

FILED
COURT OF APPEALS
DIVISION II

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STATE OF WASHINGTON

BY _____
DEPUTY

COA-II No. 49740-9
PCSC 15-2-14079-1

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II**

SHARON EVA,

Respondent

v.

JEFF VOLK-REIMER, PRO SE

Appellant

**APPELLANT'S SECOND OPENING BRIEF WITH REFERENCE TO COURT PAPERS
AND OTHER REQUEST BY CLERKS OF COURT**

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US Priority Mail 8/23/17

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BRIEF OF JEFF VOLK-REIMER

Introduction

COMES NOW Jeff Volk-Reimer the Appellant and Defendant in Pierce County Superior Court (“PCSC”) case no. 15-2-14079-1. Appellant was unlawfully found in default by PCSC pursuant to CR-37. The evidence will demonstrate that the first PCSC Judge continued to sign orders after an affidavit of prejudice was filed and after the presiding Judge had reassigned the case in response to an Affidavit of Prejudice. The evidence also demonstrates the monetary judgment of \$87,288.80 was unsupported by any credible evidence that supported the amount of the Judgment, Plaintiff fabricated rents of \$66,586.00. The PCSC abused its discretion by ignoring new evidence that supported Plaintiff had forged various signatures and recorded with the Pierce County Auditor false excise tax documents and other supplemental documents which were Plaintiff’s basis for her claim of ownership in the subject property. The PCSC Judge also had external conversations with another Judge concerning the case that was improper and influenced PCSC’s decision. The summary above is just a brief outline of the many unlawful acts by the PCSC that will be addressed herein. Appellant requests the Court recognize he is pro se’ and has done his best to present his basis for appeal. Appellant asks the Appellate Court to review the materials in this appeal liberally in keeping with the judicial duties of the Appellate Court, to recognize and protect pro se’ litigants interest.

A. Assignments of error

Error (1). As far back as September 13, 2016, Sharon Eva Plaintiff in PCSC case no. 15-2-14079-1 Made false statements about Reimers' request for admissions. The Court erred as not to consider Plaintiff's unclean hands and her false statement to court *CP-45-272*.

Error (2). PCSC Judge Leanderson, the original Judge, erred by issuing orders when she had been removed by an Affidavit of Prejudice on three occasions. On March 31, 2016, the Appellant, Defendant in the PCSC case, submitted an Affidavit of Prejudice to Judge Leanderson pursuant to RCW 4.12.050. *CP-1-3 and CP-31-40*.

Error (3) On June 10, 2016, after receiving the Affidavit of Prejudice Judge Leanderson issued an Order reinstating the case schedule with no extensions or authority to do so as she had been recused. *CP-1-3 and CP-31-40*.

Error (4) On June 29, 2016, the presiding Judge of the PCSC case, reassigned the case to Judge Susan K. Serko which again divested Judge Leanderson of any authority to issue orders in the case. *CP-41*

Error (5) On July 8, 2016, despite Defendant producing evidence that Judge Leanderson had been removed by an Affidavit of Prejudice. *CP-1-3 and CP-31-40*. Judge Leanderson issued an order to compel Defendants attendance at a deposition scheduled on July 29, 2016 at 12:00 p.m. *CP-42-44*.

Error (6) On August 3, 2016, the Plaintiff filed two note for motion dockets, (1) a motion to compel the Defendants attendance at a deposition and (2) a motion to reinstate court case calendar in the PCSC case. *Respondents CP-842-856*.

Error (7) The PCSC erred by finding Defendant in default the Order subject to this appeal 11/29/2016. CP-495-502.

Error (8). The PCSC erred in its calculation of judgment amount as pursuant to rules of evidence. Order 11/29/2019 CP-495-502.

Error (9) The PCSC erred by not considering new evidence in the court file. Defendant is unclear as to whether a CR-60(b) motion or a CR-59(a) motion in PCSC could be entertained but presents the evidence of fraud on the Court as to the questionable Quit Claim Deed submitted as evidence to support Plaintiff's default motion on November 29, 2016.

Error (10) The PCSC abused its discretion as the evidence demonstrates the actions of Defendant were not deliberate or willful. CP 464-494 and CP 382-387 CP 388-412 and CP 6-18 The PCSC should have considered less severe sanctions. CP 464-494 and CP-45-272. It is this error and errors (1) through (9) above which warrant case no. 15-2-14079-1 be remanded back to trial at PCSC.

B. Issue Pertains Assignment of Errors

Error (1) The Superior Court Judge erred by abusing its decision to not consider Plaintiff unclean hands and false statements to the Court. CP-45-272 and CP-520-561

Error (2) The Judge Leaderson erred when she made rulings while divested of authority to do so. CP-1-3 and CP-31-40. This was in violation of RCW 4.12.050

Error (3) The superior court Judge erred On June 10, 2016, after receiving the Affidavit of Prejudice Judge Leanderson issued an Order reinstating the case schedule with no extensions of time or authority to do so as she had been recused. CP-1-3 and CP-31-40. And an improper foundation for the default order of 11/29/2016.

Error (4) On June 29, 2016, the presiding Judge of the PCSC case, reassigned the case to Judge Susan K. Serko which again divested Judge Leanderson of any authority to issue orders in the case. *CP-4*. The judge was in error to continue. And an improper foundation for the default order of 11/29/2016

Error (5) Judge Leanderson erred as she did not have authority to continue but did so in violation of RCW 4.12.050. In addition, Counsel of Plaintiff under penalty of perjury declared he was not available on July 29, 2016. See ¶ 9 of the Declaration of Timothy Minor page (6) sentence (9) Respondents *CP 814-827 Appendix Exhibit A-1*. Regardless of this, Judge Leanderson unlawfully signed an order for that date of July 29, 2016, *CP 42-44* for the Defendant to attend a deposition, after plaintiff advising Defendant no one was available. The Judge had been removed by affidavit of prejudice *1-3 and CP 31-40* this was in violation of RCW 4.12.050 And an improper foundation for the default order of 11/29/2016

Error (6) The judge erred and abused her discretion in signing the August 12th 2016 order. The most egregious portion of the Order that was signed in error was Judge Serko's acknowledgment that Defendant was not present in court at 9:50 a.m. *Respondents CP-874-876. (appendix Exhibit A-2) Order and Court Minutes of August 12, 2016) Respondents CP-874-876.* The error being that the Judge ordered Defendant to participate in a deposition, less than 70 minutes later on August 12, 2016, without any knowledge or copy of the order presented to him. The Defendant would have no possible way to have knowledge to attend a deposition nor that the Motion to Compel was granted until it was uploaded three days later in the court file or received by mail. A review of the Order demonstrates the date of August 12, 2016 was handwritten in and created an impossibility of performance to comply. As a result, Plaintiff set up the default sanction by using the Order of August 12, 2016 as a basis in her next Motion for Default.

Respondents asked for CR-37(b) presentation to the PCSC scheduled on November 29, 2016.

Respondents CP-982-998

Error (7) The Judge erred in an Abuse of discretion. As the evidence demonstrates PCSC provided an impossible date and time compelling Reimers to attend a deposition. August 12th 11am. PCSC Erred as the majority of the court orders were entered by a Judge who was divested of any authority. The Orders of June 10, 2016, June 17, 2016 and July 8, 2016 were all signed in error. The Order of August 12, 2016 which was never provided to Defendant was untimely as well. *CP-520-561*.

Error (8) erred Abuse of discretion by Judge. Plaintiffs calculations were fabricated and failed to meet any standard for general accounting principles or evidence that would provide proof that Plaintiff suffered loss rents of \$169.00 a day for an unconscionable amount of \$66,586.00. Sharon Eva does not comply with civil rules as well. In addition, Plaintiff had failed to pay any mortgage payments herself. Per the Plaintiffs own evidence provided she stopped paying in 2014 and made only three payments since November 15, 2011 through 2014 (*See Sharon Eva Declaration ¶ (3) Page 1. Appendix Exhibit A-3. respondents CP 904-932*

Error (9) Should the appeal court entertain new evidence discovered that Respondent Forge documents and committed fraud in court when reporting the quit claim deed? As her basis for ownership? (*See RAP 9.11 Appendix ,Exhibit B*)

Error (10) Did the superior court judge erred and abuse her discretion by ordering the most severe default sanction and cost ignoring evidence of facts in the case that demonstrated a lesser sanction was warranted.

C.

Statement of the Case

The Defendant purchased the subject property in 2007. The Plaintiff alleged she was the owner of the subject property in her 2015 Complaint for Damages. (*Respondents CP 564-578 and 581-585*). The Plaintiff would later produce a Quit Claim Deed dated March 28, 2011, and recorded just before filing her complaint on November 17, 2015. The Quit Claim Deed would later be re-recorded on February 19, 2016, along with an Excise Tax Affidavit. Plaintiff forged defendant signature 5 years later? . Defendant was later notified the subject property had gone into foreclosure in approximately July 2015. It is these foreclosure actions that prompted Defendants bankruptcy filing in an effort to stay pending foreclosure actions. Defendant moved into the subject property after it had been abandoned by Plaintiff in October of 2015.

The Court file demonstrates that both Plaintiff and Defendant had multiple stops and starts of the case due to Defendants bankruptcy filings and the Plaintiff living in Hollywood, California. Defendants bankruptcy filings are why much of the case and discovery was stopped and started again. Plaintiff filed a Motion for Default pursuant to a CR-37(b) which was granted on November 29, 2016. The case was scheduled for jury trial, had open discovery, and other pretrial procedures including a notice of deposition of Plaintiff Sharon Eva scheduled for September 8, 2017. *respondents CP- 934-939* Plaintiff's core argument to achieve their default order was a failure to attend a deposition on August 12, 2016, Deposition Order attached herein as appendix *Exhibit A-2. CP-874-876*.

Defendants core argument in opposition is cited below: CP 464-494

A trial court may impose the most severe discovery sanctions only upon a showing that (1) the discovery violation was willful or deliberate, (2) the violation substantially prejudiced the opponent's ability to prepare for trial, and (3) the court explicitly considered less severe

sanctions. *Burnet*, 131 Wn.2d at 494. Failure to consider the three factors amounts to an abuse of discretion. *Keck v. Collins*, 184 Wn.2d 358, 368, 357 P.3d 1080 (2015).

The Plaintiff does not demonstrate the discovery violations are willful or deliberate (by Defendant). The Plaintiff does not demonstrate the purported discovery abuses will substantially prejudice Plaintiff at trial. Finally, the Court has not considered less severe sanctions.

The core of Plaintiff's motion is nonattendance of various scheduled depositions. These depositions were without the consent of Defendant or other attempts to meet and confer as required per court rules.

On July 8, 2016, Judge Leanderson after being served an Affidavit of Prejudice issued a Deposition Order. This Order is still subject to appeal at COA-II 49240-7-II. Additionally, the Plaintiff attempts to present as the foundation of default and sanctions an Order signed by Judge Serko on August 12, 2016. However, this Order is presently under appeal as Defendant was not in court on the day the Order was signed. The Order was to compel Defendant to attend a deposition on the same day as the Order was signed, August 12, 2016 at 11:00 a.m., less than 70 minutes later. It would have been physically impossible to attend as Defendant was unaware that the Order was signed compelling him to attend. The Court issued an Order which was impossible to comply with, especially since the record demonstrates Defendant was a quarter mile underground on the I-99 tunnel which was repeatedly discussed with opposing counsel during numerous email meet and confer exchanges. CP 31-40 and CP 19-23, 24-30

The facts demonstrate that both the Order of July 8, 2016 and the Order of August 12, 2016 are both before the Court of Appeals by which a ruling combined the two Orders into one appeal under COA number 49110-9-II. Defendant believes it was an abuse of discretion to order attendance of a deposition one hour after the Order was entered or served on the party to attend.

As set forth above, the evidence does not demonstrate Defendant was willful in nonattendance of the two depositions. The Plaintiffs argument is not persuasive enough to meet condition (1).

Plaintiff fails to support the second requirement of a default discovery sanction.

Plaintiff cannot demonstrate she is prejudiced by a trial. The record indicates Defendant has provided substantial discovery to include several hundred pages. The Court presently has not set a new trial date or schedule. Therefore, Plaintiff has adequate time to conduct a deposition of Defendant. Defendant has been trying himself to depose Plaintiff however she has been evasive using her work schedule as a basis for nonattendance. Plaintiffs evidence of prejudice at trial is baseless and Plaintiff has failed to meet the burden of proving her motion under requirement (2).

The Court of Appeals have generally ruled with disfavor upon default procedures as the interest of justice is not served as obtaining a decision on the merits of the case is preferred.

In Defendants case, the seated Judge issued an Order to attend a deposition. The Defendants case file Exhibits demonstrate a reasonable good cause for failure to attend. To provide Plaintiff a windfall of nearly \$100,000.00 for a home she placed into foreclosure is unconscionable. As demonstrated the Court can impose a less severe remedy as the Plaintiff has attempted to jump into a CR-37 sanction simply because his case will not prevail. Therefore, condition (3) of the test pursuant to case law for an order under CR-37 fails.

PCSC Judge Serko entered the Order of Default abusing her discretion pursuant to CR-37(b) which blocked Defendant of due process and having the case decided on the evidence and merits. Attached is a copy of the Order subject to appeal. *Appendix Exhibit A-5. CP-495-502*

D. Summary of Argument

The Order of Default for \$87,288.80 is an abuse of discretion. The first three Orders of PCSC Judge Leanderson are void and of no effect. *CP-31-40* The Order of August 12, 2016 was an impossibility of performance.

E. Argument

The record indicates Defendant filed a timely motion, Affidavit of Prejudice on March 31, 2016, and confirmed again in various pleadings, June 10, 2016 (of Jeff Volk-Reimer). Judge Leanderson was presented with an Affidavit of Prejudice pursuant to RCW 4.12.050. Doing so, effectively incorporated the affidavit of prejudice into the PCSC case which terminated her authority to continue or make a ruling affecting the Defendant. Filing a timely motion and affidavit divests the judge of authority to pass on the merits of the case. *LaMon v. Butler*, 112 Wn.2d 193, 201-02, 770 P.2d 1027(1989). Per the statutory plain language of RCW 4.12.050, Judge Leanderson was to remove herself. Judge Leanderson did not and in doing so her orders are void. Void orders and judgments may be vacated irrespective of the lapse of time. *John Hancock Mut. Life Ins. Co. v. Gooley*, 196 Wash. 357, 370, 83 P.2d 221, 118 A.L.R. 1484 (1938). The Orders of June 10, 2016, June 17, 2016, and July 8, 2016 are therefore of no effect and should be void as supporting basis for a default on Defendant.

A review of PCSC Judge Serko's open court statement is that. "Mr. Reimer, has failed to appear two times for depositions after they were court ordered." See Transcript of November 29, 2016 at page (31) line (25) and page (32) line (1). *CP 520-561*

Court ordered deposition # (1) was ordered by Judge Leanderson. However, after her recusal she was divested of any authority. Additionally, the Plaintiffs' Counsel under penalty of perjury stated he was not available on July 29, 2016 for a deposition. It is the Courts errors and misdirection that caused Defendant a failure to attend on July 29, 2016 for a court ordered

deposition. Even if Judge Leanderson had the authority to sign the Order, it would not be possible for Defendant to attend as he had not been provided adequate notice.

Plaintiffs Motion to Compel filed June 22, 2016 at 2:13 p.m., Declaration of Justin Morgan attached as *CP 814-827 Exhibit A-1_¶ (9)* states: “Defendant offered only two dates July 29, 2016 and August 5, 2016, Counsel is not available on July 29, 2016 and August 6, 2016 is unreasonable (that is nearly two months away!).”

As persuasively presented above the Court Order to attend any type of deposition on July 29, 2016 is meritless and should not have been considered as a basis for a CR-37(b) default and sanction. The second deposition set for August 12, 2016 at 11:00 a.m. was unreasonable and set Defendant up to fail, it was an impossibility of performance ordered by the PCSC.

Defendant e-filed and electronically served his Motion to Compel, which provided a calendar date of August 12, 2016. Defendant advised Plaintiff he could not attend the hearing and provided a letter from his employer and filed a written response to the motion. *CP- 464-494_*. Plaintiff proceeded in open court and presented their brief argument on August 12, 2016 at 9:50 a.m.. Defendant was ordered to appear at a deposition the same day, 70 minutes later. As demonstrated, Defendant was not in court so the Order was not visible to him. Defendant was compelled to attend a deposition that was not only physically impossible to attend due to the distance of his employment, but which lacked proper notice for compliance.

The order compelling a same day deposition was a manifest error. Manifest error is an error that is obvious and indisputable, that warrants reversal on appeal. It is an indisputable error of judgment in complete disregard of the facts of the case, the applicable rule or law and credible evidence.

The Order of August 12, 2016 compelling depositions was unlawful and violated Court Rules CR-30(b)(1)

Doctrine of Impossibility of Performance

The Impossibility of Performance Doctrine is a principle whereby a party may be released from performance on the grounds that uncontrollable circumstances have rendered performance impossible. Defendant could not perform under the circumstances.

The Order compelling Defendant did not comply with basic court rules. Additionally, CR-30(b)(1) has a provision of reasonableness to attend and serve a notice of deposition.

CR-30(b)(1) states: A party desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing of not less than 5 days (exclusive of the day of service, Saturdays, Sundays and court holidays) to every other party to the action and the deponent.

Reasonable notice is defined as five days, not 70 minutes later to appear.

Additionally, Counsel for Plaintiff states to PCSC that four depositions had been scheduled but this was a false oath to the Court. Per the court file and evidenced within the thousands of pages is the Plaintiffs email concerning the deposition of June 10, 2016. Exhibit B-2.

The judgment amount of \$66,586.00 awarded for rent was an abuse of discretion by the acting PCSC Judge as it was unsupported by any credible evidence to calculate such an inflated amount.

The Declaration of Plaintiff filed on November 15, 2016 (Exhibit_B-2_)CP 904-932 states she rented the property with Air BNB for \$25,634.00 for an average \$169.26 a night for 151 nights, prior to Defendants possession and her abandonment. This statement upon

examination refers to reservations not actual income received. Had the income been \$25,634.00 for 5 months, the subject property should not have been in foreclosure with the mortgage unpaid. Exhibit I provided by Plaintiff describes a luxurious home in Tacoma, it provides reservation dates, confirmation codes and check in dates. Exhibit I does not provide the address of the Tacoma home Plaintiff was renting. Exhibit I provides no proof of deposits into the account of Plaintiff that could verify the amounts Plaintiff provided on an untitled word document. Exhibit I fails to provide complete names of tenants, terms of service, rules, or an example of any written agreements. Plaintiff's Exhibits for rent are also defective as the reservation date is after the state date. Typically, a reservation is made prior to occupancy with a credit card charge on a starting date. The format presents suspicions as to its relevance as truthful.

The Defendant understands the concept of the Plaintiff's motion of November 29, 2016 and the Judge's steadfast denial to hear evidence that would defeat the CR-37(b) motion as the Judge declared Defendant in default. Now at Judge Serko's discretion, the Judgment amount could be entered and unchallenged no matter how shocking, inflated or untruthful as it is presently uncontested.

