



TABLE OF CONTENTS

ARGUMENT

THE ALLEN CASES AND RCW 6.32.190..... 1  
WAIVER OF JURISDICTION BY NOT CONTESTING VENUE. .... 3  
RESPONDENT ARGUES ABOUT CONCEDED FACTS..... 5  
WHAT WAS SERVED AND WHAT IS ITS LEGAL SIGNIFICANCE? ..... 5  
BAD FAITH ACTIONS DESERVE SANCTIONS..... 12  
RESPONDENT’S FEE SEEKING. .... 12  
SUMMARY . .... 16

Table of Authorities

Table of Cases

Allen v. American Land Research, (“Allen II”) 25 Wn. App. 914, 924, 611 P.2d 420(1980),  
judgment rev’d on other grounds, 95 Wn. 2d 841, 631 P.2d 930(1981). .... 1  
Allen v. American Land Research, (“Allen I”) 25 Wn. App. 914, 924,  
611 P.2d 420(1980). .... 1, 2, 3  
Berryman v. Metcalf, 177 Wash. App 644, 312 P.3d 745(2013). .... 14, 15  
Mahler v. Szuchs, 135 Wn.2 398, 435, 957 P.2d 632(1998). .... 13  
Rhodes v. Gould, 19 Wash. App, 437, 576 P.2d 914(Div. II, 1978). .... 14  
State v. Stritmatter, 25 Wash. App 76, 604 P.2d 1023(1979). .... 5

Table of Statutes

RCW 4.12.010..... 3  
RCW 6.32.130 . .... 4, 9, 10, 16  
RCW 6.32.190..... 1, 2, 3, 4, 16

Table of Court Rules

ER 801(d)(3). .... 4  
RPC 4.2 . .... 4, 5, 7, 16

Table of Legal References

15 Washington Practice, West Publ. § 40.3. .... 1  
KCBA Wash. Lawyer Practice Manual, 2013, §7.237.. .... 1

Table of Other Sources

Macbeth, William Shakespeare, Act 5, Scene 5, lines 17-28. .... 13

THE ALLEN CASES AND RCW ER 801

While the court may have acquired personal jurisdiction over Mr. Myers, this should not be confused with the question of whether there is a statutory restriction on supplemental proceedings which prevents them from occurring outside the county of the debtor's residence.[Emphasis added.] We therefore hold that Mr. Myers could not be compelled to appear in the State of Washington for a supplemental proceeding even if he were properly served. Allen v. American Land Research, 25 Wn. App. 914, 924, 611 P.2d 420(1980), judgment rev'd on other grounds, 95 Wn. 2d 841, 631 P.2d 930(1981). See, in accord, 15 Wash. Prac.§ 40.3 & KCBA Wash. Lawyer Practice Manual, 2013, §7.237.

The Supreme Court in *Allen II*,<sup>1</sup> found an exception which does not apply in our case. Factually, the critical issues are the same, but for one, which is not.

In *Allen I*, Mr. Myers had an interest in a business in King County. He attended a trial in King County, where a judgment was entered against him and then he returned to his residence in Los Angeles, California. Substitute "Walker" for "Myers" and "Pierce County" for "King County" and "Kent, Washington" for "Los Angeles, California" in the above sentence and we have the salient background

---

<sup>1</sup>Allen v. American Land Research, 95 Wn. 2d 841, 631 P.2d 930(1981).

facts for our case, but for one.

The difference: The judgment against Mr. Myers also included restitution: “The ancillary proceedings in the subject case unmistakably reserves to the trial court continuing jurisdiction for the purpose of enforcing the judgment.” *Allen II, supra*, 850.

Since Mr. Bremer cited no evidence and did not argue that any provision in his judgment against Mr. Walker “. . . unmistakably reserves to the trial court continuing jurisdiction for the purpose of enforcing the judgment,” and since Walker’s supplementary proceedings were based on a judgment with no restitution provision, this Court of Appeals’ holding in *Allen I* stands and must be honored and enforced. A whiney “Well, Walker used to do business here,” is not the issue and Mr. Acebedo knows it.

Thus, all of the supplementary proceedings and sanctions and judgments against Walker arising from the Appellant’s Issues were in violation of the RCW 6.32.190 “statutory restriction on supplemental proceedings which prevents them from occurring outside the county of the debtor’s residence” and must be found to be unlawful and stricken.

## WAIVER OF JURISDICTION BY NOT CONTESTING VENUE

While the Respondent Bremer argues Walker waived his right to King County venue for supplementary proceedings by not objecting to Pierce County venue at the commencement of the litigation, this argument ignores not only *Allen I*, but RCW 6.32.190, upon which it was based, which do not address venue of the principal action, but place venue for Walker's supplementary proceedings in his county of residence, King County.

