

**FILED
Court of Appeals
Division II
State of Washington
1/31/2020 2:57 PM**

No. 53519-0-II

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

HENRY C. REITZUG, MARK HADMAN AND LINDA HADMAN,

Respondents,

v.

SKIPPER KUZIOR,

Appellant.

RESPONDENTS' RESPONSE BRIEF

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I. INTRODUCTION

Appellant Skipper Kuzior's latest appeal is a continuation of a years-long campaign of harassment against the Respondents relating to his unsubstantiated belief that he somehow owns all or part of Respondents' properties. Kuzior has never produced any evidence to support his claims. Hence, as found by the trial court, there is no merit to any of his defenses to Respondents' causes of action. Accordingly, Kuzior's appeal of whatever it is he is appealing should be denied.

II. STATEMENT OF THE CASE AND PROCEDURAL HISTORY

A. The Parties' Properties.

Respondents Henry C. Reitzug and Anne Marie Reitzug are the titled owners of the real property commonly known as 6214 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418304055 (the "Reitzug Property").¹ Respondents Mark Hadman and Lisa Hadman are the titled owners of the real property commonly known as 6210 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418301069 (the

¹ See Appendix A, Declaration of Dianne K. Conway in Support of Respondents' Motion for Partial Summary Judgment (filed June 15, 2018) Ex. A.

“Hadman Property”).² Appellant Skipper Kuzior is a single man who owns and resides at property commonly known as 5501 264th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418303015 (the “Kuzior Property”).³

B. Respondents’ Complaint and First Motion for Partial Summary Judgment.

In September 2017 Kuzior unilaterally moved the wire fence separating his property from the Respondents’ properties⁴ across the Hadmans’ property, which is only ten-feet wide in the section abutting Kuzior’s property, and 30 feet onto the Reitzugs’ property.⁵

Respondents demanded that Kuzior move the fence back to its century-plus-old location. In response, Kuzior and his fiancé Beatrice Arrendondo filed petitions for Orders of Protection-Antiharassment against Hadman and Reitzug.⁶ They later filed a related petition for Order of Protection-Antiharassment against neighboring property owner and relative (nephew) of Respondents, Christopher Tibbitts.⁷

² *Id.* at Ex. A. Respondents bought the original parcels together and later divided the parcel through a Boundary Line Adjustment.

³ *Id.* Ex. B.

⁴ See Appendix B, Declaration of Kenneth R. Anderson, PLS (filed June 15, 2018).

⁵ See Appendix C, Declaration of Mark Hadman (filed June 15, 2018) at ¶ 3.

⁶ Pierce County District Court Case No. 7Z623267A (Arrendondo v. Reitzug) and Case No. 7Z623402A (Kuzior v. Hadman).

⁷ Pierce County District Court Case No. 8Z624054A (Kuzior v. Tibbitts).

After multiple proceedings in district court, no permanent protective orders were entered on any of the petitions, and the court entered CR 11 sanctions against Kuzior and Arrendondo.⁸ Kuzior and Arrendondo appealed these decisions to this Court.

Kuzior's antics made clear that Respondents would not be able to reason with Kuzior regarding the fence. Accordingly, they filed the underlying action in Pierce County Superior Court on February 15, 2018, asserting claims for quiet title, ejectment, and trespass.

C. Respondents' First Motion for Partial Summary Judgment.

On June 15, 2018, Respondents moved for partial summary judgment on their claims of quiet title, ejectment, and trespass (liability only), which included ultimately unrefuted expert evidence regarding the legal descriptions of the Reitzug/Hadman properties.⁹ On July 13, 2018, the trial court granted Respondents' motion and quieted title to the area Kuzior claimed by relocation of the fence in Reitzug and the Hadmans, and ordered that the fence be returned to its proper location.¹⁰ The Order left the issue of any damages for trial.

⁸ Sanctions were awarded in the Reitzug and Tibbitts proceedings.

⁹ Appendix B, Declaration of Kenneth Anderson, PLS (June 15, 2018).

¹⁰ CP 23-24.

D. Kuzior's "Re-Record" Deed, Respondents' Amended Complaint, and Respondents Second Motion for Partial Summary Judgment.

Unbeknownst to Respondents, Kuzior filed a "re-record" of the Statutory Warranty Deed for his property ("Re-Record Deed") after Respondents moved for partial summary judgment regarding the fence line issue.¹¹ The Re-record Deed, filed June 21, 2018, attaches historical documents of unclear relevance and provenance and includes a cover sheet on which Kuzior lists the parcel numbers for the Kuzior Property as well as the parcel numbers for Reitzug Property and Hadman Property, but there is no signature from the Grantor.¹²

Respondents' counsel discovered the Re-Record Deed in August 2018 and inquired with Chicago Title Company about the possible effect the filing could have on the Reitzug Property and Hadman Property.¹³ Chicago Title stated that the Re-record Deed would show as an exception to title that could not be insured around unless the Kuzior filed a deed quitclaiming any interest in the Reitzug and Hadman properties or there was a judgment quieting title to the Reitzugs and Hadmans and extinguishing any title right and interest of Kuzior.¹⁴

¹¹ See Appendix D, Declaration of Dianne K. Conway (filed January 18, 2019) at Ex. C. at ¶ 3 and at Ex. B.

¹² *Id.* at Ex. B.

¹³ *Id.* at ¶ 3-4.

¹⁴ CP 25-26 at ¶ 4.

Respondents' counsel then wrote to Kuzior's counsel demanding that Kuzior remove or render void the re-record deed; she received no response.¹⁵ Accordingly, Respondents' counsel sought to amend the complaint to incorporate the re-record deed into Respondents' quiet-title claim.¹⁶ Kuzior's then-counsel ultimately agreed to a stipulated order for leave to amend the complaint, and on December 12, 2018 Respondents' filed their First Amended Complaint.¹⁷ In addition to incorporating the re-record deed into Respondents' quiet-title claim, the amended complaint added a claim for damages under RCW 4.24.630 for Respondents' existing trespass claim. The latter addition was made based on Respondents' discovery following the replacement of the fence on the property line that Kuzior had removed material amounts of hay and caused damage to Respondents' properties during the period he occupied portions of their properties.¹⁸

On January 18, 2019, Respondents filed a motion for partial summary judgment on the amended quiet-title claims and violation of

¹⁵ Appendix D at ¶ 4-5.

¹⁶ *Id.* at ¶ 5.

¹⁷ See Appendix E, First Amended Complaint to Quiet Title, for Ejectment, and Trespass/Violation of RCW 4.24.630 (filed December 12, 2018).

¹⁸ See Appendix F, Declaration of Mark Hadman in Support of Plaintiffs' Motion for Partial Summary Judgment (filed January 18, 2019) at ¶¶ 4-5.

RCW 4.24.630 (liability only).¹⁹ **Kuzior did not respond.** Following a delay to allow Kuzior more time after his counsel withdrew, the trial court heard and granted Respondents' motion on March 1, 2019.²⁰ Kuzior then filed a motion for "Reconsideration of March 1st Order Due to Quit Claim Title Fraud by Respondents Motion to Dismiss," which was denied on March 8, 2019.²¹

On March 18, 2019, Kuzior filed a Notice of Discretionary Review of the trial court's grant of partial summary judgment.²² Following briefing and a hearing, this Court entered its Ruling Denying Review on June 6, 2019 and awarded CR 11 sanctions of \$500 after finding Kuzior's motion for discretionary review was frivolous.²³ One June 14, 2019, Kuzior filed a Motion to Modify Ruling.²⁴ Following yet more briefing, on

¹⁹ See Appendix G, Plaintiffs' Second Motion for Partial Summary Judgment (filed January 18, 2019).

²⁰ CP 27-28.

²¹ See Appendix H, Order on Reconsideration (filed on March 8, 2019).

²² See Exhibit I, Notice of Discretionary Review (filed March 18, 2019). Among other things, Kuzior alleged that Respondents' counsel had a conflict of interest because in 1977—i.e. before Kuzior was born—a member or her law firm had represented one of his alleged family members in a matter.

²³ *Reitzug v. Kuzior*, Ruling Denying Review, Case No. 53119-4-II (June 6, 2019). Respondents had asked for \$2500 to cover their legal fees associated with Kuzior's frivolous appeal.

²⁴ *Reitzug v. Kuzior*, Motion to Modify Ruling, Case No. 53119-4-II (June 14, 2019).

September 20, 2019, this Court entered an Order Denying Motion to Modify.²⁵

E. Respondents File Motion for Summary Judgment regarding Damages Claims and Right to Attorney Fees.

On May 23, 2019, Respondents filed a Motion for Summary Judgment regarding their damages claims and right to attorney fees.²⁶ Respondents sought \$500 in damages due to Kuzior's removal of hay from their properties and requested that the amount trebled pursuant to RCW 4.24.630 since the removal was wrongful and intentional. They also sought sanctions and/or an award of attorney fees under four theories: CR 11, quiet title, RCW 4.24.630, and RCW 4.84.185.²⁷ Kuzior did not file a response to Respondents' summary-judgment motion, though he did file a two-page "Legal Authority in Motion for Dismissal" that did not respond to Plaintiffs' arguments²⁸ as well as a "Motion to Declare Named Plaintiffs Vexious."²⁹ The trial court granted Respondents' motion and made the following findings:

²⁵ *Reitzug v. Kuzior*, Order Denying Motion to Modify, Case No. 53119-4-II (Sept. 20, 2019).

²⁶ See Appendix I, Motion for Summary Judgment (filed May 23, 2019).

²⁷ *Id.*

²⁸ See Appendix J, Legal Authority in Motion for Dismissal (filed June 14, 2019).

²⁹ See Appendix L, Motion to Declare Named Plaintiffs Vexious (filed June 17, 2019).

8. Plaintiffs are entitled to treble damages and an award of reasonable attorneys' fees and litigation expenses pursuant to RCW 4.24.630. Plaintiffs' RCW 4.24.630 claim arises from the same nexus of facts as Plaintiffs' trespass and first quiet-title action. Attorney fees and litigation expenses incurred relating to the RCW 4.24.630 cannot be reasonably segregated from fees and expenses relating to the other claims.
9. Plaintiffs are entitled to reasonable attorneys' fees and litigation expenses pursuant to RCW 4.84.185, as Defendant's defenses against Plaintiffs' claims were frivolous and advanced without reasonable cause.
10. The billing rates for the various attorneys and legal staff that performed work for Plaintiffs, as more fully set forth in Plaintiffs' Motion and supporting Declaration of Dianne K. Conway, are reasonable.
11. The Court has reviewed the billing records and believes that the time expended by Plaintiffs in defending this case were reasonable.
12. The litigation expenses incurred by Plaintiffs are reasonable.

THEREFORE, for the above-stated reasons, the Court hereby

ORDERS that Defendants are entitled to an award of (1) treble damages in the amount of \$1,500; (2) attorneys' fees in the amount of \$29,715.99; and (3) litigation expenses in the amount of \$1,736.49.³⁰

³⁰ See Appendix M, Order Granting Plaintiffs' Motion for Summary Judgment (entered on June 21, 2019). See also CP 135-137 (the original judgment filed on June 21, 2019 contained a calculation error, which was corrected in the Amended Judgment).

Kuzior filed Notice of Appeal with the trial court on June 27, 2019.³¹ He did not attach copies of the rulings he was appealing.

III. SUMMARY OF ARGUMENT

Was the trial court's grant of Respondents' first partial summary judgment motion regarding the property line/fence line appropriate? YES.

Was the trial court's grant of Respondents' second partial summary judgment motion regarding Kuzior's re-recording of his statutory warranty deed on Respondents' property appropriate? YES.

Was the trial court's award of damages and attorney fees appropriate? YES.

IV. ARGUMENT

Kuzior does not offer any coherent challenge or evidence in opposition to the trial court rulings in this matter. Rather, he submits documents and delusional arguments largely related to his family's alleged ownership of all or part of Respondents' properties and his claim that Respondents and their family members and counsel are bad people. Overall, with the exception of the damages award for Kuzior's

³¹ See Appendix N, Notice of Appeal (filed June 27, 2019).

removal of Respondents' hay (which Kuzior does not provide), it is not clear to Respondents which trial court rulings Kuzior is appealing. Accordingly, Respondents will address each of the trial court's rulings.

A. Standard of Review

Summary judgment should be granted if there are no genuine issues of material fact and the "moving party is entitled to judgment as a matter of law."³² The moving party bears the burden of demonstrating the absence of an issue of material fact.³³ Summary judgment is also appropriate when, based on the facts considered in the light most favorable to the non-moving party, a "reasonable fact finder could reach only one conclusion."³⁴ In opposing summary judgment, the nonmoving party cannot merely rely on "allegations or self-serving statements" made in its pleadings, but must present specific facts showing the existence of a genuine issue of material fact for trial.³⁵ Summary judgment is meant to test the sufficiency of evidence in order to avoid unnecessary trials.³⁶

³² CR 56(c); *Townsend v. Walla Walla School Dist.*, 147 Wn. App. 620, 196 P.3d 748 (2008).

³³ *Young v. Key Pharmaceuticals, Inc.*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)).

³⁴ *Kim v. Lakeside Adult Family Home*, 185 Wn.2d 532, 547, 374 P.3d 121 (2016).

³⁵ *Newton Ins. Agency & Brokerage, Inc., v. Caledonian Inc. Group, Inc.*, 114 Wn. App. 151, 157, 52 P.3d 30 (2002).

³⁶ *Young*, 112 Wn.2d at 226.

B. The trial did not err when granting Respondents' first motion for partial summary judgment.

1. The trial court properly granted Respondents' quiet-title claim.

Parties pursuing a quiet title claim under RCW 7.28.010 may be in or out of possession,³⁷ so long as they have a "valid subsisting interest" in the land.³⁸ In quiet title claims, "the superior title . . . shall prevail."³⁹

Respondents brought the first quiet-title claim to assert title ownership to their respective properties and seek the equitable remedy of quiet title to suppress Kuzior's apparent assertion of ownership. The fact of their ownership is evident in the Pierce County Assessor-Treasurer's recorded parcel maps⁴⁰ and the 2012 Record of Survey for Boundary Line Adjustment.⁴¹ Kuzior did not provide any reliable or admissible evidence that supported his unilateral and bizarre relocation of the boundary fence. In his three-day-late response to Respondents' motion, Kuzior provided no testimony refuting the expert opinion provided by Respondents' surveyor regarding the

³⁷ *Brown v. Baldwin*, 46 Wn. 106, 113, 89 P. 483 (1907) (finding that whether or not the plaintiff is in possession does not "affect the merits of [the] controversy.").

³⁸ *Womach v. Harding*, 132 Wn. 184, 186, 231 P. 949 (1925).

³⁹ RCW 7.28.120.

⁴⁰ Appendix A at Ex. C.

⁴¹ Appendix B at Ex. A.

legitimacy of Respondents' ownership of the area seized by Kuzior. Rather, Kuzior attached to his declaration a letter from Robert Swift, PLS, that merely contains an unsworn (and, therefore, inadmissible) statement that two unidentified small structures⁴² are located within the recorded boundaries of Kuzior's parcel. Mr. Swift did not contradict anything stated by Respondents' surveyor or offer any opinion regarding Kuzior's claim that he owns portions of Respondents' properties as legally described in the Boundary Line Adjustment that created them.

Accordingly, the trial court properly issued an order quieting title affirming the accuracy of the recorded boundary lines as set forth in the Record of Survey for Boundary Line Adjustment of Respondents' properties.

2. This Court properly ejected Kuzior and ordered Kuzior to put the boundary fence back on the actual property line

Parties seeking ejectment under RCW 7.28.010, like quiet title, must have a "valid and subsisting interest" and a "right to the possession" of the land in question. As set forth above, Respondents have both an interest in and a right to possession of their properties,

⁴² According to the letter, one of these structures is 3' by 8' and the other is 7' by 8'.

and Kuzior's encroachment⁴³ onto Respondents' properties damaged their land. Accordingly, the trial court properly ordered Kuzior to remove his personal property from Respondents' properties and put the fence put back in in its proper location at his cost.

3. Kuzior trespassed on Respondents' properties.

Kuzior committed trespass by unlawfully moving the boundary fence and chicken coop onto the Reitzug property and grazing his livestock on both the Reitzug and Hadman properties. This act of encroachment⁴⁴ onto Respondents' properties damaged their land. Accordingly, the trial court properly held that Kuzior was liable for trespass.

C. The Trial Court Did Not Err When Granting Respondents' Second Motion for Partial Summary Judgment.

1. The trial court properly granted summary judgment on Respondents' second quiet-title claim.

The Re-record Deed filed by Kuzior is not a valid interest or claim to title, but rather appears to have been yet another attempt by Kuzior to "reclaim" what he believes is his historic family land that was long ago "stolen." The cover sheet to the Re-record Deed states "Re Record to Correct Legal" and lists the tax parcel numbers for the Kuzior, Reitzug,

⁴³ *Proctor v. Huntington*, 169 Wn.2d 491, 498, 238 P.3d 1117 (2010) ("encroachment occurs when one builds a structure on another's land.")

⁴⁴ *Id.* (encroachment is a form of trespass).

and Hadman properties.⁴⁵ Attached is the December 2015 Statutory Warranty Deed detailing the grant of the Kuzior Property from Betty Gleason to Kuzior and signed by the Grantor.⁴⁶ Also attached are two items titled “Exhibit A” and “Declaration of Annexation,” which are seemingly related, as both reference the “Rainier Ranches Association” and are dated circa the mid-1970s. The Declaration of Annexation is signed by Declarants D.A. and Virginia Belfoy. The Declaration of Annexation describes four parcels (Parcels “A” through “D”) by metes and bounds and declares certain easements, restrictions, covenants and conditions as set forth in an earlier Declaration are incorporated and shall apply to those parcels.

The Re-record Deed is not a valid land transfer because it was not signed by the Grantor. “Every deed shall be in writing, signed by the party bound thereby, and acknowledged by the party before some person authorized . . . to take acknowledgements of deeds.”⁴⁷ The signature of Betty Gleason is on the 2015 Statutory Warranty Deed, but nothing indicates that Betty Gleason, or any other Grantor, signed off on the “corrected legal” description purporting to annex additional land. And there is no notary or other acknowledgment of an authorized

⁴⁵ Appendix D at Ex. B.

⁴⁶ *Id.*

⁴⁷ RCW 64.04.020.

party. Further, the “Declaration of Annexation,” even if applicable to the Reitzug and Hadman properties does not convey ownership. Rather, the document simply states that certain easements, restriction, covenants, and conditions apply to the land described.⁴⁸ Nothing in the Declaration of Annexation speaks to ownership. Accordingly, nothing in the Re-record Deed indicates that there was a valid transfer of additional land to Kuzior beyond what he already possessed by virtue of his 2015 Statutory Warranty Deed.

In sum, the trial court properly quieted title a second time to Respondents in their respective properties and properly entered an order stating that the Re-record Deed does not affect Respondents’ titles.

2. The trial court properly held that Kuzior was liable under RCW 4.24.630.

After Kuzior relocated the fence back to its proper location following the order on the Respondents first motion for summary judgment, Respondents discovered that Kuzior had mowed and removed hay from the Respondents’ properties during the time (approximately one year) that Kuzior occupied the area.⁴⁹ RCW 4.24.630 states that

⁴⁸ Appendix D at Ex. B (final paragraph of “Declaration of Annexation”).

⁴⁹ Appendix F.

“[e]very person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land . . . is liable to the injured party for treble the amount of damages caused by the removal, waste, or injury.” A person acts “wrongfully” for purposes of RCW 4.24.630 when he “intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act.”⁵⁰ An injured party is entitled to damages for the market value of the property removed or injured and “reasonable costs, including but not limited to investigative costs and reasonable attorneys’ fees and other litigation-related costs.”⁵¹

Here, Kuzior acted wrongfully when he unilaterally relocated the boundary fence and occupied portions of Respondents’ properties. Kuzior had no cognizable claim to the land he occupied. Further, the boundary fence accurately marked the boundary before Kuzior relocated it. Accordingly, Kuzior could not have been mistaken about the fact that he was occupying Respondents’ properties, and his actions were plainly wrongful.

⁵⁰ RCW 4.24.630.

⁵¹ *Id.*

Because Kuzior went “onto the land of another” and removed valuable hay, the trial court properly found Kuzior was liable under RCW 4.24.630 for damages and attorney’s fees.

D. The trial did not err when granting Respondents’ motion for summary judgment regarding damages and attorney fees.

1. Damages and attorney fees are warranted under RCW 4.24.630.

RCW 4.24.630 authorizes treble damages and an award of attorney fees for removal of and damage to another’s crops:

(1) Every person who goes onto the land of another and who removes timber, crops, minerals, or other similar valuable property from the land, or wrongfully causes waste or injury to the land, or wrongfully injures personal property or improvements to real estate on the land, is liable to the injured party for treble the amount of the damages caused by the removal, waste, or injury. For purposes of this section, a person acts “wrongfully” if the person intentionally and unreasonably commits the act or acts while knowing, or having reason to know, that he or she lacks authorization to so act. Damages recoverable under this section include, but are not limited to, damages for the market value of the property removed or injured, and for injury to the land, including the costs of restoration. In addition, the person is liable for reimbursing the injured party for the party's reasonable costs, including but not limited to investigative costs and reasonable attorneys' fees and other litigation-related costs.

The requirement that the defendant act “wrongfully” means that the defendant knew or had reason to know that he or she lacked authorization to act.⁵²

Here, Kuzior unilaterally relocated a century-plus old fence line across and onto Respondents’ properties and proceeded to occupy significant portions of those properties. During the year that he occupied these properties he removed \$500 worth of hay through mowing and grazing by his animals.⁵³ Given the clearly wrongful nature of Kuzior’s actions, Respondents are entitled to a damages award of \$1,500⁵⁴ plus their reasonable attorney fees and expenses.

Generally, attorney fees are awarded only for services related to causes of action that allow for fees.⁵⁵ Hence, if fees are authorized for only some of the claims, the award must properly reflect a segregation of time spent on issues for which fees are authorized from time spent on other issues.⁵⁶ But where the claims are so related that no

⁵² *Clipse v. Michels Pipeline Constr., Inc.*, 154 Wn. App. 573, 579-80, 225 P.3d 492 (2010).

⁵³ Appendix F.

⁵⁴ Respondents are also entitled to damages for common-law trespass, which was a subject of the first partial summary-judgment motion. *Grundy v. Brack Family Tr.*, 151 Wn. App. 557, 567, 213 P.3d 619 (2009); *Bradley v. Am. Smelting & Ref. Co.*, 104 Wn.2d 677, 683-84, 709 P.2d 782 (1985).

⁵⁵ *Absher Constr. Co. v. Kent Sch. Dist. No. 415*, 79 Wn. App. 841, 847, 917 P.2d 1086 (1995).

⁵⁶ *Hume v. American Disposal Co.*, 124 Wn.2d 656, 672, 880 P.2d 988 (1994).

reasonable segregation can be made, there need be none.⁵⁷ Moreover, determining the amount of fees should not be unduly burdensome for the court or the parties.⁵⁸

In this case, while Respondents asserted both quiet title and trespass-related causes of action, these claims largely arose from the same nexus of facts: namely, Kuzior's unilateral relocation of the fence separating his property from Respondents' property. They also required similar briefing. Accordingly, it was not possible to segregate fees relating to the RCW 4.24.630 claim and trespass claim from the first quiet-title claim.⁵⁹ While the second quiet-title claim involved the Re-record Deed and not the fence, it was addressed in the same Amended Complaint and motion for partial summary judgment in which Respondents addressed the RCW 4.24.630 claim. This made it very difficult and impractical to segregate the fees according to the claim.⁶⁰

Overall, the trial court's rulings that an award of treble damages and attorney fees and costs was appropriate under RCW 4.24.630 and that the fees could not be reasonably segregated is supported by the evidence and law.