At the hearing, PCSC aggressively villainized Defendant. Little consideration was given to a lesser sanction that would have given each side equal treatment under the law by Judge Serko. Judge Serko's ruling buried the Defendant, there was no due process and the decision was not based on the merits of the case.

The legal argument for reversal: The granting or denial of a motion to exclude certain evidence is addressed to the discretion of the trial court and should be reversed only in the event of abuse of discretion. *Fenimore v. Donald M. Drake Constr. Co.*, 87 Wash. 2d 85, 91, 549, P.2d 483 (1976). A trial court abuses its discretion when the ruling is manifestly unreasonable or

based on untenable grounds. State ex rel. *Carroll v. Junker*, 79 Wash.2d 12, 26 482 P.2d (1971). It is within the trial court's discretion to exclude evidence, the probative value of which is substantially outweighed by the dangers of unfair prejudice, confusion of the issues, misleading the jury, undue delay, waste of time, or needless presentation of cumulative evidence. ER-403.

In Defendants case, evidence rules ER-401 and others are tossed out as the trial courts decision is based on untenable grounds. Not only is the judgment overstated, the foundation again of the CR-37(b) motion failure to attend depositions was reached by an unreasonable order of the court.

New Evidence/Discovery Exhibit B

RAP RULE 9.11 ADDITIONAL EVIDENCE ON REVIEW

(a) Remedy Limited. The appellate court may direct that additional evidence on the merits of the case be taken before the decision of a case on review if: (1) additional proof of facts is needed to fairly resolve the issues on review, (2) the additional evidence would probably change the decision being reviewed, (3) it is equitable to excuse a party's failure to present the evidence to the trial court, (4) the remedy available to a party through post judgment motions in the trial court is inadequate or unnecessarily expensive, (5) the appellate court remedy of granting a new trial is inadequate or unnecessarily expensive, and (6) it would be inequitable to decide the case solely on the evidence already taken in the trial court.

(b) Where Taken. The appellate court will ordinarily direct the trial court to take additional evidence and find the facts based on that evidence. The appellate court pursuant to RAP 9.11 at their discretion can review or request newly discovered evidence to be considered in the appeal process.

The Plaintiff has accused Defendant of failure to disclose witnesses. However, the following expert was present and the attached Exhibits would be used at trial. The handwriting expert would be called as disclosed to Plaintiffs Counsel and recorded within the court files.

Standard for Pro Se' Litigants

Defendant again requests the Appellate Court recognize he is pro se' and has done his best to present his argument based on the facts of the case. Pro se litigants' court submissions are to be construed liberally and held to less stringent standards than submissions of lawyers. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. *Boag v. MacDougall*, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982); *Estelle v. Gamble*, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)(quoting *Conley v. Gibson*, 355 U.S. 41, 45-46, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)); *Haines v. Kerner*, 404 U.S. 519, 92 S.Ct. 594, 30 L.Ed.2d 652 (1972); *McDowell v. Delaware State Police*, 88 F.3d 188, 189 (3rd Cir. 1996); *United States v. Day*, 969 F.2d 39, 42 (3rd Cir. 1992)(holding pro se petition cannot be held to same standard as pleadings drafted by attorneys); *Then v. I.N.S.*, 58 F.Supp.2d 422, 429 (D.N.J. 1999).

F. Conclusion

Defendant/Appellant's relief requested is that the Court of Appeals remand the case back to Pierce County Superior Court and vacate the Judgement so the case may be decided on its merits and evidence, not by default. The opportunity to have the case tried on its merits would be a proper application of our judicial system. The court abused its discretion in a finding of Default.

Respectfully submitted this 21 day of August 2017, at Tacoma, WA

By: /s/Jeff Volk Reimer
Jeff Volk-Reimer
9913 Waller Road E
Tacoma, WA 98446
jeffvreimer@yahoo.com

G. Appendix Copy of Court papers as Exhibits

Exhibit A-1	Declaration of Timothy Minor page (6) sentence (9) <i>CP 814-827</i>
Exhibit A-2	Order of August 12, 2016 and Court Minutes of 08/12/2016 <i>CP- 874-876</i>
Exhibit A-3	Eva Declaration ¶ (3) page (1) Eva checks of last payments <i>CP 904-932</i>
Exhibit A-4	Order subject to appeal Order of November 29, 2016
Exhibit A-5	Affidavit of Prejudice <i>CP-1-3 and CP-31-40</i>
Exhibit A-6	Excerpts of Transcript page 31 and 32 full transcript is <i>CP 520-561</i>
Exhibit A-7	Response August 12, 2016 Hearing <i>CP 464-494</i>
Exhibit B	RAP 9.11 New Evidence Handwriting Expert
Exhibit B-2	Email agreeing to deposition date not appropriate <i>CP 19-23 and CP 24-30</i>
Exhibit B-3	Declaration of Eva in support of \$25,634.00 in bookings (reservations) Eva Exhibit <i>I CP 904-932</i>

COURT PAPERS PREPARED,

JEFF REIMERS TRANSMITTED, ON IT IS UNCLEAR IF RESPONDANT HAS PAID AND
TRASMITTED THEIR RECORD ON APPEAL.

(Record on Appeal)

May 05 2017 9:47 AM

KEVIN STOCK
COUNTY CLERK

May 5, 2017

DEREK BYRNE, CLERK
COURT OF APPEALS, DIVISION II
950 BROADWAY, SUITE 300
TACOMA, WA 98402-4454

Re: No. 15-2-14079-1
No. 49240-7
SHARON EVA

VS.
JEFF VOLK-REIMER

Dear DEREK BYRNE, CLERK,

We are enclosing the following in the above entitled matter:
CLERK'S PAPERS PAGES 1 TO 519
PER REQUEST OF APPELLANT
TO THE COURT OF APPEALS, DIVISION II

Designation of Clerk's Papers filed in our office on 01/23/2017 and prepared on 01/31/2017.

Sincerely,

Kevin Stock, Clerk
Pierce County Superior Court



FILED
IN COUNTY CLERK'S OFFICE

A.M. FEB 17 2016 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

February 17, 2017

vs.

JEFF VOLK-REIMER

Defendant

No.: 15-2-14079-1
Court of Appeals No.: 49740-9

CLERK'S PAPERS PER
REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

Jeff papers

HONORABLE GRETCHEN LEANDERSON
Trial Judge

VOLK-REIMER, JEFF
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Tacoma, WA 98404

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Everett, WA 98201-3517

ATTORNEY FOR RESPONDENT

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

February 17, 2017

vs.

JEFF VOLK-REIMER

Defendant

No.: 15-2-14079-1

Court of Appeals No.: 49740-9

CLERK'S PAPERS PER
REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

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August 09 2017 8:30 AM

KEVIN STOCK
COUNTY CLERK

August 9, 2017

DEREK BYRNE, CLERK
COURT OF APPEALS, DIVISION II
950 BROADWAY, SUITE 300
TACOMA, WA 98402-4454

Re: No. 15-2-14079-1
No. 49740-9
SHARON EVA

VS.
JEFF VOLK-REIMER

Dear DEREK BYRNE, CLERK,

We are enclosing the following in the above entitled matter:
CLERK'S PAPERS PAGES 520 TO 563
PER REQUEST OF APPELLANT
TO THE COURT OF APPEALS, DIVISION II

Designation of Clerk's Papers filed in our office on 07/07/2017 and prepared on 07/18/2017.

Sincerely,

Kevin Stock, Clerk
Pierce County Superior Court



15-2-14079-1 49583032 CLPP 07-18-17

FILED
IN COUNTY CLERK'S OFFICE

A.M. JUL 18 2017 P.M.

PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY CH DEPUTY

SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

July 18, 2017

vs.

JEFF VOLK-REIMER

Defendant

No.: 15-2-14079-1

Court of Appeals No.: 49740-9

CLERK'S PAPERS PER
REQUEST OF APPELLANT
TO THE
COURT OF APPEALS,
DIVISION II

HONORABLE GRETCHEN LEANDERSON
Trial Judge

VOLK-REIMER, JEFF
8311 GOLDEN GIVEN RD E
Tacoma, WA 98404

PRO SE APPELLANT

Justin Brian Morgan
2821 Wetmore Ave
Pilchuck Law Building
Everett, WA 98201-3517

ATTORNEY FOR RESPONDENT

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

July 18, 2017

vs.

JEFF VOLK-REIMER

Defendant

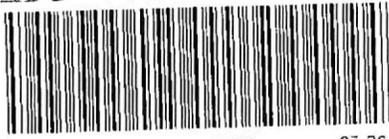
No.: 15-2-14079-1
Court of Appeals No.: 49740-9

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15-2-14079-1 49634144 CLPP 07-26-17

FILED
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A.M. JUL 26 2017 P.M.
PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY CH DEPUTY

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

July 26, 2017

vs.

JEFF VOLK-REIMER

Defendant

No.: 15-2-14079-1
Court of Appeals No.: 49740-9

Sharon papers

CLERK'S PAPERS PER
REQUEST OF RESPONDENT
TO THE
COURT OF APPEALS,
DIVISION II

HONORABLE GRETCHEN LEANDERSON
Trial Judge

Justin Brian Morgan
2821 Wetmore Ave
Pilchuck Law Building
Everett, WA 98201-3517

ATTORNEY FOR RESPONDENT

VOLK-REIMER, JEFF
8311 GOLDEN GIVEN RD E
Tacoma, WA 98404

PRO SE APPELLANT

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA

Plaintiff

July 26, 2017

vs.

JEFF VOLK-REIMER

Defendant

No.: 15-2-14079-1
Court of Appeals No.: 49740-9

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EXHIBIT A-1

1
2 DECLARATION OF JUSTIN MORGAN

3 I am Justin Morgan, and I certify under penalty of perjury under the laws of the State of
4 Washington the following:

5 1. I am the attorney for Sharon Eva in this action.

6 2. On June 10, 2016, my paralegal, Tina Waldo mailed Jeff Volk-Reimer the
7 attached declaration of service, which includes the deposition notice **attached as Exhibit A.**

8 3. On Friday, June 17, 2016, at 7:42 PM, Defendant told Plaintiff's counsel he was
9 unavailable on the 21st. **Attached Exhibit B** is an email from Defendant stating he is
10 unavailable. I advised the Defendant at that time if he did not show up we would be forced to
11 compel his attendance.

12 4. On Monday, June 20, 2016, Defendant did confirm he would not attend the
13 deposition on June 21, 2016. (See email as **Attached Exhibit C**).

14 5. I promptly called Capital Pacific Reporting, but was told they would charge a 2-
15 hour fee for the late cancellation (just one day before).

16 6. Defendant and I have exchanged alternate dates to set a deposition.

17 7. We are willing to set the deposition for any of the following dates: July 5, July 6,
18 July 7, July 8, or July 11, 2016. Plaintiff is willing to consider earlier times as well.

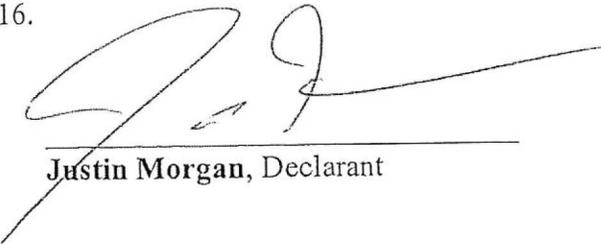
19 9. Defendant offered only two dates, July 29, 2015 and August 5, 2016. Counsel is
20 not available on July 29, 2016, and August 5, 2016 is unreasonable (that is nearly 2 months
21 away!)

22 10. Plaintiff understands the Defendant has a job. However, there is no reason his
23 employer needs seven weeks' notice to cover for Defendant. two weeks' notice should be more
24 than sufficient. Plaintiff proposes July 8, 2016, which is roughly three weeks from today.
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Defendant can provide notice to his employer, today, when he receives this motion.

DATED this 21st day of June, 2016.



Justin Morgan, Declarant

EXHIBIT A-2



15-2-14079-1 47411222 ORC 08-15-16



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA, a single individual,
Plaintiff,

NO. 15-2-14079-1

vs.

**ORDER TO COMPEL DEPOSITION OF
JEFF VOLK-REIMER**

JEFF VOLK-REIMER, a single individual
Defendant.

JUDGMENT SUMMARY

Judgment Creditor:	SHARON EVA
Judgment Debtor:	JEFF VOLK-REIMER
Attorney's Fees:	\$2,120.00
Deposition Costs:	\$130.00
Attorney for Judgment Creditor:	Justin Morgan Tuohy Minor Kruse PLLC 2821 Wetmore Ave. Everett, WA 98201

This Judgment shall bear statutory interest at 12% per annum until satisfied.

1 THIS MATTER came before the Honorable Judge Serko on a motion to compel the
2 deposition of Jeff Volk-Reimer.
3

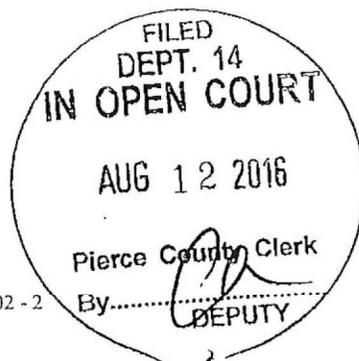
4 The Court having considered the pleadings filed herein, and any opposition filed by the
5 Defendant, now HEREBY ORDERS, ADJUDGED AND DECREES as follows:
6

7 (1) Defendant, Jeff Volk-Reimer, shall at CAPITAL PACIFIC REPORTING, 705
8 SOUTH 9TH STREET, SUITE 303, TACOMA, WASHINGTON, 98405, on
9 **August 12**, 2016, at 11:00AM to have his deposition taken and answer
10 questions pursuant to CR 30 and to testify in the above entitled cause, and to remain
11 in attendance upon the undersigned or any Notary Public until discharged for an oral
12 deposition;

13 (2) Judgment is entered against Defendant in favor of for Plaintiff's reasonable
14 attorney's fees in the amount of \$2,120.00 incurred in bringing this motion to be
15 presented and costs of \$130.00 which is owed to CAPITAL PACIFIC REPORTING
16 for Defendant's failure to show up for his prior scheduled deposition; and

17 (3) It is FURTHER ORDERED, that if Jeff Volk-Reimer fails to appear for the
18 deposition as ordered, then ~~Jeff Volk-Reimer shall be prohibited from introducing~~ JM
19 ~~evidence at trial or calling any witnesses.~~ The Court shall also entertain an order of
20 default against Defendant at Plaintiff's request and other appropriate Sanctions.
21

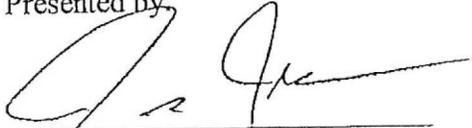
22 DATED this 12th day of August, 2016.



Susan K. Serko
JUDGE SUSAN K. SERKO

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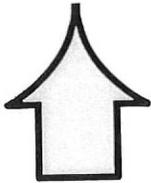


Justin Morgan, WSBA #45372
TUOHY MINOR KRUSE, PLLC
Attorney for the Plaintiff

Approved as to form:

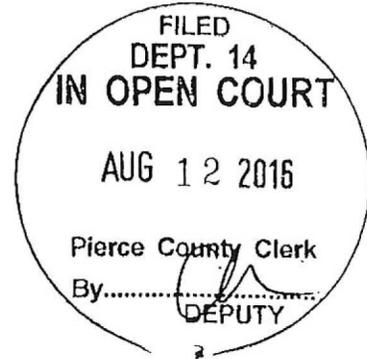


Jeff Volk-Reimer, pro se





15-2-14079-1 47411204 CME 08-15-16



IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

SHARON EVA
Plaintiff(s)
vs

JEFF VOLK-REIMER
Defendant(s)

Cause Number: 15-2-14079-1
Memorandum of Journal Entry

Judge/Commissioner: SUSAN K. SERKO
Court Reporter: Lanre Adebayo
Judicial Assistant: Candice Augustin

EVA, SHARON	Justin Brian Morgan	Attorney for Plaintiff/Petitioner
VOLK-REIMER, JEFF		

Proceeding Set: Motion
Proceeding Outcome: Motion Held
Resolution:

Proceeding Date: Aug 12, 2016 9:50 AM

<p>Clerk's Code: MTHRG Proceeding Outcome code: MTHRG Resolution Outcome code: Amended Resoluton code:</p>
--

IN THE SUPERIOR COURT, PIERCE COUNTY, WASHINGTON

SHARON EVA
vs
JEFF VOLK-REIMER

Cause Number: 15-2-14079-1
Memorandum of Journal Entry

Judge/Commissioner: SUSAN K. SERKO

MINUTES OF PROCEEDING

Start Date/Time: Aug 12, 2016 9:46 AM

Judicial Assistant: Candice Augustin
Court Reporter: Lanre Adebayo

August 12, 2016 09:46 AM - This matter comes on for a Motion to Reinstate Prior Case Schedule and a Motion to Compel. Present is Justin Morgan for the Plaintiff. Defendant did not appear. Argument by Mr. Morgan. **09:49 AM** - Motion to Compel granted. Motion to reinstate prior case schedule is granted. Orders entered.

End Date/Time: Aug 12, 2016 9:50 AM

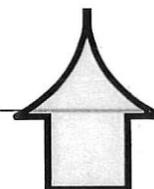
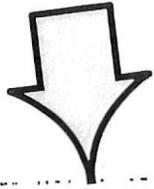


EXHIBIT A-3



10-7071/2260
302047738

2481

SUK C. DAVIS
SHARON M. EVA
P.O. BOX 84835 253-241-2468
TACOMA, WA 98484-0835

DATE: 11/15/11

PAY TO THE ORDER OF: *Wells Fargo Home Mortgage* \$ *2029.87*

Sharon M. Eva

Washington Mutual
Member FDIC
123456789
TACOMA, WA 98499

MEMO: *8311 Golden*

13250707601 3920477739 2481

#9

Posting Date: 20111130

Sequence Number: 4180063050

Amount: \$2,030.87

Account: 3920477739

Routing Transit Number: 32507078

Check/Serial Number: 00000002481

Bank Number: 702

IRD Indicator: 0

BOFD: 000000000

Capture Source: PV

Entry Number: 4477

UDK: 70211130004180063050

Cost Center:

Teller Number:

Teller Sequence Number:

Missing Image: 5

PE Indicator: N

Application Code: 1

Trancode: 002481

DB/CR: DB

Item Type: P

Processing Date:

1388751337

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** Last payment by Sharon Eva and Mother on Nov 15/2011, then no payments until Jeffs Mod, then (3) payments only 09/02/2014, 07/30/14 and 07/01/2014 (Evidence shows False statements by Eva)*

Transaction History

Customer: SHARON EVA

Account: ID/OR/WA Checking #XXXXXX7739

*required field

Current Balance
\$2,600.97

Present Balance
\$600.97

Available Less Overdraft
\$600.97

Available Balance
\$600.97

Calendar

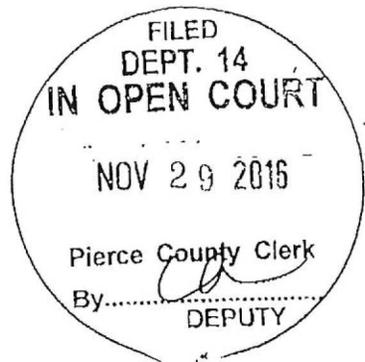
Showing \$2036.74 Transactions

*denotes end of day balance

Date Posted	Tran Type	Description	\$ Debits(-)	\$ Credits(+)	\$ Balance
09/02/2014	<u>Check</u>	CHECK # 3373 WFHM MORTGAG	-2,036.74		
07/30/2014	<u>Check</u>	CHECK # 3371 WFHM MORTGAG	-2,036.74		
07/01/2014	<u>Check</u>	CHECK # 3367 WFHM MORTGAG	-2,036.74		



EXHIBIT A-4



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA, a single individual,
Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual
Defendant.