RCW 4.12.010 requires venue to be laid in the county where the subject real estate is located, and since the initial litigation involved Pierce County real estate<sup>2</sup>, venue for the initial action would have directly conflicted with RCW 6.32.190, as in this case, it prohibits supplementary proceedings from being conducted in Pierce County.

Mr. Acebedo's letter is admissible as an admission against interest and un rebuttable evidence of Mr. Acebedo's ethical violation. By writing a letter to Mr. Walker on April 30, Mr. Acebedo, as Respondent's attorney, makes an admission against interest under ER

---

<sup>2</sup> See Respondent's Brief, page 3, ¶ 2.

801(d)(3)<sup>3</sup> and his letter to Mr. Walker constitutes a flagrant violation of Washington RPC 4.2, if trial court jurisdiction over Walker, indeed, survived the judgement for purposes of supplementary proceedings.

If the Pierce County trial court's jurisdiction was still in effect for supplemental proceedings, then Mr. Acebedo's letter was a breach of RPC 4.2 as the April 30 letter should then have been directed only to Walker's lawyer and not to Mr. Walker in person.

Mr. Acebedo's argument places him on the horns of a dilemma: He either violated RPC 4.2 by contacting Mr. Walker without the consent of Walker's attorney and Acebedo's letter is proof of this forbidden contact with a represented opposing party, or supplementary proceedings jurisdiction must be attained by complying with RCW96.32.130 and 6.32.190, in which case, he may escape the ethics charge, but he loses his argument that jurisdiction was continuing for purposes of supplementary proceedings where the judgment that was

---

<sup>3</sup> Statements Which Are Not Hearsay. ER 801(d)A statement is not hearsay if...(2) Admission by Party-Opponent. The statement is offered against a party and is (I) the party's own statement, in either an individual or a representative capacity or, . . . (iv) a statement by the party's agent or servant acting within the scope of the authority to make the statement for the party. . . [Emphasis added.]

only for money damages. As unattractive as this is for Mr. Acebedo, if this court finds that the circumstances show “continuing jurisdiction,” that finding would hoist Mr. Acebedo onto a sharp RPC 4.2 petard.

#### RESPONDENT ARGUES ABOUT CONCEDED FACTS

Walker knew that the mere fact of service of “documents” did not confer jurisdiction, but personal service of valid judicial process does, and he therefore conceded personal service on April 30, even though he had legitimately contested it in the trial court, and did so to move quickly to the determinative question.

#### WHAT WAS SERVED AND WHAT IS ITS LEGAL SIGNIFICANCE?

Respondent’s Brief included Assignments of Error and Issues contrary to a decision of this court<sup>4</sup> RAP 10.3(b), which prohibits a Respondent from including them in its Brief without a cross appeal, and his related Statement of the Case includes most of five pages<sup>5</sup> of related very argumentative material about the conceded fact of service.

---

<sup>4</sup> State v. Stritmatter, 25 Wash. App 76, 604 P.2d 1023(1979).

<sup>5</sup> Pages 5-9.

Most of seven pages<sup>6</sup> of his Argument is directed to the issue of service as conceded by Walker as evidenced by Proof of Service.

The Respondent even argued about findings of fact and conclusions of law, on page 30, from a judgment which is not before this court in this appeal.<sup>7</sup> This, and the large number of other silly irrelevancies about service, which Walker conceded, cloak the dispositive issues in a tangled web of irrelevance.

This court should well be concerned with the veracity of the Respondent in urging this court to accept argument or statements that two documents which were not listed in Mr. Sanford's Proof of Service (Acebedo to Walker letter April 30, CP 25 & Note for Commissioner's Calendar setting May 17 hearing CP 101) were delivered to, or served on, Mr. Walker by process server Sanford on April 30, 2013. Not only is there no evidence to support the specious argument of personal service of Acebedo's letter and the 'naked' (see fn. 9, *infra*, at page 9) Note for

---

<sup>6</sup> Pages 19-24 and 26.

<sup>7</sup> See Respondent's Brief at page 5 and Appellant's Brief fn. 2, p. 17, which carefully points that out that the subject document was appealed earlier and not in this case.

Commissioner's Calendar (Appendix Exh. A & B) documents, but the evidence of what Mr. Sanford did serve upon Walker was created solely by the Respondent. Mr. Acebedo now acts rashly in challenging his own evidence.

