTIFICATE OF SERVICE

I hereby declare, under penalty of perjury under the laws of the State of Washington,  
that on November 5<sup>th</sup>, 2012, I caused a true and correct copy of the foregoing document to  
be delivered to Richard Sorrels via email to ricksorrels@centurytel.net, and via U.S. mail to  
Richard & Christopher Sorrels, 9316 Glencove Rd, Gig Harbor, WA 98329.

Dated this 5<sup>th</sup> day of November, 2012.

  
Mingxia Wang



ALDER-LYNN  
LAW OFFICE

JEROME A. FROLAND  
ATTORNEY AT LAW

April 19, 2007

RES Trust  
Richard E. Sorrels, Trustee  
9316 Glencove Road  
Gig Harbor, WA 98329

RES Trust  
Richard E. Sorrels, Trustee  
9410 Glencove Road  
Gig Harbor, WA 98329

Re: Eviction from the following described property to wit:  
Beginning 760 feet South and 482 East of the Northwest Corner of  
Government Lot 4 in Section 6, Township 21 North, Range 1 East,  
W.M. in Pierce County, Washington; Thence North 47 feet; Thence  
East 280 feet, more or less, to the meander line of Glencove;  
Thence South 44°15' East 65.61 feet along said meander line; Thence  
West 325.78 feet to the point of beginning; except Vaughn-Glencove  
County road.

Tax Account # 012106-2021

Dear Mr. Sorrels:

This property was sold at the Pierce County Courthouse on April 13,  
2007. Therefore, by State law, you are no longer the owners of the  
property and must vacate the property on or before May 4, 2007.

Please be sure to remove any personal property from the property.

Please vacate the property promptly to avoid further legal  
proceedings.

Please call my office to make arrangements to surrender keys to the  
property and to arrange an exit inspection of the property.

Please contact me if you have any questions or concerns or will not  
be able to promptly vacate the property.

Respectfully,

  
Jerome A. Froland

Exhibit A

The message below was sent to Bob Denomy this morning with a copy to the prosecutor.

Robert J. Henry  
Lasher Holzapfel Sperry & Ebberson  
601 Union Street, Suite 2600  
Seattle, WA 98101-4000  
206 654-5631 phone  
206-340-2563 fax  
[henry@lasher.com](mailto:henry@lasher.com)  
[www.lasher.com](http://www.lasher.com)

---

**From:** Bob Henry  
**Sent:** Tuesday, July 03, 2012 10:05 AM  
**To:** [denomy@landlaw.info](mailto:denomy@landlaw.info)  
**Cc:** '[mvonwah@co.pierce.wa.us](mailto:mvonwah@co.pierce.wa.us)'  
**Subject:** Richard Sorrels

Bob

I have discussed the Sorrels problem with Sam and Michelle Chui, and with the Pierce County Prosecutor's office. My clients have decided on a course of action. Rather than pursue costly litigation in the ejectment action filed by previous counsel, we are planning to obtain a writ of execution directing the Pierce County Sheriff to execute one of the previous judgments against all the personalty located on my client's property. If no one else bids at the sheriff's sale, my clients will bid \$1 or some modest portion of their judgment and buy it all. They will then take it all to the dump.

If Mr. Sorrels wants to preserve whatever value there is in the personalty, whether actual or sentimental, we request that he remove it all from my client's property within the next seven days. After that it will be subject to the writ of execution and the control of the Sheriff.

Bob

Robert J. Henry  
*Attorney*  
DIRECT 206 654-5631

Exhibit B

Appendix A 8

**Major junk car clean up on Key Peninsula Jan. 24**

Thursday Jan 24 2002 7:18 AM

January 23, 2002

PHOTO OPPORTUNITY

CONTACT:

Ronald Klein, Director, Department of Communications, 253-798-3979;  
or Dick Ferguson, Media and Community Relations, 253-798-3979

What:

Cleanup of a junk vehicle dump site containing at least 50 junk cars, trucks, motorcycles, recreational vehicles, trailers, hulks, tires and parts. The site has been declared a public nuisance and the cleanup operation was authorized by Pierce County Superior Court.

Where:

9316 and 9410 Glen Cove Road KPN (near Key Center). Property of Richard Sorrels.