⁵⁷ *Id.*

⁵⁸ *Id.* at 673.

⁵⁹ See Appendix O, Declaration of Dianne K. Conway (filed. Filed May 23, 2019).

⁶⁰ *Id.*

2. Attorney fees are warranted under RCW 4.84.185.

RCW 4.84.185 authorizes a court to award a prevailing party reasonable attorneys' fees if the court finds the losing party's defense was frivolous or advanced without reasonable cause:

In any civil action, the court having jurisdiction may, upon written findings by the judge that the action, counterclaim, cross-claim, third party claim, **or defense** was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, **or defense**. This determination shall be made upon motion by the prevailing party after a voluntary or involuntary order of dismissal, order on summary judgment, final judgment after trial, or other final order terminating the action as to the prevailing party. The judge shall consider all evidence presented at the time of the motion to determine whether the position of the nonprevailing party was frivolous and advanced without reasonable cause. In no event may such motion be filed more than thirty days after entry of the order.

Courts have held that a lawsuit or defense is frivolous if, "when considering the action in its entirety, it cannot be supported by any rational argument based in fact or law."⁶¹

As plainly demonstrated in his response and non-response to Respondents' motions for partial summary judgment, Kuzior had and has no rational basis to engage in the acts that resulted in this

⁶¹ *Dave Johnson Ins., Inc. v. Wright*, 167 Wn. App. 758, 785, 275 P.3d 339 (2012); see also *Alexander v. Sanford*, 181 Wn. App. 135, 184, 325 P.3d 341 (2014).

litigation or to assert the defenses—such as they were—that he did. Rather, his actions are arguments were intended to pursue a lawless land grab and personal vendetta of unknown origins against Respondents and their families. Kuzior’s actions resulted in significant financial strain and duress for Respondents.⁶² Accordingly, the Court properly awarded Respondents their fees and expenses incurred in this action.

3. Sanctions sufficient to cover Attorney fees are warranted under CR 11.

While the trial court did not award CR 11 sanctions, Respondents believe that CR 11 also supports an award of fees and costs to Respondents. CR 11 “deals with two types of filings: those lacking factual or legal basis (baseless filings) and those made for improper purposes.”⁶³ A baseless filing is one that is not well grounded in fact or not warranted by existing law or a good faith argument for the alteration of existing law.⁶⁴ Improper purposes include intentions “such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.”⁶⁵

⁶² CP 29-32 and CP 33,35.

⁶³ *MacDonald v. Korum Ford*, 80 Wn. App. 877, 883, 912 P.2d 1052 (1996).

⁶⁴ *Id.* at 883-84.

⁶⁵ CR 11(a)(3); *In re Recall of Lindquist*, 172 Wn.2d 120, 136, 258 P.3d 9 (2011).

If a party violates CR 11, “the court ... may impose ... an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or legal memorandum, including a reasonable attorney fee.”⁶⁶

As noted above, Kuzior’s actions and defenses satisfy both grounds for CR 11 sanctions.⁶⁷ Kuzior’s defenses were based on self-serving delusions, not facts. And the only reason Kuzior proceeded with his actions and defenses this action was to unlawfully occupy Respondents’ properties and cause them considerable financial and emotional strain.

4. The Court should award attorney fees as damages under the quiet-title action.

Although the trial court did not reach this issue, Respondents believe that attorney fees and costs were also recoverable under the quiet-title actions.

Washington courts adhere to the American rule, which states that absent a contract, statute, or recognized ground of equity, the

⁶⁶ CR 11(a). *Lindquist*, 172 Wn.2d at 136; *In re Kelly and Moesslang*, 170 Wn. App. 722, 739, 287 P.3d 12 (2012).

⁶⁷ CR 11 applies to parties and *pro se* litigants. *Trohimovich v. State*, 90 Wn. App. 554, 952 P.2d 192 (1998).

prevailing party does not recover attorney fees as costs of litigation.⁶⁸ Nevertheless, the Washington Supreme Court has also recognized “certain circumstances” where attorney fees are recoverable as damages.⁶⁹ For example, the Court has authorized attorney fees in actions for malicious prosecution⁷⁰ and wrongful attachment or garnishment.⁷¹ Most notably, the Court has authorized attorney fees in slander-of-title actions:

Slander of title is analogous to these actions. It is the defendant who by intentional and calculated action leaves the plaintiff with only one course of action: that is, litigation. In malicious prosecution, wrongful attachment, and slander of title, the defendants actually know their conduct forces the plaintiff to litigate. In addition, similar to malicious prosecution and wrongful attachment, actual damages are difficult to establish and often times are minimal in slander of title. Fairness requires the plaintiff to have some recourse against the intentional malicious acts of the defendant.⁷²

⁶⁸ *Haner v. Quincy Farm Chem., Inc.*, 97 Wn.2d 753, 757, 649 P.2d 828 (1982).

⁶⁹ *Rorvig v. Douglas*, 123 Wn.2d 854, 862, 873 P.2d 492 (1994); *State ex rel. Macri v. Bremerton*, 8 Wn.2d 93, 113, 111 P.2d 612 (1941).

⁷⁰ *Aldrich v. Inland Empire Tel. & Tel. Co.*, 62 Wash. 173, 176–77, 113 P. 264 (1911) (damages include the attorney fees for the underlying action made necessary by the defendant's wrongful act).

⁷¹ *James v. Cannell*, 135 Wash. 80, 83, 237 P. 8 (1925), *aff'd*, 139 Wash. 702, 246 P. 304 (1926) (attorney fees are a “necessary expense incurred” in relieving the plaintiff of the wrongful attachment or temporary injunction, and are recoverable); *Cecil v. Dominy*, 69 Wn.2d 289, 294, 418 P.2d 233 (1966).

⁷² *Rorvig v. Douglas*, 123 Wn. 2d 854, 862–63, 873 P.2d 492 (1994). See also Restatement (Second) of Torts § 633 comment *b* (1977) (slander of title is a form of the general tort of publication of an injurious falsehood, and the defendant is liable for the expense of measures reasonably necessary to counteract the publication, including litigation to remove the doubt cast upon vendibility or value by disparagement.)

The quiet-title actions Respondents were forced to pursue as a result of Kuzior's bad acts are highly analogous to a slander-of-title claim⁷³ and warrant the same consideration. Kuzior's bad acts were intentional and pursued for improper purposes, and fairness dictates that Respondents should be compensated for the financial pain they have caused.

V. RESPONDENTS' REQUEST FOR ATTORNEY FEES ON APPEAL

Consistent with RAP 18.1, Respondents request that the Court award fees and expenses for appeal pursuant to RCW 4.24.630, RCW 4.84.185, CR 11, and/or as damages in the quiet-title actions. The legal arguments in support of each basis for fee recovery are set forth above.

VI. CONCLUSION

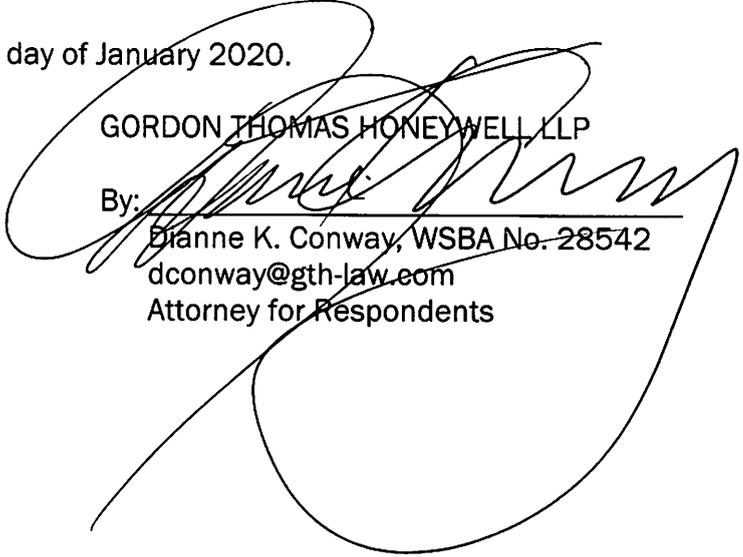
Kuzior's appeal of whatever it is he is appealing is a continuation of his years-long vendetta against Respondents and their family members. His arguments are irrelevant and irrational. His appeal

⁷³ The only material distinction is that in a slander of title claim the slander must adversely affect a pending sale or purchase of the property. *Pay 'N Save Corp. v. Eads*, 53 Wn. App. 443, 448, 767 P.2d 592 (1989) (citing *Brown v. Safeway Stores, Inc.*, 94 Wn.2d 359, 375, 617 P.2d 704 (1980)). Here, of course, it was impossible for Respondents to list their properties for sale given Kuzior's actions affecting their title.

should be denied, and fees and costs should be awarded to Respondents.

Dated this 31st day of January 2020.

GORDON THOMAS HONEYWELL LLP

By: 

Dianne K. Conway, WSBA No. 28542
dconway@gth-law.com
Attorney for Respondents

CERTIFICATE OF SERVICE

I, Christine L. Scheall, declare under the penalty of perjury of the laws of the State of Washington that on January 31, 2020, I caused a copy of Respondents' Response Brief to be served, as follows:

APPELLANT PRO SE:

Skipper Kuzior

5936 264th St. E.

Graham, WA 98338

VIA U.S. POST OFFICE OVERNIGHT MAIL

DATED this 30th day of January 2020.

/s/ Christine L. Scheall

Christine L. Scheall

Legal Assistant

GORDON THOMAS HONEYWELL LLP

APPENDICES

- Appendix A Declaration of Dianne K. Conway (filed June 15, 2018)
- Appendix B Declaration of Kenneth R. Anderson, PLS (filed June 15, 2018)
- Appendix C Declaration of Mark Hadman (filed June 15, 2018)
- Appendix D Declaration of Dianne K. Conway (filed January 18, 2019)
- Appendix E First Amended Complaint to Quiet Title, for Ejectment, and Trespass/Violation of RCW 4.24.630 (filed December 12, 2018)
- Appendix F Declaration of Mark Hadman in Support of Plaintiffs' Motion for Partial Summary Judgment (filed January 18, 2019)
- Appendix G Plaintiffs' Second Motion for Partial Summary Judgment (filed January 18, 2019)
- Appendix H Order on Reconsideration (filed March 8, 2019)
- Appendix I Notice of Discretionary Review (filed on March 18, 2019)
- Appendix J Plaintiffs' Motion for Summary Judgment (filed May 23, 2019)
- Appendix K Legal Authority in Motion for Dismissal (filed June 14, 2019)
- Appendix L Motion to Declare Named Plaintiffs Vexious (filed June 17, 2019)
- Appendix M Order Granting Plaintiffs' Motion for Summary Judgment (filed June 21, 2019)
- Appendix N Notice of Appeal (filed June 27, 2019)
- Appendix O Declaration of Dianne K. Conway (filed May 23, 2019)

APPENDIX A

June 15 2018 4:19 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

1
2
3
4
5
6
7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR PIERCE COUNTY

9 HENRY C. REITZUG, as his separate estate;
10 and MARK HADMAN and LISA HADMAN,
11 husband and wife and the marital community
12 comprised thereof,

13 Plaintiffs,

14 v.

15 SKIPPER KUZIOR,

16 Defendant.

NO. 18-2-05745-6

DECLARATION OF DIANNE K. CONWAY

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
JULY 13, 2018 AT 9:00 A.M.

17 Dianne K. Conway declares under penalty of perjury under the laws of the State of
18 Washington that the following is true and correct:

19 1. I am the attorney for Plaintiffs Henry C. and Anne Marie Reitzug and Mark
20 and Lisa Hadman. I am over the age of 18 and competent to make this declaration.

21 2. Attached as **Exhibit A** is a true and correct copy of the statutory warranty
22 deed by which the Reitzugs and Hadmans acquired their properties that are at issue in
23 this case.

24 3. Attached as **Exhibit B** is a true and correct copy of the statutory warranty
25 deed by which Defendant Skipper Kuzior acquired his property that is at issue in this
26 case.

DECLARATION OF DIANNE K. CONWAY - 1 of 5
(18-2-05745-6)
[4846-3113-3546]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

1 4. Attached as **Exhibit C** is a true and correct copy of the Pierce County
2 Assessor-Treasurer parcel map depicting the properties at issue in this case.

3 5. Attached as **Exhibit D** is a true and correct copy of a December 4, 2017
4 demand letter from the Reitzugs' attorney, Jemima McCullum, to Mr. Kuzior.
5

6 6. Mr. Kuzior has a history of mental illness that appears to contribute to his
7 taking unfounded positions regarding his property rights, perceived slights against him,
8 and other matters. In 2007 Mr. Kuzior was involuntarily committed to Western State
9 Hospital following a property boundary dispute in which he was charged with Assault in
10 the Second Degree, Felony Harassment, and Malicious Mischief in the First Degree.¹ A
11 subsequent court-ordered forensic mental health report concluded that while Mr. Kuzior
12 "appeared rather familiar with the functions of courtrooms officials and procedures," he
13 did not have the capacity to stand trial because "his overall rational understanding [of
14 said procedures] was rather impaired." A true and accurate copy of this report is attached
15 as **Exhibit E**. At the conclusion of his commitment, Mr. Kuzior was declared capable to
16 assist in his defense as long as he continued to take his newly administered medications.
17 But without such medications Mr. Kuzior's psychiatric symptoms were deemed likely to
18 re-emerge. A later forensic psychological report also determined that Mr. Kuzior was at a
19 "moderate risk for future danger to others and for committing future criminal acts
20 jeopardizing public safety and security" but these risks can be mitigated by "ongoing and
21 consistent mental health treatment." A copy of this report is attached as **Exhibit F**.
22

23 7. While Mr. Kuzior managed to stay out of the legal system for many years,
24 over the past few years Mr. Kuzior has initiated several vexatious lawsuits. In an
25 apparently vindictive response to his divorce proceedings, Mr. Kuzior filed three lawsuits;
26

¹ *State of Washington v. Skipper William Kuzior*, Cause No. 07-1-05575-6.

1 one against his ex-wife's divorce attorney, Jennifer Wing,² and two against his ex-wife's
2 grandmother, Nancy Lemay.³ The 2016 claim against Ms. Wing was dismissed with
3 prejudice and a judgment entitling Ms. Wing to attorney's fees and costs.⁴ The two claims
4 brought against Ms. Lemay in 2017 were filed after she submitted a declaration in
5 support of Mr. Kuzior's ex-wife, Ms. Lemay's granddaughter, in the divorce matter. The
6 claim for "real estate theft" has been dismissed⁵ and the second claim for "embezzlement
7 [sic] of my 500k net worth money laundering" is ongoing.⁶

8
9 8. On December 21, 2017, the Honorable Judge Kitty-Ann van Doorninck
10 entered Findings and Conclusions of Law at the conclusion of Mr. Kuzior's dissolution
11 proceedings.⁷ Judge van Doorninck found that Kuzior's mental illness continued and he
12 failed to treat it; he engaged in litigious behavior; and he was not credible:

13 The Court finds that Respondent was recently diagnosed with
14 Schizoaffective Disorder, manic Type, in an evaluation presented at trial by
15 Respondent, and this diagnosis is consistent with his mental history.

16 Based upon Respondents' behavior at trial as well as his litigious behavior
17 throughout this case, including numerous court appearances, the Court
18 finds that Respondent has a history of not taking his prescribed
19 medication. The Court finds that Respondent is inconsistent in taking
20 prescribed medication for his mental health condition.

21 The Court finds that Respondent is not credible.

22 A true and accurate copy of this decree is attached as **Exhibit G**.

23 9. Mr. Kuzior has also initiated unsubstantiated civil suits over self-declared

24 ² Pierce County Civil Case 16-2-13565-5, alleging that "Jennifer Anne Wing is a liar and committed acts of
25 fraud against a 'disabled person,' me Skipper Kuzior" and that she will "pay for this dearly."

26 ³ Pierce County Civil Case 17-2-13323-5 and 17-2-10611-4.

⁴ Pierce County Civil Case 16-2-13565-5.

⁵ Pierce County Civil Case 17-2-10611-4.

⁶ Pierce County Civil Case 17-2-13323-5.

⁷ Pierce County Civil Case 16-3-02079-7.

1 property lines. In 2016 and 2017, Mr. Kuzior filed claims against the Lincoln Tree Farm⁸
2 and the Tacoma School District,⁹ claiming that he owned portions of their property. The
3 former case was dismissed on procedural grounds and the latter dismissed with
4 prejudice after the Court granted the District's summary-judgment motion. Mr. Kuzior
5 has now appealed that decision.
6

7 10. As set forth in Mr. Hadman's declaration, in September 2017 Mr. Kuzior
8 and his girlfriend, Beatrice Arrendondo, filed a Petition for Protective Order: Harassment
9 against Mr. Hadman after Mr. Hadman questioned Mr. Kuzior about the relocated
10 fence.¹⁰ An order was granted after Mr. Kuzior falsely represented that Mr. Hadman had
11 been served with the Petition, though the District Court later revoked that Order. The
12 matter remains ongoing.

13 11. Similarly, immediately after he received the December 4, 2017 letter from
14 Dr. Reitzug's attorney regarding removing the fence, on December 13, 2017, Mr. Kuzior
15 responded by having Ms. Arrendondo file for a Petition for Protective Order: Harassment
16 against Dr. Reitzug, alleging that he had peeked at her through Mr. Kuzior's windows.
17 Which was impossible since Dr. Reitzug lives in Scotland and had not been near Mr.
18 Kuzior's property since June 2016. The Court found that the Petition was "baseless and
19 made for improper purposes" and imposed CR 11 sanctions against Ms. Arrendondo. A
20 copy of this order is attached as Exhibit I. Ms. Arrendondo has appealed, and the matter
21 is pending before Judge Sorensen.¹¹ Oddly, as part of that matter Ms. Arrendondo filed a
22 Complaint alleging that Dr. Reitzug left a death threat note in Mr. Kuzior's mailbox, of
23

24
25 ⁸ Pierce County Superior Court Case No. 16-2-13081-5.

26 ⁹ Pierce County Superior Court Case No 17-2-12326-4.

¹⁰ Pierce County District Court Case No.7Z623402A.

¹¹ Pierce County Superior Court Case No. 18-2-05356-6.

1 which contained the initials "H.R."¹² Mr. Kuzior is mentioned throughout Ms.
2 Arrendondo's complaint as a witness to Mr. Reitzug's allegedly lewd behavior, all of which
3 apparently occurred while Mr. Reitzug was not in the U.S. I have no doubt that Mr. Kuzior
4 is the impetus for and author of all of Ms. Arrendondo's claims.
5

6 12. In sum, Mr. Kuzior is not well. And, unfortunately, his illness has
7 contributed to him becoming a vexatious litigant with no end in sight. In any event, rather
8 than resorting to self-help, Plaintiffs file the present lawsuit to preserve their property
9 rights against Mr. Kuzior's irrational claims and actions.

10 DATED this 15th day of June 2018 at Tacoma, Washington.

11
12 /s/ Dianne K. Conway _____
13 Dianne K. Conway
14
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¹² Pierce County Civil Case 18-205356-6, suggesting the initials on the death threat belonged to Mr. Reitzug.

EXHIBIT A



200307071522 2 PGS
 07-07-2003 03:09pm \$20.00
 PIERCE COUNTY, WASHINGTON

Name HENRY C. REITZUG and ANN MARIE REITZUG
 Address 2611 63RD AVE E
 City, State, Zip GRAHAM, WA

10132004
 Reference# (if applicable): _____
 Grantor(s): (1) SMELTZER SHIRLEY (2)
 Grantee(s): (1) REITZUG HENRY C. (2) REITZUG ANN MARIE
 Addit. Grantor(s) on pg. 2 Addit. Grantee(s) on pg. _____
 Legal Description (abbr.): SW 1/4 SE 1/4 AND NW 1/4 SE 1/4 SECT 30 TWNS
 18 N, R 4 E OF THE WM, SW 1/4 NE SECT 3 Addit. legal(s) on pg. 2
 Assessor's Tax Parcel ID# Acct #0418301004 AND ACCT #0418304018

STATUTORY WARRANTY DEED

THE GRANTOR **SHIRLEY SMELTZER**, AS HER SEPERATE ESTATE, for and in consideration of **TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **HENRY C. REITZUG and ANN MARIE REITZUG, HUSBAND AND WIFE, AS TO UNDIVIDED 57.7% INTEREST and MARK HADMAN and LISA HADMAN, HUSBAND AND WIFE, AS TO UNDIVIDED 42.3 % INTEREST** the following described real estate, situated in the County of **PIERCE**, State of Washington:

See Legal Description attached hereto and marked Exhibit "A". pg 2

SUBJECT TO:

Dated: July 3, 2003

Shirley Smeltzer
 SHIRLEY SMELTZER

TRANS
 10132004
 JUL 07 2003

STATE OF WASHINGTON)
)
 COUNTY OF Pierce) ss.

On this day personally appeared before me **SHIRLEY SMELTZER** to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that signed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 3 day of July, 2003.

Lisa A. Newland
 Notary Public in and for the State of Washington,
 residing at Tacoma
 My appointment expires: 12/29/04



Transnation

A LANDAMERICA COMPANY

Form 7176-3 (Rev. 12-96)

Transnation Title Insurance Company

LPB10



4008432 2 PGS
 07-07-2003 02:34pm EDRURY
 EXCISE COLLECTED: \$3,407.81
 PAT MCCARTHY, AUDITOR
 PIERCE COUNTY, WASHINGTON

AFF. FEE: \$0.00

For reference only, not for re-sale.

EXHIBIT A

PARCEL A:

THE WEST 250 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON;

PARCEL B:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;
THENCE NORTH $85^{\circ}47'32''$ EAST A DISTANCE OF 251.81 FEET;
THENCE NORTH $02^{\circ}40'07''$ EAST PARALLEL WITH THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 30 A DISTANCE OF 2629.16 FEET TO THE NORTH LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH $88^{\circ}55'20''$ WEST 250 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH $02^{\circ}40'07''$ WEST 2642.93 FEET TO THE POINT OF BEGINNING ALONG THE WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

For reference only, not for re-sale.

EXHIBIT B

55586-TR

DEC 23 2015

CHICAGO TITLE

201512230737 RJOHNSO 3 PGS
12/23/2015 02:35:25 PM \$75.00
AUDITOR, Pierce County, WASHINGTON

When recorded return to:
Skipper Kuzior
2017 90th St E
Tacoma, WA 98445

Filed for record at the request of:
 **Fidelity National Title**
COMPANY OF WASHINGTON, INC
5006 Center Street, Suite J
Tacoma, WA 98409-2314

Escrow No.: 611116720Z

STATUTORY WARRANTY DEED

THE GRANTOR(S) Betty J Gleason, an unmarried woman as her separate estate
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Skipper Kuzior, a married man

the following described real estate, situated in the County of Pierce, State of Washington:

**LOT 1, PIERCE COUNTY LARGE LOT DIVISION NO. 2303, RECORDED UNDER RECORDING
NUMBER 2303, PIERCE COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.**

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): 041830 301 5,

Dated: December 21, 2015


Betty J Gleason

For reference only, not for re-sale.