The Proof of Service for April 30, 2013 was signed by process server Sanford and filed May 7, 2014 and also appears as Exhibit B to Mr. Sanford's declaration of August 8, 2013 [Appendix Exh. C &D] The Proof of Service says, "Received by Eclipse Process Service on the 12<sup>th</sup> day of April 2013 to be served on Glen Walker." This was eighteen days before service occurred and lists the documents Mr. Sanford served on April 30 at 6:55 p.m., at or near Mr. Walker's residence in Kent, King County, Washington as: Note for Commissioner's Calendar; Order for Supplemental Proceedings; Motion and Affidavit for Supplemental Proceedings. Service of these three was conceded by Walker's Brief. Mr. Acebedo argues that Sanford also served a letter<sup>8</sup>

---

<sup>8</sup>RPC 4.2 of the Washington Lawyer Rules of Professional Conduct prohibits an attorney from contact with a party represented by other counsel without prior consent of that party's counsel. Giving legal advice to another attorney's client is typically a professional malpractice issue, if the legal advice causes the other lawyer's client to suffer damages.

that Mr. Acebedo wrote to Mr. Walker on April 30, 2013, [Appendix Exh. A, CP 75, CP 200] which included a Note for Commissioner's Calendar dated April 30, 2013 with a return date of May 17, 2014.

Unfortunately for Mr. Acebedo, neither of these afterthoughts were included in Sanford's Proof of Service or in his declaration of August 8. [Appendix Exh, C & D, CP 94-103]

Since Mr. Sanford is the only first-hand witness whose testimony on this issue is before this court about what was served to Mr. Walker on April 30, his Proof of Service is the "best evidence," and that evidence is determinative of what he served.

Later attempts by the Respondent to impeach Mr. Sanford's veracity and Proof of Service by claiming that other documents were also included with those in the Proof of Service cannot be trusted. Sanford and Walker were the only two witnesses to the service, and they both agree with the facts as alleged in Sanford's Proof of Service. If the Rules of Evidence apply, the Proof of Service is bulletproof. Mr. Acebedo presents only argument to attack his own witness' Proof of Service. His arguments must fail.

On August 8, 2013, process server Sanford signed a Declaration, [Appendix Exh. D] prepared by Mr. Acebedo, where, on page 2, ¶ 8, Sanford swore as follows:

On April 30 at approximately 6:55 PM, I served Glen Walker at 10521 SE 211th Street, Kent, Washington, a place believe to be his residence. I served him with a Note for Commissioner's Calendar, Order for Supplemental Proceedings, Motion and Affidavit for Supplemental Proceedings. I recognized him from photos of Mr. Walker delivered to me earlier in the week.

The above declaration included a copy of Sanford's Proof of Service which was filed on May 7, 2013, as Exhibit B and Mr. Acebedo copied the above part of Sanford's Proof of Service into his own Reply Brief of September 4, 2013 to Walker 's Motion of Revision, [CP 166, page 5, ¶ 26, while omitting from the April 12 date of Sanford's receipt of the three documents to be served on Walker on April 30 at 6:55 PM.

So, even if this court is inclined to Accept Respondent's dissembling argument that Mr. Sanford's service on April 30 included Mr. Acebedo's April 30 letter to Mr. Walker and the 'naked'<sup>9</sup>, unsigned

---

<sup>9</sup> RCW 6.32.130 allows noncertified copies to be served "if the noncertified copies bear a stamp or a notation that indicates the name of the judge or commissioner who signed the original order and a stamp or a notation that indicates the original order has been filed with the court." Appendix Exh. B includes no such stamp or notation, hence it is "naked."

Note for Commissioner's Calendar to set a May 17 hearing, which bears no court stamp or other proof of its filing as required by RCW 6.32.130, still, none or all of the five documents, three actually served and the two without proof of service, can confer trial court jurisdiction over Walker for the May 17 hearing, as a matter of law.

Neither one of these can cure the expired and therefore void judicial process dated April 11 setting a hearing for April 30, as it was void when served, five hours and twenty five minutes after Walker was ordered to appear. There was, and is, no new judicial process in the form of another Order on Supplemental Proceedings and 'affidavit upon which it was made'<sup>10</sup>, which exists for the May 17 hearing date.

If Mr. Acebedo could have convinced Mr. Sanford that Sanford had, indeed, served the Note for Commissioner's Calendar dated April 30 with a May 17 return date and Mr. Acebedo's letter, together with the three documents his Proof of Service listed, there was no reason

---

<sup>10</sup> See RCW 6.32.130, cited at fn. 9, *supra*.

why he and Mr. Acebedo could not have cured the “false” May 7 Proof of Service, which is the logical endpoint of Mr. Acebedo’s argument, by adding the letter and the later Note for Commissioner’s Calendar to the list of the three actually served documents with an amended Proof of Service. It would be appropriate to do this when Mr. Sanford was asked by Mr. Acebedo to sign a new service declaration on August 8, if it were true.

Instead, Mr. Acebedo restated Sanford’s May 7 Proof of Service with one exception: in his Reply Memo, he redacted the April 12 date when he provided the three documents to Sanford. Of course, that redaction was necessary to preserve the deception because Mr. Acebedo’s April 30 letter and the Note for Commissioner’s Calendar for May 17 did not exist on April 12.