When:

9 a.m. Thursday, Jan. 24, continuing for several hours

Who:

The cleanup is being coordinated by Mark Luppino, Pierce County Planning and Land Services (Code Enforcement). Others participating will be Pierce County's Purdy Road Shop, Sheriff's Department Corrections clean-up crew, and Tire Disposal & Recycling Inc. Law enforcement support will be provided by the Pierce County Sheriff's Department and Washington State Patrol. The Pierce County Prosecutor's Civil Division was instrumental in the legal proceedings and will be represented.

Why:

The vehicles, hulks and parts constitute a public nuisance due to the potential damage to the soil and nearby waters of Glen Cove, to the neighborhood by creating a rodent breeding ground and by attracting children attending nearby YMCA Camp Seymour.

Note: Mr. Sorrels was previously convicted in Pierce County District Court No. One of various crimes involving the two parcels, including unlicensed dealing of vehicles, failure to obtain various permits, shoreline violations, unlicensed vehicle wrecking and failure to transfer titles and registrations. He signed a stipulated order on this case in 1997 but failed to comply and twice was found in contempt of court.

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**Exhibit C**

## Junkyard cleanup underscores county's new program

Wednesday Jan 30 2002 5:08 PM

Neighbors of Richard Sorrels on Glencove Road near Key Center break into smiles when they talk about the court-ordered removal of junk vehicles, tire piles and rubbish heaps from his property. The three-day cleanup by county crews and cooperating agencies was completed this week, ending a major phase in the county's 10-year battle against Sorrels and his junkyard.

"We're just ecstatic, and I know our neighbors are too," said Luciann Nadeau, who with her husband, Larry, owns The Olde Glencove Hotel. "We do have one of the prettiest coves around."

The rusted vehicles and other debris on Sorrels' property marred the rural neighborhood's natural beauty. The YMCA's Camp Seymour on the opposite side of the cove faces the Sorrels and Nadeau properties.

County Councilmember Karen Biskey, who represents the Gig Harbor and Key Peninsula areas, worked with Executive John W. Ladenburg and others to find an avenue for eliminating the junkyard. "The cleanup of this polluted eyesore is a relief to many, particularly the neighbors. This problem prompted county agencies to coordinate in new ways and forced us to confront legal challenges about private property rights," she said.

The cleanup operation, which was coordinated by Pierce County Planning and Land Services, produced these results:

- Fifty-five vehicles removed, including 30 cars and trucks, 18 utility and boat trailers, 5 recreational vehicles, 1 motor home and 1 camping trailer;
- Fourteen truck loads of metal, rubbish, assorted vehicle parts and wood waste totaling 25 tons;
- More than 430 tires.

Mark Luppino, county code enforcement officer with Planning and Land Services, said the cleanup required more than 600 man hours and cost an estimated \$27,000. The county expects to recover the cleanup costs from the property owner as allowed by state law. The county contracted with Tire Disposal & Recycling, Mountain View Towing and Horseshoe Lake Towing to haul the junk vehicles.

The Pierce County Prosecutor's Office Civil and Criminal divisions worked on the problem for the past decade. Chief Civil Deputy Keith Black said the Sorrels property cleanup was the culmination of countless hours invested by his staff. The work included criminal convictions, junk car hearings, injunctions, civil public nuisance hearing, quiet title hearings and numerous appeals. "This history of work has been the due process of law which finally allowed the court to order the abatement of the public nuisance," he said.

Also involved were the Sheriff's Department Civil Division and Peninsula Detachment, Corrections Division cleanup crew, Purdy Road Shop, Emergency Management, and the Tacoma-Pierce County Health Department. In addition, Pierce County Search and Rescue volunteers participated.

The Sorrels property cleanup is an example of the county's new emphasis on cleaning up illegal junkyards, dump sites, waste storage sites and abandoned vehicles.

The county's new telephone hot line for reporting illegal dumpsites and abandoned vehicles is another example of this new emphasis. Steve Wamback, the county's solid waste administrator, said the hot line - 253-798-INFO (4636) - will go into operation Friday, Feb. 1. "We'll take any information citizens care to provide and handle the calls to the best of our ability. To start, we'll be learning the extent of illegal dumping and vehicle abandonment in Pierce County.

"In April, we will announce a comprehensive response program that will address these issues," he said. "We believe the program will be something the people of Pierce County will take pride in and support."

#### CONTACT:

Ron Klein, Director, Communications Department, 253-798-7159;  
or Dick Ferguson, Media and Community Relations, 253-798-3979

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Exhibit D