NO. 15-2-14079-1

**ORDER FOR
DEFAULT/SANCTIONS
FOR CONTEMPT (CR 37(B))**

(CLERK'S ACTION REQUIRED)

JUDGMENT SUMMARY

Judgment Creditor:	SHARON EVA
Judgment Debtor:	JEFF VOLK-REIMER
Principal Judgment:	\$66,586.00
Attorney's Fees:	\$20,355.50
Costs:	\$347.30
Attorney for Judgment Creditor:	Justin Morgan Tuohy Minor Kruse PLLC 2821 Wetmore Ave. Everett, WA 98201

This Judgment shall bear statutory interest at 12% per annum until satisfied.

This matter came on regularly for hearing before the Honorable Susan K. Serko, upon the motion of the plaintiff, Sharon Eva, for a Motion for Default for Contempt (CR37(b)) and

1 Sanctions Against Defendant for Jeff Volk-Reimer's noncompliance with the August 12,
2 2016 Order of this Court and his bad faith litigation tactics.

3
4 Present for the hearing were the following:

- 5 • JUSTIN MORGAN, of Tuohy Minor Kruse PLLC, on behalf of Sharon Eva,
6 Plaintiff; ~~and~~ Sharon Eva; and
7 • James Turner, who appeared limitedly for Defendant.

8
9 **EVIDENCE RELIED UPON**

10 The August 12, 2016 Order, the Motion for Default for Contempt (CR37(b)) and
11 Sanctions Against Defendant, Declaration of Sharon Eva in Support of Motion for
12 Default/Sanctions; Declaration of Counsel for Attorney's Fees in Support of Motion for Default
13 for Contempt (CR37(b)) and Sanctions Against Defendant; the Declaration of Service; the
14 Declaration of Jeff Volk-Reimer in Opposition to motion for Sanctions; Reply to Declaration of
15 Jeff Volk-Reimer and all other pleadings filed herein; and the following materials:
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25 The court, having reviewed the files and records herein, including the materials referenced
26 above, and having heard the argument of those present, makes the following:

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FINDINGS OF FACT

1. Jeff Volk-Reimer received notice of a properly scheduled deposition on June 21, 2016 and failed to appear.
2. Jeff Volk-Reimer received notice of Plaintiff's motion to set a deposition for August 12, 2016. *IN total, Jeff Volk-Reimer received notice of four depositions and failed to appear at any depositions.*
3. Jeff Volk-Reimer replied to that motion and did not object to a deposition on August 12, 2016, and stated that he would not attend any deposition in person in his response.
4. This Court Ordered the deposition of Jeff Volk-Reimer to appear and be deposed on August 12, 2016;
5. Jeff Volk-Reimer failed to appear and stated on the record he would not appear for any oral deposition.
6. Jeff Volk-Reimer's refusal to appear for a court ordered deposition was willful and intentional based on his own sworn statements.
7. Jeff Volk-Reimer's refusal to appear for the deposition has substantially prejudiced Sharon Eva's ability to prepare for trial for several reasons including that she is unaware of his testimony, his defenses, his evidence, and any other claims or defenses he may argue. The Court finds his testimony goes to the heart of all of his defenses he has made in this case.
8. This Court considered all potential sanctions and remedies available under Court Rule 37(b) to ensure fairness to both parties.

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9. Jeff Volk-Reimer's actions prevented this Court from taking less restrictive actions while ensuring fairness to Plaintiff.
 10. Jeff Volk-Reimers actions of refusing to be deposed or appear personally and argue this case on the merits allow this Court to infer his defenses are meritless.
 11. This Court was unable to take any actions for four months after Jeff Volk Reimer's intentionally refusal to be deposed. These delays were due solely to Jeff Volk-Reimers bad faith bankruptcy, appellate, and other state court filings.
 12. In light of the impending foreclosure to the Plaintiff's home, and the defendant's intentional refusal to answer questions as order by this Court, the Court enters appropriate sanctions as ordered below to ensure fairness to the plaintiff.
 13. The Court also finds the attorney's fees in bringing this motion are reasonable, are not duplicative, and that counsel's time and hourly rate are both reasonable.
 14. The Court finds all of the attorney's fees awarded are reasonable, are not duplicative, and that counsel's time and hourly rate are both reasonable.
 15. The Plaintiff has established the amount of reasonable rental value for the time period she has been denied access to the Real Property, and Defendant has provided no evidence to the contrary.
 16. The Court finds the rental values provided as reasonable.
 17. Jeff Volk-Reimer filed three bankruptcies (including a removal) for the purposes of delaying, harassing and causing unnecessary litigation costs to Sharon Eva.

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18. Jeff Volk-Reimer filed two appeals to seek stays for the purposes of delaying, harassing and causing unnecessary litigation costs to Sharon Eva.
 19. Jeff Volk-Reimer has harassed Sharon Eva through procedural tactics throughout this case.
 20. Jeff Volk-Reimer has presented frivolous arguments to this court, including twice that the bankruptcy court has stayed this hearing when it had not.
 21. Jeff Volk-Reimer has unnecessarily increased litigation costs to Plaintiff.
 22. The trial set for November 28, 2016 was unable to ~~be scheduled~~ ^{go forward} due ^{to} these bad faith filings.
 23. Jeff Volk-Reimer has litigated this matter in bad faith.
 24. Jeff Volk-Reimers actions in filing bankruptcies were done in bad faith.
 25. Jeff Volk-Reimers recent removal action was filed in bad faith.
 26. The Court finds fairness to the plaintiff requires that the Court must order Defendant to pay all reasonable legal fees associated with his bad faith filings and litigation tactics; and
 27. The Court finds a default judgment is the only order this Court can enter to ensure fairness to Plaintiff, remedy the actions of the Defendant, and to prevent the Defendant from continuing his bad faith conduct including refusal to follow court orders.
 28. The Court considered less restrictive sanctions, but nothing less than a default judgment will ensure fairness to Plaintiff that her claim is adjudicated efficiently and prevent Defendant from benefitting from his conduct to sandbag proceedings.

Conclusions of Law

29. The Court concludes that both CR 37(B) and the inherent power of this court (including CR 11) provides this Court with independent basis to impose the default judgment below. The Court could enter default judgment on either basis, but finds both proper in this Case. *The Court imposes judgment under CR 11, CR 37(B), and the inherent authority of the Court*

30. The Court also made several findings of fact and conclusions of law on the record which are incorporated by reference.

The Court finds the Defendant's actions to be the most disrespectful ever experienced by the Court. The Court does not find Mr. Turner, who limitedly appeared, violated CR 11.

hereby **ORDERS** as follows:

ORDER

1. Jeff Volk-Reimer is in contempt of court for his intentional refusal to comply with the August 12, 2016 order of this court.
2. Jeff Volk-Reimer has litigated with the intent to harm, harass, delay and cause unnecessary expenses to Sharon Eva. His actions are in bad faith. *His actions are in violation of CR 11.*
3. All of the pleadings of Defendant, Jeff Volk-Reimer, are hereby stricken.
4. Further the Court orders that Jeff Volk-Reimer is in default, and the following default judgment is entered:

a. The Real Property located at 8311 Golden Given Rd., Tacoma WA, *was conveyed* ~~is hereby~~ ~~quiet titled in favor of Sharon Eva, and her rights to the real property are~~ ~~paramount to Jeff Volk-Reimer,~~
by Defendant to Sharon Eva on March 28, 2017
and her interests are confirmed.

1
2 b. Jeff Volk-Reimer is hereby ejected from the real property located at 8311
3 Golden Given Rd, Tacoma, WA, and the clerk of this court will issue a writ of
4 ejectment in a form provided by Plaintiff's counsel to ensure the sheriff of
5 Pierce County can remove Mr. Volk-Reimer; and

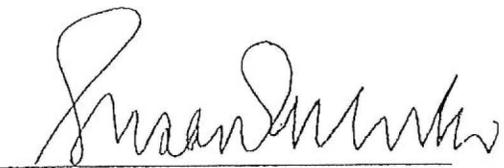
6 c. Judgment of \$66,586.00 is awarded in favor of Plaintiff Sharon Eva, and
7 against Jeff Volk-Reimer as reasonable rental value for his possession of the
8 real property since October 25, 2015 until the date of this order. Judgment
9 shall be subject to 12 percent interest until fully satisfied.

10 5. Judgment of \$20,355.50 for attorney's fees in favor of Plaintiff Sharon Eva, and
11 against Jeff Volk-Reimer is awarded. Deposition fees of \$347.30 are awarded as
12 Judgment to the Plaintiff against the Defendant. The entire Judgment for said fees and
13 costs shall be subject to 12 percent interest until fully satisfied.

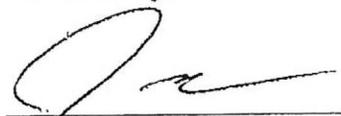
14 6. Nothing in this order prevents or limits Plaintiff's right to claim additional damages
15 for missing personal property or damage to said real property or other damages,
16 including attorney's fees.

17 7. Any offset of mortgage payments is
18 DENIED.

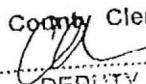
19 DATED this 28th day of November, 2016.

20
21 
22 JUDGE SUSAN K. SERKO

23 Presented by:

24 
25
26 **Justin Morgan, WSBA #45372**
TUOHY MINOR KRUSE, PLLC
Attorney for the Plaintiff

7417.0001/JM/16.02.20 -
ORDER FOR DEFAULT/SANCTIONS

FILED
DEPT. 14
IN OPEN COURT
NOV 29 2016
Pierce County Clerk
By 
DEPUTY
TUOHY MINOR KRUSE PLLC
2821 Wetmore Avenue
Everett, WA 98201
(425) 250-0104

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3 Approved as to form:

4 
5 ~~Jeff Volk-Reimer, Pro Se~~

6 James N. Turner, WSBA # 16199
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EXHIBIT A-5



FILED Gretchen Leanderson
IN COUNTY CLERK'S OFFICE

MAR 31 2016

PIERCE COUNTY WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

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

SHARON EVA, a single individual,

Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual,

Defendant.

CASE NO.: 15-2-14079-1

AFFIDAVIT OF PREJUDICE
PURSUANT TO RCW 4.12.050

Clerk Action Required

Comes Now Jeff Volk-Reimer, Defendant in the above captioned case.

Pursuant to RCW 4.12.050, Jeff Volk-Reimer executes removal of Judge Gretchen Leanderson.

The relevant part of RCW 4.12.050 (1) states "Any party to or any attorney appearing in any action or proceeding in a superior court, may establish such prejudice by motion, supported by affidavit that the judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial before such judge: PROVIDED, That such motion and affidavit is filed and called to the attention of the judge before he or she shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the

1 action, of the hearing of which the party making the affidavit has been given notice, and before
2 the judge presiding has made any order or ruling involving discretion..."

3 Good cause is demonstrated. The Court should immediately proceed no further until a
4 new presiding judge can be assigned.
5

6
7 Submitted March 29, 2016 at Tacoma, Washington
8

9 s/Jeff Volk Reimer

10 Jeff Volk-Reimer

11 8311 Golden Given Rd E

12 Tacoma, WA 98404
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1 Declaration of Service:

2 I, Jeff Volk-Reimer declare as follows: On March 29, 2016, I caused a copy of the
3 foregoing Affidavit of Prejudice to be served by electronic service and via first class mail to
4 attorney for Plaintiff listed below.
5

6
7 Tuohy Minor Kruse PLLC
8 Justin Morgan
9 2821 Wetmore Avenue
10 Everett, WA 98201
11

12 Submitted March 29, 2016 at Tacoma, Washington
13

14 s/ Jeff Volk Reimer
15 Jeff Volk-Reimer
16 8311 Golden Given Rd E
17 Tacoma, WA 98404
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

SHARON EVA, a single individual,

Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual,

Defendant.

CASE NO.: 15-2-14079-1

DECLARATION OF JEFF VOLK-REIMER IN SUPPORT OF AFFIDAVIT OF PREJUDICE

Clerk Action Required

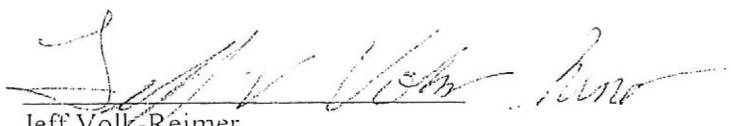
I, Jeff Volk-Reimer declare as follows: I am over the age of 21, I am competent to testify and have personal knowledge regarding the statements set forth in this declaration.

I am the Defendant in the above captioned case. I believe I cannot receive a fair and impartial trial or any other proceeding before Judge Gretchen Leanderson in this action. I execute this declaration for the purpose of disqualification of said Judge from hearing this matter. I have not filed a prior affidavit of prejudice in this case.

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

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Signed this 31 day of March 2016 at Pierce County, Washington.



Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404

Home Mail Search News Sports Finance Celebrity Weather Answers Flickr Mobile More Try Yahoo Mail on Firefox »

Q All Search

Search Mail

Search Web

Home

jeff



Compose

Archive Move Delete Spam More

Filing Notification

SUPERIOR COURT <PCCLKLINX@co.pierce.wa.us> Jun 8 at 7:31 PM
To Jeff J Reimers, PCCLKLINX@co.pierce.wa.us

Thank you. Your documents have been submitted to the Pierce County Clerks Office.

Case: 15-2-14079-1
SHARON EVA VS. JEFF VOLK-REIMER

The date and time of this submission was 06/09/2016 8:30 AM

The following Filing(s) were successfully submitted:

47035959 - Response and limited objection to reinstate case

THIS E-MAIL IS PRIVILEGED AND/OR CONFIDENTIAL AND INTENDED ONLY FOR THE LISTED RECIPIENT. IF YOU RECEIVED THIS E-MAIL IN ERROR OR THROUGH UNAUTHORIZED INTERCEPT, PLEASE REPLY TO THIS EMAIL, AND THEN DELETE THIS E-MAIL.

Reply, Reply All or Forward | More

Click to Reply, Reply All or Forward

Send [Attachment icon] Tt B I A [List icon] [Bulleted list icon] [Numbered list icon] [Link icon] [Smiley icon] [Reply icon]



June 29 2016 10:57 AM

KEVIN STOCK
COUNTY CLERK

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

SHARON EVA VS. JEFF VOLK-REIMER

15-2-14079-1

The case(s) listed above were previously assigned to Department 15 Judge GRETCHEN LEANDERSON. Judge SUSAN K. SERKO has assumed this case. Unless otherwise notified, your trial date and case schedule, if set, remain unchanged.

If the case is resolved, call Department 14 at (253) 798-3646 or e-mail to: supcrtdept14@co.pierce.wa.us

If you are an attorney and have withdrawn from this case, contact the Clerk's office.

Dated June 29, 2016

Mailed to:

Justin Brian Morgan
VOLK-REIMER, JEFF

Dated:



Frank E. Cuthbertson
Presiding Judge

EXHIBIT A-6

1 UNIDENTIFIED WOMAN: I'm not an attorney. I used to
2 work with Greg several years ago and I didn't know anything
3 about --

4 THE COURT: I'm not going to take testimony from
5 you.

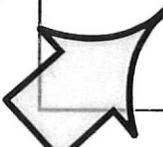
6 UNIDENTIFIED WOMAN: Okay.

7 THE COURT: I appreciate what you've said and you
8 made a record which you don't work for that law firm. That's
9 fine.

10 UNIDENTIFIED WOMAN: Okay. Thank you.

11 THE COURT: That's fine. I'm going to grant the
12 relief requested by the plaintiff; probably no surprise to
13 either one of you. I'm doing that because of the following
14 reasons. Mr. Volk-Reimer, in my opinion, really has treated
15 the court system -- including the Federal Court -- with the
16 most disrespect I have ever seen in 35 years almost of
17 practicing law and being involved in the legal profession. I
18 highlighted what some of the quotations from the law where
19 extreme remedies are imposed and why that might be. And I
20 adopt the language of some trial court somewhere that said
21 this is stonewalling, foot-dragging, obfuscation. I would
22 add to that in this case; I think this is bullying and
23 misrepresentations in addition to the most extreme disrespect
24 I've ever seen for the courts and violation of due process.

25 Mr. Reimer, Volk-Reimer, has failed to appear two times



1 for depositions after they were court ordered. There were
2 indeed four depositions set for none of which he's appeared
3 at. He's filed three bankruptcies within the last year, a
4 total of four over the course I think of two years.

5 Mr. Morgan would have the dates.

6 MR. TURNER: I think it's three years or four years,
7 but he did do one in 2013.

8 THE COURT: Okay. So I stand corrected; but three
9 have been done within the last year and I think it's even
10 seven or eight months. And the timing of those bankruptcies
11 is curious. They come before some court proceeding, a
12 deposition, something that would allow him to stay it, and
13 making it clear to the Court that he's using the bankruptcy
14 process to interfere with the natural progression of this
15 case. He removed the underlying Superior Court case, which
16 was then immediately remanded back by Judge Lynch. He has
17 filed two appeals and I believe they are now consolidated and
18 still pending with Division II, but it did not stay the
19 underlying proceedings so I think I'm well within my rights
20 to proceed with the ultimate remedy.

21 What Mr. Morgan didn't mention, but I also take note of
22 the fact that he's also filed two-bar complaints against
23 Mr. Morgan, which were summarily dismissed because they were
24 specious, they had no merit whatsoever. And apparently he
25 filed an affidavit of prejudice against Judge Leanderson, of

EXHIBIT A-7

November 28 2016 2:06 PM

Judge Serko

KEVIN STOCK
COUNTY CLERK
NO: 15-2-14079-1

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

9 SHARON EVA, a single individual,

10 Plaintiff,

11 vs.

12 JEFF VOLK-REIMER, a single individual,

13 Defendant.
14

CASE NO.: 15-2-14079-1

**SUPPLEMENTAL FILING TO
PLAINTIFF'S MOTION FOR DEFAULT**

Originally noted for November 23, 2016 then
renote for November 29, 2016 at 1:30 p.m.