Mr. Acebedo’s redaction of the delivery date of the documents served by Sanford at page 16 in his September 4 Reply Memo to Walker’s Motion for Revision (CP 201) broadcasts his guilty knowledge in an attempt to conceal the deception in his argument that his letter

and the second Note for Commissioner's Calendar were delivered to Sanford, because the Proof of Service establishes, without contradictory evidence, that what Sanford served was received by him on April 12.

#### BAD FAITH ACTIONS DESERVE SANCTIONS

Perhaps the answers to these questions about why Mr. Acebedo could not induce Mr. Sanford to change his Proof of Service are important, but only as they bear on the issue of sanctions against Mr. Acebedo because of his attempts to create and argue false evidence to avoid what he perceived as a jurisdictionally fatal mistake. The irony is that the documents he had struggled to conjure up evidence to prove were personally served would still not confer jurisdiction to the trial court over Walker for the May 17 proceeding.

#### RESPONDENT'S FEE SEEKING

Since the Respondent's Brief did not mention or address the facts concerning the fees awarded to Mr. Acebedo in the course of the unlawful supplementary proceedings of Walker, the facts in the record and in Appellant's Brief about fees awarded to the Respondent are

established or “verities.” The argument of Respondent merely stated the law in stilted and pontifical terms, and even includes some of the Respondent’s identified requirements for attorney fee awards. Without references to the record, Respondent’s argument about fees is “a tale . . . full of sound and fury, signifying nothing.”<sup>11</sup>

On that he neglected is the requirement that fee awards must be supported by meaningful findings of fact and conclusions of law. Four of the five fee awards in the issues of the Appellant, those on May 17, 2013, January 2, 2014, January 23, 2014 and the April 11, 2014 afternoon fee award by Commissioner Boyle, were not accompanied by findings of fact and conclusions of law. Commissioner Boyle’s fee award was not even signed by him or any other judicial official, as described in Appellant’s Brief. See pages 23-24 and Walker’s citation to this principal in Mahler v. Szuchs<sup>12</sup>, at page 28. Walker’s arguments at pages 25 through 31 provide overwhelming support for the premises

---

<sup>11</sup> Macbeth, William Shakespeare, Act 5, Scene 5, lines 17-28.

<sup>12</sup> 135 Wn.2d 398, 435, 957 P.2d 632(1998).

that the scanty findings of fact and conclusions of law that were included with the fee award that was entered in the morning on April 11, 2014, do not satisfy the requirements of the laws of any state or federal courts and the same authorities provide ample support for this court to disallow all of the five fee awards challenged by the Appellant on many bases, not just the failure to include findings of fact and conclusions of law.

Without findings and conclusions, this court has determined that since the burden of proof is on the fee seeker, fee awards lacking findings and conclusions cannot survive, even for remand. Rhodes v. Gould, 19 Wash. App, 437, 576 P.2d 914(Div. II, 1978).

Many of the principles that guide courts in awarding fees were summarized in a recent Division III decision, Berryman v. Metcalf, 177 Wash. App 644, 312 P.3d 745(2013) and many of those principals have been violated by the trial court's decisions addressed by this appeal.

Principles and citations to Berryman v. Metcalf follow:

Duplicated efforts of attorneys were unreasonable duplication of effort that required discount of attorney fees award. Berryman at 662.

Trial court was required to make an independent judgment in awarding attorney fees about how much time was reasonably spent. Berryman at 662.

Normally, an attorney fees award that is unsupported by an adequate record will be remanded for the entry of proper findings of fact and conclusions of law that explain the basis for the award. Berryman at 677.

As an appellate court, Court of Appeals' responsibility is to ensure that discretion is exercised on articulable grounds. Berryman at 659.

Attorney fees award must comply with the ethical rules for attorneys, including the general rule that a lawyer shall not charge an unreasonable fee, whether attorney fees are being paid by a client or the opposing party. Berryman at 660.

In making attorney fees award, the total hours an attorney has recorded for work in a case is to be discounted for hours spent on unsuccessful claims, duplicated effort, or otherwise unproductive time. Berryman at 662.

Duplicated effort that requires discount of attorney fees award includes overstaffing. Berryman at 662.

A useful way for a trial court to determine attorney fees is to prepare a simple table that lists, for each attorney, the hours reasonably performed for particular tasks and the rate charged, which may vary with the type of work. Berryman at 664.

In making attorney fees award, the attorney's reasonable hourly rate encompasses the attorney's efficiency, or ability to produce results in the minimum time. Berryman at 664.