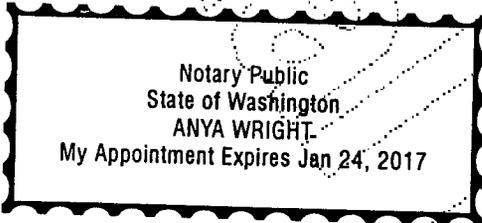
3/75

STATUTORY WARRANTY DEED
(continued)

State of WASHINGTON
County of PIERCE

I certify that I know or have satisfactory evidence that Betty J Gleason is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.
Dated: November 23, 2015

ANYA WRIGHT
Name: ANYA WRIGHT
Notary Public in and for the State of Washington
Residing at: Buckley 1/24/17
My appointment expires: 1/24/17



For reference only, not for re-sale.

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

Recording No.: 1473

2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Large Lot

Recording No.: 2303

3. Covenants, conditions, restrictions, assessments, and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: September 15, 1976

Recording No.: 2689153

Modification(s) of said covenants, conditions and restrictions.

Recording Date: July 5, 1978

Recording No.: 2834150

4. Assessments, if any, levied by Rainier Ranches Association.
5. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Muck Creek.
6. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Muck Creek.
7. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.

For reference only, not for re-sale.

EXHIBIT C

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:12 AM



Property Details Parcel Number: 0418301069 Site Address: 6210 260TH ST E Account Type: Real Property Category: Land and Improvements Use Code: 1101-SINGLE FAMILY DWELLING	Taxpayer Details Taxpayer Name: HADMAN MARK & LISA Mailing Address: 26015 63RD AVE E GRAHAM WA 98338-8326
--	---

Pierce County

R R

H 0418301069

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
 Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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WEBSITE INFORMATION
[Privacy Policy](#)
[Copyright Notices](#)

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:12 AM



Property Details		Taxpayer Details	
Parcel Number:	0418301069	Taxpayer Name:	HADMAN MARK & LISA
Site Address:	6210 260TH ST E	Mailing Address:	26015 63RD AVE E GRAHAM WA 98338-8326
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1101-SINGLE FAMILY DWELLING		

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
2401 South 35th St Room 142
Tacoma, Washington 98409
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Assessor-Treasurer electronic Property Information Profile

Parcel Map for **0418301069**

01/18/2018 11:09 AM



Property Details Parcel Number: 0418301069 Site Address: 6210 260TH ST E Account Type: Real Property Category: Land and Improvements Use Code: 1101-SINGLE FAMILY DWELLING				Taxpayer Details Taxpayer Name: HADMAN MARK & LISA Mailing Address: 26015 63RD AVE E GRAHAM WA 98338-8326	
Dornak 0418303011	Lawrence Tibbitts 0418303012	L. Tibbitts 0418303013	Kuzior 0418303015	Reitzing 0418303016 Pierce County * 0418301069 0418301069 Hadman	0418308008 Benston Homestead
0418312002 Tacoma Sch. Dist.				Tacoma Sch. Dist. 0418310001	
For additional mapping options, visit Public GIS RTSQ Maps: Normal (200 Scale) Detailed (100 Scale)					

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. *All critical information should be independently verified.*

Pierce County Assessor-Treasurer
Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:11 AM



Property Details		Taxpayer Details	
Parcel Number:	0418301069	Taxpayer Name:	HADMAN MARK & LISA
Site Address:	5210 260TH ST E	Mailing Address:	26015 63RD AVE E GRAHAM WA 98338-8326
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1101-SINGLE FAMILY DWELLING		

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. All critical information should be independently verified.

Pierce County Assessor-Treasurer
Mike Lonergan
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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EXHIBIT D



Jemima McCullum
Direct: (253) 620-6520
E-mail: jmccullum@gth-law.com

December 4, 2017

VIA US MAIL, RETURN RECEIPT REQUESTED

Skipper Kuzior
5501 264th Street E.
Graham, WA 98338

RE: Fence Removal.

Dear Mr. Kuzior:

We represent Henry and Anne Reitzug, who own the property to the east of yours. Your property is separated from theirs by the Hadman's property. We have attached a parcel map showing your property in relation to the Hadman's and the Reitzug's property, respectively, as Exhibit A.

We are writing you about the fence depicted in the photographs attached as Exhibit B. It appears you detached the fence from the gate and then illegally moved the fence that was between your property and the Hadman's, over the Hadman's and onto the Reitzug's property. The fence appears to have been moved east by approximately 40 feet or more (approximately 10 feet over the Hadman's and 30 feet or more onto the Reitzug's).

As you can see from the 2012 Boundary Line Adjustment enclosed as Exhibit C, your fence is illegally located on the Reitzug's property.

We know you filed suit over property issues last year against neighboring property owners to the east. However, we also note that the suit was dismissed.

This fence placement appears to be nothing more than a bizarre attempt at theft of my client's property. The purpose of this letter is to put you on written notice that your fence is inappropriately and unlawfully placed on the Reitzug's property and must be removed no later than 5:00 pm PST on Friday, December 15, 2017. Your unlawful encroachment onto the Reitzug's property has damaged, and continues to damage, their property. Such encroachment has also caused, and will continue to cause, the Reitzugs to incur unnecessary expenses, including legal expenses. If the fence is not removed by that time and date, my client will remove the fence and reinstall it in the correct location at your expense. Should your responsive behavior be, in any way, unreasonable or a danger or

Reply to:

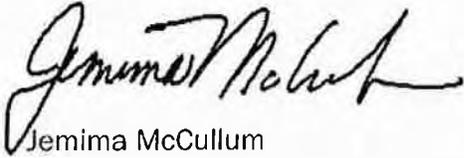
Tacoma Office
1201 Pacific Ave., Suite 2100 (253) 620-6500
Tacoma, WA 98402 (253) 620-6565 (fax)

Seattle Office
600 University, Suite 2100 (206) 676-7500
Seattle, WA 98101 (206) 676-7575 (fax)

Gordon Thomas Honeywell LLP
December 4, 2017
Page 2

threat to my client, we will not hesitate to see the help of law enforcement and/or restraining orders.

Sincerely,

A handwritten signature in black ink, appearing to read "Jemima McCullum". The signature is fluid and cursive, with a large initial "J" and "M".

Jemima McCullum

Enclosures

cc: *Email*
Henry Reitzug

EXHIBIT A

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418303015

11/29/2017 04:59 PM



Property Details Parcel Number: 0418303015 Site Address: 5501 264TH ST E Account Type: Real Property Category: Land and Improvements Use Code: 9100-VACANT LAND UNDEVELOPED		Taxpayer Details Taxpayer Name: KUZIOR SKIPPER Mailing Address: 5501 264TH ST E GRAHAM WA 98338	
--	--	---	--

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

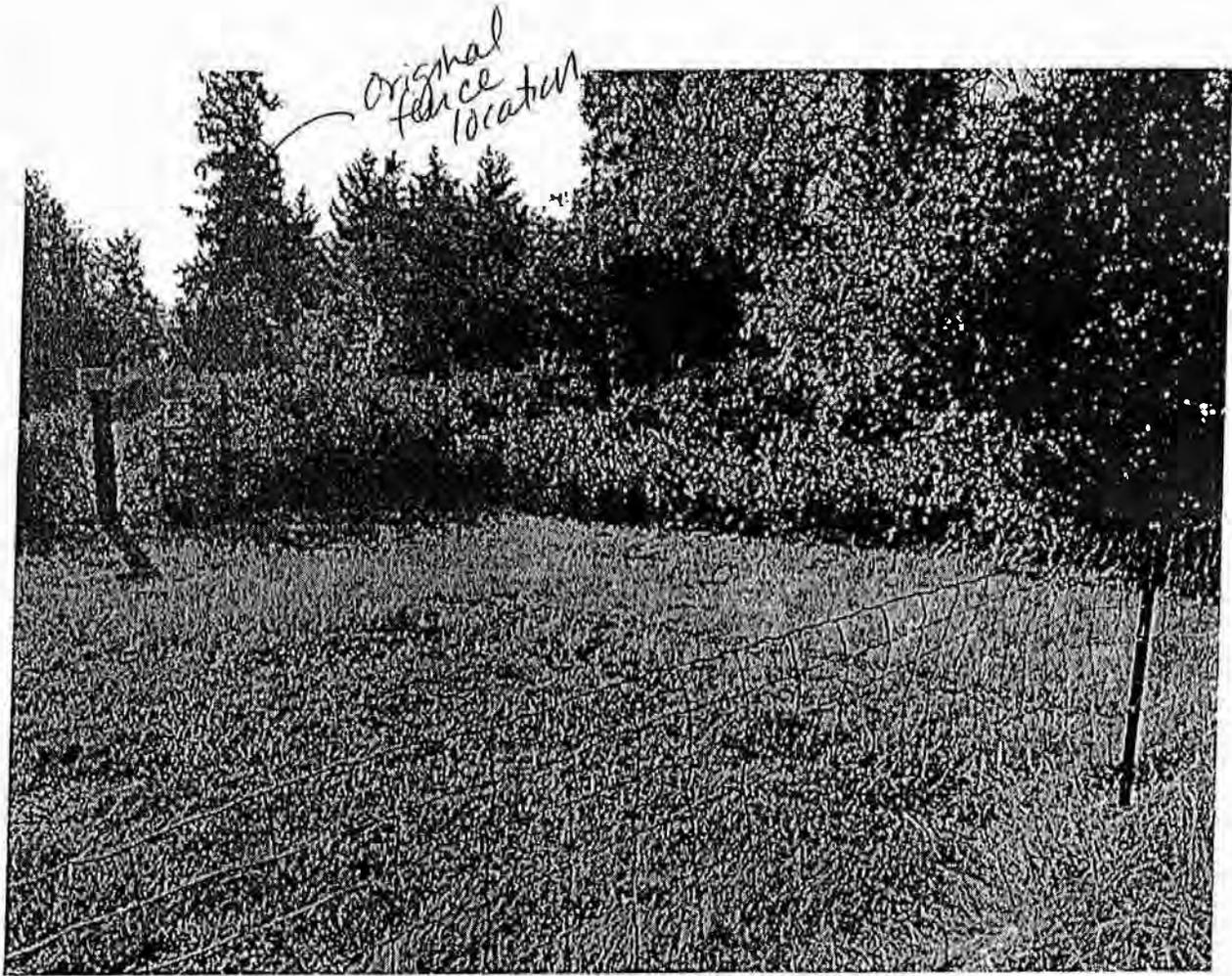
I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. All critical information should be independently verified.

Pierce County Assessor-Treasurer
Mike Lonergan
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piersecountywa.gov/atf

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EXHIBIT B

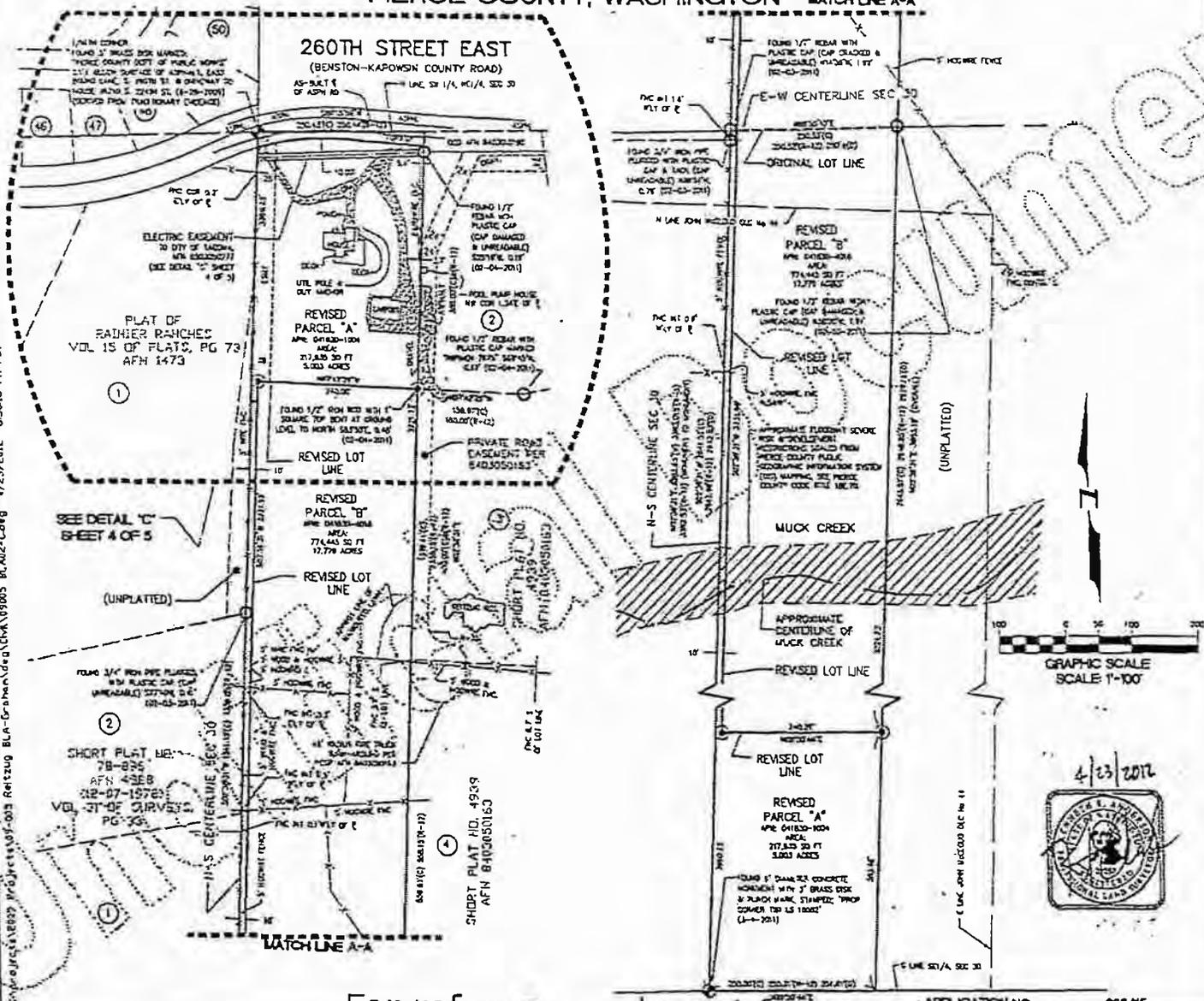


original
fence
location

new
fence
location

EXHIBIT C

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
 PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
 SEC. 30, T. 18 N., R. 04 E., W.M.
 PIERCE COUNTY, WASHINGTON



16445 SAND AVENUE, B.
 SEATTLE, WA 98108
 PHONE: (206) 431-7070
 FAX: (206) 431-1078
 WEB SITE: PACENGI.COM

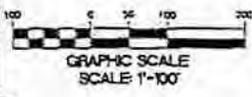
Pacific
 Engineering
 Design, LLC
 Civil Engineering and
 Planning Consultants

REITZIG BLA
 PIERCE COUNTY, WA
 FOR: REITZIG BLA
 6366 018 NEW BLDG
 11000 BRASSIE HOLLOW ROAD
 TUMWALL, WA 98574
 PHONE: (509) 848-8747
 FAX: (509) 848-0748

PROJECT NO: 09005
 DRAWN BY: ENM/WEL
 ISSUE DATE: 05-27-2010
 SHEET REV: 04-16-2012

BOUNDARY LINE
 ADJUSTMENT

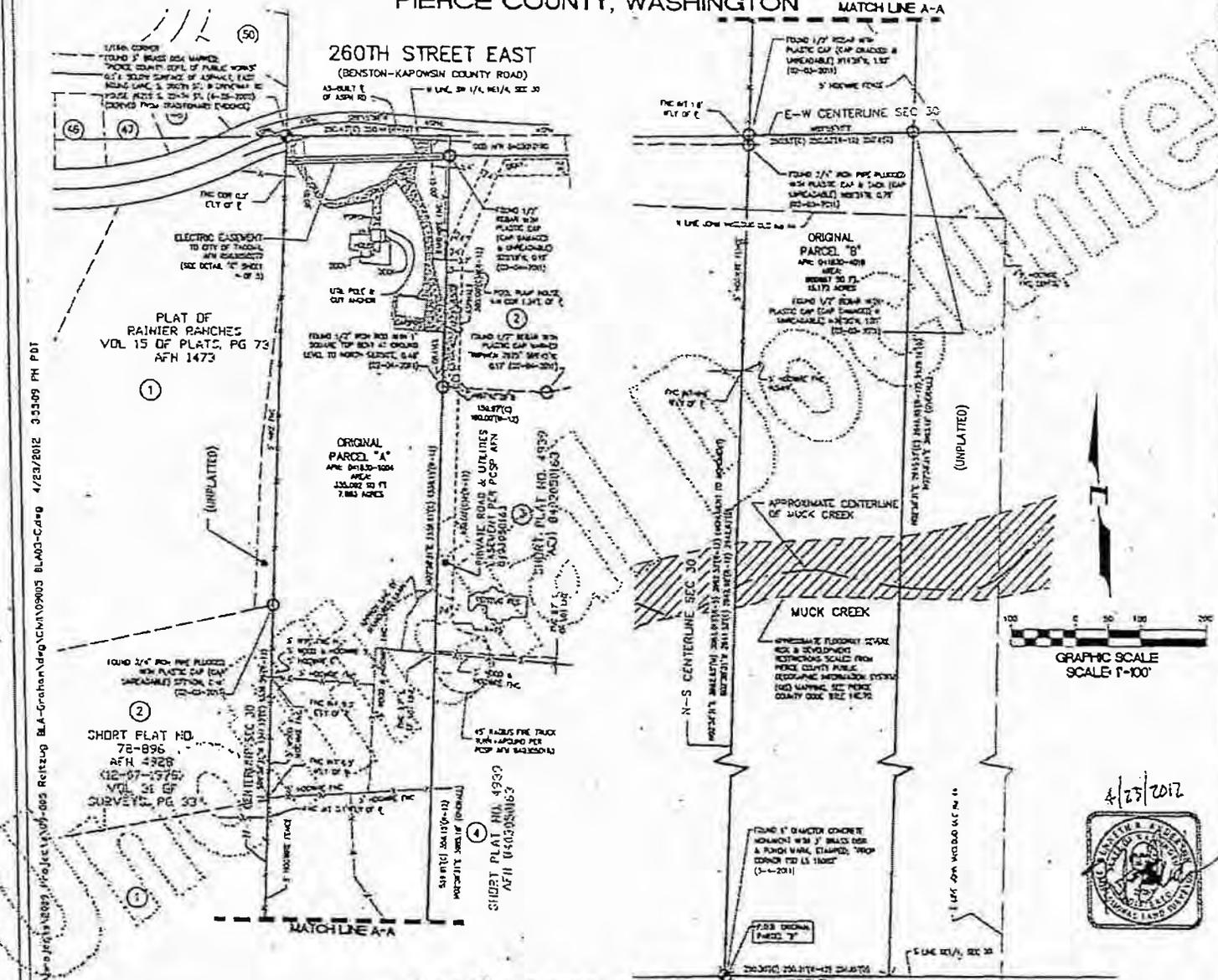
09005 BLA02-C-09
C02
 SHEET 02 OF 05



For reference only, not for re-sale APPLICATION NO. 696415

S:\projects\09005\09005-001-Reitzig_BLA-Crabtree\Drawings\09005_BLA02-C-09 4/23/2012 3:50:15 PM PDF

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
 PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
 SEC. 30, T. 18 N., R. 04 E., W.M.
 PIERCE COUNTY, WASHINGTON



Project: 06005, Project: 06005, Reitzug, BLA-Graham\deg\CM109003 BLA03-C03g 4/23/2012 3:33:09 PM PDT

For reference only, not for re-sale APPLICATION NO. 68645

15345 SAND AVE. S.
 BEATLE, WA 98008
 PHONE: (206) 441-7979
 FAX: (206) 480-1640
 WEB SITE: PACENO.COM
Pacific Engineering Design, LLC
 Civil Engineering and Planning Consultants

REITZUG BLA
 PIERCE COUNTY, WA
 FOR: HENRY REITZUG, COUNTY CLERK
 CIVIL ENGINEER, LICENSE NO. 100074
 PLYMOUTH, WA 99074
 PHONE: (253) 646-8797
 FAX: (253) 646-0720

PROJECT NO: 06005
 DRAWN BY: BMM/WEL
 ISSUE DATE: 05-27-2010
 SHEET REV: 04-18-2012

EXISTING CONDITION SURVEY

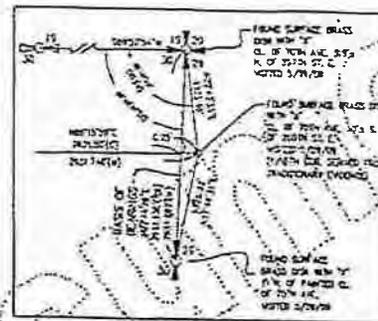
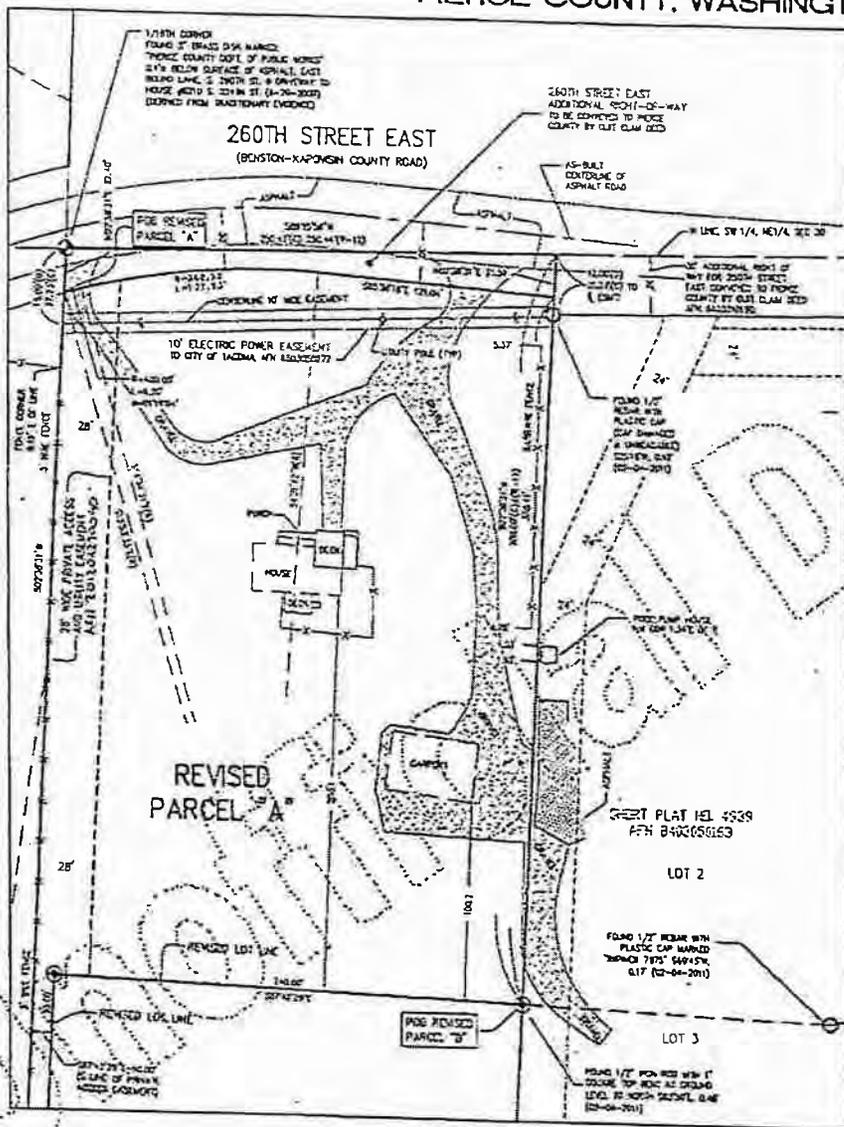
0603 BLA03-C03
C03
 SHEET 03 OF 05



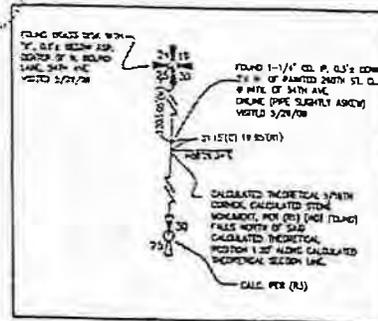
201205255001

Handwritten notes and markings at the bottom of the page, including '201205255001' and other illegible scribbles.