15 **I. SUPPLEMENTAL FILING**

16 COMES NOW Jeff Volk-Reimers ("Defendant") and supplements his response to
17 Plaintiff's recent motion for default and sanctions¹ if the court proceeds further as Defendant
18 does have an active bankruptcy.
19

20 **II. MEMORANDUM OF LAW AND AUTHORITY**

21 Sharon Eva ("Plaintiff") has asked the Court for the most extreme discovery sanctions
22 pursuant to Court Rule 37. Plaintiff's statements and arguments as well as evidence are skewed
23 and not truthful before the court, Defendant demonstrates good cause to Deny the motion.
24

25 **Legal authority required under CR-37**

26 A trial court may impose the most severe discovery sanctions only upon a showing that (1) the
27

28 ¹ Defendant originally filed a response on September 13, 2016 that included a four-page declaration and 224 pages
of discovery exhibits.

1 discovery violation was willful or deliberate, (2) the violation substantially prejudiced the
2 opponent's ability to prepare for trial, and (3) the court explicitly considered less severe
3 sanctions. *Burnet*, 131 Wn.2d at 494. Failure to consider the three factors amounts to an abuse of
4 discretion. *Keck v. Collins*, 184 Wn.2d 358, 368, 357 P.3d 1080 (2015).

5 The Plaintiff does not demonstrate the discovery violations are willful or deliberate (by
6 Defendant). The Plaintiff does not demonstrate the purported discovery abuses will substantially
7 prejudice Plaintiff at trial. Finally, the Court has not considered less severe sanctions.
8

9 The core of Plaintiff's motion is nonattendance of various scheduled depositions. These
10 depositions were without the consent of Defendant or other attempts to meet and confer as
11 required (see attached email chain).
12

13 On July 8, 2016 Judge Leanderson after being served an Affidavit of Prejudice issued a
14 Deposition Order. This Order is still subject to appeal at COA-II 49240-7-II. Additionally, the
15 Plaintiff attempts to present as the foundation of default and sanctions an Order signed by Judge
16 Serko on August 12, 2016. However, this Order is presently under appeal as Defendant was not
17 in court on the day the Order was signed. The Order was to compel Defendant to attend a
18 deposition on the same day as the Order was signed, August 12, 2016 at 11:00 a.m., less than one
19 hour later. It would have been physically impossible to attend for the simple fact Defendant was
20 not aware that the Order was signed compelling him to attend. The Court issued an Order which
21 was impossible to comply with, especially since the record demonstrates Defendant was a
22 quarter mile underground on the I-99 tunnel which was repeatedly discussed with opposing
23 counsel during numerous email exchanges.
24
25

26 The facts demonstrate that both the Order of July 8, 2016 and the Order of August 12,
27 2016 are both before the Court of Appeals by which a ruling combined the two Orders into one
28

1 appeal under COA-II number 49110-9-II. Defendant believes it was an abuse of discretion to
2 order attendance of a deposition one hour after the Order was entered or served on the party to
3 attend.

4 As set forth above, the evidence does not demonstrate Defendant was willful in
5 nonattendance of the two depositions. The Plaintiffs argument is not persuasive enough to meet
6 condition (1).

7 Plaintiff fails to support the second requirement of a default discovery sanction.

8
9 Plaintiff cannot demonstrate she is prejudiced for trial. The record indicates Defendant
10 has provided substantial discovery to include several hundred pages. The Court presently has not
11 set a new trial date or schedule. Therefore, Plaintiff has adequate time to conduct a deposition of
12 Defendant. In fact, Defendant has been trying himself to depose Plaintiff however she has been
13 evasive using her work schedule as a basis for nonattendance. ²

14
15 As set forth above Plaintiffs evidence of prejudice at trial is baseless and Plaintiff has
16 failed to meet the burden of proving her motion under requirement (2).

17
18 The Court of Appeals have generally ruled with disfavor upon default procedures as the
19 interest of justice is not served as obtaining a decision on the merits of the case is preferred.

20 In Defendants case the seated Judge issued an Order to attend a deposition. The
21 Defendants Exhibits demonstrate a reasonable good cause for failure to attend. To provide
22 Plaintiff a windfall of nearly \$100,000.00 for a home she placed into foreclosure is
23 unconscionable. As demonstrated the Court can impose a less severe remedy as the Plaintiff has
24 attempted to jump into CR 37 sanction simply because his case will not prevail. Therefore
25 condition (3) of the test pursuant to case law for an order under CR-37 fails.

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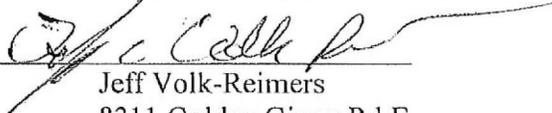
² Defendant has reached out to Plaintiffs' counsel numerous times for a date and time of Plaintiffs deposition.
28 Defendant will ask the Court to reset trial and discovery cut off to further prepare for trial, giving both sides the
opportunity to conduct relevant discovery.

1
2 Defendant has multiple bankruptcy filings as these are available as a matter
3 of law to Defendant. With each filing the conditions have changed giving rise to a need for a new
4 filing.³ As of today's date there is no order supporting Defendant has filed any bankruptcy in
5 bad faith, Plaintiffs evidence is opinion only and fails to meet a standard under ER-401
6

7 **III. CONCLUSION**

8 The Court at its discretion has other options as well as does Plaintiff to have this case
9 proven at trial rather than default. It would be unjust to grant Plaintiffs CR-37(B) motion as other
10 remedies are available and justice will be better served. The CR-37(B) motion should be denied
11 and the Court at its discretion issue a new scheduling order providing equal discovery time for
12 the parties. Defendant has provided available dates to Plaintiff for further discovery.
13

14
15 Signed this 25 day of Dec 2016 at Pierce County, Washington.

16 
17 Jeff Volk-Reimers
18 8311 Golden Given Rd E
19 Tacoma, WA 98404
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27 ³ Pursuant to the bankruptcy code a corporation cannot be accused of bad faith filing. Although Defendant is not a
28 corporation he can file as he sees fit or until the court determines other use. The courts look at a totality of
circumstances (see *In re Marshall*, 298 B.R. at 676) which demonstrate Defendant has good cause for filings.

Certificate of Service:

I, Jeff Volk-Reimers declare as follows: On November 28, 2016, I caused a copy of Jeff Volk-Reimers Supplemental Filing and Exhibits to Plaintiff's Motion for Default and this Certificate of Service to be **emailed** and mailed via first class mail to attorney for Plaintiff Sharon Eva listed below.

Tuohy Minor Kruse PLLC
Justin Morgan
2821 Wetmore Avenue
Everett, WA 98201
justin@tuohyminor.com

Signed this 28 day of Nov 2016 at Pierce County, Washington.



Jeff Volk-Reimers
8311 Golden Given Rd E
Tacoma, WA 98404

E-Mail Chain
Relevant parts

EX-111 B

Justin Morgan

From: jeff reimer <jeffvreimer@yahoo.com>
Sent: Friday, June 17, 2016 6:11 PM
To: Justin Morgan
Subject: Re: June 24, 2016 Hearing

Justin

I am not required to confirm hearing until see PCLR

7 (a)(9) Confirmation of Motions. All motions shall be confirmed by the moving party during the week of the hearing, but no later than 12:00 noon two court days prior to the hearing.

Given that the protection order was directly related to your inability to properly note my deposition, it would be me who is entitle to attorney's fees. However you have rescheduled the Deposition again on a date that is unavailable I will need to amend the filing and re-note for protection unless we can agree to the date of July 29th or August 5th 2016. please let me know by Monday 20th 2016 at 4pm if that works, if so yes I will strike hearing.

Thank you
Jeft



On Friday, June 17, 2016 12:55 PM, Justin Morgan <justin@tuohyminor.com> wrote:

Mr. Volk-Reimer,

Do you intend to strike the June 24, 2016 hearing on your protection order? Since we cancelled the deposition it references and re-noted it with proper time in Pierce County, your motion is unnecessary. If you agree, please strike it by Monday, June 20, 2016. I believe you can strike it online easily or call the clerk to do so.

If you do not strike it (and I don't receive confirmation by Monday), I will respond to it, and counter-motion for attorney's fees against you for it being a frivolous motion.

Obviously, I'd prefer you just strike it to save both of you money, but we will have to ask for fees if you are not reasonable.

Justin Morgan
Attorney At Law

Tuohy Minor Kruse PLLC
2821 Wetmore Avenue
Everett, Washington 98201
Phone: (425) 259-9194
Fax: (425) 259-6240
Website: www.tuohyminorkruse.com

EXHIBIT C

Justin Morgan

From: jeff reimer <jeffvreimer@yahoo.com>
Sent: Monday, June 20, 2016 5:27 PM
To: Justin Morgan
Subject: Re: Deposition schedule

As explain an pursuant to my protection order i will not be attending any deposition i have provided reasonable available dates.

Should you proceed it will be at your own expense

Thank you Jeff

On Monday, June 20, 2016 3:22 PM, Justin Morgan <Justin@tuohyminor.com> wrote:

Actually, if you could let me know by 5:00 PM whether you will be there tomorrow that would be better.

Justin Morgan

Attorney At Law

Tuohy Minor Kruse PLLC
2821 Wetmore Avenue
Everett, Washington 98201
Phone: (425) 259-9194
Fax: (425) 259-6240
Website: www.tuohyminorkruse.com

CONFIDENTIALITY STATEMENT

This message may contain information that is protected by the attorney-client privilege and/or work product privilege. If this message was sent to you in error, any use, disclosure or distribution of its contents is prohibited. If you receive this message in error, please contact me at the telephone number or e-mail address listed above and delete this message without printing, copying, or forwarding it. Thank you, Tuohy Minor Kruse PLLC

From: Justin Morgan
Sent: Monday, June 20, 2016 3:19 PM
To: 'jeff reimer' <jeffvreimer@yahoo.com>
Subject: RE: Deposition schedule

Mr. Volk-Reimer,

The prior deposition you are referencing was stricken. **Attached** is the deposition notice you were sent 11 days ago, which is set for tomorrow in Pierce County. This is actually set at the location, you requested. I know you received it since you sent me an email last Friday saying you were not available. Can you confirm that you will NOT be in attendance tomorrow morning?

Please let me know as soon as possible so that I can avoid additional fees that I will ultimately ask the Court for you to pay since you are refusing to appear.



VANDERLIP & COMPANY, INC.
Drywall Systems Contractor

July 25, 2016

14535 NE 91st Street
Redmond, Washington 98052-3490

425/885-4110
Fax 425/885-1068

#VANDECH142C4

To whom it may concern;

Jeff Reimers is currently the field Superintendent for our North & South Operations Buildings for the SR-99 project.

He has been deemed our Competent Person for both buildings.

Our crews cannot be onsite without Jeff being on site.

This is part of our contract with STP and is strictly enforced.

We had previously anticipated being completed by this date, but to circumstances beyond our control, this project has been delayed.

As reported in local news, Bertha the drilling machine for the tunnel, has been delayed and is critical to the completion of our work on this project.

The 1st available date that Jeff will be available cannot be determined at this time.

If you have any questions, feel free to contact me in our office.

Todd Jensen

Project Manager
Vanderlip & Company

425-885-4110
Ext 103

RESPONSE SEPT 13th 2013

Relevant parts

September 13 2016 4:11 PM

KEVIN STOCK
COUNTY CLERK
NO: 15-2-14079-1

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Renoted 11/29/2016 1:30

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

SHARON EVA, a single individual,

Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual,

Defendant.

CASE NO.: 15-2-14079-1

DECLARATION OF JEFF VOLK-REIMER IN OPPOSITION OF MOTION FOR SANCTIONS

Noted for September 16, 2016 9:00 a.m.

I, Jeff Volk-Reimer declare as follows: I am over the age of 21, I am competent to testify and have personal knowledge regarding the statements set forth in this declaration.

I am the Defendant in the above captioned case. The Plaintiff has asked the Court to issue a default sanction using skewed facts and false statements to the court. These statements are outright perjury and the court on its own initiative should sanction Plaintiff for violation of CR-11. The Plaintiffs pleadings are excessively plagued with lies. For the sake of brevity, I will highlight the most offensive so the Court may make its own decision to deny Plaintiffs current motion.

The Plaintiff Sharon Eva states: **Page (3) Decl. Eva 13. And Exhibit C**

"On January 4, 2016, my attorney sent Jeff a request to admit he signed the deed. (Attached as Exhibit C-Request Admissions.)"

DECLARATION OF JEFF VOLK-REIMER
IN OPPOSITION OF MOTION FOR SANCTIONS

I

Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404

1 The Plaintiffs' Counsel Motion states: **Page (4) under IV History sentence 11.**

2 "In request for admissions pursuant to CR-36 dated January 4, 2016 Jeff admitted as a
3 matter of law that he signed the Deed by failure to answer."

4 The Plaintiff presents a blank request for admissions however, attached as **Exhibit (A)** to
5 my declaration is a signed, notarized copy of Request for Admissions denying the quit claim
6 deed. **This is perjury before the court in both Sharon Eva statement as well as Counsels**

7 These false statements by Plaintiff meet the doctrine of unclean hands and for that reason
8 alone Plaintiff's Motion should be denied and stricken.

9
10 Clean hands, sometimes called the clean hands doctrine or the dirty hands doctrine, [1]
11 is an equitable defense in which the defendant argues that the plaintiff is not entitled to obtain an
12 equitable remedy because the plaintiff is acting unethically or has acted in bad faith with respect
13 to the subject of the complaint—that is, with "unclean hands". [2] The defendant has the burden
14 of proof to show the plaintiff is not acting in good faith. The doctrine is often stated as "those
15 seeking equity must do equity" or "equity must come with clean hands". This is a matter of
16 protocol, characterized by A.P. Herbert in *Uncommon Law* by his fictional Judge Mildew saying
17 (as Herbert says, "less elegantly"), "A dirty dog will not have justice by the court". [3] Herbert,
18 A.P. (1935). *Uncommon Law* (1st ed.). Methuen.

19 The Plaintiff appears to present as his foundation of default and sanction an Order signed
20 by Judge Serko on **August 12, 2016**. However, this order presently is under appeal as I was not
21 in court on the day the Order was signed. The Order was to compel me to attend a deposition on
22 the same day as the Order was signed, **August 12th 2106 11am** less than one hour later so it
23 would be physically impossible to attend for the simple fact I was not aware that the order was
24 signed compelling me to attend. The Court issued an order which was impossible to comply
25 with, especially since I was a quarter mile underground on the I-99 tunnel as repeatedly
26 discussed with opposing counsel during numerous email meet and confer exchanges.

27 A CR-37 sanction is a severe remedy, when the Plaintiff themselves is before the Court
28 with unclean hands and discovery is still open as well as plaintiff incomplete discovery. As well

1 as Plaintiff's Ludacris claim of \$54,320.00 in rental fees supported by an excel spreadsheet
2 without any supporting documentation.

3 I am not withholding the property as falsely presented by Plaintiff. Additionally, the evidence
4 demonstrates the Plaintiff has not made any payments since 2011, she then made three random
5 payments in 2014. The Plaintiff repeatedly misrepresents that she paid the house payment.
6 However, in reality the payment came from our drywall company in the earlier years then
7 transfer into her mother's account as demonstrated by the checks she presented. I have attached
8 the current loan modification demonstrates I am the party that has guaranteed the loan and only
9 true owner on title. The court file demonstrates Plaintiff abandoned the home after running it into
10 the ground and placing it into foreclosure.
11

12
13 This motion however is not about finding true facts at this time, this is for the jury to
14 decide but the relevant objection today is that a default sanction is not warranted and should be
15 denied. I have not willfully avoided discovery and the attached exhibits demonstrates this. See
16 **Exhibit (B)** and all other supporting evidence.
17

18 Respectfully, Plaintiff's motion should be denied.

19 I declare under penalty of perjury under the laws of the State of Washington the foregoing is true
20 and correct
21

22 Signed September 13, 2016 at Pierce County, WA
23

24 

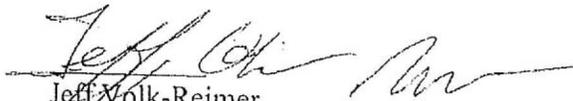
25 Jeff Volk-Reimer
26 8311 Golden Given Rd E
27 Tacoma, WA 98404
28 jeffvreimer@yahoo.com

1
2
3 Declaration of Service:

4 I, Jeff Volk-Reimer declare as follows: On September 13, 2016, I caused a copy of the
5 foregoing Declaration of Jeff Volk-Reimer in Opposition of Motion for Sanctions, Supporting
6 Exhibits, and this Declaration of Service to be electronically served on attorney for Plaintiff
7 Sharon Eva listed below.
8

9
10 Tuohy Minor Kruse PLLC
11 Justin Morgan
12 2821 Wetmore Avenue
13 Everett, WA 98201
14 justin@tuohyminor.com

15 Signed September 12, 2016 at Pierce County, WA

16 

17 Jeff Volk-Reimer
18 8311 Golden Given Rd E
19 Tacoma, WA 98404
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EXHIBIT A SIGN ADMISSIONS DENY
OF QUIT CLAIM DEED

FILED

2016 MAY -5 AM 9:03

U.S. Bankruptcy Court
W.D. of WA
BY _____ DEB CLK

EXHIBIT

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SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

SHARON EVA, a single individual,
Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual
Defendant.

NO. 15-2-14079-1

REQUEST FOR ADMISSIONS
OF FACTS PURSUANT TO
RULE CR 36

TO: JEFF VOLK-REIMER, Defendant
8311 GOLDEN GIVEN RD E
TACOMA, WA 98404

In accordance with Rule 36 of the Civil Rules of Procedure for the Superior Court of the State of Washington, you are required to answer or object in writing to the statements identified below. Among other requirements, CR 36 requires the following:

A. IF YOU FAIL TO ANSWER OR OBJECT TO THE STATEMENTS BELOW IN WRITING WITHIN THIRTY (30) DAYS, February 8, 2016, then you will be deemed to have ADMITTED those statements for the purposes of this legal action. Your answers do not constitute admissions for any other purpose.

REQUEST FOR ADMISSION OF FACTS
PURSUANT TO RULE CR 36 - 1
09.10.23 slh 5366.02

TUOHY MINOR KRUSE PLLC
2821 Wetmore Avenue
Everett, WA 98201
(425) 259-9194

1
2 B. YOU MAY NOT GIVE LACK OF INFORMATION OR KNOWLEDGE AS A
3 REASON FOR FAILURE TO ADMIT OR DENY, unless you state that you have made
4 reasonable inquiry and that the information known or readily obtainable by you is insufficient to
5 enable you to admit or deny.

6 C. ANY DENIAL MUST FAIRLY MEET THE SUBSTANCE OF THE
7 REQUESTED ADMISSION. YOU MUST ANSWER THE REQUESTS IN GOOD FAITH. IF
8 IN GOOD FAITH, YOU MUST QUALIFY YOUR ANSWER OR ONLY DENY PART OF
9 THE MATTER FOR WHICH A REQUEST IS MADE, THEN YOU MUST SPECIFY SO
10 MUCH OF THE MATTER AS MAY BE TRUE AND QUALIFY OR DENY THE
11 REMAINDER

12 D. YOU MUST SERVE YOUR WRITTEN ANSWERS or OBJECTIONS on
13 JUSTIN MORGAN of TUOHY MINOR KRUSE PLLC, 2821 Wetmore Avenue, Everett,
14 Washington 98201 within thirty (30) days after service of these requests upon you, February 8,
15 2016, or all the matters identified below WILL BE DEEMED ADMITTED.