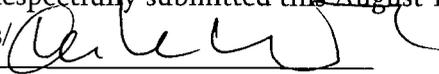
## SUMMARY

- ✓ Jurisdiction cannot be acquired by service of void or expired judicial process, if it is to satisfy RCW 6.32.130.
- ✓ A letter from an attorney to another lawyer's client violates RPC 4.2 and even if accompanied by a 'naked' Note for Commissioner's Calendar, cannot confer jurisdiction to the trial court over a judgment debtor for public policy reasons as well as because of noncompliance with RCW 6.32.130, even if both were personally served.
- ✓ Fee awards must comply with the Rules of Professional Responsibility for Lawyers adopted by the Washington Supreme Court.
- ✓ There is a strong presumption that a process server's Proof of Service is valid, only if its factual statement shows personal service of proper judicial process.
- ✓ A person challenging a Proof of Service must produce clear and convincing evidence to challenge the process server's evidence.
- ✓ If jurisdiction is to be acquired over a person by service of judicial process, the requirements of that judicial process must be possible for the person to obey in order to satisfy the person's due process rights.
- ✓ A judgment creditor cannot compel a judgment debtor to leave his county of residence to attend supplementary proceedings in another county without violation of RCW 6.32.190, even if "Well, he used to have a business" in the county where the judgment was entered.
- ✓ Since the burden of proof is upon the party seeking an attorney fee

award, and since findings and conclusions are required for a court to grant an attorney fee award, the absence of findings and conclusions will be construed against the fee seeker and such fee awards will be reversed on appeal.

Attorney fees are requested for Walker on the basis of the Real Estate Contract, frivolous and false arguments and evidence proffered by the Respondent's actions in this court and in the trial court and, on remand, for CR 11 violations in such amount and on such terms as the trial court may properly order.

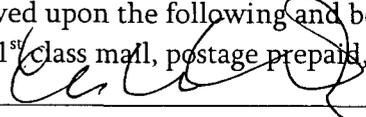
Respectfully submitted this August 19, 2014,

/s/ 

Charles M. Cruikshank III WSBA #6682  
Counsel for Appellant Walker

#### CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was served upon the following and below named parties and/or attorneys by 1<sup>st</sup> class mail, postage prepaid, on the date signed below.

/s/  Date: August 19, 2014  
Pierre Acebedo, 1011 E.Main, #456, Puyallup, WA 98372

FILED  
COURT OF APPEALS  
DIVISION II  
2014 AUG 20 PM 1:12  
STATE OF WASHINGTON  
BY DEPUTY

WASHINGTON COURT OF APPEALS  
DIVISION TWO  
NO. 45480-7-II

---

Glen L. Walker, Appellant  
v.  
Estate of William Bremer, Respondent

---

APPENDIX TO APPELLANT'S REPLY  
[Exhibits A through F, inclusive]

Attorney for Appellant  
Charles M. Cruikshank  
1417 Digby Place  
Mount Vernon, WA 98274  
(206)624-6761- [cruiklaw@gmail.com](mailto:cruiklaw@gmail.com)  
August 19, 2014

RECEIVED  
AUG 20 2014  
CLERK OF COURT OF APPEALS DIV 2  
STATE OF WASHINGTON

ACEBEDO & JOHNSON, LLC.  
ATTORNEYS

PIERRE E. ACEBEDO  
CINDY A. JOHNSON\*  
BRANDI L. ROSS

LYNDSI M. FOSTER, PARALEGAL

\*ALSO ADMITTED IN CA

PUYALLUP EXECUTIVE PARK  
1011 EAST MAIN  
SUITE 456  
PUYALLUP, WA 98372  
TEL (253) 445-4936  
FAX (253) 845-0644  
pierre.acebedo@acebedojohnson.com  
cjohnson@acebedojohnson.com  
brandi.ross@acebedojohnson.com  
lyndsi.foster@acebedojohnson.com  
www.acebedojohnson.com

April 30, 2013

Mr. Glen Walker  
10521 SE 211<sup>th</sup> St.  
Kent, WA 98031

Dear Mr. Walker,

Because you evaded service, we re-noted the supplemental proceedings hearing originally scheduled for April 30, 2013. Please see the attached Note for Commissioner's Calendar for your new hearing date.

I remind you that the all the remaining instructions in the Order remain in force as written.

Sincerely,

ACEBEDO & JOHNSON, LLC

Pierre E. Acebedo  
Attorney at Law

EXH A

April 30 2013 9:27 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 12-2-14006-1

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

WILLIAM BREMER

Plaintiff(s).

vs.