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
 PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
 SEC. 30, T. 18 N., R. 04 E., W.M.
 PIERCE COUNTY, WASHINGTON



DETAIL "A"
 BASIS OF BEARINGS & 1/16TH CORNER DETAIL
 NOT TO SCALE



DETAIL "B"
 1/16TH CORNER DETAIL
 NOT TO SCALE

DETAIL "C"
 REVISED PARCEL "A"

For reference only, not for re-sale APPLICATION NO. 201205255001



154015 54RD AVE. S.
 SEATTLE, WA 98148
 PHONE: (206) 461-7070
 FAX: (206) 461-1048
 WEB SITE: PACENOCO.COM

Pacific
 Engineering
 Design, LLC

Civil Engineering and
 Planning Consultants

REITZUG BLA
 PIERCE COUNTY, WA
 FOR: DR. HENRY REITZUG
 C/O BLUMBERG MEDICAL CAMPUS
 1000 BLUMBERG ROAD
 PIAZZA PIERCE COUNTY
 PHONE: (253) 848-8787
 FAX: (253) 848-3726

PROJECT NO.: 09005
 DRAWN BY: ENM/WEL
 ISSUE DATE: 05-27-2010
 SHEET REV.: 04-10-2012

DETAIL
 SHEET

2005 BLA-C-04
C04
 SHEET 04 OF 05

201205255001 PacEng\1309-003 Reitzug_BLA-C-04\enr\04-10-2012 3:56:44 PM PBT

201205255001

**RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
SEC. 30, T. 18 N., R. 04 E., W.M.
PIERCE COUNTY, WASHINGTON**

ORIGINAL LEGAL DESCRIPTIONS:

(PER CHICAGO TITLE COMPANY TITLE REPORT ORDER NO. 4347374, DATED 4/5/2012)

ORIGINAL PARCEL "A":

THE WEST 250 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN.

EXCEPT 260TH STREET LYING NORTH OF SAID PREMISES.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

ORIGINAL PARCEL "B":

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE
4 EAST OF THE W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30,
THENCE NORTH 85°47'22" EAST A DISTANCE OF 251.81 FEET,
THENCE NORTH 02°40'07" EAST PARALLEL WITH THE WEST LINE OF THE SOUTHEAST
QUARTER OF SAID SECTION 30 A DISTANCE OF 2629.16 FEET TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER OF SAID SECTION 30,
THENCE SOUTH 08°53'26" WEST 250 FEET, MORE OR LESS, TO THE NORTHWEST CORNER
OF SAID SOUTHEAST QUARTER OF SAID SECTION 30,
THENCE SOUTH 02°40'27" WEST 2642.93 FEET TO THE POINT OF BEGINNING ALONG THE
WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 30.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL ADDRESSES:

PARCEL "A": 8210 260TH STREET EAST
PARCEL "B": 6214 260TH STREET EAST

REVISED PARCEL LEGAL DESCRIPTIONS:

REVISED PARCEL "A":

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF
THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE
WEST LINE OF SAID SUBDIVISION SOUTH 02°38'31" WEST A DISTANCE OF 2240 FEET TO
THE BEGINNING OF A NON TANGENT CURVE HAVING A RADIUS OF 400.00 FEET, THE
RADIAL CENTER OF WHICH BEARS SOUTH 15°33'35" EAST AND THE TRUE POINT OF
BEGINNING; THENCE EASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL
ANGLE OF 02°59'04" FOR AN ARC DISTANCE OF 6.20 FEET TO THE BEGINNING OF A
CURVE HAVING A RADIUS OF 358.90 FEET; THENCE EASTERLY ALONG SAID CURVE TO THE
RIGHT THROUGH A CENTRAL ANGLE OF 18°56'13" FOR AN ARC DISTANCE OF 121.93 FEET;
THENCE SOUTH 85°38'18" EAST A DISTANCE OF 121.94 FEET TO THE EAST LINE OF THE
WEST 250.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31"
WEST A DISTANCE OF 358.41 FEET TO THE NORTH LINE OF LOT 3, PIERCE COUNTY SHORT
PLAT NUMBER 8402250163, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5,
1994, RECORDS OF PIERCE COUNTY AUDITOR; THENCE ALONG THE WESTERLY EXTENSION
OF SAID LINE NORTH 87°42'29" WEST A DISTANCE OF 240.00 FEET TO THE EAST LINE OF
THE WEST 10.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31"
WEST A DISTANCE OF 3,231.58 FEET; THENCE NORTH 88°50'44" EAST A DISTANCE OF
240.29 FEET TO THE EAST LINE OF LOT 3, PIERCE COUNTY SHORT PLAT NUMBER 8402250163,
ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1994, RECORDS OF PIERCE
COUNTY AUDITOR AND THE TRUE POINT OF BEGINNING; THENCE ALONG SAID LINE
SOUTH 02°38'31" WEST A DISTANCE OF 3,231.58 FEET; THENCE NORTH 88°50'44" EAST A
DISTANCE OF 240.29 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID
SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31" WEST A DISTANCE OF
NORTH 02°38'31" EAST A DISTANCE OF 3,889.25 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

REVISED PARCEL "B":

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF
THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE
WEST LINE OF SAID SUBDIVISION SOUTH 02°38'31" WEST A DISTANCE OF 2240 FEET TO
THE BEGINNING OF A NON TANGENT CURVE HAVING A RADIUS OF 400.00 FEET, THE
RADIAL CENTER OF WHICH BEARS SOUTH 15°33'35" EAST; THENCE EASTERLY ALONG SAID
CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 02°59'04" FOR AN ARC DISTANCE
OF 6.20 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 358.90 FEET;
THENCE EASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF
18°56'13" FOR AN ARC DISTANCE OF 121.93 FEET; THENCE SOUTH 85°38'18" EAST A
DISTANCE OF 121.94 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID
SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31" WEST A DISTANCE OF 358.41
FEET TO THE NORTH LINE OF LOT 3, PIERCE COUNTY SHORT PLAT NUMBER 8402250163,
ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1994, RECORDS OF PIERCE
COUNTY AUDITOR AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WESTERLY
EXTENSION OF SAID LINE NORTH 87°42'29" WEST A DISTANCE OF 240.00 FEET TO THE
EAST LINE OF THE WEST 10.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE
SOUTH 02°38'31" WEST A DISTANCE OF 3,231.58 FEET; THENCE NORTH 88°50'44" EAST A
DISTANCE OF 240.29 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID
SUBDIVISION; THENCE ALONG SAID LINE NORTH 02°38'31" EAST A DISTANCE OF 3,221.73
TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

4/23/2012 10:05 AM
 PROJECT: 2012055001
 REITZUG BLA - CIVIL ENGINEERING AND PLANNING CONSULTANTS
 6214 260TH STREET EAST
 PIERCE COUNTY, WA 98567
 PHONE: (509) 848-9747
 FAX: (509) 848-9728



Official

For reference only, not for re-sale

APPLICATION NO. 68845
DATE 05/01/2012

16415 59TH AVE. S.
 SEATTLE, WA 98108
 PHONE: (206) 451-7870
 FAX: (206) 489-1048
 WEB SITE: PIERCEING.COM

**Pacific
Engineering
Design, LLC**

Civil Engineering and
Planning Consultants

REITZUG BLA
 PIERCE COUNTY, WA

(USA)
 DAVID J. REITZUG
 CIVIL ENGINEER
 6214 260TH STREET EAST, SUITE 3-205
 PIERCE COUNTY, WA 98567
 PHONE: (509) 848-9747
 FAX: (509) 848-9728

PROJECT NO.: 09005
DRAWN BY: ENM/WEL
ISSUE DATE: 05-27-2010
SHEET REV.: 04-18-2012

LEGAL
DESCRIPTIONS

0000 BLA05-C-06
C05
SHEET 05 OF 05

2012055001
 201205255001

EXHIBIT E



07-1-05575-6 28692490 FPE 11-26-07



FILED
IN COUNTY CLERK'S OFFICE

STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

NOV 20 2007 P.M.

WESTERN STATE HOSPITAL
W27-19 • 9601 Steilacoom Blvd SW • Tacoma WA 98498-7213
PIERCE COUNTY, WASHINGTON
KEVIN B. BOGGS, County Clerk
(253) 582-8900 DEPUTY

November 19, 2007

J

PFECC-(OUTPATIENT)

FORENSIC MENTAL HEALTH REPORT

RE: STATE OF WASHINGTON CAUSE NO: 07-1-05575-6
vs. WSH NO: 382266 (Outpatient)
SKIPPER WILLIAM KUZIOR DOB: 7/13/78

The forensic evaluation reflected in this report was conducted pursuant to court order under the authority of RCW 10.77.060. This report was released only to the court, its officers and to others designated in statute and is intended for their use only. Any other use or distribution of this document is not authorized by the undersigned.

REASON FOR REFERRAL:

Pursuant to a Pierce County Superior Court order dated November 1, 2007, the above named defendant was examined by the Program for Forensic Evaluations in Corrections and the Community (PFECC). The order required that the report contain a diagnosis of the defendant's mental condition, and an opinion as to his capacity to understand the nature of the proceedings against him and to assist in his own defense as a result of mental disease or defect. If the opinion is that the defendant lacks such capacity, then an opinion is required as to whether he is likely to regain such capacity with further treatment as permitted under RCW 10.77.090, and if so, an opinion as to whether medication is medically appropriate and necessary to help him regain or maintain such capacity, and whether less intrusive treatment methods exist. The report will provide an opinion as to whether the defendant should be evaluated by a designated mental health professional (DMHP) under RCW 71.05, and as mandated by RCW 10.77.060, an opinion as to whether he is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security. The statutory requirement for two examiners was waived. The reason that the competency evaluation was requested was not noted in the referral documents.

Mr. Kuzior is charged with Assault in the Second Degree, Felony Harassment, and Malicious Mischief in the First Degree, all of which allegedly occurred on or about October 29, 2007. According to discovery, police were dispatched to a construction site and spoke with the victim of the instant offenses, a construction contractor working at the job site. He told officers that while sitting in his parked truck working on his notebook computer, he heard the sound of his passenger's side window being smashed in. He saw Mr. Kuzior, whom he knows, and who lives next to the job site. A restraining order has been taken out against Mr. Kuzior prohibiting his presence on the job site property. Mr. Kuzior was "swinging a bat fashioned out of a metal angle



**Forensic Mental Health Report
Skipper William Kuzior**

**November 19, 2007
Page 2**

ruler, a squeegee and a wooden handle. Kuzior screamed obscenities and declared that he was going to kill (the victim). The victim had to raise his computer to fend off a strike that penetrated into the cab of the truck." The computer, which was valued at over \$2,000.00, was damaged. The victim was then able to drive away. The officer noted that the passenger side window of the victim's truck was smashed, glass shards covered the interior of the truck, and the bat was inside the passenger compartment. A supplemental report noted that Mr. Kuzior lives in the residence just to the east of the property that is being worked on. Approximately a week prior to this incident, the construction company obtained a restraining order to keep him off of the property. The victim reported that "since they started working on the property, there has been constant vandalism, threats and harassment from Kuzior and that is why the construction company had to get a restraining order against him." Mr. Kuzior left the area, and was not at his residence. There was no information which I reviewed regarding his apprehension. Pierce County Detention and Corrections Center lists Mr. Kuzior's booking date as 10/30/07.

NATURE OF THE EVALUATION:

Mr. Kuzior was informed of the nature and purpose of the evaluation, and parties who would receive a copy of the forensic report. He was also informed that he had a right to have his attorney present and that he could decline to answer questions. He was informed that recommendations concerning further assessment or treatment could be made to the court, and that the undersigned was not providing psychotherapeutic treatment, but was solely in an evaluative role for the court. Mr. Kuzior indicated that he understood his rights and agreed to participate in the evaluation.

Information from the following sources was considered in preparing this report:

1. Clinical interview with Mr. Kuzior at Pierce County Detention and Corrections Center on 11/13/07, of one hour in duration
2. Discovery documents provided by the prosecutor's office
3. Washington State Patrol WATCH criminal history record
4. Telephone consultation with Pierce County DMHP
5. Mental Health Division Database search: case manager and community hospitalizations
6. Western State Hospital records
7. Pierce County Detention and Corrections health records

RELEVANT CLINICAL HISTORY:

SELF-REPORT: *The following account is based solely on the defendant's self-report and is therefore limited by his credibility.*

As Mr. Kuzior's history is available in Western State Hospital records, I obtained selected aspects of his history. Mr. Kuzior has been residing in Spanaway since July, 2007 with his wife,

**Forensic Mental Health Report
Skipper William Kuzior**

**November 19, 2007
Page 3**

whom he married on June 18, 2004. They have a daughter who will be two years old in January, 2008. He owns another home a few blocks away from his primary residence. His parents reside locally, and he has four brothers and three sisters, with whom he remains in contact. Mr. Kuzior attended Clover Park Technical College where he studied environmental sciences and earned a 3.9 grade-point average. He would like to eventually like to obtain a teaching degree in that field. Mr. Kuzior denied military history and he has been employed at Northwest Abatement as an indoor air quality supervisor, where he was responsible for five employees. He was employed there for five and a half years, then worked for Advanced Filter, then left that position to work at Simpson Tacoma Paper Kraft on February 3, 2007. He worked up until five weeks ago. Mr. Kuzior has had a dispute with the construction company for approximately one and half months regarding the property boundaries; he was offered \$1,500 for the disputed property, which insulted Mr. Kuzior. He also said that the construction company "smashed my fence".

Other than asthma and dental problems, Mr. Kuzior denied medical problems. Mr. Kuzior drinks alcohol "on occasion - a fifth a month and that is split with my buddies". He denied drinking to the point of passing out or blacking out, and his wife is a positive influence because she "hates alcohol". Mr. Kuzior began smoked cannabis while in high school. His mental health problems started at that time. He has had a conflictual relationship with his parents, who have "six CPS files and they are trying to be my caretakers". Mr. Kuzior recalled his admission to Western State Hospital in 1997, remarked that he was kept in restraints for six months, and does not wish to return. He described his psychiatric diagnosis as Schizoaffective Disorder, and reported no subsequent psychiatric hospitalizations since his release from Western State Hospital. He has not participated in outpatient mental health, and reported that he has generally been symptom free up until recently. He described his symptoms as, "I always feel like there is something inside me, it's a fight or flight, a caveman-type thing. I sleep six to seven hours and then I am back to normal, but if I keep using primordial...my mind starts going. The barriers between reality and non-reality start going". He refers to this feeling as "Kermit the frog and K-Mart". He noted that when he feels like this, the last three hours of his work day are particularly difficult for him. Prior to his arrest for the instant offense, his wife and parents took him to St. Joseph's Hospital, where he was treated in the emergency department. He was told that his blood pressure was extremely high; he was given "seven doses of Ativan" and released.

Mental Health Division Database search: case manager and community hospitalizations lists a hospitalization at Puget Sound Hospital from 02/26/96 to 03/19/96.

Telephone consultation with the Pierce County DMHP indicated seven contacts by the crisis team, five of them in 1997. He was involuntarily hospitalized in March of 1996 and in March of 1997. He was enrolled with Greater Lakes Mental Health in 1998.

Western State Hospital (WSH) records reflect one admission on 04/14/97 after his 90 day less-restrictive order was revoked at Puget Sound Hospital. Mr. Kuzior had been residing at a group

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home since April 9, 1997 and violated those terms by missing most of his medications, causing property destruction at the group home, flooding the rooms, and becoming more psychiatrically symptomatic. He was reportedly prescribed Tegretol and Risperdal when at Puget Sound Hospital.

History notes that he had been at Puget Sound Hospital four or five times over the prior three years, and his last hospitalization was 03/27/97 to 04/08/97. At the time of admission, he reported that he completed high school, but had not been working recently. He reported regular use of cannabis and drinking up to one and one-half cases of beer at a time. He reported juvenile arrests "many times", for "breaking into a car lot, for stealing beer and again, for assault." He was receiving SSI at the time. Additional history obtained revealed that Mr. Kuzior was born in New Mexico, and he moved to Washington with his family at five years of age. One of their neighbors had a history of molesting children, and on one occasion Mr. Kuzior came home with rope and cigarette burns. His mother reported that her son then began exhibiting emotional/mental health problems. No charges were filed in that case. When 16 years old, he was caught smoking cannabis and was suspended, and returned to the Challenger program. He was then referred to Passages, a drug treatment program. A staff member called his parents to inform them of their concern that Mr. Kuzior had Schizophrenia and needed to see a physician, and his mother said they would follow up upon their return from an out-of-state vacation. While on vacation, Mr. Kuzior left the hotel room in the middle of the night and was wandering around; the police picked him up and took him to a hospital. Although staff were reluctant to release him, his parents promised to admit him to a Washington hospital, and they brought him to Harrison Memorial Hospital. He was later admitted to Puget Sound Hospital. At 18 years of age, he decided to move out and obtained employment at a restaurant. He was not taking his psychotropic medication, and decompensated, prompting his admission to Puget Sound Hospital. He apparently stole a car, which he left at a service station.

On admission to WSH, Mr. Kuzior claimed diplomatic clearance with the FBI. He was described as hyperactive, very talkative, and easily distractible. He required restraints and/or seclusion on eight days during his stay, and was destructive to property, such as breaking handles off of faucets. Less than a month after his admission, he was transferred to another ward, where he became "hyperactive, pressured and euphoric...distractable (with) flight of ideas..." Valproic acid was started, and his psychotic and manic symptoms began subsiding. He was discharged on 06/23/97 in care of his mother's home. He was to receive follow-up care from Greater Lakes Mental Health Center, and his discharge diagnosis was Bipolar Disorder.

Pierce County Detention and Corrections Center (PCDCC) health records reflect that Mr. Kuzior was booked on 10/30/07 and placed in a single cell in acute housing. The next morning, he was seen by mental health staff who noted that he has had 19 contacts with Pierce County's RSN. He was booked in 1997 and housed in a crisis cell. Mr. Kuzior reported no drug use since 1994, however, there was a question as to whether this was accurate. Mr. Kuzior was loud and

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pressured, with elevated mood. His thought process was described as tangential and disorganized. Upon introduction, Mr. Kuzior yelled out to the staff member, "I love you, slide some acid under the door!" He indicated that he had not slept for the four days prior, and he had been riding on his motorcycle before that time. He ascribed special significance to items such as rocks and clouds. He exclaimed to the staff member, "Give me drugs! I want to see the judge high! I want to play the magic flute!" The next day, Mr. Kuzior attempted to flood his cell and he had smeared an unknown substance on his cell window. His water was shut off. Staff talked with his wife, who reported that her husband has had no mental health treatment and had been working full-time; he had become symptomatic in the past month, which included little to no sleep for days at a time, laughing to himself, and "making strange comments about cartoon/fictional characters being real". He was taken to St. Joseph's Hospital the week prior for poor sleep and unusual or bizarre statements. Due to his symptoms, PCDCC staff placed Mr. Kuzior on a mental health hold. At one point, Mr. Kuzior was transferred, and made a comment such as "dead man walking", which led to concern about his suicide risk. He was therefore placed on suicide watch and dressed in a suicide smock. He was so symptomatic that he was unable to coherently respond to questions later posed to him regarding suicidal ideation. On 11/1/07, he was "unable to meaningfully respond to questions. Went to court today, reportedly ordered to go to WSH...very manic, loud, pressured, agitated, restless. Verbal output grossly nonsensical. Denies SI/HI (suicidal ideation/homicidal ideation) but not clear whether he understood questions. Likely RIS (responding to internal stimuli)." Zyprexa was prescribed at that time, however, Mr. Kuzior has not taken any; on 11/03/07, he took a pill, spit it out, then yelled "Watergate! Anagram!" On 11/04/07 he was seen by mental health staff again, and he had smeared his window with red Kool-Aid and a brown-colored substance, which was thought to be feces. He gave the staff member a "pinky promise" that he was not suicidal. He stated that he was not taking medication because "it makes my pee-pee hurts".

Mr. Kuzior has continued to be manic and delusional, and has spoken about magic and camera surveillance. On 11/08/07, he told mental health staff that he has not been arrested and that his case is a civil matter. He is described as "very restless, paranoid, internally preoccupied, illogical, disorganized and hypomanic. Becomes easily irritated. Refuses meds consistently. Denies suicidal/homicidal ideation but hardly reliable historian...(the next day he was) cheerful and talkative". He claimed that he was "having a nervous breakdown", which was resolving because he was away from the stressors in his life. His diagnosis is Bipolar Disorder. Mr. Kuzior was housed in a single cell at the time of my interview.

MENTAL STATUS EXAMINATION:

Skipper Kuzior is a 29-year-old Caucasian male who is 5'8" tall, and approximately 220 lbs., with brown eyes and brown hair, which was close-shaven at the time of my interview. He was dressed in jail-issued clothing and his hands were shackled. The interview was conducted in a private interview room on his housing floor, and Mr. Kuzior appropriately and pleasantly greeted me, quickly adding, "I don't want to go to Western. They kept me in restraints for six months".

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Mr. Kuzior was fully oriented, and his affect was predominantly euphoric, although, not surprisingly, was angry when discussing his charge. He never lost his temper or yelled, however. Mr. Kuzior's speech was rather loud, and marked by significant tangentiality. Although he would typically initially respond to questions in a relevant manner, he would quickly go off on a tangent which was quite loose, and his speech was overly productive. I had to redirect or interrupt him on several occasions, asking him to slow down, lower his voice, or refocus. Mr. Kuzior appeared to try to comply, but he was only briefly successful. He described his sleep as "wonderful, but I can't talk to my wife". He described his appetite as, "I eat everything except bread; I like rolls but I don't like bread..."; he then went on for a time about his bread preferences. He described his energy level as, "Very low, but my body says this is a safe place to work on my healing. My hour out is my heaven". He described his mood as "always wonderful", and he denied suicidal thoughts: "I've never thought about hurting myself". Mr. Kuzior also denied thoughts of harming others. With regard to auditory hallucinations, Mr. Kuzior replied, "These three weeks, I went into a full breakdown". He then described his feelings or symptoms as an entity that he calls "Wrath - Kermit the frog -he's a K-Mart blue light special". Upon further inquiry, it did not appear that Mr. Kuzior was specifically experiencing auditory hallucinations. He denied visual hallucinations, and indicated that he does not see "Wrath, I just feel him". Aside from the victim of the alleged instant offense and the construction company, Mr. Kuzior denied paranoid ideation, and indicated that he was getting along well in the jail and "they all like me". He added, "I am not an ugly guy, so most women want to date me". He added that the last few days have been somewhat better for him, although "three days, which is nine days for everybody else...I've lived that three days four times".