16
17 *What is this*
DEFINITIONS

18 In these requests the terms identified below have the following meanings:

19 "Exhibit A" refers to the Quit Claim Deed attached as Exhibit A to this Document.

20
21 **REQUESTED ADMISSIONS**

22 Please answer the requests below by either admitting, denying, or objecting specifically to
23 the request. Your answer may be made in the space provided for your answer, or on separate
24

25 REQUEST FOR ADMISSION OFFACTS,
26 PURSUANT TO RULE CR 36 - 2
09.10.21 srb 5366.02

TUOHY MINOR KRUSE PLLC
2821 Wetmore Avenue
Everett, WA 98201
(425) 259-9194

*↑ agreed to
Feb 25th
by E-Mail*

1 pages, if you specifically identify the number of the request to which your answer or objection is
2 made.

3
4 **REQUEST 1.** The Signature on Page 2 of Exhibit A above the phrase "The Gramor" is
signed by you, JEFF VOLK-REIMER.

5
6 **ANSWER 1.** Exhibit (A) was not attached but I seen
it in other pleadings and my answer is NO

7
8 **REQUEST 2.** You, JEFF VOLK-REIMER, appeared in front of notary, Julie Post, on
March 28, 2011 to sign the Page 2 of Exhibit A.

9
10 **REQUESTS SUBMITTED** this ____ day of January, 2016. *Exhibit (A) was not attached but I seen
it in other pleadings and I do not recall ever going to
notary my answer is
NO*

11
12
13 JUSTIN B. MORGAN, WSBA #45372
TUOHY MINOR KRUSE PLLC
14 Attorney for Plaintiff

15 DATED this 3 day of March, 2016.

16
17 Answers signed pursuant to CR 26(g)

18
19 
20 JEFF VOLK-REIMER, Defendant, pro se

21
22
23
24
25
26 REQUEST FOR ADMISSION OF FACTS
PURSUANT TO RULE CR 36-1
09.10.23 slh 5366.02

TUOHY MINOR KRUSE PLLC
2821 Wilshire Avenue
Everett, WA 98201
(425) 259-9194

DEED OF TRUST

201203210853

Electronically Recorded

Pierce County, WA

03/21/2012

3:21 PM

Pages: 1

Fee: \$14.00

Send All Notices to Assignee

WHEN RECORDED MAIL TO:
WELLS FARGO BANK, N.A.
DEFAULT ASSIGNMENT
MAC: X9999-018
PO BOX 1629
MINNEAPOLIS, MN 55440-9790

ASSIGNMENT OF DEED OF TRUST

RECORDING REQUESTED BY:
WELLS FARGO BANK, N.A.
ANDREW FORSBERG
2701 WELLS FARGO WAY
MAC X9999-018
MINNEAPOLIS MN 55467-8000

Customer#: _____
Service Number:
WFEM01WFEMA0000000000000390942
MERS ID: 100112065754857783
MERS Telephone: 1-888-679-6377

For reference only, not for re-sale.

For Value Received, the undersigned holder of a Deed of Trust, **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR MORTGAGEIT, INCORPORATED, ITS SUCCESSORS AND ASSIGNS** (herein "Assignor") whose address is **BOX 2026 FLINT MI 48501 1901 E VOORHEES ST STE C. DANVILLE, IL 61834**, does hereby grant, sell, assign, transfer, and convey, unto **WELLS FARGO BANK, NA** (herein "Assignee"), whose address is **1 HOME CAMPUS, DES MOINES, IA 50328**, a certain Deed of Trust dated **11/12/2007** and recorded **11/16/2007**, made and executed by **JEFF J. VOLK-REIMERS, A SINGLE MAN**, to and in favor of **MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR MORTGAGEIT, INCORPORATED, ITS SUCCESSORS AND ASSIGNS** upon the following described property. Such Deed of Trust having been given to secure payment of **\$236700.00** which Deed of Trust is of record in Book, Volume or Liber No. , at Page , as Document No. **200711161127**, of the Records of Pierce County, State of **WA**; together with the note(s) and obligations therein described and the money due and to become due thereon with interest, and all rights accrued or to accrue under such Deed of Trust. Property Address **8311 GOLDEN GIVEN ROAD EAST, TACOMA, WA 98404-**

Legal Description:

TO HAVE AND TO HOLD the same unto Assignee, its successor and assigns, forever, subject only to the terms and conditions of the above-described Deed of Trust.

IN WITNESS WHEREOF, the undersigned Assignor has executed this Assignment of Deed of Trust on **03/21/2012**.

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., AS NOMINEE FOR MORTGAGEIT, INCORPORATED, ITS SUCCESSORS AND ASSIGNS

Kate Johnson

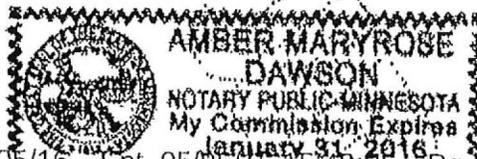
KATE LAUREL JOHNSON, Assistant Secretary

STATE OF MN
COUNTY OF Dakota } s.s.

On **03/21/2012**, before me **AMBER MARYROSE DAWSON**, Notary Public, personally appeared **KATE LAUREL JOHNSON**, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Amber Dawson
AMBER MARYROSE DAWSON
Expires: 01/31/2016



APPEALS



Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> **OFFICE HOURS: 9-12, 1-4**

August 26, 2016

Jeff Volk-Reimer
8311 Golden Given Rd. E
Tacoma, WA 98404
jeffvreimer@yahoo.com

Justin Brian Morgan
Tuohy Minor Kruse PLLC
2821 Wetmore Ave
Everett, WA 98201-3517
justin@tuohyminor.com

CASE #: 49110-9-II/Sharon Eva v. Jeff Volk-Reimer

Counsel:

In accordance with the court's general order 05-1, effective May 9, 2005, a Commissioner has determined that the motion for discretionary review, filed and served August 26, 2016, will be heard on the **oral argument** motion calendar on **October 12, 2016 at 9:00 a.m.** A **response to the motion** must be filed no later than **September 12, 2016.**

Attendance at oral argument is mandatory unless counsel notifies the court and other party/parties at least 24 hours in advance of the scheduled argument date of counsel's intention to waive his or her presence. ****Counsel must waive oral argument independently. The court will impose a \$150.00 sanction for failure to appear without providing the required notification.**

Very truly yours,

Syl Field
Sr. Case Manager



Washington State Court of Appeals
Division Two

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

David Ponzoha, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4.

October 4, 2016

Jeff Volk-Reimer
8311 Golden Given Rd. E
Tacoma, WA 98404
jeffvreimer@yahoo.com

Justin Brian Morgan
Tuohy Minor Kruse PLLC
2821 Wetmore Ave
Pilchuck Law Building
Everett, WA 98201-3517
justin@tuohyminor.com

CASE #: 49110-9-II, Sharon Eva, Respondent v. Jeff Volk-Reimer, Petitioner
CASE #: 49240-7-II, Sharon Eva, Respondent v. Jeff Volk-Reimer, Petitioner

Mr. Volk-Reimer & Counsel:

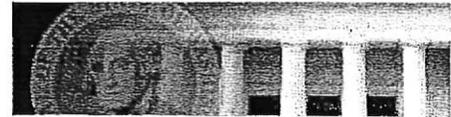
On the above date, this court entered the following notation ruling:

A RULING BY COMMISSIONER SCHMIDT:

The motion to consolidate cause number 49240-7-II with cause number 49110-9-II is granted. All future correspondence and pleadings should reference COA No. 49110-9-II. However, in light of Mr. Volk-Reimer's recent bankruptcy filing, consideration of his motion for discretionary review, currently scheduled for October 12, 2016, is stayed until the United States Bankruptcy Court either grants relief from the automatic bankruptcy stay or dismisses Mr. Volk-Reimer's bankruptcy petition. Within 60 days, Mr. Volk-Reimer shall inform this court of the status of his bankruptcy petition.

Very truly yours,

David C. Ponzoha
Court Clerk



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Appellate Court Case Summary

About Dockets

Case Number: 491109
Filing Date: 06-23-2016
Coa, Division II

Event Date	Event Description	Action
06-23-16	Filing fee	Filed
06-23-16	Notice of Discretionary Review	Filed
06-23-16	Affidavit of Service	Filed
06-24-16	Case Received and Pending	Status Changed
07-14-16	Perfection Letter	Sent by Court
07-25-16	Motion to Extend Time to File	Filed
07-26-16	Ruling on Motions	Filed
07-28-16	Motion for stay in Trial Court	Filed
07-28-16	Calling for Response	Filed
07-29-16	Other filing	Received by Court
08-03-16	Ruling on Motions	Filed
08-03-16	Response to motion	Filed
08-16-16	Letter	Sent by Court
08-16-16	Other filing	Received by Court
08-17-16	Motion - Other	Filed
08-18-16	Ruling on Motions	Filed
08-26-16	Motion for Discretionary Review-C/a	Filed
08-26-16	Oral Argument Setting Letter	Sent by Court
09-06-16	Motion for Consolidation	Filed
09-09-16	Ruling on Motions	Filed
09-12-16	Response to Motion for Discretionary Review	Not filed
09-16-16	Other filing	Received by Court
10-04-16	Consolidation	Recorded on Case
10-04-16	Ruling Consolidating Appeal	Filed
10-04-16	Stayed, Bankruptcy	Status Changed
11-30-16	Status Report	Due
12-31-20	Check case Information	Information - not filed

About Dockets

You are viewing the case docket or case summary. Each Court level uses different terminology for this information, but for all court levels, it is a list of activities or documents related to the case. District and municipal court dockets tend to include many case details, while superior court dockets limit themselves to official documents and orders related to the case.

If you are viewing a district municipal, or appellate court docket, you may be able to see future court appearances or calendar dates if there are any. Since superior courts generally calendar their caseloads on local systems, this search tool cannot display superior court calendaring information.

Directions

View the Washington Courts **Directory** for complete address and contact information.

Disclaimer

What is this website? It is a search engine of cases filed in the municipal, district, superior, and appellate courts of the state of Washington. The search results can point you to the official or complete court record.

How can I obtain the complete court record?

AGREEMENT ON PROPERTY

0087



15-2-14079-1 47211940 ORRL 07-12-16



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7/13/2016

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

SHARON EVA, a single individual,

Plaintiff,

vs.

JEFF VOLK-REIMER, a single individual,

Defendant.

CASE NO.: 15-2-14079-1

**AGREED ORDER TO RELEASE
PERSONAL PROPERTY OF SHARON
EVA**

THIS MATTER came before the Court on the Plaintiff's Motion to Release All Personal Property of Sharon Eva, and now the parties have agreed, on an order on this issue as described below. Now, therefore, it is hereby **ORDERED** as follows:

1. Plaintiff is entitled to take possession of all the personal property located in the garage of the home of 8311 Golden Given Rd. E, Tacoma, Washington. This personal property includes, but is not limited to the following items:
 - a. Couch set;
 - b. 4 Television sets;
 - c. Dishes and Dish set;
 - d. Pots and Pans;
 - e. Silverware;
 - f. Wine Collection;
 - g. Clothes;
 - h. Purses;
 - i. Jewelry;

AGREED ORDER TO RELEASE
PERSONAL PROPERTY

I

Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404

- Electronic Experte (3191820) -

0088

12941

7/13/2016

- 1 j. Makeup;
 - 2 k. Shoes;
 - 3 l. Electronics (Printers);
 - 4 m. 3 bedroom sets;
 - 5 n. Dining Table;
 - 6 o. Books;
 - 7 p. Desk/chair;
 - 8 q. Filing cabinets;
 - 9 ~~r. Tools for home and construction business;~~
 - 10 ~~s. Riding Lawnmower;~~
 - 11 ~~t. Leaf blower;~~
 - 12 u. Construction materials;
 - 13 v. Scaffolding;
 - 14 w. Miscellaneous items;
 - 15 x. Filing cabinets;
 - 16 y. Electronics;
 - 17 z. Personal paperwork;
 - 18 aa. Business supplies for The Lash Labs;
 - 19 bb. Bedding for beds;
 - 20 cc. Towels;
 - 21 ~~dd. Food/Toiletries/Laundry Detergent;~~
 - 22 ee. Alarm system/security cameras;
 - 23 ff. Denon speaker system;
 - 24 gg. Furniture;
 - 25 hh. Artowrk;
 - 26 ii. Dvd Player, DVDs and CDs;
 - 27 jj. Wii;
 - 28 kk. Coffee Table, end tables and night stands;
 - ll. Curtains and blinds; and
 - mm. Fans, portable heaters, and portable air conditions.
2. Defendant will allow Plaintiff and moving agents of her choosing or assistants access to remove the personal property stated above (and other items in the garage) from 8311 Golden Given Road E, Tacoma, Washington between the hours of 9:00 AM and 6:00 PM on July 9, 2016. Plaintiff and her agents will work as diligently as possible, but if necessary, Plaintiff will be permitted to come back and gain access on July 10, 2016 between 9:00 AM and 6:00 PM to finish moving said items if necessary.

AGREED ORDER TO RELEASE
PERSONAL PROPERTY

Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404

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12841

7/13/2016

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3. Plaintiff shall not take possession of any of the following items. These items will remain as Defendants personal property.

- a) Riding lawnmower;
- b) Gas mower;
- c) Leaf blower;
- d) Hand tools;
- e) Window cover attachments in house.

4. Nothing in this Order shall prohibit either party from claiming repair costs, replacement costs or damages to his or her personal property caused by the other party.

5. Nothing in this Order shall prohibit either party from a claim for missing items or any other loss related to either party's personal property.

6. The Defendant does not agree or disagree that the Personal Property are the belongings of Plaintiff, and is releasing property based on Plaintiffs representation of ownership. Should it later be determined the Personal Property is property of a third party, Plaintiff agrees to defend Defendant against any claims of ownership or cost alleged by a third party for possession, from now until the year 2019.

DONE IN OPEN COURT this 11 day of July, 2016.



 Judge/Commissioner



CRAIG ADAMS
COURT COMMISSIONER

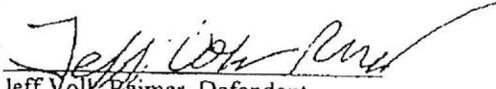
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7/13/2016

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Agreed by:



Jeff Volk-Reimer, Defendant
8311 Golden Given Rd E
Tacoma, WA 98404

Agreed by:



Justin Morgan, Attorney for Plaintiff
Tuohy Minor Kruse PLLC
2821 Wetmore Avenue
Everett, WA 98201
WSBA # 45372

AGREED ORDER TO RELEASE
PERSONAL PROPERTY

Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404

EXHIBIT B

EVIDENCE OF EVA FORGEING EXCISE TAX DOCUMENTS NEW EVIDENCE



STATE OF WASHINGTON
DEPARTMENT OF REVENUE

April 26, 2016

Jeff Volk Reimers
6826 S Lawrence St
Tacoma WA 98406-4015

Re: Fraud Referral ID Number 16405

Dear Jeff Volk Reimers:

Thank you for your recent information. I have reviewed your request and have concluded that this is not a real estate excise tax issue. Please contact the Pierce County Prosecuting Attorney and present your information.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Ridenour".

Kathy Ridenour, Excise Tax Examiner
(360) 534-1454

Department of Revenue

April 4, 2016

Attention: Enforcement Division/Fraud

My name is Jeff Volk-Reimers. I am the owner of the real property located at 8311 Golden Given Road, Tacoma 98404. Attached is my original deed of trust and other proof of ownership. It appears on February 16, 2016, Ms. Sharon Eva forged my signature on a Real Estate Excise Tax Affidavit. Ms. Eva also purported the property was gifted to her as a consideration. Ms. Eva is purporting I gifted the property to her over five years ago and she is paying for the property. This is a complete fraud on her form.

I ask you please investigate what has been stated above.

Thank you,



Jeff Volk-Reimers

jeffvreimer@yahoo.com

Declaration of Jeff Volk-Reimers

I certify under penalty of perjury under the laws of the state of Washington that I am over the age of 21, I have personal knowledge of the facts stated herein and if called to testify would state the same.

The attached Real Estate Tax Affidavit filed by Sharon Eva and signed by Sharon Eva has a fraudulent signature under my name. This is not my signature. I never signed this Affidavit or authorized Sharon Eva to sign on my behalf. Additionally, I never gifted the property to Sharon Eva. The Real Estate Tax Affidavit is a false. I did not sign this document, please investigate and advise as this is causing harm to my Estate.

Signed this 12th day of April 2016


Jeff Volk-Reimers

Hannah McFarland

CERTIFIED DOCUMENT EXAMINER

2023 E. Sims Way, #263, Port Townsend, WA 98368

Phone/Fax: 206 526-1941 & 360 379-4062

hannah@writeexam.com www.writeexam.com

Dec. 7, 2016

Prepared for:



RE: SHARON EVA, a single individual, Plaintiff, vs.
JEFF VOLK-REIMER, a single individual, Defendant
Pierce County Superior Court case number is 15-2-14079-1

1. I was asked by the Defendant to examine various documents to aid in his defense to lawsuit.

2. Since 2002, I have been certified by the National Association of Document Examiners (NADE). I have served three terms on the Executive Board of Directors of NADE as Secretary, as well as tenure serving as Membership Chair.

3. Since the mid-1990's, I have received extensive training pertaining to forensic document examination and handwriting identification. As a result of my education, training and experience, I have testified as an expert witness 73 times in both federal and state courts in Washington, Idaho, Oregon and Alaska. In addition to trial testimony, I have provided expert testimony in arbitrations, depositions, administrative hearings and other legal proceedings. A copy of my resume is attached hereto as Exhibit A.

4. Examination of the signature of Jeff Volk- Reimers. I conducted an independent examination of a copy of the following questioned documents in order to determine if the "Jeff Reimers" signatures on these documents are genuine or not. Following are these questioned documents.

Q1 Real Estate Excise Tax Affidavit

Q2 Real Estate Excise Tax Supplemental Statement

These questioned documents are dated March 28, 2011 and are attached as Exhibit B.

5. Exemplars of Jeff Volk-Reimers. For the purpose of comparison I examined a copy of the following documents that have been represented to me as having the authentic signature of Jeff Volk-Reimers.

- E1 Full Third Party Authorization dated April 2, 2012
- E2 Washington State Driver License dated April 11, 2014
- E3 Page 7 of Modification Agreement dated Oct. 25, 2014
- E4 Page 3 of Request for Admission Of Facts dated March 3, 2016
- E5 Page 14 of a Security Instrument filed on Nov. 22, 2016

A copy of these exemplars is attached as Exhibit C.

6. Opinion. Based upon the available evidence it is my professional opinion that the two questioned "Jeff Reimers" signatures on Exhibit B are probably not genuine.

7. Analysis. Following are differences between the two questioned "Jeff Reimers" signatures and the exemplars of Jeff Volk-Reimers, E1-E5.