GLEN WALKER

Defendant(s)

No. 12-2-14006-1

NOTE FOR COMMISSIONER'S CALENDAR

TO THE CLERK OF THE SUPERIOR COURT AND TO:

Name: Charles Malcolm Cruikshank III Phone: (206) 624-6761  
Address: 108 S WASHINGTON ST., STE. 306 SEATTLE, WA 98104-3406 Attorney for Plaintiff/Petitioner

Please take notice that an issue of law in this case will be heard on the date and time shown below:

Pierce County Superior Court, County-City Building - 930 Tacoma Ave S - Tacoma, WA 98402

Supplemental

Calendar:

**CALENDAR DATE: Friday, May 17, 2013 1:30 PM** 

WORKING COPIES SHALL BE SUBMITTED TO COMMISSIONERS SERVICES ROOM 140,  
BEFORE 12:00 NOON TWO COURT DAYS PRIOR TO HEARING

DATED: April 30, 2013.  
NAME: PIERRE E ACEBEDO  
ADDRESS: 1011 E. MAIN, STE. 456  
PUYALLUP, WA 98372-6780

Signed: /s/ PIERRE E ACEBEDO  
Phone: (253) 445-4936  
WSBA#: 30011  
For: Attorney for Plaintiff/Petitioner

EXH. B

4

5-7-2013

E-FILED  
IN COUNTY CLERK'S OFFICE  
PIERCE COUNTY, WASHINGTON

May 07 2013 8:30 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 12-2-14006-1

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

ESTATE OF WILLIAM E. BREMER

Case/Cause No. 12-2-14006-1

Plaintiff(s),

RETURN OF SERVICE

v.

GLEN WALKER, an individual

Defendants.

SERVICE DOCUMENTS: NOTE FOR COMMISSIONER'S CALENDAR; ORDER FOR SUPPLEMENTAL PROCEEDING; MOTION AND AFFIDAVIT FOR AN ORDER FOR SUPPLEMENTAL PROCEEDING. 

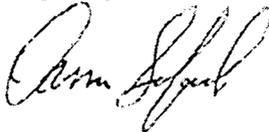
Received by Eclipse Process Service on the 12th day of April 2013 to be served on Glen Walker. 

I, Darrin Sanford do hereby affirm that on the 30th day of April, 2013 at 6:55 PM at his residence located at 10521 SE 211<sup>th</sup> St. Kent WA.

I Personally delivered at the time and place set forth above, a true and correct copy of the NOTE FOR COMMISSIONER'S CALENDAR; ORDER FOR SUPPLEMENTAL PROCEEDING; MOTION AND AFFIDAVIT FOR AN ORDER FOR SUPPLEMENTAL PROCEEDING leaving same with Glen Walker. 

Race: Caucasian Sex: M, Age: Approximately 60, Height: 5' 7", Weight: 210. Hair: Short Brown.

I Declare under penalty of perjury under the laws of the State of Washington. That I am now and at all times herein mentioned a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness herein.



Darrin Sanford # King 1015853

Exh. C

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

Honorable Judge Hickman  
Department 22  
Motion: Defendant's Motion for Revision  
Date: September 6, 2013  
9:00 AM

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

THE ESTATE OF WILLIAM BREMER  Plaintiff,  vs.  GLEN WALKER, an individual,  Defendant	No. 12-2-14006-1  DECLARATION OF DARRIN SANFORD IN SUPPORT OF REPLY TO DEFENDANT'S MOTION FOR REVISION
---	---

EXH D

10  
231-2

Supplemental Proceedings  
Date: August 12, 2013

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

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

<p><b>THE ESTATE OF WILLIAM BREMER</b>  Plaintiff,  vs.  <b>GLEN WALKER, an individual,</b>  Defendant</p>	<p>No. 12-2-14006-1  <b>DECLARATION OF DARRIN SANFORD IN SUPPORT OF REPLY TO DEFENDANT'S RESPONSE TO ORDER TO SHOW CAUSE</b></p>
--	--

**DARRIN SANFORD**, under penalty of perjury pursuant to the laws of the State of Washington, declares and states as follows:

1. I am a resident of the State of Washington and over the age of eighteen.
2. I own Eclipse Process Service, LLC, a Washington Limited Liability Corporation located in Des Moines, Washington.
3. On April 12, 2013, I served attorney Charles Cruikshank at his place of business with a Note for Commissioners Calendar, Order for Supplemental Proceedings, Motion and Affidavit for an Order for Supplemental Proceedings.
4. Attached to this Declaration as Exhibit "A." is a true and correct copy of the Return of Service for Charles Cruikshank as downloaded from the Pierce County Superior Court LINX, incorporated herein by this reference.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