Mr. Kuzior's attention, concentration, and memory appeared intact from cognitive testing. He displayed a well-developed capacity for abstract thought; however, his responses to the items assessing that were idiosyncratic, overproductive, and tangential. He provided adequate responses to questions assessing his social judgment. Mr. Kuzior's intellectual functioning appeared at least within the Average range, if not higher, and he displayed partial insight into his psychiatric condition; Mr. Kuzior clearly acknowledged that he has been diagnosed with Schizoaffective Disorder or Bipolar Disorder, and attributed his symptoms to a "nervous breakdown and stress." His judgment was considered limited at this time, given his refusal of medication, as he did not want to be given the "wrong" medication.

DIAGNOSTIC IMPRESSION:

Mr. Kuzior has been diagnosed with Bipolar Disorder. He was hospitalized in 1996 and 1997 for these symptoms, and he responded quite well to medication. He has apparently been episode free since that time, and has been able to hold down full-time employment and complete a vocational training program. It would appear that the stress of the circumstances regarding his property dispute has prompted the re-emergence of manic symptoms. When Mr. Kuzior was initially incarcerated, he was described as quite manic and unmanageable. While he has

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demonstrated some improvement during his incarceration, his mood and affect remain unstable, and his thought process is disorganized and tangential. Based upon clinical interview data and record review, I offer the following diagnostic impression of Mr. Kuzior at this time:

Axis I: 296.44 Bipolar I Disorder, Manic With Psychotic Features
Axis II: 799.9 Deferred
Axis III: Dental pain and asthma, by self-report

FORENSIC OPINIONS:

Competency to Stand Trial:

Mr. Kuzior identified his charges as "three felony counts - with a rubber squeegee- assault two with felony harassment...damaging property". When asked what a possible sentence range if found guilty, Mr. Kuzior replied, "They are putting me away for life". When asked again, Mr. Kuzior replied, "Seven years". He indicated that he planned to plead not guilty and provided an alibi that he was in another county at the time. Mr. Kuzior could not recall his attorney's name, with whom he has not met. He related that his wife has hired a private attorney, whose name he did not know, nor with whom he has met because, "They've been banned from seeing me". He described the prosecuting attorney's role as "bullshit charges" and expressed that the judge "was pretty decent... (quoting the judge) he's mental". However, he did indicate that the judge would be "Fair, but if not, I'll appeal it to the Supreme Court". When asked his understanding of a plea bargain, Mr. Kuzior replied "Why would I need one?" He estimated his chances of being found not guilty as "Pretty high, since I was in (another county) at the time". Mr. Kuzior related that he wants very much to consult and work with his attorney to defend himself against the charges. He anticipated that his legal strategy would include his alibi that he was in another county at the time, and that he would not use his "best squeegee" to fashion a weapon: he originally fashioned the squeegee to make a "grim reaper for Halloween". When asked about appropriate courtroom demeanor, Mr. Kuzior responded, "I want a chance to plead my case". When asked if he thought he could be quiet during the proceedings, he quickly but shallowly replied, "Sure, sure". When asked about his perception of the likely disposition of the charges Mr. Kuzior replied, "I'll go down for a bunch of charges, I'm going away", and then made a comment that his marriage may not last because of this. Mr. Kuzior reported that he had a restraining order against the construction company. Upon inquiry, he replied, "I have all kinds. I went to the law library. This guy has been harassing me". When asked if any of his restraining orders have been signed, he replied "Mine are all filed; his are filed". Mr. Kuzior made statements that the victim and/or the construction company was closely connected to other city/county officials and agencies, such that his transfer to Western State Hospital would be inevitable. He stated, "They are going to force medical competency (on me). I know I need help really bad, but I know that I don't need meds, but I know that they say I will. I just need to pay my mortgage".

While Mr. Kuzior appeared rather familiar with the functions of courtroom officials and procedures, his overall rational understanding was rather impaired, as evidenced by statements

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such as his attorneys have been banned from seeing him, and that the victim is able to engineer his automatic transfer to Western State Hospital. Mr. Kuzior's manic symptoms would significantly interfere with his ability to assist his attorney. His thought and speech processes were tangential, and his mood was unstable. For these reasons, Mr. Kuzior would not have the requisite capacities to proceed to trial at this time. **Therefore, it is my opinion that Mr. Kuzior does not have the capacity to understand the nature of the proceedings against him nor to assist in his defense.**

Should the Court determine that Mr. Kuzior is not competent to proceed to trial, it is my recommendation that he be transferred to Western State Hospital for a period of inpatient competency restoration treatment of up to 90 days. Mr. Kuzior's psychiatric condition necessitates the use of psychotropic medications to restore and maintain his mental stability in order to restore him to competency. *As such, it is respectfully requested that the treating facility be granted judicial authority to treat the defendant with psychotropic medications involuntarily, if deemed clinically necessary.* There is no less intrusive method of treatment for such a psychiatric disorder. These medications are a necessary element of any attempt to address his current mental state and subsequent trial competency. It is unlikely that Mr. Kuzior would be restored to competency without such medication.

If Mr. Kuzior is treated with psychotropic medication during his hospitalization, he would be monitored by nursing and medical staff, and they would quickly discover any side effects of the medication. Any such medication side effects would be addressed via medication adjustments, such that side effects would not be expected to interfere with his capacity to assist counsel in his own defense. In addition, it is my clinical opinion that psychotropic medication treatment would be of benefit to Mr. Kuzior in light of his psychiatric condition. The prognosis is extremely poor for improvement in his condition without the clinically indicated treatment (i.e., psychotropic medications).

Dangerousness:

This opinion regarding dangerousness was court-ordered and conducted within the scope of RCW 10.77.060 regarding pre-trial mental health evaluations. An opinion is to be made as to whether the defendant presents a substantial danger to others or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control of the court or other persons or institutions. An additional opinion is required as to whether the defendant should receive a RCW 71.05 civil commitment evaluation by a DMHP. This opinion is based solely upon the above evaluation under RCW 10.77.060. Other reasons may exist to require a civil commitment evaluation, which fall within the scope of other standards outside the purview of this evaluation.

Mr. Kuzior's WATCH criminal history record lists no prior arrests or convictions.

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Current practice in violence risk assessment involves the consideration of factors frequently associated with future violence. The HCR-20 is an instrument that organizes such known risk factors, dividing them into three categories: Historical, Clinical, and Risk Management. Historical risk factors (also known as static factors) are relatively stable elements of the individual's life and are unlikely to change. In Mr. Kuzior's case, the following Historical risk factors were present: previous violence (property damage) employment problems, major mental illness,

Clinical risk factors describe the individual's current mental state and are considered to be more changeable or amenable to treatment. Mr. Kuzior demonstrated evidence of the following Clinical risk factors: reduced insight, active symptoms of major mental illness, impulsivity, unresponsiveness to treatment.

Finally, Risk Management factors are those that are likely to influence the individual in the future, and are also considered to be changeable. Mr. Kuzior possessed the following Risk Management factors: Plans lack feasibility, stress.

Based upon Mr. Kuzior's documented criminal history, information obtained through interviews and treatment, and a review of risk factors, it is my professional opinion that he is currently an above-average risk for future dangerous behavior and for committing future criminal acts jeopardizing public safety and security due to active mental illness, and reduced insight. The current situation appears quite stressful for Mr. Kuzior, as he believes that the construction company has encroached upon his property, and this dispute could become quite drawn out and intense. Mr. Kuzior has stated that he has restraining orders against the construction company, although discovery indicated that Mr. Kuzior is the respondent. While he denied thoughts of harm to the victim or the construction company, this is quite a heated issue for Mr. Kuzior, and if he remains untreated and manic, he could certainly pose an ongoing risk for assaultive behavior. Therefore, I recommend a DMHP evaluation under RCW 71.05 prior to any release from custody due to dangerousness and risk of future re-offense. Alternatively, Mr. Kuzior may be transported to a local Evaluation and Treatment facility for that evaluation. My evaluation is complete with the submission of this report. Please do not hesitate to contact me if I may be of any further assistance to the court in this matter.



Melissa Dannelet, Psy.D.
Licensed Psychologist
253.756.2883

Program for Forensic Evaluations in Corrections and the Community
Western State Hospital – Center for Forensic Services

**Forensic Mental Health Report
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MD/rr

cc: Presiding Judge, Pierce County Superior Court
Philip K. Sorensen, Prosecutor
Lisa A. Contris, Defense Counsel
Judy Snow, Pierce County DMHP
Judy Snow, Pierce County Jail

EXHIBIT F



07-1-05575-6

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FPE

02-26-08



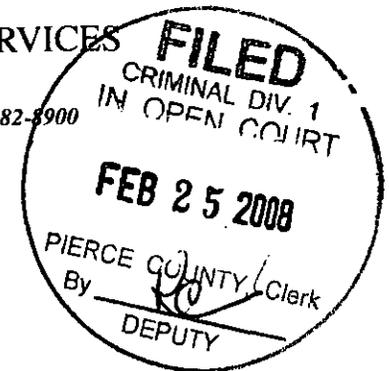
STATE OF WASHINGTON
DEPARTMENT OF SOCIAL AND HEALTH SERVICES

WESTERN STATE HOSPITAL

W27-19 • 9601 Steilacoom Blvd SW • Tacoma WA 98498-7213 • (253) 582-8900

FEBRUARY 19, 2008

FORENSIC PSYCHOLOGICAL REPORT



RE: STATE OF WASHINGTON
vs.
SKIPPER WILLIAM KUZIOR

CAUSE NO: 07-1-05575-6
WSH NO: 382266
DOB: 07/13/78

The forensic evaluation reflected in this report was conducted pursuant to court order under the authority of RCW 10.77.060. This report was released only to the court, its officers and to others designated in statute and is intended for their use only. Any other use or distribution of this document is not authorized by the undersigned.

(a) NATURE OF EXAMINATION**Reason for Referral**

According to a Pierce County Superior Court order dated 11/20/07, the above-referenced defendant was found incompetent to stand trial and in need of psychiatric treatment in order to restore his trial competency. This finding was subsequent to a Forensic Mental Health Report dated 11/19/07 by Melissa Dannelet, Psy.D., Staff Psychologist with Western State Hospital's Program for Forensic Evaluations in Corrections and the Community. The Court ordered that the defendant be transported to Western State Hospital for a period of up to 90 days in order to treat and then re-evaluate his capacity to understand the nature of the charges against him and to assist his attorney in his own defense, as directed by RCW 10.77.060. Additionally, the order requested an opinion, when the defendant regained competency, as to whether the mental state of the defendant affected him to such an extent that he was unable to perceive the nature and quality of the acts charged or was unable to tell right from wrong with reference to those acts. As is mandated by RCW 10.77.060, Mr. Kuzior's mental condition, dangerousness to others, likelihood of committing further criminal acts, and any further need for evaluation under RCW 71.05 will be addressed.

Mr. Kuzior is charged with Assault in the Second Degree, Felony Harassment, and Malicious Mischief in the First Degree, which allegedly occurred on or about 10/29/07. According to the Declaration for Determination of Probable Cause, the alleged offenses occurred as follows:

On 10/29/07 at approximately 12:15 p.m., Sheriff's Deputies responded to a construction site in Spanaway, Washington, regarding reports of an assault. Deputies spoke with Richard Sanderson, a construction contractor working at the job site. Mr. Sanderson reported that while sitting in his parked truck working on his laptop computer at the job site he was startled by the sound of his

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passenger side window being smashed in. He looked up to see Skipper Kuzior swinging a bat fashioned out of a metal angle ruler, a squeegee, and a wooden handle. Mr. Kuzior screamed obscenities and declared that he was going to kill Mr. Sanderson. He continued striking the truck windows as Mr. Sanderson tried to start his truck in order to flee. At one point Mr. Sanderson had to raise his laptop to fend off a strike that penetrated into the cab of the truck. The laptop, worth over \$2,000, absorbed the blow but was damaged in the process. Mr. Sanderson was able to drive away. He reported to deputies that Mr. Kuzior lives next to the job site and was the subject of a restraining order preventing his presence on the job site property. The deputy noted that the passenger side window of Mr. Sanderson's truck was smashed with glass shards covering the interior of the truck. The makeshift club was still inside of the passenger compartment of the truck. Mr. Kuzior was not located in his home nearby. The WATCH report indicated that he was arrested on 10/30/07; however, details of his arrest were not available.

Database

Mr. Kuzior was admitted to the Center for Forensic Services at Western State Hospital on 11/29/07. He was placed on ward F2 and later was transferred to ward F5 to undergo psychological, psychiatric, psychosocial, and physical examinations, including 24-hour clinical observations. Bruce Gage, M.D., Staff Psychiatrist, and Lori Thiemann, Ph.D., Staff Psychologist, comprised the sanity commission. Information from the following sources was considered in preparing this report:

1. Initial intake interview on 11/29/07.
2. Brief interview on 2/08/08.
3. Forensic interviews on 1/08/08 and 2/14/08.
4. Western State Hospital records from previous admissions on 4/14/97.
5. Forensic Mental Health Report, Melissa Dannelet, Psy.D., Program for Forensic Evaluations in Corrections and the Community, 11/19/07.
6. Records from St. Joseph Medical Center, Tacoma, Washington.
7. Telephonic interview with Lorraine Kuzior, the defendant's mother, 1/25/08.
8. Consultation with Bruce Gage, M.D., the defendant's treating psychiatrist.
9. Discovery materials, including the Declaration for Determination of Probable Cause.
10. Washington State Patrol WATCH criminal history record.

This comprehensive evaluation and report was completed by the undersigned taking into consideration all of the examinations, consultations, and findings of the entire evaluation team.

Notification

Prior to each interview, Mr. Kuzior was informed of the non-confidential nature of the evaluation, the purpose of the evaluation, and parties who would receive a copy of the forensic report. He was informed that he could request to have his attorney present and that he could decline to answer questions. He also was advised that recommendations concerning further

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RE: SKIPPER WILLIAM KUZIOR**

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assessment or treatment could be made to the Court and that the undersigned's role was not to provide therapeutic services but rather was solely an evaluative role by court order. Mr. Kuzior stated that he understood this notification and agreed to participate in the evaluation.

(b) DIAGNOSTIC INFORMATION

Relevant Clinical History

The personal history provided by Mr. Kuzior was consistent with that described in the Forensic Mental Health Report dated 11/9/07 by Melissa Dannelet, Psy.D. Please refer to that report for details of his history and collateral information, including his previous admission to Western State Hospital.

Other Records Reviewed/Collateral Information

Records from St. Joseph Medical Center indicated that Mr. Kuzior was admitted on 10/17/07 at 5:10 p.m. with complaints that he had not slept for eight days and needed to be "knocked out." He had been under stress because of problems with the development company trying to steal his land, which the family reported was true. He was described as angry, frustrated, agitated, and hostile, although these problems apparently resolved at the hospital. He was provided with Ativan for agitation and was discharged home at 10:00 p.m. that evening to be supervised by his family. Clinical impressions included a manic depressive episode and insomnia.

A telephonic interview was conducted with Lorraine Kuzior, the defendant's mother. She confirmed that a land dispute was occurring, which had upset Mr. Kuzior. Eventually he stopped sleeping and he recognized that "it was pushing him...he knows he has Bipolar and knew the signs." He went to a clinic to get sleeping pills, although "They didn't want to give them out." She described Mr. Kuzior becoming "obsessed with it...they had been taunting him." Mr. Kuzior had pulled out some sewer stakes on the property, as the sewer was already in, and the development company wanted him to pay \$1,800 to put them back in. They called Ms. Kuzior and said that her son "was nuts" and was destroying property. She took him to the hospital, where he was given Ativan, following which he slept for a couple of days and appeared to be doing a little better. He then returned to focusing on the land dispute. Mr. Kuzior's wife indicated that he had been scaring her, and she moved out with their baby. They tried to hospitalize him again but he locked himself in the bedroom and police reported that they could not do anything. The housing development requested a restraining order, which was approved. Mr. Kuzior spoke of demons coming out of the ground and related things to a cartoon he saw. Ms. Kuzior reported that her son yelled out in the courtroom, "Hi mom! There's my family!" and talked about the land and demons. She described him as "nutty" and he would not agree to go to Western State Hospital.

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Ms. Kuzior described her son as "brilliant, probably gifted," and noted that he has a very good memory. She reported that the last time he experienced psychiatric problems was over 10 years ago, and that he had three major and two minor "episodes" yearly prior to 10 years ago. He had a history of drinking alcohol when he felt "too manic," and she speculated that he was "self-medicating." She noted that Mr. Kuzior "managed to control it" and was "very much in tune with it...kept him from going over. He knew it started with sleep." He took medications, including Tegretol and Depakote (mood stabilizers) only when forced to by the Court, as it caused him to gain weight and "made him feel bad." After stopping the medications he became symptomatic. He had not taken psychiatric medications since his release from Western State Hospital 10 years ago, with the exception of a three or four week period as mandated by the Court. Mr. Kuzior was not taking medications prior to his arrest, with the exception of two medications he received from the hospital for a couple of days. He had an appointment to see a psychiatrist but did not make it. Ms. Kuzior described mental health problems on both sides of the family. She reported that her daughter also has Bipolar Disorder and her uncle on her mother's side underwent "shock therapy" after serving in the Korean War. She also noted that Mr. Kuzior's father "has episodes."

Course of Hospitalization

Upon admission to the hospital Mr. Kuzior was in a hypomanic state and presented with elevated mood, grandiosity, and rapid, pressured, and abundant speech. His thought processes were tangential and irrelevant at times. He reported being "lucky" if he received three hours of sleep. He was prescribed lithium (mood stabilizer) on 12/07/07. On the ward in early December he was described as cheerful, laughing, and talking loudly and non-stop. He had to be directed several times to lower his voice. His energy level was described as "effusive." He also reported to staff that the television was "pulling thoughts out through his eyes and making him drool." In the classroom he was very loud and frequently talked out of turn. He also required counseling for making inappropriate comments. At times he exhibited religious preoccupation. On 12/27/07 his dose of lithium was increased.

Mr. Kuzior irritated many of his peers on the ward with his loud and intrusive manner. In early January he began pounding on his bed and yelling because he was angry that he had not been allowed to attend church services. He did request as-needed medications appropriately and calmed down thereafter. During a forensic evaluation in early January Mr. Kuzior was cooperative, yet his speech was pressured and tangential. His thought processes included loose associations, which worsened as the interview progressed. He also exhibited referential ideas and religious preoccupation. He wrote a letter with disorganized statements, such as, "The old one two one switch last man standing puppy power! Yanke-doddol (sic) evergreen state dandee like the clock que que sometimes one sometimes the twelfth (sic) man usually in between."

Laboratory tests on 1/07/08 revealed that Mr. Kuzior's lithium level was undetectable, indicating that he was not actually taking the medication. He did agree to take olanzapine (antipsychotic), but refused to take lithium. In mid-January he was returned from yard time after he began

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RE: SKIPPER WILLIAM KUZIOR****FEBRUARY 19, 2008
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singing loudly. In class he was observed behaving inappropriately. He would apologize and briefly stop such behavior; however, he typically resumed inappropriate behavior after a short time. Later in January he was described as much quieter on the ward, although his speech remained rapid and pressured. His dose of olanzapine was increased on 1/28/08. By early February his behavior continued to improve and he made fewer inappropriate comments in class and spoke at a lower volume with less pressure. Staff noted that he appeared less irritable and demonstrated improved insight and cooperation. He also appeared more socially withdrawn.

Most Recent Mental Status Examination

Mr. Kuzior is an overweight Caucasian man whose appearance was consistent with his chronological age of 29. He was casually dressed in hospital-issued attire and appeared well-nourished and adequately groomed. He ambulated without any apparent difficulty and evidenced no motoric abnormalities during the course of the interview. He spoke at an average rate and volume without pressure or tangentiality. There were no evident impairments of his attention, concentration, or memory. Mr. Kuzior was cooperative and friendly during the interview and his affect was mildly anxious yet appropriate to the situation. He described his mood as "A little more sleepy, but otherwise okay." He reported that his sleep had recently improved and he had been eating well. He denied depressive symptoms or suicidal or homicidal ideation.

Mr. Kuzior was alert and oriented to person, place, time, and situation. His thought processes were organized and goal-directed. He denied psychotic symptoms, including hallucinations, paranoia, or ideas of reference. There were no indications that he was responding to or distracted by internal stimuli. He did not make any statements that appeared to be overtly delusional in nature. Mr. Kuzior demonstrated fair insight into the nature of his mental illness. He was able to name the triggers for exacerbation of his illness and recognized the need for psychotropic medications, particularly when he was under stress. His judgment over the course of this hospitalization has been impaired, which appeared to be directly related to his mood disorder; however, recently his judgment has improved.

Diagnostic Impressions

Skipper Kuzior is a 29-year-old man with a history of episodes of mood disturbance and psychosis. He was psychiatrically hospitalized in 1996 and 1997, but he has not sought mental health treatment or taken psychiatric medications for the 10-year period prior to his arrest in October 2007. According to family members, Mr. Kuzior's mental state began to gradually decline as the land dispute with the housing development worsened, such that he did not sleep for eight days, appeared agitated, and experienced obsessional thinking and referential ideas. According to the previous evaluator, he appeared manic and psychotic during his incarceration, and he was refusing to take psychiatric medications. During this hospitalization he gradually responded to treatment, such that he appears to exhibit only residual symptoms at this time. I concur with Dr. Dannelet that Mr. Kuzior's symptom presentation is consistent with Bipolar Disorder, which in its exacerbated state is often accompanied by psychotic features.

**FORENSIC PSYCHOLOGICAL REPORT
RE: SKIPPER WILLIAM KUZIOR****FEBRUARY 19, 2008
PAGE 6 OF 9**

Based upon clinical interview data, record review, and consultation with ward F1 and F5 clinical staff, I offer the following diagnostic impressions of Mr. Kuzior at this time:

Axis I: Bipolar I Disorder, in partial remission
 Rule out Alcohol Abuse
Axis II: Deferred
Axis III: None identified

(c) COMPETENCY

Mr. Kuzior believed that he had been charged with "Assault with a deadly weapon with intent to kill, feloniously malicious mischief, and violation of a restraining order." He described the assault allegations as involving an "attack with a squeegee and square." He estimated that a guilty verdict could be associated with a sentencing range "from time served to one or two years in prison." Mr. Kuzior demonstrated understanding of basic legal concepts and plea options, as well as the roles of common courtroom participants. He was able to discuss his case in terms of his preferred legal options and recognized evidence that could be used against him. He spoke of his case in a rational manner and named multiple examples of information that could be utilized in his defense. He also demonstrated a reasonable estimation of his success at trial. Mr. Kuzior was aware that he was represented by an attorney, whom he described as "a good guy." He expressed a desire to discuss his case with his attorney and work to resolve the matter in his own best interest.

Over the course of this hospitalization Mr. Kuzior has struggled with mood instability and psychotic features, including irrational beliefs, religious preoccupation, and disorganized thought processes. Through medication reviews and adjustments, his mental state has improved to the extent that he no longer appears to be in a manic state and he has not made any statements that appear overtly delusional in nature. While he had previously discussed his case in a disorganized and irrational manner, during the most recent interview these problems appeared to have abated. His behavior has improved considerably and his mood has stabilized to the extent that he was capable of discussing his case without interference of inappropriately elevated mood, grandiosity, pressured speech, or tangentiality. It is my opinion that in his current medicated state Mr. Kuzior does possess the capacity to understand the nature of the charges against him and to assist in his own defense.

It should be noted that these are relatively recent improvements in Mr. Kuzior's mental state, and his ability to maintain his current stability is highly dependent on ongoing medication compliance. He has indicated that he plans to continue taking medications through the resolution of his case. However, should he fail to receive medications for any reason, it is likely that his psychiatric symptoms will re-emerge. Given Mr. Kuzior's history and the previous impact of his symptoms on his ability to assist in his defense, it is expected that any mental deterioration would likely result in considerable interference with his legal capacities as well.