- 1) Q1 and Q2 show tremor especially in the capital letter "J" whereas the exemplars are more fluently written;
- 2) In the exemplars the vertical down stroke of the capital letter "J" is either straight or bent to the left. In the questioned signatures this down stroke is bent toward the right;
- 3) In the exemplars the initial stroke of the capital "J", a horizontal stroke, is shorter than the other horizontal stroke below it. On Q2 the initial stroke of the "J" is longer in that it extends further to the left than the horizontal stroke that is below it;
- 4) The letter "e" is wider in Q1 and Q2 than in the exemplars;
- 5) The exemplars have the name "Volk" in the middle whereas in the questioned signatures "Volk" is excluded;
- 6) The amount of space between words is much wider in the questioned signatures than in the exemplars;
- 7) The lower extensions in the first name are shorter in Q1 than in the exemplars;
- 8) The amount of space between the "J" and the "e" that follows it is greater in the questioned signatures than in the exemplars; and
- 9) In Q1 the vertical stroke of the "R" is short in that it does not reach the ruled line

that is below. This does not occur in the exemplars.

8. The combination of the differences listed above provide convincing evidence that Q1 and Q2 are probably not genuine. My opinion is not conclusive due to having examined copies of the questioned documents rather than the original documents. My opinion is subject to review if a better quality copy of the questioned documents or the originals of the questioned documents become available for examination.

9. There are similarities between the questioned and exemplar signatures. I expect this is because the person who wrote Q1 and Q2 was attempting to simulate the authentic signature of Jeff Volk-Reimers.

10. Declaration and Signature. I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge. Executed this seventh day of December, 2016, in Port Townsend, Washington.



Hannah McFarland, CDE

Hannah McFarland

CERTIFIED DOCUMENT EXAMINER

2023 E. Sims Way, #263, Port Townsend, WA 98368
Phone/Fax: 206 526-1941 & 360 379-4062
hannah@writeexam.com www.writeexam.com

RESUME

Oct. 24, 2016

CERTIFICATIONS

- 2012, 2007 Re-certifications by the National Association of Document
Examiners (NADE)
2002 Certification by NADE

OFFICE HOLDER

I served 3 terms on the Executive Board of Directors of NADE as Secretary. I also served on the NADE Board of Directors as Membership Chair.

EXPERT WITNESS

Testified as an expert witness 73 times in U.S. Federal Court, Washington State Superior Courts, U.S. Bankruptcy Court, King County District Court, Alaska State Superior Courts, Idaho District Court and Oregon State Circuit Court as well as arbitrations, depositions, administrative hearings and other legal proceedings.

SPECIALIZED TRAINING

- 2015, 2013 Proficiency tested through Collaborative Testing Services, Inc.
2016-2014, 2012-2010, 2007, 2008, 2001 – 2005, 1999, National Association of Document Examiners Conferences
2011 Nov. 15-17. Rochester Institute of Technology, Print Process Identification and Image Analysis for Document Examiners
2006 American Academy of Forensic Science 58rd Annual Meeting, Seattle WA Questioned Documents Section
2005 Adobe Photoshop and document examination, intensive two day workshop with Gary Herbertson, Berkeley, CA.
2005, 2004 Proficiency tested through the Handwriting Identification proficiency testing program of the Forensic Expertise Profiling Laboratory at Latrobe University in Australia.
2001 American Academy of Forensic Science 53rd Annual Meeting, Seattle WA Questioned Documents Section
2000 Northwest Fraud Investigators Association Conference, Harrison Hot Springs, British Columbia

Resume of Hannah McFarland
Oct. 24, 2016

- 1997 Forensic Document Examination Course and private instruction by Andrew Bradley and Associates of Denver, CO.
- 1997 Vanguard Conference, Handwriting Physiology & Writer's Cramp
- 1995-1997 Private instruction with Roger Rubin of New York City who has over thirty years experience.

EDUCATION

- 1975-1976 University of WI, Madison, one academic year
- 1974-1975 University of WI, Oshkosh, one academic year

PUBLICATION

- 2011 *Forensic Examination of Paper Fracture Patterns*, Journal of the National Association of Document Examiners, Vol. 30, Summer

TEACHING & SPEAKING

- 2002 - 2005 I taught a one day class on document examination for The Pan American Institute of Forensic Science and Technology, Monterrey, Nuevo Leon, Mexico
- May 8, 2002, Univeridad Autonoma de Nuevo Leon, Monterrey, Mexico

Continuing Legal Education:

- 2001 Washington State Bar Association 6th Annual Intellectual Property Law Institute
- 2000 - 2001 Society of Counsel Representing Accused Persons, Associated Counsel for Accused Persons and Northwest Defenders Association

MEMBERSHIPS

- National Association of Document Examiners (NADE)
- Northwest Fraud Investigators Association

#



PLEASE TYPE OR PRINT

REAL ESTATE EXCISE TAX AFFIDAVIT
CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED
(See back of last page for instructions)

Check box if partial sale of property If multiple owners, list percentage of ownership next to name.

<p>1 Name: <u>Jeff Volk-Reimers</u></p> <p>Mailing Address: <u>8311 Golden Given Rd. E</u></p> <p>City/State/Zip: <u>Tacoma/WA/98404</u></p> <p>Phone No. (including area code): <u>(253) 476-5094</u></p>	<p>2 Name: <u>Sharon Eva</u></p> <p>Mailing Address: <u>8311 Golden Given Rd. E</u></p> <p>City/State/Zip: <u>Tacoma/WA/98404</u></p> <p>Phone No. (including area code): <u>(253) 241-2468</u></p>												
<p>3 Send all property tax correspondence to: <input checked="" type="checkbox"/> Same as Buyer/Grantee</p> <p>Name: <u>Sharon Eva</u></p> <p>Mailing Address: <u>PO Box 64835</u></p> <p>City/State/Zip: <u>Tacoma/WA/98464</u></p> <p>Phone No. (including area code): <u>(253) 241-2468</u></p>	<p>List all real and personal property tax parcel account numbers - check box if personal property</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">0320342016</td> <td style="width: 5%;"><input type="checkbox"/></td> <td style="width: 25%;">List assessed value(s)</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td>\$293500.00</td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> <td></td> </tr> </table>	0320342016	<input type="checkbox"/>	List assessed value(s)		<input type="checkbox"/>	\$293500.00		<input type="checkbox"/>			<input type="checkbox"/>	
0320342016	<input type="checkbox"/>	List assessed value(s)											
	<input type="checkbox"/>	\$293500.00											
	<input type="checkbox"/>												
	<input type="checkbox"/>												

4 Street address of property: 8311 Golden Given Rd E, Tacoma, WA 98404

This property is located in: Pierce

Check box if any of the listed parcels are being segregated from another parcel, are part of a boundary line adjustment or parcels being merged.

Legal description of property (if more space is needed, you may attach a separate sheet to each page of the affidavit)

See Attached Exhibit A

5 Select Land Use Code(s):

Household, single family units

enter any additional codes: _____

(See back of last page for instructions)

Is this property exempt from property tax per chapter 84.36 RCW (nonprofit organization)?

YES NO

6 Is this property designated as forest land per chapter 84.33 RCW? YES NO

is this property currently as current use (open space, farm and agricultural, or timber) land per chapter 84.34?

Is this property receiving special valuation as historical property per chapter 84.26 RCW? YES NO

If any answers are yes, complete as instructed below.

(1) NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE)

NEW OWNER(S): To continue the current designation as forest land or classification as current use (open space, farm and agriculture, or timber) land, you must sign on (3) below. The county assessor must then determine if the land transferred continues to qualify and will indicate by signing below. If the land no longer qualifies or you do not wish to continue the designation or classification, it will be removed and the compensating or additional taxes will be due and payable by the seller or transferor at the time of sale. (RCW 84.33.140 or RCW 84.34.108). Prior to signing (3) below, you may contact your local county assessor for more information.

This land does does not qualify for continuance.

DEPUTY ASSESSOR _____ DATE _____

(2) NOTICE OF COMPLIANCE (HISTORIC PROPERTY)

NEW OWNER(S): To continue special valuation as historic property, sign (3) below. If the new owner(s) does not wish to continue, all additional tax calculated pursuant to chapter 84.26 RCW, shall be due and payable by the seller or transferor at the time of sale.

(3) OWNER(S) SIGNATURE

PRINT NAME _____

7 List all personal property (tangible and intangible) included in selling price.

Supplemental statement was submitted with the Affidavit but not needed.

If claiming an exemption, list WAC number and reason for exemption:

458-61A-217 (D)

Reason for exemption: Re-recorded. Reedy not included in last attempt to correct legal. 201511171321 + 4303750

Type of Document: Quit claim deed

Date of Document: 3/28/2011

Gross Selling Price	\$ 0.00
*Personal Property (deduct)	\$
Exemption Claimed (deduct)	\$
Taxable Selling Price	\$ 0.00
Excise Tax: State	\$ 0.00
Local	\$ 0.00
*Delinquent Interest: State	\$
Local	\$
*Delinquent Penalty	\$
Subtotal	\$ 0.00
*State Technology Fee	\$ 5.00
*Affidavit Processing Fee	\$ 5.00
Total Due	\$ 10.00

A MINIMUM OF \$10.00 IS DUE IN FEE(S) AND/OR TAX
*SEE INSTRUCTIONS

8 I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Grantor or Grantor's Agent: Jeff Volk-Reimers

Signature of Grantee or Grantee's Agent: [Signature]

Name (print): Jeff Volk-Reimers / Sharon Eva

Date & city of signing: 03-28-2011 & Tacoma / 3-28-2011 & Tacoma

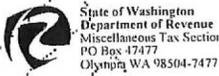
Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020(1C)).

THIS SPACE - TREASURER'S USE ONLY DEPT. OF REVENUE

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02/16/2016 12:35:27 PM LPATTER
EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
AUDITOR
Pierce County, WASHINGTON TECH FEE: \$5.00

False Affidavit

For reference only, not for re-sale.



REAL ESTATE EXCISE TAX SUPPLEMENTAL STATEMENT (WAC 458-61A-304)

This form must be submitted with the Real Estate Excise Tax Affidavit (FORM REV 84 0001A) for claims of tax exemption as provided below. Completion of this form is required for the types of real property transfers listed in numbers 1-3 below. Only the first page of this form needs original signatures.

AUDIT: Information you provide on this form is subject to audit by the Department of Revenue. In the event of an audit, it is the taxpayers' responsibility to provide documentation to support the selling price or any exemption claimed. This documentation must be maintained for a minimum of four years from date of sale. (RCW 82.45.100) Failure to provide supporting documentation when requested may result in the assessment of tax, penalties, and interest. Any filing that is determined to be fraudulent will carry a 50% evasion penalty in addition to any other accrued penalties or interest when the tax is assessed.

PERJURY: Perjury is a class C felony which is punishable by imprisonment in a state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C)).

The persons signing below do hereby declare under penalty of perjury that the following is true (check appropriate statement):

1. [] DATE OF SALE: (WAC 458-61A-306(2))

I, (print name) _____ certify that the _____ (type of instrument), dated _____, was delivered to me in escrow by _____ (seller's name). NOTE: Agent named here must sign below and indicate name of firm. The payment of the tax is considered current if it is not more than 90 days beyond the date shown on the instrument. If it is past 90 days, interest and penalties apply to the date of the instrument. Reasons held in escrow: _____

Signature

Firm Name

2. GIFTS: (WAC 458-61A-201) The gift of equity is non-taxable; however, any consideration received is not a gift and is taxable. The value exchanged or paid for equity plus the amount of debt equals the taxable amount. One of the boxes below must be checked. Both Grantor (seller) and Grantee (buyer) must sign below. Grantor (seller) gifts equity valued at \$ _____ to grantee (buyer).

NOTE: Examples of different transfer types are provided on the back. This is to assist you with correctly completing this form and paying your tax:

"Consideration" means money or anything of value, either tangible (boats, motor homes, etc) or intangible, paid or delivered, or contracted to be paid or delivered, including performance of services, in return for the transfer of real property. The term includes the amount of any lien, mortgage, contract indebtedness, or other encumbrance, given to secure the purchase price, or any part thereof, or remaining unpaid on the property at the time of sale. "Consideration" includes the assumption of an underlying debt on the property by the buyer at the time of transfer.

A: Gifts with consideration

- 1. [] Grantor (seller) has made and will continue to make all payments after this transfer on the total debt of \$ _____ and has received from the grantee (buyer) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.
2. [] Grantee (buyer) will make payments on _____ % of total debt of \$ _____ for which grantor (seller) is liable and pay grantor (seller) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.

B: Gifts without consideration

- 1. [] There is no debt on the property; Grantor (seller) has not received any consideration towards equity. No tax is due.
2. [] Grantor (seller) has made and will continue to make 100% of the payments on total debt of \$ _____ and has not received any consideration towards equity. No tax is due.
3. [x] Grantee (buyer) has made and will continue to make 100% of the payments on total debt of \$ 227,168.29 and has not paid grantor (seller) any consideration towards equity. No tax is due.
4. [] Grantor (seller) and grantee (buyer) have made and will continue to make payments from joint account on total debt before and after the transfer. Grantee (buyer) has not paid grantor (seller) any consideration towards equity. No tax is due.

Has there been or will there be a refinance of the debt? [] YES [] NO (If yes, please call (360) 570-3265 to see if this transfer is taxable). If grantor (seller) was on title as co-signor only, please see WAC 458-61A-215 for exemption requirements.

The undersigned acknowledges this transaction may be subject to audit and have read the above information regarding record-keeping requirements and evasion penalties.

Grantor's Signature _____ Grantee's Signature _____

3. [] IRS "TAX DEFERRED" EXCHANGE (WAC 458-61A-213)

I, (print name) _____, certify that I am acting as an Exchange Facilitator in transferring real property to _____ pursuant to IRC Section 1031, and in accordance with WAC 458-61A-213. NOTE: Exchange Facilitator must sign below.

Exchange Facilitator's Signature

For tax assistance, contact your local County Treasurer/Recorder or visit http://dor.wa.gov or call (360) 570-3265. To inquire about the availability of this document in an alternate format, visit http://dor.wa.gov. Teletype (TTY) users may call (360) 705-6718

For reference only, not for re-sale.

EXHIBIT A

PARCEL A:

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.

EXCEPT THE SOUTH 185 FEET THEREOF

AND EXCEPT GOLDEN GIVEN COUNTY ROAD

PARCEL B:

THE NORTH 1 FOOT OF THE WEST 130 FEET OF THE SOUTH 185 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.

EXCEPT GOLDEN GIVEN COUNTY ROAD.

For reference only, not for re-sale.

Unofficial Document



REAL ESTATE EXCISE TAX AFFIDAVIT

This form is your receipt when stamped by cashier.

PLEASE TYPE OR PRINT

CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED

(See back of last page for instructions)

Check box if partial sale of property

If multiple owners, list percentage of ownership next to name.

SELLER GRANTOR	1 Name <u>Jeff Volk-Reimers</u>	BUYER GRANTEE	2 Name <u>Sharon Eva</u>
	Mailing Address <u>8311 Golden Given Rd. E</u>		Mailing Address <u>8311 Golden Given Rd. E</u>
	City/State/Zip <u>Tacoma/WA/98404</u>		City/State/Zip <u>Tacoma/WA/98404</u>
	Phone No. (including area code) <u>(253) 476-5094</u>		Phone No. (including area code) <u>(253) 241-2468</u>
3 Send all property tax correspondence to: <input checked="" type="checkbox"/> Same as Buyer/Grantee		List all real and personal property tax parcel account numbers - check box if personal property	
Name <u>Sharon Eva</u>		List assessed value(s)	
Mailing Address <u>PO Box 64835</u>		<u>0320342016</u> <input type="checkbox"/> \$293500.00	
City/State/Zip <u>Tacoma/WA/98464</u>		<u>515</u> <input type="checkbox"/>	
Phone No. (including area code) <u>(253) 241-2468</u>		<input type="checkbox"/>	

4 Street address of property: 8311 Golden Given Rd E, Tacoma, WA 98404

This property is located in

Pierce County

Check box if any of the listed parcels are being segregated from another parcel, are part of a boundary line adjustment or parcels being merged.

Legal description of property (if more space is needed, you may attach a separate sheet to each page of the affidavit)

See attached Exhibit A

For reference only, not for re-sale.

5 Select Land Use Code(s):
 Resided, single family units
 enter any additional codes:
 (See back of last page for instructions)

Is this property exempt from property tax per chapter 84.36 RCW (nonprofit organization)? YES NO

6 Is this property designated as forest land per chapter 84.33 RCW? YES NO

Is this property classified as current use (open space, farm and agricultural, or timber) land per chapter 84.34? YES NO

Is this property receiving special valuation as historical property per chapter 84.26 RCW? YES NO

If any answers are yes, complete as instructed below.

(I) NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE) NEW OWNER(S): To continue the current designation as forest land or classification as current use (open space, farm and agriculture, or timber) land, you must sign on (3) below. The county assessor must then determine if the land transferred continues to qualify and will indicate by signing below. If the land no longer qualifies or you do not wish to continue the designation or classification, it will be removed and the compensating or additional taxes will be due and payable by the seller or transferor at the time of sale. (RCW 84.33.140 or RCW 84.34.108). Prior to signing (3) below, you may contact your local county assessor for more information.

This land does does not qualify for continuance.

DEPUTY ASSESSOR DATE

(2) NOTICE OF COMPLIANCE (HISTORIC PROPERTY) NEW OWNER(S): To continue special valuation as historic property, sign (3) below. If the new owner(s) does not wish to continue, all additional tax calculated pursuant to chapter 84.26 RCW, shall be due and payable by the seller or transferor at the time of sale.

(3) OWNER(S) SIGNATURE

PRINT NAME

7 List all personal property (tangible and intangible) included in selling price.

If claiming an exemption, list WAC number and reason for exemption:

WAC No. (Section/Subsection) 458-61A-201 (B)(3)

Reason for exemption GIFT

Type of Document Quitclaim Deed

Date of Document 03/28/2011

Gross Selling Price \$ 0.00

* Personal Property (deduct) \$

Exemption Claimed (deduct) \$

Taxable Selling Price \$ 0.00

Excise Tax: State \$ 0.00

Local \$ 0.00

* Delinquent Interest: State \$

Local \$

* Delinquent Penalty \$

Subtotal \$ 0.00

* State Technology Fee \$ 5.00

* Affidavit Processing Fee \$ 5.00

Total Due \$ 10.00

A MINIMUM OF \$10.00 IS DUE IN FEE(S) AND/OR TAX

*SEE INSTRUCTIONS

8 I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Grantor or Grantor's Agent Jeff Volk-Reimers

Name (print) Jeff Volk-Reimers

Date & city of signing: 03-28-2011 & Tacoma

Signature of Grantee or Grantee's Agent Sharon Eva

Name (print) Sharon Eva

Date & city of signing: 3-28-2011 & Tacoma

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by not more than \$5,000.00, or by both imprisonment and fine (RCW 9A.20.020 (1C)).