5. Between April 11, 2013, and April 23, 2013, I made several attempts to serve Mr. Glen Walker with a Note for Commissioners Calendar, Order for Supplemental Proceedings, Motion and Affidavit for an Order for Supplemental Proceedings. Mr. Walker evaded my attempts.
6. On April 22, 2013, I approached a man fitting the physical description of Glen Walker at the residential address of Glen Walker – 10521 SE 211<sup>th</sup> St., Kent, Washington. I asked if he was Glen Walker and he said that he was not and that he expected Mr. Walker to return on Thursday, April 25, 2013.
7. On April 30, 2013, I received a new set of pleadings for the same motion to serve to Mr. Walker.
8. On April 30, 2013, at approximately 6:55 PM, I served Glen Walker at 10521 SE 211<sup>th</sup> St., Kent, Washington, a place believed to be his residence. I served him with a Note for Commissioners Calendar, Order for Supplemental Proceedings, Motion and Affidavit for an Order for Supplemental Proceedings. I recognized him from photos of Mr. Walker delivered to me earlier in the week.
9. Attached to this Declaration as Exhibit “B” is a true and correct copy of the Return of Service for Glen Walker Filed with Pierce County Superior Court, incorporated herein by this reference.
10. I approached Mr. Walker as he drove into the driveway for the residence and parked the white car.
11. As I approached I recognized him as the same man that personally told me previously on April 22, 2013, that Glen Walker was out of town until Thursday,



10/6  
CP 97

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

April 25, 2013.

12. As Mr. Walker opened his car door I greeted him as Mr. Walker and attempted to hand him the service packet.

13. As Mr. Walker exited the car he adopted a threatening and menacing posture as he knocked the packet from my hand to the ground.

14. In a picture I took of Glen Walker at the service event, the service packet can be seen lying in the driveway in the lower left corner of the picture.

15. Attached to this Declaration as Exhibit "C", is a true and correct copy of a Photo of Glen Walker Taken from Darren Sanford's Vehicle, incorporated herein by this reference.

16. Mr. Walker then accused me of trespassing and threatened to call the police.

17. I briefly explained to Mr. Walker that I was simply attempting to serve him with legal documents as I retreated to my vehicle. Mr. Walker followed me making threats, insults, and profane gestures.

18. I drove away in my vehicle to the end of Mr. Walker's street, which was very narrow and had no outlet. Rather than drive by Mr. Walker's residence immediately, I chose to wait at the end of the street for him to enter his home so I could depart without encountering Mr. Walker, who appeared upset and menacing.

19. As I waited, Mr. Walker walked down the street toward me in the middle of the street so I could not pass if I wanted to leave.

20. As he continued to approach I called the Kent Police Department to report the

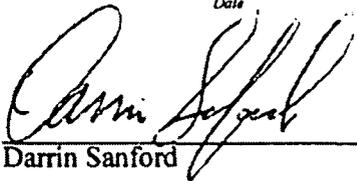
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

situation.

21. Shortly after I called the Kent Police Department, Mr. Walker retreated to his car and sped away.

22. As I departed the police arrived and I told them of the incident but I filed no formal report.

DATED this 8<sup>th</sup> day of August, 2013.

  
Darrin Sanford

# EXHIBIT "B"

May 07 2013 8:30 AM

KEVIN STOCK  
COUNTY CLERK  
NO: 12-2-14006-1

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

ESTATE OF WILLIAM E. BREMER

Plaintiff(s),

v.

GLEN WALKER, an individual

Defendants.

Case/Cause No. 12-2-14006-1

RETURN OF SERVICE

**SERVICE DOCUMENTS: NOTE FOR COMMISSIONER'S CALENDAR; ORDER FOR SUPPLEMENTAL PROCEEDING; MOTION AND AFFIDAVIT FOR AN ORDER FOR SUPPLEMENTAL PROCEEDING.**

Received by Eclipse Process Service on the 12th day of April 2013 to be served on Glen Walker.

I, Darrin Sanford do hereby affirm that on the 30th day of April, 2013 at 6:55 PM at his residence located at 10521 SE 211<sup>th</sup> St. Kent WA.

I Personally delivered at the time and place set forth above, a true and correct copy of the **NOTE FOR COMMISSIONER'S CALENDAR; ORDER FOR SUPPLEMENTAL PROCEEDING; MOTION AND AFFIDAVIT FOR AN ORDER FOR SUPPLEMENTAL PROCEEDING** leaving same with Glen Walker.

Race: Caucasian Sex: M, Age: Approximately 60, Height: 5' 7", Weight: 210. Hair: Short Brown.

I Declare under penalty of perjury under the laws of the State of Washington: That I am now and at all times herein mentioned a citizen of the United States and resident of the State of Washington, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness herein.