**FORENSIC PSYCHOLOGICAL REPORT
RE: SKIPPER WILLIAM KUZIOR**

**FEBRUARY 19, 2008
PAGE 7 OF 9**

(d) SANITY AT THE TIME OF THE ACT

An opinion as to the defendant's sanity at the time of the alleged offense was requested. However, Mr. Kuzior informed me that he does not intend to enter a plea of Not Guilty by Reason of Insanity. It is the practice at the Center for Forensic Services to withhold an opinion as to sanity at the time of the alleged offense if the defendant does not wish to enter a NGR I plea, due to the affirmative nature of that plea. If, after discussing this issue with counsel, Mr. Kuzior should change his legal strategy and decide to enter a Not Guilty by Reason of Insanity plea, I remain available to revisit this issue and respond accordingly.

(e) DIMINISHED CAPACITY

Opinion not requested.

(f) DANGEROUSNESS

This opinion regarding dangerousness was court-ordered and conducted within the scope of RCW 10.77.060 regarding pre-trial mental health evaluations. An opinion is to be made as to whether the defendant presents a substantial danger to others or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control of the court or other persons or institutions.

Cautionary Note: Given the present level of risk assessment technology and frequently incomplete historical data, mental health professionals can best assist the court in making pre-trial dangerousness assessments by identifying the presence of known risk factors and providing a clinical formulation of how these factors affect a defendant. This assessment does rely considerably on Mr. Kuzior's self-report, and this sets an upper limit on the reliability of any opinions rendered.

Mr. Kuzior's Washington State Patrol WATCH criminal history record lists no convictions. The National Crime Information Center (NCIC) criminal history record was not available for review.

Current practice in violence risk assessment involves the consideration of factors frequently associated with future violence. The HCR-20 is an instrument that organizes such known risk factors, dividing them into three categories: Historical, Clinical, and Risk Management. Not all portions of the HCR-20 could be completed for the evaluation; for example, the Hare Psychopathy Checklist-Revised was not completed. Therefore the HCR-20 was not formally completed and scored, but was used as a guideline for identifying known risk factors.

Historical Risk Factors are relatively stable elements of the individual's life and are unlikely to change. In Mr. Kuzior's case, the following Historical Risk Factors were present: previous violence, employment problems, and major mental illness. Historical Risk Factors that may have been present or were present to a lesser degree include: substance abuse problems. Clinical Risk

**FORENSIC PSYCHOLOGICAL REPORT
RE: SKIPPER WILLIAM KUZIOR**

**FEBRUARY 19, 2008
PAGE 8 OF 9**

Factors describe the individual's current mental state and are considered to be more changeable or amenable to treatment. Mr. Kuzior demonstrated evidence of the following Clinical Risk Factors: limited insight and residual symptoms of major mental illness. Finally, Risk Management Factors are those that are likely to influence the individual in the future, and are also considered to be changeable. Mr. Kuzior possessed the following Risk Management Factors: exposure to destabilizers, noncompliance with remediation attempts, and stress.

Factors that currently mitigate Mr. Kuzior's risk of future dangerousness or criminal behavior include: no assaultive behavior during this hospitalization, positive response to psychotropic medications, improved insight, and family support.

Based upon Mr. Kuzior's documented criminal history, information obtained through interviews and treatment, and a review of risk factors, it is my professional opinion that he currently presents a moderate risk for future danger to others and for committing future criminal acts jeopardizing public safety and security. Mr. Kuzior's risk may be mitigated by ongoing and consistent mental health treatment.

DMHP Evaluation

An opinion is required as to whether the defendant should undergo a RCW 71.05 civil commitment evaluation by a designated mental health professional. This opinion is based solely upon the above evaluation under RCW 10.77.060. Other reasons may exist to require a civil commitment evaluation, which fall within the scope of other standards outside the purview of this evaluation.

In response to my direct question, Mr. Kuzior denied imminent intent to harm himself or others. Nothing in his recent behavior would suggest that he was less than sincere in this denial. He has not been a violent behavioral management problem for our ward staff. I do not consider Mr. Kuzior an imminent risk to himself or others and have no reason to recommend that the Court detain him or otherwise order him evaluated by a Designated Mental Health Professional for possible civil commitment under RCW 71.05. However, it is recommended that Mr. Kuzior be monitored for continued medication compliance and any signs of psychological decompensation in jail. Should this occur, evaluation for the need for civil commitment prior to his release from custody may be warranted.

**FORENSIC PSYCHOLOGICAL REPORT
RE: SKIPPER WILLIAM KUZIOR**

**FEBRUARY 19, 2008
PAGE 9 OF 9**

This evaluation is completed upon submission of this report. If I may be of further assistance to the Court in this matter, please feel free to contact me.



Lori K. Thiemann, Ph.D.
Licensed Psychologist
Center for Forensic Services
Western State Hospital
(253) 879-7931

LKT/aib

Cc: Criminal Judge, Pierce County Superior Court
Philip K. Sorensen, Deputy Prosecuting Attorney
Dana Michael Ryan, Attorney for Defendant
Judy Snow, Pierce County DMHP & Pierce County Jail



State of Washington
DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital W27-19
9601 Steilacoom Blvd SW Tacoma WA 98498-7213

RETURN SERVICE REQUESTED



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Called From
US POS

PRESIDING JUDGE
PIERCE COUNTY SUPERIOR COURT
930 TACOMA AVE S ROOM 534
TACOMA WA 98402

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EXHIBIT G

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12/26/2017



Superior Court of Washington, County of PIERCE

In re the Marriage of:

Petitioner:

ASHLEY LYNN KUZIOR

And Respondent:

SKIPPER WILLIAM KUZIOR

No. 16-3-02079-7

Findings and Conclusions about a Marriage
(FNFCL)

Findings and Conclusions about a Marriage

1. Basis for findings and conclusions

Spouses' agreement as to division of property, spousal maintenance, and attorneys fees; and trial that commenced on December 7, 2017 as to parenting plan, child support, and a protective order.

The following people were at the trial:

- Ashley Kuzior, Petitioner
- Jennifer A. Wing, Attorney for Petitioner
- Skipper Kuzior, Respondent Pro Se
- Professional Visitation Supervisor, Kate Lee

The Court makes the following findings of fact and conclusions of law:

2. Notice

The Respondent has appeared in this case, or has responded to or joined the *Petition*.

The Respondent was served on June 8, 2016, in person, with the Petition for Legal Separation. The Respondent accepted service on May 26, 2017 of the Amended Petition for Dissolution.

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3. **Jurisdiction over the marriage and the spouses**

At the time the *Petition* was filed,

The Petitioner lived in Washington State.

The Respondent lived in Washington State.

The Petitioner and Respondent lived in this state while they were married, and the Petitioner still lives in this state or is stationed here as a member of the armed forces.

The Petitioner and Respondent may have conceived a child together in this state.

Conclusion: The court **has** jurisdiction over the marriage.

The court **has** jurisdiction over the Respondent.

4. **Information about the marriage**

The spouses were married on June 4, 2005 at Pierce County, Washington.

5. **Separation Date**

The marital community ended on May 7, 2016. This is the date the parties began living in separate households.

6. **Status of the marriage**

Divorce - This marriage is irretrievably broken, and it has been 90 days or longer since the *Petition* was filed and the *Summons* was served or the Respondent joined the *Petition*.

Conclusion: The Petition for divorce should be approved

7. **Separation Contract**

There is no separation contract.

8. **Real Property**

The spouses' real property is listed below:

Real Property Address	Tax Parcel Number	Community or Separate Property
2017 90th Street E Tacoma, WA 98445	5820000182	Petitioner's separate property

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4101 King Street E Tacoma, WA 98445	7410000940	Petitioner's separate property
5501 264th St E Graham, WA 98338	0418303015	Community property

Conclusion: The division of real property described in the final order is fair (just and equitable).

9. Community Personal Property

The spouses' community personal property is listed below:

- Petitioner's UBS Roth IRA account #17367 (marital portion)
- Respondent's UBS Roth IRA account #17368 (marital portion)
- Harborstone Credit Union account #8000 (marital portion)
- Harborstone Credit Union account #4800
- Harborstone Credit Union account #4801
- KBR Savings account #6455 (in Nancy Kuzior's name)
- KBR Savings account #6456 (in Deborah Kuzior's name)
- 1978 Chevy Camaro
- 2008 Toyota Highlander
- 2002 Harley Davidson
- 2003 Hummer
- 2008 Dodge Ram
- 1965 Ford Mustang
- 1989 Alumaweld Runabout boat and 1997 trailer
- 2011 Honda Odyssey
- 1967 Chevy Camaro
- Personal Property/Household Goods

Conclusion: The division of community personal property described in the final order is fair (just and equitable).

10. Separate Personal Property

The **Petitioner's** separate personal property is listed below:

- Ashley Lynn Kuzior Testamentary Trust (all rights and interest in said Trust as beneficiary).
- The Nancy Lemay Irrevocable Grandchildren's Trust (all rights and interest in said Trust as beneficiary).
- Her UBS Resource Management Account #18676
- Her UBS Roth IRA account #17367 earned before marriage if any, and after date of separation
- Any and all interest whatsoever (as beneficiary) in the Estate of Debbie Lemay Shepherd
- Any and all bank accounts opened post separation in her name.
- Any items purchased post separation

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The **Respondent's** separate personal property is listed below:

- His UBS Roth IRA account #17368 earned after date of separation
- His Social Security and Disability Benefits
- All interest in Kuzior Kompany LLC
- All interest in School of the Wise One
- Any and all bank accounts opened post separation in his name
- Any items purchased post separation

Conclusion: The division of separate personal property described in the final order is fair (just and equitable).

11. Community Debt

The spouses' community debt is listed below:

- American Express - Kuzior Kompany - in Respondent's name (approx. \$14,000)
- Costco Citibank #61003 -Ashley (approx. \$4,000)
- Citicard #7220 - Skipper (approx. \$1,568)
- Bank of America #1777 - Skipper (approx. 7,733)
- RAM First International - Skipper (approx. 5,235)
- Discover (formerly Columbia Bank #6414) (approx. \$7,500)
- Discover (approx. \$10,000)

Conclusion: The division of community debt described in the final order is fair (just and equitable).

12. Separate Debt

The **Petitioner's** separate debt is listed below:

- Any debt incurred after the date of separation
- Petitioner is not responsible for debt unknown to her, not disclosed, or incurred in her name without her knowledge and/or approval

The **Respondent's** separate debt is listed below:

- Any debt associated with the real property at 5501 264th St E, Graham, WA 98338*
- Any debt incurred after the date of separation
- Any and all debt associated with Kuzior Kompany, LLC, with the exception of specific debt to be paid by Petitioner above.
- Any and all debt associated with School of the Wise One, with the exception of specific debt to be paid by Petitioner above.
- ~~Any and all debt associated with~~
- Respondent is not responsible for debt unknown to him not disclosed, or incurred in his name without his knowledge and/or approval

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Conclusion: The division of separate debt described in the final order is fair (just and equitable).

13. Spousal Support

Spousal support was requested.

Conclusion: Spousal support should be ordered because:
The parties agree to a spousal support payment

14. Lawyer Fees and Costs

Each party should pay his/her own fees or costs.
** Exempt for the amount ordered by the Court for post CRDA enforcement actions. (KWS) (JW)*

15. Protection Order

The Petitioner requested an *Order for Protection* in this case.

Conclusion: The court should approve an *Order for Protection* because:

The Court finds Petitioner credible with regard to her testimony as to acts of domestic violence aimed at her by Respondent.

The Court finds that Respondent committed acts of domestic violence against Petitioner wherein he struck her with a closed fist while driving the family vehicle on or about March 27, 2016.

The definition of domestic violence includes not only physical harm but also "the infliction of fear of imminent physical harm, bodily injury, or assault." RCW 26.50.010(3)(a). The Court finds that Respondent inflicted fear when he threw dishes near Petitioner while in the family kitchen.

The definition of domestic violence includes not only physical harm but also "the infliction of fear of imminent physical harm, bodily injury, or assault." RCW 26.50.010(3)(a). The Court finds that Respondent inflicted fear when he blocked and/or limited Petitioner's ability to leave her residence in the Spring of 2016.

The Court finds Petitioner's fear of Respondent to be legitimate.

The Court finds finds for a permanent protective order in this case under RCW 26.50.060(2) based on the foregoing and testimony provided at trial. *The court finds that ~~Petitioner~~ (JW) there is a legitimate likelihood that Respondent will resume acts of domestic violence if when the order expires.*

16. Restraining Order

See Paragraph 15 above.

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17. Pregnancy

Petitioner is not pregnant.

18. Children of the marriage

The spouses have the following children together who are still dependent:

Child's name	Age
1. Nancy Kuzior	11
2. Deborah Kuzior	8

If there are children listed above who do not have both spouses listed on their birth certificates, the State Registrar of Vital Statistics should be ordered to amend the children's birth certificates to list both spouses as parents.

19. Jurisdiction over the children (RCW 26.27.201 – .221, .231, .261, .271)

The court **can** approve a *Parenting Plan* for the children the spouses have together because:

Exclusive, continuing jurisdiction – A Washington court has already made a custody order or parenting plan for the children, and the court still has authority to make other orders for the children.

Home state jurisdiction – Washington is the children's home state because :

The children lived in Washington with a parent or someone acting as a parent for at least the 6 months just before this case was filed, or if the children are less than 6 months old when the case was filed, they have lived in Washington with a parent or someone acting as a parent since birth.

The children do not have another home state.

20. Parenting Plan

The court signed the final *Parenting Plan* filed separately today.

21. Child Support

The dependent children should be supported according to state law.

The court signed the final *Child Support Order* and *Worksheets* filed separately today.

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22. Other Findings or Conclusions

The Court made specific findings in its oral ruling on December 14, 2017:

The Court finds that RCW 26.09.191 factors exist and are dispositive with regard to Respondent and his parenting time and decision-making.

The Court finds that Respondent was recently diagnosed with Schizoaffective Disorder, Manic Type, in an evaluation presented at trial by Respondent, and that this diagnosis is consistent with his mental illness history.

Based upon Respondent's behavior at trial as well as his litigious behavior throughout this case, including numerous court appearances, the Court finds that Respondent has a history of not taking his prescribed medication. The Court finds that Respondent is inconsistent in taking prescribed medication for his mental health condition.

The Court finds that Respondent is not credible.

Respondent has had mental health issues over the past ten years. Respondent's behavior is potentially detrimental to the emotional well-being of the children. The Parenting Plan adopted by the court is in the children's best interest. JW

12-21-17 *Ka* *AW*
Date Judge or Commissioner
Kitty-Ann van Doorninck



Petitioner and Respondent or their lawyers fill out below.

This document:
Is an agreement of the parties

This document:
Is an agreement of the parties

Jennifer A. Wing 27655
Petitioner signs here or lawyer signs here + WSBA #
Attorney for Petitioner

Parent but relying to sign Kuzior
Respondent signs here or lawyer signs here + WSBA #

Jennifer A. Wing, WSBA #27655 12/21/17 Skipper Kuzior
Print Name Date Print Name Date

APPENDIX B

June 15 2018 4:19 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

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7 **SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **FOR PIERCE COUNTY**

9 **HENRY C. REITZUG, as his separate estate;**
10 **and MARK HADMAN and LISA HADMAN,**
11 **husband and wife and the marital**
12 **community comprised thereof,**

13 **Plaintiffs,**

14 **v.**

15 **SKIPPER KUZIOR,**

16 **Defendant.**

NO. 18-2-05745-6

DECLARATION OF KENNETH R.
ANDERSON, PLS

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
JULY 13, 2018 AT 9:00 A.M.

17 **Kenneth R. Anderson, PLS, declares under penalty of perjury under the laws of**
18 **the State of Washington that the following is true and correct:**

19 **1. I am over the age of 18 and competent to make this declaration in**
20 **support of Plaintiffs' Motion for Summary Judgment.**

21 **2. I am a Professional Land Surveyor, licensed in the State of Washington**
22 **since 1992. I prepared the Record of Survey for Boundary Line Adjustment**
23 **201205255001, recorded on May 25, 2012. This survey created two revised parcels:**
24 **Parcel B: Pierce County Tax Parcel No. 0418304055 - 6214 260th St. E. (the "Reitzug**
25 **property") and Parcel A: Pierce County Tax Parcel No. 0418301069 - 6210 260th St. E.**
26 **(the "Hadman Property"). A copy of this Boundary Line Adjustment is attached as Exhibit**

DECLARATION OF KENNETH R. ANDERSON, PLS - 1 of 2
(18-2-05745-6)
[4821-5707-2746]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

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A.

3. Before conducting the survey, I obtained a title report from the Chicago Title Company T(order no. 4347374, dated Apr. 6, 2012). I then surveyed the boundary lines between those properties that became Parcels A and B and adjoining properties, including the property owned by Defendant Skipper Kuzior. Indeed, Mr. Kuzior contacted me by telephone to complain to me regarding the work I was doing.

4. I surveyed the boundary lines based on their respective legal descriptions using universally accepted surveying methods and using equipment that surpasses the minimum standards set by WAC 332-130—090.

5. The boundary line survey complied with the standards and guidelines of the "Survey Recording Act." RCW 58.09, WAC 332-130.

6. Based on my review of the records and the Record of Survey, it is my opinion that Mr. Kuzior does not own any portion of Parcel A or Parcel B. Additionally, the wire fence that separates Parcels A and B from Mr. Kuzior's property was observed to be located contiguous with the surveyed record title property line, as shown upon the aforesaid Record of Survey for Boundary Line Adjustment, at the time I did the survey.

DATED this 15TH day of June 2018 at FEDERAL WAY, Washington.



Kenneth R. Anderson, PLS

PLS, 29267

EXHIBIT A

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SEC. 30, T. 18 N., R. 04 E., W.M. PIERCE COUNTY, WASHINGTON

THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT, OR SUBDIVISION

APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN A LOT AFFECTED BY A BOUNDARY LINE ADJUSTMENT

THIS SURVEY COMPLIES WITH ALL STANDARDS AND GUIDELINES OF THE "SURVEY RECORDING ACT", CHAPTER 58.09 RCW AND 332-130 WAC.

FOUND BRASS DISK WITH "3", 0.12" BELOW AND CENTER OF N. BRASS LANE, 54TH AVE. VISITED 5/29/09.

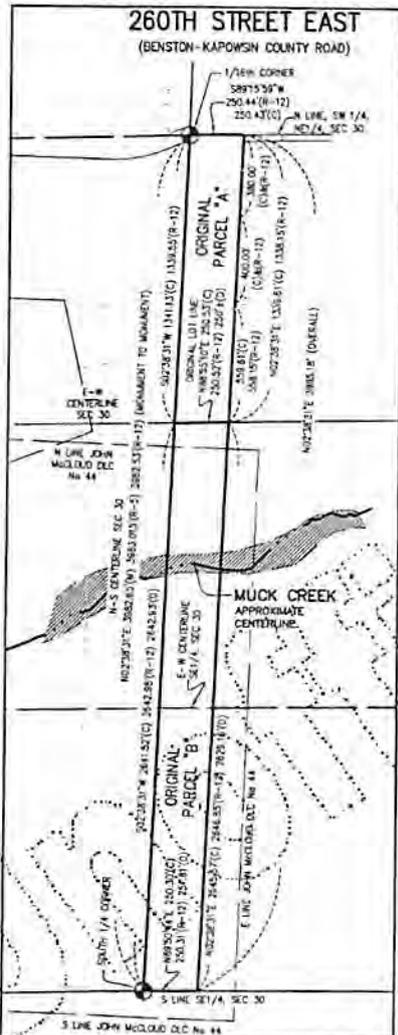
FOUND 1-1/4" OD. P. 0.5" DIA. CONCRETE MONUMENT WITH "3" N. OF PAINTED 260TH ST. CL. ON INTX. OF 54TH AVE. ON THE (PIPE SLIGHTLY ASKED) VISITED 5/29/09.

FOUND SURFACE BRASS DISK WITH "3" CL. OF 70TH AVE, 315' E. N. OF 257TH ST. E. VISITED 5/29/09.

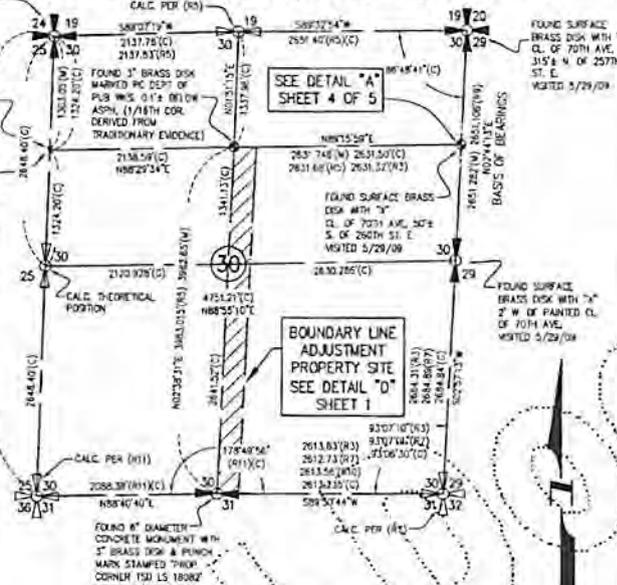
FOUND SURFACE BRASS DISK WITH "3" 2' W. OF PAINTED CL. OF 70TH AVE. VISITED 5/29/09.

FOUND 8" DIAMETER CONCRETE MONUMENT WITH "3" BRASS TIE ROD & PUNCH MARK STAMPED THEIR CORNER 150 LS 18082 VISITED 3/4/2011

**DETAIL 'D'
SITE DETAIL
SCALE 1"=400'**



**SEE DETAIL 'B'
SHEET 4 OF 5**



**BOUNDARY LINE
ADJUSTMENT
PROPERTY SITE
SEE DETAIL 'D'
SHEET 1**

**SECTION SUBDIVISION
SECTION 30, T. 18 N., R. 04 E., W.M.
PIERCE COUNTY, WASHINGTON
SCALE 1"=1000'**

SURVEY EQUIPMENT AND PROCEDURES:

- FIELD EQUIPMENT:**
 - OLSON TRIPLE 3" SECTION DIRECT READING TOTAL STATION
 - CONVENTIONAL FIELD TRAVELER AND SIX POINT MEASUREMENT PROCEDURES (MPC) (C)
- FIELD PROCEDURES:**
 - CONVENTIONAL FIELD TRAVELER AND SIX POINT MEASUREMENT PROCEDURES (MPC) (C)
- SURVEY MEASUREMENT STANDARDS:**
 - FINAL PROVISION RESULTS OBTAINED FROM FIELD TRAVELER PROCEDURES FOR THIS SURVEY MEET OR EXCEED STANDARDS CONTAINED ON W.A. 332-130-090.