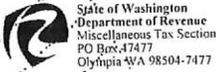


4383750 3 PGS

HIS SPACE - TREASURER'S USE ONLY

COUNTY TREASURER

11/17/2015 04:06:38 PM KYOHN
 EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
 AUDITOR
 Pierce County, WASHINGTON TECH FEE: \$5.00



REAL ESTATE EXCISE TAX SUPPLEMENTAL STATEMENT (WAC 458-61A-304)

This form must be submitted with the Real Estate Excise Tax Affidavit (FORM REV 84 0001A) for claims of tax exemption as provided below. Completion of this form is required for the types of real property transfers listed in numbers 1-3 below. Only the first page of this form needs original signatures.

AUDIT: Information you provide on this form is subject to audit by the Department of Revenue. In the event of an audit, it is the taxpayers' responsibility to provide documentation to support the selling price or any exemption claimed. This documentation must be maintained for a minimum of four years from date of sale. (RCW 82.45.100) Failure to provide supporting documentation when requested may result in the assessment of tax, penalties, and interest. Any filing that is determined to be fraudulent will carry a 50% evasion penalty, in addition to any other accrued penalties or interest when the tax is assessed.

PERJURY: Perjury is a class C felony which is punishable by imprisonment in a state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00) or by both imprisonment and fine (RCW 9A.20.020 (1C)).

The persons signing below do hereby declare under penalty of perjury that the following is true (check appropriate statement):

1. DATE OF SALE: (WAC 458-61A-306(2))

I, (print name) _____ certify that the _____ (type of instrument), dated _____, was delivered to me in escrow by _____ (seller's name). NOTE: Agent named here must sign below and indicate name of firm. The payment of the tax is considered current if it is not more than 90 days beyond the date shown on the instrument. If it is past 90 days, interest and penalties apply to the date of the instrument.

Reasons held in escrow: _____ Signature _____ Firm Name _____

2. GIFTS: (WAC 458-61A-201) The gift of equity is non-taxable; however, any consideration received is not a gift and is taxable. The value exchanged or paid for equity plus the amount of debt equals the taxable amount. One of the boxes below must be checked. Both Grantor (seller) and Grantee (buyer) must sign below.

Grantor (seller) gifts equity valued at \$ _____ to grantee (buyer).

NOTE: Examples of different transfer types are provided on the back. This is to assist you with correctly completing this form and paying your tax.

"Consideration" means money or anything of value, either tangible (boats, motor homes, etc) or intangible, paid or delivered, or contracted to be paid or delivered, including performance of services, in return for the transfer of real property. The term includes the amount of any lien, mortgage, contract indebtedness, or other encumbrance, given to secure the purchase price, or any part thereof, or remaining unpaid on the property at the time of sale. "Consideration" includes the assumption of an underlying debt on the property by the buyer at the time of transfer.

A: Gifts with consideration

- 1. Grantor (seller) has made and will continue to make all payments after this transfer on the total debt of \$ _____ and has received from the grantee (buyer) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.
2. Grantee (buyer) will make payments on _____ % of total debt of \$ _____ for which grantor (seller) is liable and pay grantor (seller) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.

B: Gifts without consideration

- 1. There is no debt on the property; Grantor (seller) has not received any consideration towards equity. No tax is due.
2. Grantor (seller) has made and will continue to make 100% of the payments on total debt of \$ _____ and has not received any consideration towards equity. No tax is due.
3. Grantee (buyer) has made and will continue to make 100% of the payments on total debt of \$ 227,168.29 and has not paid grantor (seller) any consideration towards equity. No tax is due.
4. Grantor (seller) and grantee (buyer) have made and will continue to make payments from joint account on total debt before and after the transfer. Grantee (buyer) has not paid grantor (seller) any consideration towards equity. No tax is due.

Has there been or will there be a refinance of the debt? YES NO (If yes, please call (360) 570-3265 to see if this transfer is taxable). If grantor (seller) was on title as co-signor only, please see WAC 458-61A-215 for exemption requirements.

The undersigned acknowledges this transaction may be subject to audit and have read the above information regarding record-keeping requirements and evasion penalties.

Grantor's Signature _____ Grantee's Signature _____

3. IRS "TAX DEFERRED" EXCHANGE (WAC 458-61A-213)

I, (print name) _____, certify that I am acting as an Exchange Facilitator in transferring real property to _____ pursuant to IRC Section 1031, and in accordance with WAC 458-61A-213.

NOTE: Exchange Facilitator must sign below.

Exchange Facilitator's Signature _____

For tax assistance, contact your local County Treasurer/Recorder or visit http://dor.wa.gov or call (360) 570-3265. To inquire about the availability of this document in an alternate format, visit http://dor.wa.gov. Teletype (TTY) users may call (360) 705-6718.

For reference only, not for re-sale.

EXHIBIT A

THE NORTH 1 FOOT OF THE WEST 130 FEET OF THE SOUTH 185 FEET OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 20 NORTH, RANGE 3 EAST OF THE WILLIAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON.

EXCEPT GOLDEN GIVEN COUNTY ROAD.

For reference only, not for re-sale.

Unofficial Document

Exhibit A

Hannah McFarland

CERTIFIED DOCUMENT EXAMINER

2023 E. Sims Way, #263, Port Townsend, WA 98368

Phone/Fax: 206 526-1941 & 360 379-4062

hannah@writeexam.com www.writeexam.com

RESUME

Oct. 24, 2016

CERTIFICATIONS

- 2012, 2007 Re-certifications by the National Association of Document Examiners (NADE)
- 2002 Certification by NADE

OFFICE HOLDER

I served 3 terms on the Executive Board of Directors of NADE as Secretary. I also served on the NADE Board of Directors as Membership Chair.

EXPERT WITNESS

Testified as an expert witness 73 times in U.S. Federal Court, Washington State Superior Courts, U.S. Bankruptcy Court, King County District Court, Alaska State Superior Courts, Idaho District Court and Oregon State Circuit Court as well as arbitrations, depositions, administrative hearings and other legal proceedings.

SPECIALIZED TRAINING

- 2015, 2013 Proficiency tested through Collaborative Testing Services, Inc.
- 2016-2014, 2012-2010, 2007, 2008, 2001 – 2005, 1999, National Association of Document Examiners Conferences
- 2011 Nov. 15-17. Rochester Institute of Technology, Print Process Identification and Image Analysis for Document Examiners
- 2006 American Academy of Forensic Science 58rd Annual Meeting, Seattle WA Questioned Documents Section
- 2005 Adobe Photoshop and document examination, intensive two day workshop with Gary Herbertson, Berkeley, CA.
- 2005, 2004 Proficiency tested through the Handwriting Identification proficiency testing program of the Forensic Expertise Profiling Laboratory at Latrobe University in Australia.
- 2001 American Academy of Forensic Science 53rd Annual Meeting, Seattle WA Questioned Documents Section
- 2000 Northwest Fraud Investigators Association Conference, Harrison Hot Springs, British Columbia

Resume of Hannah McFarland
Oct. 24, 2016

- 1997 Forensic Document Examination Course and private instruction by Andrew Bradley and Associates of Denver, CO.
- 1997 Vanguard Conference, Handwriting Physiology & Writer's Cramp
- 1995-1997 Private instruction with Roger Rubin of New York City who has over thirty years experience.

EDUCATION

- 1975-1976 University of WI, Madison, one academic year
- 1974-1975 University of WI, Oshkosh, one academic year

PUBLICATION

- 2011 *Forensic Examination of Paper Fracture Patterns*, Journal of the National Association of Document Examiners, Vol. 30, Summer

TEACHING & SPEAKING

- 2002 - 2005 I taught a one day class on document examination for The Pan American Institute of Forensic Science and Technology, Monterrey, Nuevo Leon, Mexico
- May 8, 2002, Univeridad Autonoma de Nuevo Leon, Monterrey, Mexico

Continuing Legal Education:

- 2001 Washington State Bar Association 6th Annual Intellectual Property Law Institute
- 2000 - 2001 Society of Counsel Representing Accused Persons, Associated Counsel for Accused Persons and Northwest Defenders Association

MEMBERSHIPS

- National Association of Document Examiners (NADE)
- Northwest Fraud Investigators Association

#

Exhibit B



REAL ESTATE EXCISE TAX AFFIDAVIT
CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

PLEASE TYPE OR PRINT

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED

(See back of last page for instructions)

Check box if partial sale of property

If multiple owners, list percentage of ownership next to name

SELLER GRANTOR	1 Name: <u>Jeff Volk-Reimers</u>	BUYER GRANTEE	2 Name: <u>Sharon Eva</u>
	Mailing Address: <u>8311 Golden Given Rd E</u>		Mailing Address: <u>8311 Golden Given Rd E</u>
	City/State/Zip: <u>Tacoma WA 98404</u>		City/State/Zip: <u>Tacoma WA 98404</u>
	Phone No (including area code): <u>(253) 476-5094</u>		Phone No (including area code): <u>(253) 241-2468</u>
3 Send all property tax correspondence to <input checked="" type="checkbox"/> Seller as Buyer/Grantee		List all real and personal property tax parcel account numbers - check box if personal property	
Name: <u>Sharon Eva</u>		0320342016 <input type="checkbox"/>	
Mailing Address: <u>PO Box 64835</u>			
City/State/Zip: <u>Tacoma WA 98464</u>			
Phone No (including area code): <u>(253) 241-2468</u>		List assessed value(s) \$293500.00	

4 Street address of property: 8311 Golden Given Rd E Tacoma WA 98404

This property is located in Pierce

Check box if any of the listed parcels are being segregated from another parcel, are part of a boundary line adjustment or parcels being merged

Legal description of property (if more space is needed, you may attach a separate sheet to each page of the affidavit)
See Attached Exhibit A

5 Select Land Use Code(s):
H

enter any additional codes:
(See back of last page for instructions)

Is this property exempt from property tax per chapter 84.36 RCW (nonprofit organization)? YES NO

6 Is this property classified as current use (open space, natural and agricultural, or timber) land per chapter 84.34? YES NO

Is this property receiving special valuation as historical property per chapter 84.26 RCW? YES NO

If any answers are yes, complete as instructed below

(1) NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE) NEW OWNER(S): To continue the current designation as forest land or classification as current use (open space, farm and agriculture, or timber) land, you must sign on (3) below. The county assessor must then determine if the land transferred continues to qualify and will indicate by signing below. If the land no longer qualifies or you do not wish to continue the designation or classification, it will be removed and the compensating or additional taxes will be due and payable by the seller or transferor at the time of sale. (RCW 84.33.140 or RCW 84.34.108). Prior to signing (3) below, you may contact your local county assessor for more information.

This land does does not qualify for continuance

DEPUTY ASSESSOR _____ DATE _____

(2) NOTICE OF COMPLIANCE (HISTORIC PROPERTY) NEW OWNER(S): To continue special valuation as historic property, sign (3) below. If the new owner(s) does not wish to continue, all additional tax calculated pursuant to chapter 84.26 RCW shall be due and payable by the seller or transferor at the time of sale.

(3) OWNER(S) SIGNATURE

PRINT NAME _____

7 List all personal property (tangible and intangible) included in selling price.
Supplemental statement was submitted with the Affidavit but not needed.

If claiming an exemption, list WAC number and reason for exemption:
458-61A-217 (D)

Reason for exemption: Pre-Recorded Deed not included in last attempt to correct legal. 2015/11/7/321 + 438/3750

Type of Document: Quit claim Deed

Date of Document: 3/28/2011

Gross Selling Price	\$	0.00
Personal Property (deduct)	\$	
Exemption Claimed (deduct)	\$	
Taxable Selling Price	\$	0.00
Excise Tax - State	\$	0.00
Local	\$	0.00
Delinquent Interest - State	\$	
Local	\$	
Delinquent Penalty	\$	
Subtotal	\$	0.00
State Technology Fee	\$	5.00
Affidavit Processing Fee	\$	5.00
Total Due	\$	10.00

8 I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Signature of Grantor or Grantor's Agent: Jeff Volk-Reimers Signature of Grantee or Grantee's Agent: Sharon Eva

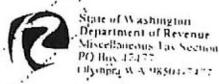
Name (print): Jeff Volk-Reimers Name (print): Sharon Eva

Date & city of signing: 03-28-2011 & Tacoma Date & city of signing: 3-28-2011 & Tacoma

For reference only, not for re-sale.

02/16/2016 12:35:27 PM LPAITR 4390274 3 PGS
EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
AUDITOR
Pierce County, WASHINGTON TECH FEE: \$5.00

THIS SPACE - TREASURER'S USE ONLY DEPT. OF REVENUE



REAL ESTATE EXCISE TAX SUPPLEMENTAL STATEMENT

(WAC 458-61A-304)

This form must be submitted with the Real Estate Excise Tax Affidavit (FORM REV 84-0001A) for claims of tax exemption as provided below. Completion of this form is required for the types of real property transfers listed in numbers 1-3 below. Only the first page of this form needs original signatures.

AUDIT: Information you provide on this form is subject to audit by the Department of Revenue. In the event of an audit, it is the taxpayers' responsibility to provide documentation to support the selling price or any exemption claimed. This documentation must be maintained for a minimum of four years from date of sale. (RCW 82.45.100) Failure to provide supporting documentation when requested may result in the assessment of tax, penalties, and interest. Any filing that is determined to be fraudulent will carry a 50% evasion penalty in addition to any other accrued penalties or interest when the tax is assessed.

PERJURY: Perjury is a class C felony which is punishable by imprisonment in a state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1)(c)).

The person signing below do hereby declare under penalty of perjury that the following is true (check appropriate statement):

1. **DATE OF SALE:** (WAC 458-61A-306(2))

I, (print name) _____, certify that the _____ (type of instrument), dated _____, was delivered to me in escrow by _____ (seller's name). NOTE: Agent named here must sign below and indicate name of firm. The payment of the tax is considered current if it is not more than 90 days beyond the date shown on the instrument. If it is past 90 days, interest and penalties apply to the date of the instrument.

Reasons held in escrow: _____

Signature _____ Firm Name _____

2. **GIFTS:** (WAC 458-61A-201) The gift of equity is non-taxable; however, any consideration received is not a gift and is taxable. The value exchanged or paid for equity plus the amount of debt equals the taxable amount. One of the boxes below must be checked. Both Grantor (seller) and Grantee (buyer) must sign below.

Grantor (seller) gifts equity valued at \$ _____ to grantee (buyer).

NOTE: Examples of different transfer types are provided on the back. This is to assist you with correctly completing this form and paying your tax.

"Consideration" means money or anything of value, either tangible (boats, motor homes, etc) or intangible, paid or delivered, or contracted to be paid or delivered, including performance of services, in return for the transfer of real property. The term includes the amount of any lien, mortgage, contract indebtedness, or other encumbrance, given to secure the purchase price, or any part thereof, or remaining unpaid on the property at the time of sale. "Consideration" includes the assumption of an underlying debt on the property by the buyer at the time of transfer.

A: Gifts with consideration

1. Grantor (seller) has made and will continue to make all payments after this transfer on the total debt of \$ _____ and has received from the grantee (buyer) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.

2. Grantee (buyer) will make payments on _____ % of total debt of \$ _____ for which grantor (seller) is liable and pay grantor (seller) \$ _____ (include in this figure the value of any items received in exchange for property). Any consideration received by grantor is taxable.

B: Gifts without consideration

1. There is no debt on the property: Grantor (seller) has not received any consideration towards equity. No tax is due.

2. Grantor (seller) has made and will continue to make 100% of the payments on total debt of \$ _____ and has not received any consideration towards equity. No tax is due.

3. Grantee (buyer) has made and will continue to make 100% of the payments on total debt of \$ 227,168.29 and has not paid grantor (seller) any consideration towards equity. No tax is due.

4. Grantor (seller) and grantee (buyer) have made and will continue to make payments from joint account on total debt before and after the transfer. Grantee (buyer) has not paid grantor (seller) any consideration towards equity. No tax is due.

Has there been or will there be a refinance of the debt? YES NO (If yes, please call (360) 570-3265 to see if this transfer is taxable). If grantor (seller) was on title as co-signor only, please see WAC 458-61A-215 for exemption requirements.

The undersigned acknowledges this transaction may be subject to audit and have read the above information regarding record-keeping requirements and evasion penalties.

Signature _____ Grantor's Signature
Signature _____ Grantee's Signature

3. **IRS "TAX DEFERRED" EXCHANGE:** (WAC 458-61A-213)

I, (print name) _____, certify that I am acting as an Exchange Facilitator in transferring real property to _____ pursuant to IRC Section 1031, and in accordance with WAC 458-61A-213.

NOTE: Exchange Facilitator must sign below.

Exchange Facilitator's Signature _____

For tax assistance contact your local County Treasurer/Recorder or visit <http://dor.wa.gov> or call (360) 570-3265. To inquire about the availability of this document in an alternate format, visit <http://dor.wa.gov>. Teletype (TTY) users may call (360) 703-6718.

For reference only, not for re-sale.

Exhibit C

866-298-1179

866-

917-1877

FULL THIRD PARTY AUTHORIZATION

Bank Name Wells fargo

Bank Address _____

Bank phone _____

Loan # 0206491453

877-937-9357

(Josephine Dean)

866-234-8271

Attention: Loan Modification/Solution Group LMO / Loss Mitigation /Collections/ Customer service/Foreclosure dept./or restructure of commercial loan, as applies

Third Party Authorization on Account

Property Address 8311 Golden Given RD E Tacoma Wash

Last four digits of SS # 5463 Signer 1 Ph 253-282-9889

Last four digits of SS # _____ Signer 2 Ph _____

Birth date 2-13-1975

Birth date _____

I hereby authorize third party IPWCCI/Greg Tift / to discuss alternatives and solutions for loan modifications. His phone number is: 206-799-5012, 425-489-1801 his email is: ipwcci@mail.lawguru.com and the address is 40 lake Bellevue suite 100 Bellevue WA 98005 last four digits of his SS # are 8527. If you have any questions please call.

Signed this 2 day of April 2012 at Puyallup Washington

Jeff Volk-Reimers
Borrower

Jeff Volk-Reimers
Print Name

Borrower

Print Name

password Goldfish.

Mailing Address: Jeff Volk-Reimers
9913 Waller Rd E
Tacoma WA, 98446

98464
98404

If Witness Whereof, I have executed this Agreement.

Borrower: Jeff J Volk-Reimers

10-25-14
Date

Borrower: _____

Date

Borrower: _____

Date

Borrower: _____

Date

[Space Below This Line for Acknowledgments]

BORROWER ACKNOWLEDGMENT

State of Washington

County of Pierce

On this day personally appeared before me JEFF J VOLK-REIMERS, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and seal of office this 25th day of October, 2014.

Douglas D Sweborg
Notary Public residing at Spanaway, WA

Printed Name: Douglas D Sweborg

My commission expires: 3-19-2017



For reference only, not for re-sale.

1 pages, if you specifically identify the number of the request to which your answer or objection is
2 made.

3
4 **REQUEST 1.** The Signature on Page 2 of Exhibit A above the phrase "The Grantor" is
5 signed by you, JEFF VOLK-REIMER.