Darrin Sanford # King 1015853

ACEBEDO & JOHNSON, LLC.  
ATTORNEYS

PIERRE E. ACEBEDO  
CINDY A. JOHNSON\*  
BRANDI L. ROSS

LYNDSI M. FOSTER, PARALEGAL

\*ALSO ADMITTED IN CA

PUYALLUP EXECUTIVE PARK  
1011 EAST MAIN  
SUITE 456  
PUYALLUP, WA 98372  
TEL (253) 445-4936  
FAX (253) 845-0644  
picrre.acebedo@acebedojohnson.com  
cjohnson@acebedojohnson.com  
brandi.ross@acebedojohnson.com  
lyndsi.foster@acebedojohnson.com  
www.acebedojohnson.com

August 29, 2013

Mr. Charles M. Cruikshank III.  
108 S. Washington St. #306  
Seattle, WA 98104

Exht E

Sent Via Email and Regular Mail

RE: *Striking Motion for Revision*

Dear Mr. Cruikshank

After reviewing the Motion for Revision and your Declaration in Support, I respectfully request you strike the Motion for Revision. The motion and declarations as filed violate both CR 11 and the Rules of Professional Conduct (hereinafter RPCs).

1. *Allen v. American Land Research, 25 Wn.App 914, 611 P.2d 420 (1980) Overruled*  
As authority you cite *Allen v. American Land Research, 25 Wn.App 914, 611 P.2d 420 (1980)*. However, in 1981 the Washington Supreme Court reversed this case. Nonetheless, you provided this case before the Commissioner and represented it as good law. You again provide this case to the Superior Court on the Motion for Revision to support the proposition that jurisdiction regarding Supplemental Proceedings should be in King County.

Per your duty under CR 11<sup>1</sup>, either you failed to properly research the case to determine the validity of the case or knowingly provided an overturned case to the Court. The issue regarding Jurisdiction over Supplemental Proceedings was clearly overturned by the Washington Supreme Court. For you to knowingly provide this case law to the Court violates the RPCs, specifically RPC 3.3 (3) & (4) which provide, "A lawyer shall not knowingly: (3) fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel" and "(4) offer evidence that the lawyer knows to be false."

<sup>1</sup> The signature of a party or of an attorney constitutes a certificate by the party or attorney that the party or attorney has read the pleading, motion, or legal memorandum, and that to the best of the party's or attorney's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances: (1) it is well grounded in fact; (2) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law or the establishment of new law; (3) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on a lack of information or belief.

222  
The Washington Supreme Court in *Allen* states: "We view the supplemental proceedings here as ancillary to the original suit. The court had continuing jurisdiction over the parties here by virtue of the original summons, process and appearance in the action." *Id.* at 850. Consequently, your assertions in your brief and Declaration are false. Your Declaration provides:

In reliance on the facts and on a 1980 Division II case, *Allen v. American Land Research*, 25 Wn. App 914, 611 P.2d 420 (1980), I determine that jurisdiction has not been obtained over Walker for the Supplemental Proceedings hearing on April 30, 2013 and there was no other Supplemental Proceedings Order for May 17.

In light of the Washington Supreme Court's overruling of this case and, as a matter of ethical obligation, you must immediately bring this to the Court's attention or strike your motion.

2. Misleading Statements to the Court.

In your declaration you make the following misleading statement to the Court: "no other Supplemental Proceedings Order for May 17" was filed. ¶ 13. You restate this numerous times alleging that the Court gave no authority allowing for the re-noting of Supplemental Proceedings. However, on April 30, 2013, the Memorandum of Journal Entry states, "Counsel to renote the matter. No service upon the respondent." The Court did not require an order; it simply requested the re-noting of the Supplemental Proceedings. Your Declarations provide false allegations, stating, "due process was incredibly abused by Mr. Acebedo's procedure." Instead, the failure is that you did not review the record before making such inflammatory accusations. You have an ethical duty to correct these statements. 

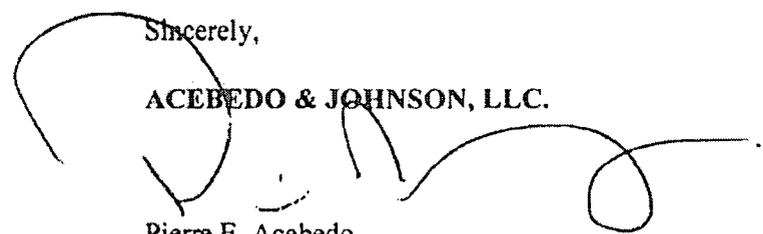
3. Status of Findings of Fact & Conclusions of Law Misrepresented to Commissioner

You represented to the Commissioner that you never signed the Findings of Fact and Conclusions or Law. In fact, your signature appears on the document as entered on December 21, 2012. A review of the document on Pierce County LINX titled, "Motion for Presentation," clearly shows your signature on page 10. While we understand that you made a mistake in not appearing for your client's Supplemental Proceedings, you breached the ethical rules by making false statements to the Court.

4. Conclusion

Because your actions appear to escalate from bad faith to intentionally misleading the Court, we will pursue this matter against you with vigor. You and your client appear on a mission to exhaust my client of funds at any cost. I await your response.

Sincerely,

  
ACEBEDO & JOHNSON, LLC.

Pierre E. Acebedo