- SHEET INDEX**
- SHEET 1 COVER SHEET
 - SHEET 2 BOUNDARY LINE ADJUSTMENT
 - SHEET 3 EXISTING CONDITIONS
 - SHEET 4 DETAILS
 - SHEET 5 LEGAL DESCRIPTIONS

LEGEND:

- (●) FOUND PROPERTY CORNER AS DESCRIBED
- (○) SET 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "ORA LS 292267"
- (D) DDED
- (C) CALCULATED
- (M) MEASURED
- (R) RANNER RANCHES, VOL. 15, PG. 73, PIERCE CO. REC. NO. 1473, (J. SEAVAN & ASSOC. 1978)
- (R3) ROS, VOL. 27, PG. 28, PIERCE CO. REC. NO. 2826 (ARNE RIFFINEN, 1979)
- (R5) PIERCE CO. LARGE LOT DIV, PIERCE CO. REC. NO. 8002180444 (DARRELL JENKS, 1985)
- (R7) ROS, PIERCE CO. REC. NO. 9401200140, (LARSON & ASSOC 1994)
- (R9) PIERCE CO. PUBLIC WORKS & UTILITIES, SURVEY SECTION.
- (R10) PIERCE CO. LARGE LOT DIV, PIERCE CO. REC. NO. 840610359 (JAMES KEYS, 1984)
- (R11) ROS, VOL. 048, PG. 2428, PIERCE CO. REC. NO. 8106300251 (ROBERT ERB, 1981)

PROFESSIONAL LAND SURVEYOR:
KENNETH R. ANDERSON, PLS
KENNETH R. ANDERSON & ASSOCIATES, INC. PS
1793 25TH AVENUE PLACE, SUITE C-4
FEDERAL WAY, WA 98003
TEL: (253) 838-1199



RECORDING INDEX

SW 1/4, NE 1/4, SEC. 30-18N-04E W.M.
NW 1/4, SE 1/4, SEC. 30-18N-04E W.M.
SW 1/4, SE 1/4, SEC. 30-18N-04E W.M.

ACKNOWLEDGMENT

THE UNDERSIGNED AGREE THAT THE BOUNDARY LINE ADJUSTMENT SET FORTH HEREIN IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE OWNERS.

Henry C. Reitzug HENRY C. REITZUG
Anne Marie Reitzug ANNE MARIE REITZUG



Mark Hadman MARK HADMAN



I HEREBY CERTIFY THAT THE ABOVE INDIVIDUAL(S) SIGNED AS A FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES HEREIN MENTIONED.

GIVEN UNDER MY HAND AND SEAL THIS 29th DAY OF May 2012

Maria Victoria Jones MARIA VICTORIA JONES
NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 14211 14th Ave SW, Everett, WA 98201
MY APPOINTMENT EXPIRES 12/31/14

I HEREBY CERTIFY THAT THE ABOVE INDIVIDUAL(S) SIGNED AS A FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES HEREIN MENTIONED.

GIVEN UNDER MY HAND AND SEAL THIS 29th DAY OF May 2012

Maria Victoria Jones MARIA VICTORIA JONES
NOTARY PUBLIC, IN AND FOR THE STATE OF WASHINGTON, RESIDING AT 14211 14th Ave SW, Everett, WA 98201
MY APPOINTMENT EXPIRES 12/31/14

PLANNING AND LAND SERVICES DEPARTMENT

Melanie A. Dalton MELANIE A. DALTON 5/24/12
PLANNING & LAND SERVICES DIRECTOR DATE

COUNTY ASSESSOR/TREASURER

I HERBY CERTIFY THAT ALL STATE AND COUNTY TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE, HAVE BEEN FULLY PAID.

Dale Washburn DALE WASHBURN 5/24/12
ASSESSOR/TREASURER DATE

REVIEWED FOR SEGREGATION

Dale Washburn DALE WASHBURN 5/28/12
DEPUTY ASSESSOR/TREASURER DATE

AUDITOR'S CERTIFICATE

10:11AM 5/18/12
FILED FOR RECORD THIS 25th DAY OF May 2012
AT THE REQUEST OF HENRY & ANNE REITZUG
OF RECORD OF SURVEY, TOGETHER WITH DEED OF CONVEYANCE RECORDED UNDER AUDITOR'S FEE NO. 201205255001

Julie Anderson JULIE ANDERSON
PIERCE COUNTY AUDITOR

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF HENRY & ANNE REITZUG / MARK & LISA HADMAN THIS 15th DAY OF APRIL 2012.

Kenneth R. Anderson KENNETH R. ANDERSON, PLS 5/21/2012
CERTIFICATE NO. 29287

201205255001

APPLICATION NO. 686415

15445 53RD AVE. S.
SEATTLE, WA 98148
PHONE: (206) 431-7970
FAX: (206) 388-1648
WEB SITE: PACENGL.COM

**Pacific
Engineering
Design, LLC**

Civil Engineering and
Planning Consultants

REITZUG BLA
PIERCE COUNTY, WA

FOR HENRY REITZUG
C/O SUNRISE MEDICAL CAMPUS
1210 SUNRISE BOULEVARD EAST, SUITE 3-205
PUYALLUP, WA 98374
PHONE (253) 848-8797
FAX: (253) 848-0726

PROJECT NO.: 09005
DRAWN BY: ENM/WEL
ISSUE DATE: 05-27-2010
SHEET REV.: 04-17-2012

**BOUNDARY LINE
ADJUSTMENT
COVER SHEET**

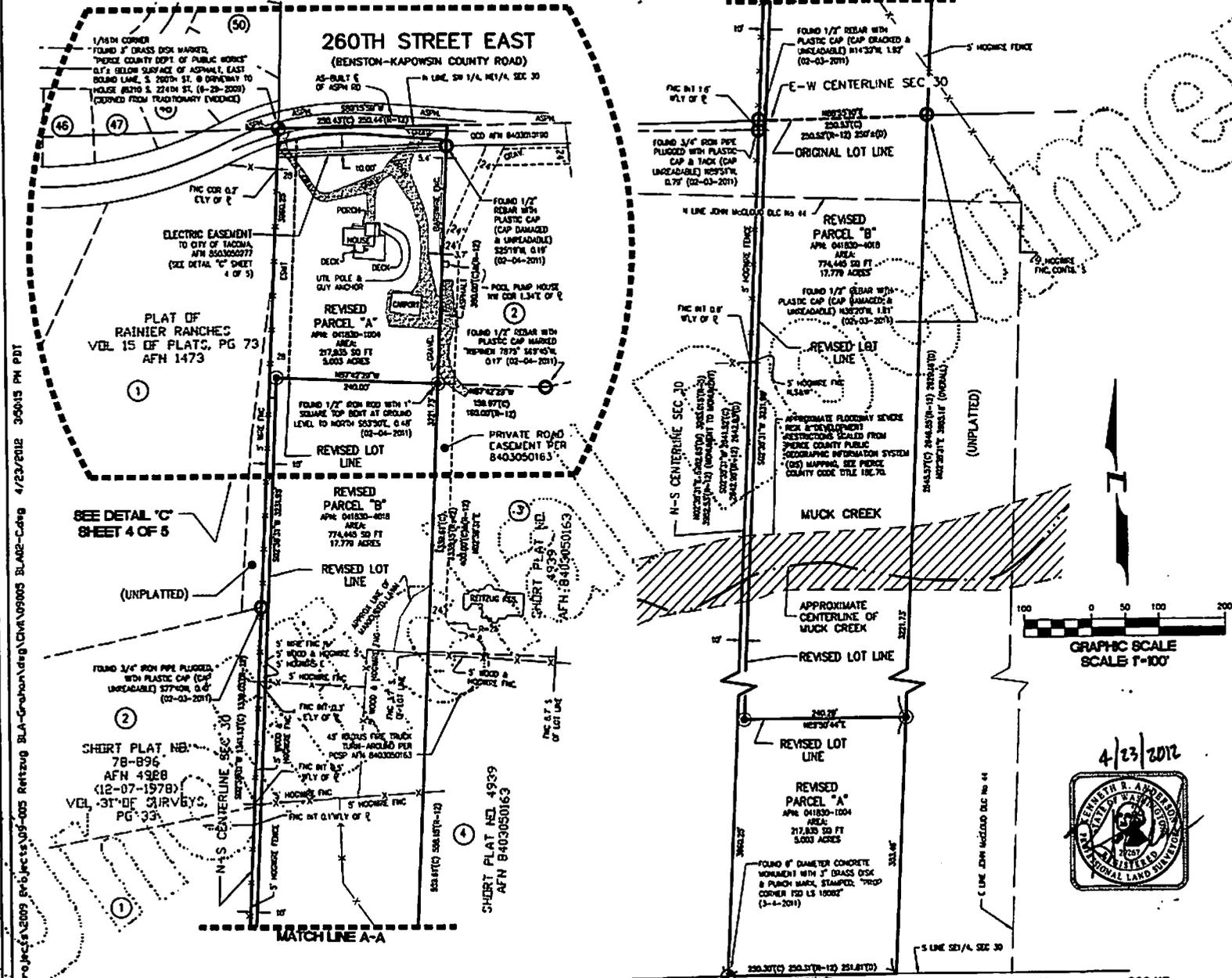
09005 BLA01-C.dwg
C01
SHEET 01 OF 05

S:\Projects\2009 Projects\19-005 Reitzug BLA-Grohon\dwg\Civil\09005 BLA01-C.dwg 5/21/2012 1:59:51 PM PBT

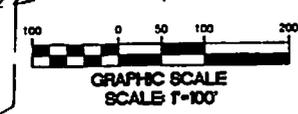
For reference only, not for sale.

201205255001

**RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
SEC. 30, T. 18 N., R. 04 E., W.M.
PIERCE COUNTY, WASHINGTON**



S:\projects\2009\projects\09-005 Reitzug BLA-C02\Drawings\DRAWINGS\BLA02-C02.dwg 4/23/2012 3:50:15 PM PDT



Pacific Engineering Design, LLC
Civil Engineering and Planning Consultants
18445 53RD AVE. S.
SEATTLE, WA 98188
PHONE: (206) 431-7970
FAX: (206) 438-1848
WEB SITE: PACENGL.COM

REITZUG BLA
PIERCE COUNTY, WA
FOR: DR. HENRY REITZUG
C/O BUNNEN INDUSTRIAL CAMPUS
10000 BUNNEN INDUSTRIAL EAST, SUITE 3-205
RYDALBURG, WA 98274
PHONE: (253) 848-0797
FAX: (253) 848-0726

PROJECT NO.: 09005
DRAWN BY: ENM/WEL
ISSUE DATE: 05-27-2010
SHEET REV: 04-16-2012

BOUNDARY LINE ADJUSTMENT

09005 BLA02-C02
C02
SHEET 02 OF 05

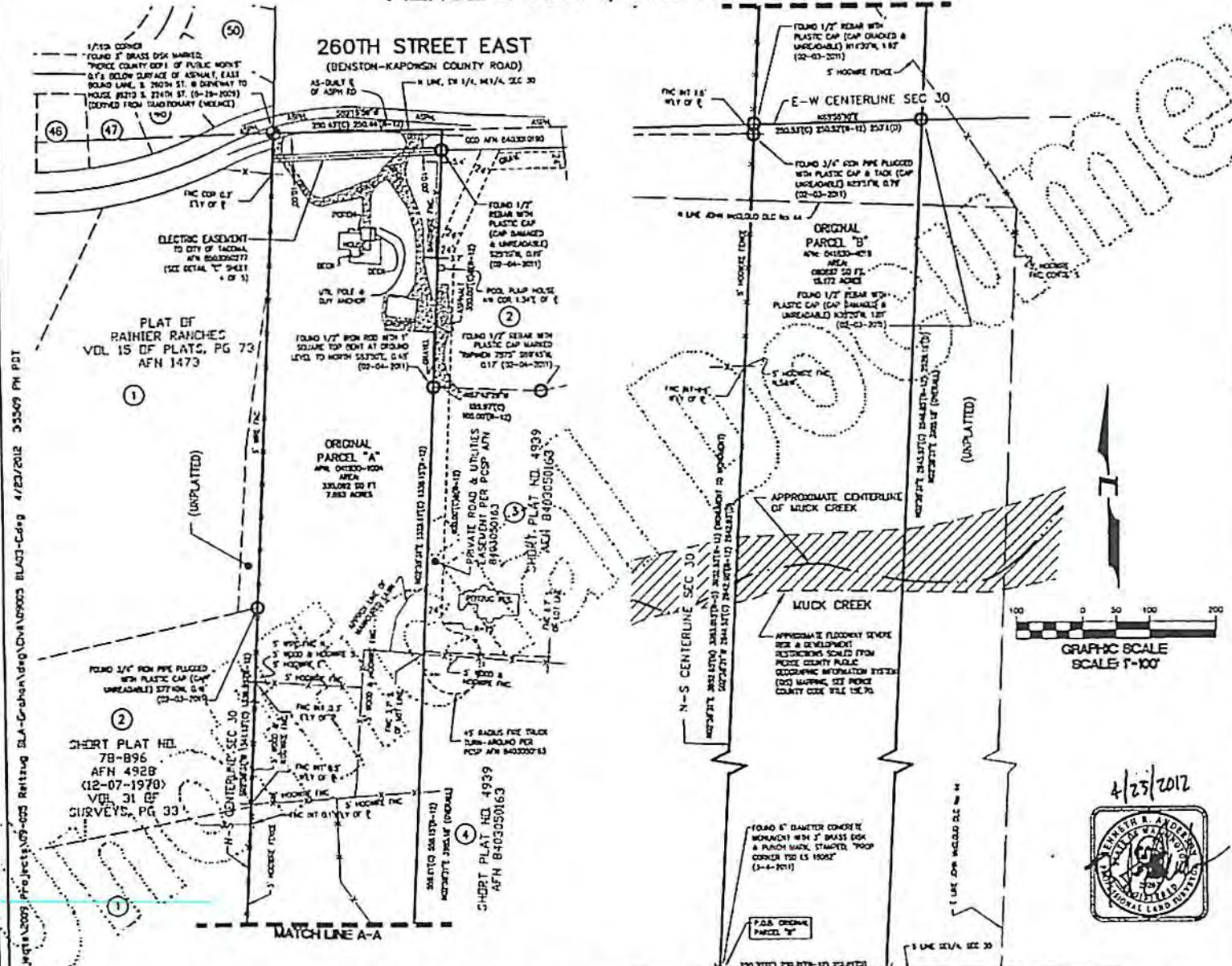
For reference only, not for re-sale

APPLICATION NO. 686415

201205255001

ORIGINAL

RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
 PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
 SEC. 30, T. 18 N., R. 04 E., W.M.
 PIERCE COUNTY, WASHINGTON



Project: 09-003 Reitzug BLA-Graham/leg/DA/NO003 BLA03-Cdgs 4/23/2012 3:55:09 PM PDT

152445 50RD AVE. B.
 SEATTLE, WA 98188
 PHONE: (206) 431-7979
 FAX: (206) 488-1648
 WEB: SITE:
 PACENGL.COM

Pacific Engineering Design, LLC
 Civil Engineering and Planning Consultants

PROJECT NO.: 09003
 DRAWN BY: ENM/WEL
 ISSUE DATE: 05-27-2010
 SHEET REV.: 04-16-2012

EXISTING CONDITION SURVEY

09003 BLA03-Cdgs
C03
 SHEET 03 OF 05



For reference only, not for re-sale

APPLICATION NO. 688415

201205255001

ORIGINAL

**RECORD OF SURVEY FOR BOUNDARY LINE ADJUSTMENT
PORTION OF SW 1/4 OF NE 1/4 AND THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF
SEC. 30, T. 18 N., R. 04 E., W.M.
PIERCE COUNTY, WASHINGTON**

ORIGINAL LEGAL DESCRIPTIONS:

(PER CHICAGO TITLE COMPANY TITLE REPORT ORDER NO. 4347374, DATED 4/6/2012)

ORIGINAL PARCEL "A":

THE WEST 250 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN.

EXCEPT 260TH STREET LYING NORTH OF SAID PREMISES.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

ORIGINAL PARCEL "B":

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE
4 EAST OF THE W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;
THENCE NORTH 85°47'32" EAST A DISTANCE OF 251.81 FEET;
THENCE NORTH 02°40'07" EAST PARALLEL WITH THE WEST LINE OF THE SOUTHEAST
QUARTER OF SAID SECTION 30 A DISTANCE OF 2629.16 FEET TO THE NORTH LINE OF SAID
SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH 88°55'20" WEST 250 FEET, MORE OR LESS, TO THE NORTHWEST CORNER
OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH 02°40'07" WEST 2642.93 FEET TO THE POINT OF BEGINNING ALONG THE
WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 30.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

PARCEL ADDRESSES:

PARCEL "A": 6210 260TH STREET EAST
PARCEL "B": 6214 260TH STREET EAST

REVISED PARCEL LEGAL DESCRIPTIONS:

REVISED PARCEL "A":

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF
THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE
WEST LINE OF SAID SUBDIVISION SOUTH 02°38'31" WEST A DISTANCE OF 22.40 FEET TO
THE BEGINNING OF A NON TANGENT CURVE HAVING A RADIUS OF 400.00 FEET, THE
RADIAL CENTER OF WHICH BEARS SOUTH 15°33'35" EAST AND THE TRUE POINT OF
BEGINNING; THENCE EASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL
ANGLE OF 01°19'04" FOR AN ARC DISTANCE OF 9.20 FEET TO THE BEGINNING OF A
CURVE HAVING A RADIUS OF 368.90 FEET; THENCE EASTERLY ALONG SAID CURVE TO THE
RIGHT THROUGH A CENTRAL ANGLE OF 18°58'13" FOR AN ARC DISTANCE OF 121.93 FEET;
THENCE SOUTH 85°38'18" EAST A DISTANCE OF 121.04 FEET TO THE EAST LINE OF THE
WEST 250.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31"
WEST A DISTANCE OF 358.41 FEET TO THE NORTH LINE OF LOT 3, PIERCE COUNTY SHORT
PLAT NUMBER 8403050163, ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5,
1984, RECORDS OF PIERCE COUNTY AUDITOR; THENCE ALONG THE WESTERLY EXTENSION
OF SAID LINE NORTH 87°42'29" WEST A DISTANCE OF 240.00 FEET TO THE EAST LINE OF
THE WEST 10.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31"
WEST A DISTANCE OF 3,231.98 FEET; THENCE NORTH 89°50'44" EAST A DISTANCE OF
240.29 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID SUBDIVISION; THENCE
ALONG SAID LINE SOUTH 02°38'31" WEST A DISTANCE OF 368.46 FEET TO THE SOUTH
LINE OF SAID SUBDIVISION; THENCE ALONG SAID LINE SOUTH 89°50'44" WEST A DISTANCE
OF 250.30 FEET TO THE WEST LINE OF SAID SUBDIVISION; THENCE ALONG SAID LINE
NORTH 02°58'31" EAST A DISTANCE OF 3,080.25 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

REVISED PARCEL "B":

THAT PORTION OF THE WEST HALF OF THE NORTHEAST QUARTER AND THE WEST HALF OF
THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE
WEST LINE OF SAID SUBDIVISION SOUTH 02°38'31" WEST A DISTANCE OF 22.40 FEET TO
THE BEGINNING OF A NON TANGENT CURVE HAVING A RADIUS OF 400.00 FEET, THE
RADIAL CENTER OF WHICH BEARS SOUTH 15°33'35" EAST; THENCE EASTERLY ALONG SAID
CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 01°19'04" FOR AN ARC DISTANCE
OF 9.20 FEET TO THE BEGINNING OF A CURVE HAVING A RADIUS OF 368.90 FEET;
THENCE EASTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF
18°58'13" FOR AN ARC DISTANCE OF 121.93 FEET; THENCE SOUTH 85°38'18" EAST A
DISTANCE OF 121.04 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID
SUBDIVISION; THENCE ALONG SAID LINE SOUTH 02°38'31" WEST A DISTANCE OF 358.41
FEET TO THE NORTH LINE OF LOT 3, PIERCE COUNTY SHORT PLAT NUMBER 8403050163,
ACCORDING TO THE PLAT THEREOF RECORDED MARCH 5, 1984, RECORDS OF PIERCE
COUNTY AUDITOR AND THE TRUE POINT OF BEGINNING; THENCE ALONG THE WESTERLY
EXTENSION OF SAID LINE NORTH 87°42'29" WEST A DISTANCE OF 240.00 FEET TO THE
EAST LINE OF THE WEST 10.00 FEET OF SAID SUBDIVISION; THENCE ALONG SAID LINE
SOUTH 02°38'31" WEST A DISTANCE OF 3,231.98 FEET; THENCE NORTH 89°50'44" EAST A
DISTANCE OF 240.29 FEET TO THE EAST LINE OF THE WEST 250.00 FEET OF SAID
SUBDIVISION; THENCE ALONG SAID LINE NORTH 02°38'31" EAST A DISTANCE OF 3,221.73
TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

15445 53RD AVE. S.
SEATTLE, WA 98188
PHONE: (206) 431-7970
FAX: (206) 388-1648
WEB SITE:
PAGEW.COM

**Pacific
Engineering
Design, LLC**

Civil Engineering and
Planning Consultants

REITZUG BLA
PIERCE COUNTY, WA

FOR:
DR. HENRY REITZUG
C/O BLANFORD MEDICAL CAMPUS
1016 BLANFORD BOULEVARD EAST, SUITE 3-205
PACIFIC, WA 98774
PHONE: (509) 846-9797
FAX: (509) 846-9720

PROJECT NO.: 09005
DRAWN BY: ENM/WEL
ISSUE DATE: 05-27-2010
SHEET REV.: 04-16-2012

LEGAL
DESCRIPTIONS

09005 BLA05-C-05
C05
SHEET 05 OF 05



4/23/2012

S:\projects\2009 Projects\109-005 Reitzug BLA-Grohan\9-005 Reitzug BLA-C-05-C-05 4/23/2012 9:58:12 PM PDI

For reference only, not for re-sale

APPLICATION NO. 68645

201205255001

APPENDIX C

June 15 2018 4:19 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

1
2
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6
7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR PIERCE COUNTY

9 HENRY C. REITZUG, as his separate estate;
10 and MARK HADMAN and LISA HADMAN,
11 husband and wife and the marital community
12 comprised thereof,

13 Plaintiffs,

14 v.

15 SKIPPER KUZIOR,

16 Defendant.

NO. 18-2-05745-6

DECLARATION OF MARK HADMAN

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
JULY 13, 2018 AT 9:00 A.M.

17 Mark Hadman declares under penalty of perjury under the laws of the State of
18 Washington that the following is true and correct:

19 1. My wife and I are Plaintiffs in this action along with my brother-in-law, Henry
20 Reitzug. I am over the age of 18 and competent to make this declaration.

21 2. My wife and I own real property located at 6210 260th St. E., Graham,
22 Pierce County, Washington. Mr. Reitzug owns immediately adjacent property that is also
23 at issue in this dispute. The current configuration of these parcels was created by a
24 Boundary Line Adjustment recorded under Pierce County Auditor No. 201205255001.

25 3. In 2015 Defendant Skipper Kuzior acquired from a family member an
26 undeveloped property to the west of our property (Pierce County Tax Parcel No.

1 0418303015). In approximately September 2017 I noticed that the boundary fence
2 separating my property from Mr. Kuzior's property had been moved across my property –
3 which is only 10 feet in width at the point where it adjoins Mr. Kuzior's property – and
4 onto the Reitzugs' property by approximately 40 feet. I attempted to discuss the matter
5 with Mr. Kuzior, but that turned out to be a pointless exercise. Shortly thereafter, Mr.
6 Kuzior and his girlfriend sought an Order of Protection against me for harassment; that
7 proceeding remains ongoing.
8

9 4. Since Mr. Kuzior relocated the boundary fence onto the Reitzugs' property,
10 his livestock have had free range to graze our land and continue to do so excessively.
11 Specifically, there are multiple goats and sheep as well as a chicken coop on our
12 properties.