6 **ANSWER 1.** Exhibit (A) was not attached but I seen
7 it in other pleadings and my answer is NO

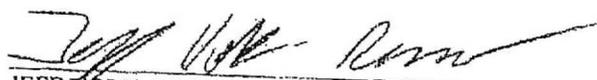
8 **REQUEST 2.** You, JEFF VOLK-REIMER, appeared in front of notary, Julie Post, on
9 March 28, 2011 to sign the Page 2 of Exhibit A.

10 **ANSWER 2.** Exhibit (A) was not attached but I seen
11 it in other pleadings and I do not recall ever going to
12 notary my answer is NO
13 **REQUESTS SUBMITTED** this ___ day of January, 2016.

14 JUSTIN B. MORGAN, WSBA #45372
15 TUOHY MINOR KRUSE PLLC
16 Attorney for Plaintiff

17 **DATED** this 3 day of March, 2016.

18 **Answers signed pursuant to CR 26(g)**

19 
20 JEFF VOLK-REIMER, Defendant, pro se

21
22
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26 REQUEST FOR ADMISSION OF FACTS
PURSUANT TO RULE CR 36 - 3
09.10.23 slb 5366.02

TUOHY MINOR KRUSE PLLC
2821 Wetmore Avenue
Everett, WA 98201
(425) 259-9194

25. **Use of Property.** The Property is not used principally for agricultural purposes.

26. **Attorneys' Fees.** Lender shall be entitled to recover its reasonable attorneys' fees and costs in any action or proceeding to construe or enforce any term of this Security Instrument. The term "attorneys' fees," whenever used in this Security Instrument, shall include without limitation attorneys' fees incurred by Lender in any bankruptcy proceeding or on appeal.

ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, EXTEND CREDIT, OR TO FORBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON LAW.

BY SIGNING BELOW, Borrower accepts and agrees to the terms and covenants contained in this Security Instrument and in any RIDER executed by Borrower and recorded with it.

Witnesses:

-Witness

-Witness


JEFF VOLK-REIMERS (Seal) _____ (Seal)
-Borrower -Borrower

(Seal) _____ (Seal)
-Borrower -Borrower

(Seal) _____ (Seal)
-Borrower -Borrower

(Seal) _____ (Seal)
-Borrower -Borrower

FILED

2016 DEC 14 AM 11:12

CLERK
U.S. BANKRUPTCY COURT
WD. OF WA / TACOMA
BY _____ CLK.

Hearing Location: Judge Lynch's Courtroom
1717 Pacific Avenue, Ste. 2100,
Tacoma, WA 98402; Courtroom J or as assigned
Hearing Date: December 14, 2016
Hearing Time: 1:30 PM

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
TACOMA

In Re:

JEFF VOLK-REIMERS

Debtor.

IN PROCEEDINGS UNDER CH. 13

CASE NO.: 16-44413-BDL

SECOND DECLARATION OF JEFF
VOLK-REIMERS TO INCLUDE
EXHIBITS WHICH DEMONSTRATE
EVIDENCE THAT CREDITOR'S QUIT
CLAIM DEED TRANSACTION IS FRAUD
ON THE COURT

Noted for December 14, 2016

I, Jeff Volk-Reimers do hereby state under penalty of perjury and pursuant to Title 28 §
U.S.C. 1746 as follows: I have personal knowledge of the facts stated herein and if called to
testify I would state the same. I am competent to provide the testimony set forth herein.

I have attached a true and correct copy of Certified Document Examiner Hanna
McFarland's report of December 7th 2016. [with redactions] I retained Ms. McFarland to
demonstrate Creditor Sharon Eva has forged my name on various documents to deprive me of
my home. This examination was conducted in anticipation of a state court trial, I present it now
to memorialize to opposing counsel that further misrepresentations to the Court will not be

DECLARATION OF JEFF VOLK-REIMERS 1

Jeff Volk-Reimers
8311 Golden Given Rd E
Tacoma, WA 98404

1 tolerated and as it goes to the core of Creditors claim as false as well as their counsel
2 presentations are all fabricated on Fraud.

3 I also wish to advise the Court that no foreclosure happened on 12/9/2016. This is another
4 false presentation to the Court by Sharon's Counsel in their run afoul pleadings, for redress by
5 the Court. **Sharon Eva and her Counsel have defrauded the State Court.**
6

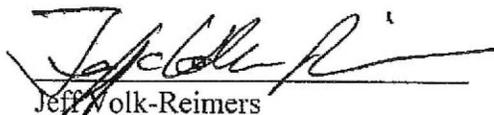
7 I have Attached is a true and correct copy of Docket # 36 case # 16-43819-BDL (Volk
8 **Exhibit A**).

9 I have Attached is a true and correct copy of Judge Lynch's Order of 10/14/2016 (Volk
10 **Exhibit B**) Docket # 27 case # 16-43819.

11
12 Attached is a true and correct copy of my Motion to Remand Docket # 25, case #
13 16-4129.

14 Attached is a true and correct copy of my cancelled foreclosure.
15
16

17
18 Signed this 13 day of Dec 2016 at Pierce County, Washington.

19
20 

21 Jeff Volk-Reimers
22 8311 Golden Given Rd E
23 Tacoma, WA 98404
24
25
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27
28

EXHIBIT B-3

H

Date	Type	Confirmation Code	Start Date	Nights	Guest	Listing	Details	Refere nce	Curren cy	Amount	Paid Out	Host Fee	Cleaning Fee
11/12/2015	Reservation	EBZMZD	11/10/2015	5	Suzy Adler	Home in Tacoma Luxurious		USD		576		18	69
10/26/2015	Reservation	MFE4EA	10/24/2015	1	Sarah Jane Hoppe	Home in Tacoma Luxurious		USD		208		6	75
10/24/2015	Reservation	XHPNXXM	10/22/2015	1	Terrence Morin	Home in Tacoma Luxurious		USD		163		5	69
10/18/2015	Reservation	APMMKT	10/16/2015	2	Megan Horton	Home in Tacoma Luxurious		USD		290		9	69
10/12/2015	Reservation	Q8K4MN	10/10/2015	1	Sean Hunt	Home in Tacoma Luxurious		USD		192		6	69
10/2/2015	Resolution Adjustment	XN5TCF	9/23/2015	7	Tama Hampton	Home in Tacoma Luxurious		USD		-40			
9/25/2015	Reservation	XN5TCF	9/23/2015	7	Tama Hampton	Home in Tacoma Luxurious		USD		609		19	75
9/18/2015	Reservation	EAPQPB	9/17/2015	4	Courtney Chaffin	Home in Tacoma Luxurious		USD		379		12	75
9/13/2015	Reservation	JESRSY	9/11/2015	6	Catherine Coleman	Home in Tacoma Luxurious		USD		940		29	75
9/4/2015	Reservation	Y2BHHP	9/3/2015	2	Vinit Adkar	Home in Tacoma Luxurious		USD		226		7	75
8/26/2015	Misc Credit	CFDEP9	8/2/2015	6	Yousef Hosny	Home in Tacoma		USD		1235			

8/15/2015	Reservation	PN38BH	8/13/2015	4	Chris Letterman	Luxurious Home in Tacoma	USD	806	25	75
8/12/2015	Reservation	Q4RXT3	8/10/2015	3	Mark Elliott	Luxurious Home in Tacoma	USD	535	17	75
8/11/2015	Adjustment	WBWCRQ	7/5/2015	5	Jessica Barrios	Luxurious Home in Tacoma	USD	-73		
8/10/2015	Reservation	P4NEJC	8/8/2015	1	Maile Austen	Luxurious Home in Tacoma	USD	266	8	75
8/4/2015	Reservation	CFDEP9	8/2/2015	6	Yousef Hosny	Luxurious Home in Tacoma	USD	1076	33	75
8/2/2015	Reservation	P44MHQ	7/31/2015	1	Arthur Funfish	Luxurious Home in Tacoma	USD	266	8	75
8/1/2015	Reservation	AS33NX	7/30/2015	1	Josh Carrahan	Luxurious Home in Tacoma	USD	227	7	75
7/25/2015	Reservation	S83M2Q	7/23/2015	3	Sumit Oswal	Luxurious Home in Tacoma	USD	485	15	0
7/23/2015	Reservation	ZB35TK	7/21/2015	1	Joel Sullivan	Luxurious Home in Tacoma	USD	227	7	75
7/16/2015	Reservation	DRRT9Z	7/15/2015	4	Candice Lyn Ahnsworth	Luxurious Home in Tacoma	USD	767	24	75
7/12/2015	Reservation	CQKTDJ	7/10/2015	2	Larry Palanuk	Luxurious Home in Tacoma	USD	459	14	75

7/6/2015 Reservation	WBWCRCQ	7/5/2015	Jessica 5 Barrios	Luxurious Home in Tacoma	USD	883	25	75
6/28/2015 Reservation	XPAWJT	6/27/2015	Blayne 1 Kralicek	Home in Tacoma Luxurious	USD	266	8	75
6/13/2015 Reservation	NHDTDY	6/12/2015	10 Melanie Cox	Home in Tacoma Luxurious	USD	6853	212	0
5/31/2015 Reservation	A4AR48	5/29/2015	Eloise 2 Hardman	Home in Tacoma Luxurious	USD	342	11	0
5/25/2015 Reservation	JW2DM9	5/22/2015	Susan 4 Daugherty	Home in Tacoma Luxurious	USD	135	4	0
5/24/2015 Reservation	JW2DM9	5/22/2015	Susan 4 Daugherty	Home in Tacoma Luxurious	USD	477	15	0
5/16/2015 Reservation	QP95DX	5/14/2015	4 Dan Gartzke	Home in Tacoma Luxurious	USD	612	19	75
5/9/2015 Reservation	25WKEN	5/7/2015	4 Rose Hibbs	Home in Tacoma Luxurious	USD	806	25	0
5/3/2015 Reservation	QPEC9T	5/1/2015	2 Travis Harker	Home in Tacoma Luxurious	USD	323	10	75
4/27/2015 Reservation	2E99NC	4/25/2015	Dakota 1 Moon	Home in Tacoma Luxurious	USD	198	6	75
4/26/2015 Reservation	NPCB42	4/24/2015	Melinda 1 Moorefield	Home in Tacoma Luxurious	USD	198	6	75

4/20/2015 Reservation	ADZ4JD	4/18/2015	Matthew 1 McCoy	Luxurious Home in Tacoma Luxurious	USD	198	6	75
4/15/2015 Reservation	RZ2KHF	4/13/2015	3 Wes Wasson Andrea Bentley- 4 Freeman	Home in Tacoma Luxurious Home in Tacoma Luxurious	USD	361	11	75
4/11/2015 Reservation	ZSAAQS	4/9/2015	4 Freeman	Luxurious	USD	573	18	75
3/29/2015 Reservation	C3EHS5	3/27/2015	1 Tressa Emch	Home in Tacoma Luxurious	USD	198	6	75
3/25/2015 Reservation	4YSDF5	3/23/2015	Krista 1 Cushman	Home in Tacoma Luxurious	USD	169	5	75
3/23/2015 Reservation	SR4JRF	3/21/2015	1 Zac Berger	Home in Tacoma Luxurious	USD	198	6	75
3/15/2015 Reservation	9DXNX2	3/13/2015	Angelica 2 Chambers	Home in Tacoma Luxurious	USD	323	10	75
3/7/2015 Adjustment Resolution	92NDZF	2/27/2015	Carol 3 Goodwin	Home in Tacoma Luxurious	USD	-50		
3/1/2015 Reservation	92NDZF	2/27/2015	Carol 3 Goodwin	Home in Tacoma Luxurious	USD	429	13	75
2/25/2015 Reservation	54FBTQ	2/23/2015	Loretta 4 Longsine	Home in Tacoma Luxurious	USD	418	13	75
2/24/2015 Reservation	WSPTMQ	2/19/2015	Audrey 3 Scully	Home in Tacoma	USD	260	8	0

EXHIBIT B-2

1 Defendant also has been unable to find a lawyer on such short notice to participate in the
2 deposition.

3 Attached is a declaration demonstrating Defendant met and confer with Plaintiffs' Counsel. As
4 required.

5 **II. ISSUES BEFORE THE COURT**

6 Should the Court Order Plaintiff to follow the Civil Rules of Procedure and execute the
7 deposition notice within a reasonable time frame and within the county of Defendants residence
8 to avoid burdensome hours travel time and expense ?

9 **III. EVIDENCE RELIED UPON**

10 This brief, the Washington State Civil Rules of Discovery CR 26 and 30, the complete
11 case file, the Declaration of Jeff Volk-Reimer, and the attached exhibits.

12 **IV. AUTHORITY/ARGUMENT**

13 Depositions are governed by Washington State Court Rules of Civil Procedure, CR-30
14 and General Rules of Discovery CR-26, Protection Orders come under CR-26(c).

15 **Defendant seeks a Protection Order pursuant to CR-26(c) as the deposition notice was**
16 **unreasonable and the Defendants county of residence is Pierce County, not Snohomish Co.**
17 **causing excessive travel cost, Fatigue and inability to find Counsel.**

18 Defendant requests the Court grant his Motion for a Protective Order to prevent Plaintiff
19 from engaging in abusive discovery practices and to stay the scope of Plaintiff's proposed
20 examination such that Defendant is protected from "annoyance, oppression, or undue burden or
21 expense. CR-26.

22 Under CR-26(a)(1) In General. Parties may obtain discovery regarding any matter, not
23 privileged, which is relevant to the subject matter involved in the pending action, whether it
24 relates to the claim or defense of the party seeking discovery or to the claim or defense of any
25 other party, including the existence, description, nature, custody, condition and location of any

1 books, documents, or other tangible things and the identity and location of persons having
2 knowledge of any discoverable matter. It is not ground for objection that the information sought
3 will be inadmissible at the trial if the information sought appears reasonably calculated to lead to
4 the discovery of admissible evidence.

5 The frequency or extent of use of the discovery methods set forth in section (a) shall be limited
6 by the court if it determines that:

7 (A) the discovery sought is unreasonably cumulative or duplicative, or is obtainable from
8 some other source that is more convenient, less burdensome, or less expensive;

9 (B) the party seeking discovery has had ample opportunity by discovery in the action to
10 obtain the information sought; or

11 (C) the discovery is unduly burdensome or expensive, taking into account the needs of the
12 case, the amount in controversy, limitations on the parties' resources, and the importance of the
13 issues at stake in the litigation. The court may act upon its own initiative after reasonable notice
14 or pursuant to a motion under section (c).

15 CR-26(c) states: Protective Orders. Upon motion by a party or by the person from whom
16 discovery is sought, and for good cause shown, the court in which the action is pending or
17 alternatively, on matters relating to a deposition, the court in the county where the deposition is
18 to be taken may make any order which justice requires to protect a party or person from
19 annoyance, embarrassment, oppression, or undue burden or expense, including one or
20 more of the following:

21 (1) that the discovery not be had;

22 (2) that the discovery may be had only on specified terms and conditions, including a
23 designation of the time or place.

24 Defendant was not provided reasonable notice of deposition pursuant to CR-30(b)(1).

25 (1) A party desiring to take the deposition of any person upon oral examination shall give
26 *reasonable* notice in writing of not less than 5 days (exclusive of the day of service,
27 Saturdays, Sundays and court holidays) to every other party to the action and to the
28 deponent... Emphasis on reasonable.

Here, Defendant has been notified of a deposition at the location of 2821 Wetmore Ave,
Everett, WA, 98201 on a Friday June 10th at 12:30 p.m. where he must remain until discharge
(up to seven hours). The location of the deposition is Snohomish County; Defendant is not a
resident of Snohomish County. The travel time is three hours and three minutes by bus. The

1 travel time is one hour and twenty-one minutes with no traffic, if Defendant could drive The
2 realistic travel time with the freeway construction will exceed two hours; the I-5 Snohomish
3 County “squeeze” has continued for quite some time while hindering and delaying travelers.

4 Defendant can find no clear definitive limits on travel for a Defendants deposition but as
5 defined in CR-45 when requesting attendance by a witness the plain language is clear as set forth
6 below:

7
8 (e) Subpoena for Taking Deposition, Producing Documents, or Permitting Inspection.

9 (1) Witness Fees and Mileage. [Reserved. See RCW 2.40.020.]

10 (2) Place of Examination. A resident of the state may be required to attend an
11 examination, produce documents, or permit inspection only in the county where the person
12 resides or is employed or transacts business in person, or at such other convenient place as is
13 fixed by an order of the court. A nonresident of the state may be required to attend examination,
14 produce documents, or permit inspection only in the county where the person is served with a
15 subpoena, or within 40 miles from the place of service, or at such other convenient place as is
16 fixed by an order of the court.

17 “On Motion for protective order, the court should balance the costs and burdens to each
18 side.” *United States v. \$160,066.98 from Bank of America*, 202 F.R.D. 624, 626 (S.D. Cal. 2001)
19 (citation omitted). The courts are vested with broad discretion to permit or deny discovery. The
20 Courts are vested with broad discretion to permit or deny discovery see *Laub v. U.S. Dept of*
21 *Interior*, 342F. 3d. 1080,1093,(9th Cir.2003).

22 **The Notice, Service and Timing are unreasonable. As such, the deposition should be**
23 **rescheduled at a time and place that is convenient for BOTH parties.**

24 The Declaration of Jeff Volk-Reimer demonstrates Defendant cannot give such short
25 notice to his employer especially in his position as general foreman on the I-90 viaduct project
26 Bertha. To fail to attend work without reasonable notice is a basis for termination as an
27 unexcused absence. Defendants Declaration provides accommodating dates he can be excused
28 from work without risk of termination.

1
2
3 The defendant has also executed due diligence to find legal counsel to appear and
4 represent Defendant at the deposition, as of today's date no Attorney has been available on such
5 short notice. CR 30 subchapter (B)
6

7
8 **V CONCLUSION**

9 As demonstrated in the foregoing argument, Defendant has shown good cause to enter the
10 attached Protection Order limiting Defendants deposition to a mutually agreed location of Pierce
11 County or at least King County. A proposed order is attached.
12

13
14
15
16 Submitted June 8, 2016 at Pierce County, WA
17

18
19 /s/ Jeff Volk Reimer
20 Jeff Volk-Reimer
21 8311 Golden Given Rd E
22 Tacoma, WA 98404
23
24
25
26
27
28

Comes now Jeff Volk Reimer, Pursuant to the Commissioner Bearnse Ruling, The Appellant has re done his brief pursuant to RAP

Declaration of Service:

I, Jeff Volk-Reimer declare as follows: On August 23rd , 2017, I caused a copy of Appellant's second Brief to be mailed to Tuohy Minor Kruse PLLC ,Respondent Sharon Eva listed below by depositing into United States postal receptor (mail box) for mailing to

Tuohy Minor Kruse PLLC
Justin Morgan
2821 Wetmore Avenue
Everett, WA 98201
justin@tuohyminor.com

Signed August 23, 2017 at Pierce County, WA

/s/Jeff Volk-Reimer
Jeff Volk-Reimer
8311 Golden Given Rd E
Tacoma, WA 98404
jeffvreimer@yahoo.com