13 5. On or about June 12, 2018, I noticed that, despite this ongoing litigation,
14 Mr. Kuzior has erected a new fence in place of the original fence he hastily moved onto
15 Mr. Reitzug's property.
16

17 DATED this _____ day of June 2018 at _____, Washington.
18

19 **SEE ATTACHED SIGNATURE** _____
20

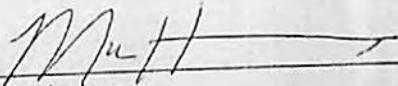
21 Mark Hadman
22
23
24
25
26

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6 Kuzior and his girlfriend sought an Order of Protection against me for harassment; that
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10 his livestock have had free range to graze our land and continue to do so excessively.
11 Specifically, there are multiple goats and sheep as well as a chicken coop on our
12 properties.
13

14 5. On or about June 12, 2018, I noticed that, despite this ongoing litigation,
15 Mr. Kuzior has erected a new fence in place of the original fence he hastily moved onto
16 Mr. Reitzug's property.
17

18 DATED this 15 day of June 2018 at Graham
19 Washington.

20 
21 _____
22 Mark Hadman
23
24
25

26 DECLARATION OF MARK HADMAN - 2 of 2
27 (18-2-05745-6)
28 (4811-1197-2458)

29 LAW OFFICES
30 GORDON THOMAS HONEYWELL LLP
31 1201 PACIFIC AVENUE, SUITE 2100
32 TACOMA, WASHINGTON 98402
33 (253) 620-6500 - FACSIMILE (253) 620-6565

APPENDIX D

January 18 2019 4:20 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

1
2
3
4
5
6
7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR PIERCE COUNTY

9 HENRY C. REITZUG, as his separate estate;
10 and MARK HADMAN and LISA HADMAN,
11 husband and wife and the marital community
12 comprised thereof,

13 Plaintiffs,

14 v.

15 SKIPPER KUZIOR,

16 Defendant.

NO. 18-2-05745-6

DECLARATION OF DIANNE K. CONWAY

**ASSIGNED TO:
HON. EDMUND MURPHY**

HEARING DATE/TIME:
FEBRUARY 15, 2019 AT 9:00 A.M.

17 Dianne K. Conway declares under penalty of perjury under the laws of the State of
18 Washington that the following is true and correct:

19 1. I am the attorney for Plaintiffs Henry C. and Anne Marie Reitzug and Mark
20 and Lisa Hadman. I am over the age of 18 and competent to make this declaration.

21 2. On July 13, 2018, this Court granted Plaintiffs' motion for partial summary
22 judgment on their title and trespass claims relating to Defendant's unilateral relocation of
23 the fence line that separates a portion of his property from Plaintiffs' property. Since
24 Defendant claimed he did not know where the real property line was, Plaintiffs were
25 forced to hire a surveyor to re-mark the property line. Defendant called the Sheriff's office
26 when the survey team came to do the work on July 20, 2018; it was only after

DECLARATION OF DIANNE K. CONWAY - 1 of 3
(18-2-05745-6)
[4836-2876-7621]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

1 Defendant's attorney became involved that the survey team was able to mark the line.
2 Nevertheless, Defendant has made repeated statements in other proceedings since that
3 time that this work was somehow unlawful.
4

5 3. While preparing to defend Plaintiff Mark Hadman against a Petition for
6 Protective Order filed by Defendant (Defendant had also filed a Petition against Plaintiffs'
7 nephew, Chris Tibbitts, and had previously filed a Petition against Dr. Reitzug) at some
8 point in August 2018, I checked the Pierce County Auditor files because I had seen
9 previously that Kuzior had filed a Wetland Buffer Notice that indicated he was building a
10 home on his property adjacent to my clients' property and wanted to see if there was
11 anything new on that front. I was startled to discover that on June 21, 2018, Defendant
12 had filed a "re-record" of the statutory warranty deed by which he had acquired his
13 property on December 23, 2015. This "re-record" deed contained additional historical
14 documents, and Defendant recorded it against not only his property but my clients'
15 properties. A copy of his original deed is attached as **Exhibit A**. A copy of the "re-record"
16 deed is attached as **Exhibit B**.
17

18 4. While the "re-record" deed seemed worthless to me given the failure of the
19 original grantor to sign it, my paralegal (and later I) contacted Rob Hainey, a
20 highly-experienced and well-respected title officer and VP with Chicago Title, to confirm
21 that we did not have to worry about it. Unfortunately, as set forth in Mr. Hainey's
22 Declaration, the "re-record" deed does prevent my clients' properties from having clear
23 title, and it will create a problem if they ever sell or refinance. Accordingly, I sent a letter
24 to Defendant's counsel demanding that Defendant remove the "re-record" deed. A copy
25 of this letter is attached as **Exhibit C**.
26

EXHIBIT A

55586-TR

DEC 23 2015

CHICAGO TITLE

201512230737 RJOHNSO 3 PGS
12/23/2015 02:35:25 PM \$75.00
AUDITOR, Pierce County, WASHINGTON

When recorded return to:
Skipper Kuzior
2017 90th St E
Tacoma, WA 98445

Filed for record at the request of:
Fidelity National Title
COMPANY OF WASHINGTON, INC.
5006 Center Street, Suite J
Tacoma, WA 98409-2314

Escrow No.: 611116720Z

STATUTORY WARRANTY DEED

THE GRANTOR(S) Betty J Gleason, an unmarried woman as her separate estate
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Skipper Kuzior, a married man

the following described real estate, situated in the County of Pierce, State of Washington:

**LOT 1, PIERCE COUNTY LARGE LOT DIVISION NO. 2303, RECORDED UNDER RECORDING
NUMBER 2303, PIERCE COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.**

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): 041830 301 5,

Dated: December 21, 2015

Betty J Gleason
Betty J Gleason

For reference only, not for re-sale.

3/75

STATUTORY WARRANTY DEED

(continued)

State of WASHINGTON
County of PIERCE

I certify that I know or have satisfactory evidence that Betty J Gleason is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: November 23, 2015

Name: ANYA WRIGHT
Notary Public in and for the State of Washington
Residing at: Buckley
My appointment expires: 1/24/17



For reference only, not for re-sale.

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

Recording No.: 1473

2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Large Lot

Recording No.: 2303

3. Covenants, conditions, restrictions, assessments, and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: September 15, 1975

Recording No.: 2689153

Modification(s) of said covenants, conditions and restrictions

Recording Date: July 5, 1978

Recording No.: 2834150

4. Assessments, if any, levied by Rainier Ranches Association.
5. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Muck Creek.
6. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Muck Creek.
7. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.

For reference only, not for re-sale.

EXHIBIT B



201806210157 MBALLAR 7 PGS
06/21/2018 11:00:50 AM \$105.00
AUDITOR, Pierce County, WASHINGTON

AUDITOR'S NOTE

LEGIBILITY FOR RECORDING AND COPYING UN-SATISFACTORY IN A PORTION OF THIS INSTRUMENT WHEN RECEIVED

RE-RECORD

Name & Return Address:

Skippier Kuzior
5901 264th St E
Graham, Wa

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s)	SW D	Re Record to Correct Legal
Grantor(s)	Betty Gleason	
Additional Names on Page _____ of Document		
Grantee(s)	Skippier Kuzior	
Additional Names on Page _____ of Document		
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section)	Attached Exhibit B LOT 1 Large Lot Division No. 2303	
Complete Legal Description on Page _____ of Document		
Auditor's Reference Number(s)	201512230737	
Assessor's Property Tax Parcel/Account Number(s)	0418303015 0418304018 0418301004	
Non Standard Fee \$50.00		
By signing below, you agree to pay the \$50.00 non standard fee.		
I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.		
Signature of Party Requesting Non Standard Recording		
NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements.		
The Auditor/Recorder will rely on the information provided on this cover sheet.		
Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.		

For reference only, not for re-sale.

N:\Recording\Forms\RecordingCoverSheet.docx Rev 7/14

06/21/2018 11:00:50 AM MBALLAR 4470488 6 PGS
EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
AUDITOR
Pierce County, WASHINGTON TECH FEE: \$5.00

55586-TR
DEC 23 2015

201512230737 RJOHNSO 3 PGS
12/23/2015 02:35:25 PM \$75.00
AUDITOR, Pierce County, WASHINGTON

CHICAGO TITLE

When recorded return to:
Skipper Kuzior
2017 90th St E
Tacoma, WA 98445

Filed for record at the request of:

Fidelity National Title
COMPANY OF WASHINGTON, INC.

5006 Center Street, Suite J
Tacoma, WA 98409-2314

Escrow No.: 611116720Z

STATUTORY WARRANTY DEED

THE GRANTOR(S) Betty J Gleason, an unmarried woman as her separate estate
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Skipper Kuzior, a married man

the following described real estate, situated in the County of Pierce, State of Washington:

**LOT 1, PIERCE COUNTY LARGE LOT DIVISION NO. 2303, RECORDED UNDER RECORDING
NUMBER 2303, PIERCE COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.**

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): 041830 301 5,

Dated: December 21, 2015

Betty J Gleason
Betty J Gleason

For reference only, not for re-sale.

3/75

STATUTORY WARRANTY DEED

(continued)

State of WASHINGTON
County of PIERCE

I certify that I know or have satisfactory evidence that Betty J Gleason is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: November 23, 2015

Name: *ANYA WRIGHT*
Notary Public in and for the State of Washington
Residing at: Buckley
My appointment expires: 1/24/17



For reference only, not for re-sale.

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

- 1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

Recording No: 1473

- 2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Large Lot

Recording No: 2303

- 3. Covenants, conditions, restrictions, assessments, and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: September 15, 1975

Recording No.: 2689153

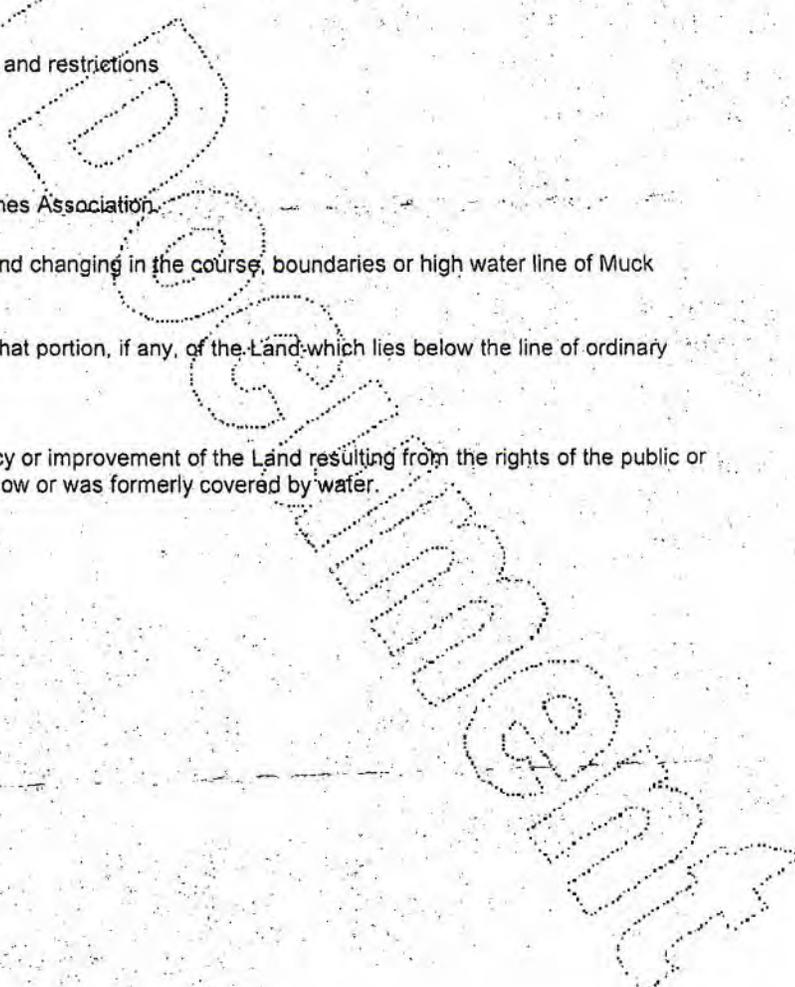
Modification(s) of said covenants, conditions and restrictions

Recording Date: July 5, 1978

Recording No.: 2834150

- 4. Assessments, if any, levied by Rainier Ranches Association.
- 5. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Muck Creek.
- 6. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Muck Creek.
- 7. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.

For reference only, not for re-sale.



283-1150

DECLARATION OF ANNEXATION

THIS DECLARATION OF ANNEXATION is made June 27, 1978,
by D. A. BELFOY and VIRGINIA E. BELFOY, husband and wife,
hereinafter referred to as "Declarant".

WHEREAS, Declarant has previously subjected certain
real property in Pierce County, Washington, to a Declaration
of Covenants, Conditions and Restrictions, dated September 13,
1976, recorded SEPT. 16TH, 1976, under Pierce County
Auditor's Fee No. 2689153; and

WHEREAS, said Declaration provides under Article II
thereof for the annexation of certain additional properties
adjacent to the real property subject to the original Declara-
tion; and

WHEREAS, pursuant to said Article II, said annexation
may be made by Declarant without the consent of members of
Rainier Ranches Association, the Association provided for in
said Declaration;

NOW, THEREFORE, Declarant hereby declares that the real
property in Pierce County, Washington, described as:

PARCEL A:
Beginning at the Southwest corner of Section 30, Township
18 North, Range 4 East, of the Willamette Meridian;
thence along the southerly line of said section, North
88°41'01" East, 1849.18 feet to the true point of begin-
ning of this description; thence parallel with the East
line of Lot 19, Plat of Rainier Ranches as recorded
under Survey 11473, records of Pierce County, Washington,
North 01°56'02" East, 2400.16 feet; thence North 00°09'
00" East, 201.56 feet; thence North 89°51'00" West,
100.00 feet to the easterly right-of-way line of 60th
Avenue East as shown on said Plat of Rainier Ranches;
thence along said right-of-way line North 12°20'19"
West, 30.73 feet; thence South 89°51'00" West, 385.28
feet to the North-South centerline of said Section 30;
thence South along said centerline South 02°40'07" West,
2627.01 feet to the South line of said Section 30;
thence South 88°41'01" West, 237.99 feet to the true
point of beginning.

PARCEL B:
Beginning at the Southwest corner of Section 30, Township
18 North, Range 4 East of the Willamette Meridian; thence

2834150

along the southerly line of said Section, North 88°41'01" East, 2087.17 feet to the North-South centerline of said Section 30; thence North 02°40'07" East along said North-South centerline, 2627.01 feet to the true point of beginning; thence continuing North 02°40'07" East, 645.12 feet; thence South 77°39'41" West, 543.21 feet to the easterly right-of-way line of 60th Avenue East as shown on the Plat of Rainier Ranches, as recorded under Survey #1473, records of Pierce County, Washington; thence South 12°20'19" East along said easterly right-of-way line, 539.80 feet; thence South 89°51'00" East, 385.28 feet to the true point of beginning.

PARCEL C:

Beginning at the Southwest corner of Section 30, Township 18 North, Range 4 East of the Willamette Meridian; thence along the southerly line of said Section North 88°41'01" East, 1,749.02 feet to the true point of beginning; thence along the Easterly line of Lot 19 of the Plat of Rainier Ranches as recorded under Survey #1473 in the records of the Pierce County Auditor, Tacoma, Washington, North 01°56'02" East, 2,404.29 feet; thence North 00°09'00" East, 200.00 feet; thence South 89°51'00" East, 100.00 feet; thence South 00°09'00" West, 201.56 feet; thence South 01°56'02" West, 2,400.17 feet; thence South 88°41'01" West, 100.16 feet to the true point of beginning.

PARCEL D:

Beginning at the most Southeasterly corner of Lot 1 of the Plat of Rainier Ranches, as recorded under Survey #1473, records of Pierce County, Washington; thence on the same bearing system as that Plat, North 77°39'41" East, a distance of 30.00 feet to the North-South centerline of Section 30, Township 18 North, Range 4 East, of the Willamette Meridian; thence North 02°40'07" East along said North-South centerline, a distance of 503.22 feet to intersect the East line of said Lot 1; thence South 08°15'22" West, a distance of 256.71 feet; thence South 03°33'41" West, a distance of 255.53 feet to the point of beginning.

is and shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the said Declaration of Covenants, Conditions and Restrictions dated September 13, 1976, recorded SEPT. 16th 1976 under Pierce County Auditor's Fee No. 2689153, which said Declarations are hereby incorporated herein as though fully set forth in full, all of which shall run with and shall apply to and be binding upon all parties having or acquiring any right, title or interest in the property hereinabove described or any part thereof and shall inure to the benefit of each owner thereof.

For reference only, not for re-sale.

078- 8/ 5 M 7300011

2834150

IN WITNESS WHEREOF, the undersigned, being the Declarants herein, have hereunto set their hands and seals the date first above written.

D. A. Belfoy
D. A. BELFOY
Virginia E. Belfoy
VIRGINIA E. BELFOY

STATE OF WASHINGTON)
COUNTY OF PIERCE) ss.

On this _____ day of June, 1978, before me personally appeared D. A. BELFOY and VIRGINIA E. BELFOY, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 30 day of June, 1978.

Richard A. Greco
Notary Public in and for the State of Washington, residing at Tacoma.



RECORDED

'78 JUL 5 AM 8:42

RICHARD A. GRECO ALLOTTER
PIERCE COUNTY WASH.

Richard A. Greco

Land Title

LTC of REC. JUL 5 78 8:20

2834150
Declaration of Association

For reference only, not for re-sale.

EXHIBIT C

Dianne K. Conway
Direct: (253) 620-6523
E-mail: dconway@gth-law.com

November 7, 2018

VIA EMAIL AND FIRST-CLASS MAIL

Dana Michael Ryan
(danaryanlaw@gmail.com)
Attorney at Law
112 W. Meeker
Puyallup, WA 98371

RE: *Reitzug and Hadman v. Kuzior*

Dear Mr. Ryan:

As you know, I represent the Reitzugs and Hadmans in their lawsuit against your client, Skipper Kuzior, arising from his attempt to claim my clients' property. It has come to our attention that Mr. Kuzior has recorded what he claims to be a "corrected statutory warranty deed" for his property. As background, Mr. Kuzior purchased his property in 2015 under SWD 201512230737. But on June 21, 2018, he re-recorded the deed to "correct the legal description" and attached a 1978 Declaration of Annexation and included the parcel numbers of the Reitzug and Hadman properties on the cover sheet.

I had hoped that the legal ramifications of Mr. Kuzior's actions would be zero, as the 1978 document does nothing to change the facts and because the actual grantor of the original statutory warranty deed did not sign off on the "correction." But we are told by Chicago Title that under its loan policy, it would not clear title of this exception or, if it did, it would require indemnification from the Reitzugs and Hadmans against court and attorney fees should a title claim later be made.

Given this situation, I will be moving to amend the Complaint in this action to add a new cause of action for slander of title unless you provide proof by no later than noon on Monday, November 12, that Mr. Kuzior has filed documentation with the Auditor removing/disclaiming this "corrected deed."

Reply to:

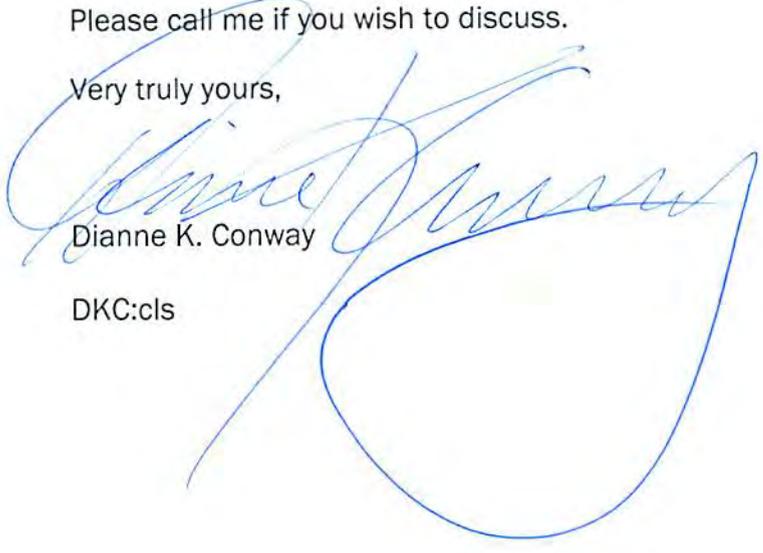
Tacoma Office
1201 Pacific Ave., Suite 2100 (253) 620-6500
Tacoma, WA 98402 (253) 620-6565 (fax)

Seattle Office
600 University, Suite 2100 (206) 676-7500
Seattle, WA 98101 (206) 676-7575 (fax)

Gordon Thomas Honeywell LLP
November 7, 2018
Page 2

Please call me if you wish to discuss.

Very truly yours,

A large, stylized handwritten signature in blue ink, which appears to read "Dianne K. Conway". The signature is written in a cursive style with a large, sweeping loop at the end.

Dianne K. Conway

DKC:cls

201806210157 MBALLAR 7 PGS
06/21/2018 11:00:50 AM \$195.00
AUDITOR, Pierce County, WASHINGTON

AUDITOR'S NOTE

LEGIBILITY FOR RECORDING AND COPYING UNSATISFACTORY IN A PORTION OF THIS INSTRUMENT WHEN RECEIVED

RE-RECORD

Name & Return Address:

Skappa Kuzior
5901 269th St E
Graham, WA

Washington State Recorder's Cover Sheet (RCW 65.04) Please print legibly or type information.

Document Title(s)	S.W.D. Re Record to Correct Legal
Grantor(s)	Betty Gleason
Additional Names on Page	of Document
Grantee(s)	Skappa Kuzior
Additional Names on Page	of Document
Legal Description (Abbreviated: i.e., lot, block & subdivision name or number OR section/township/range and quarter/quarter section)	Attached Exhibit B LOT 1 Large Lot Division No. 2303
Complete Legal Description on Page	of Document
Auditor's Reference Number(s)	201512230737
Assessor's Property Tax Parcel/Account Number(s)	0418303015 0418304018 0418301004
Non Standard Fee \$50.00	
By signing below, you agree to pay the \$50.00 non standard fee. I am requesting an emergency non standard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.	
<u>Skappa Kuzior</u> Signature of Party Requesting Non Standard Recording	
NOTE: Do not sign above or pay additional \$50.00 fee if document meets margin/formatting requirements.	
The Auditor/Recorder will rely on the information provided on this cover sheet. Staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

For reference only, not for re-sale.

N:\Recording\Farms\RecordingCoverSheet.docx Rev 7/14

06/21/2018 11:00:50 AM MBALLAR 4470488 6 PGS
EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
AUDITOR Pierce County, WASHINGTON TECH FEE: \$5.00

55586-TR

DEC 23 2015

CHICAGO TITLE

When recorded return to:
Skipper Kuzior
2017 90th St E
Tacoma, WA 98445

201512230737 RJOHNSO 3 PGS
12/23/2015 02:35:25 PM \$75.00
AUDITOR, Pierce County, WASHINGTON

Filed for record at the request of:

 Fidelity National Title

COMMUNITY LA. SERVICES FIDEL. INC.

5006 Center Street, Suite J
Tacoma, WA 98409-2314

Escrow No.: 611116720Z

STATUTORY WARRANTY DEED

THE GRANTOR(S) Betty J Gleason, an unmarried woman as her separate estate
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Skipper Kuzior, a married man

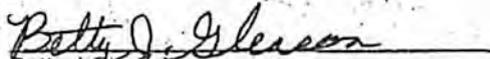
the following described real estate, situated in the County of Pierce, State of Washington:

LOT 1, PIERCE COUNTY LARGE LOT DIVISION NO. 2303, RECORDED UNDER RECORDING
NUMBER 2303, PIERCE COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): 041830 301 5,

Dated: December 21, 2015


Betty J Gleason

For reference only, not for re-sale.

3/75

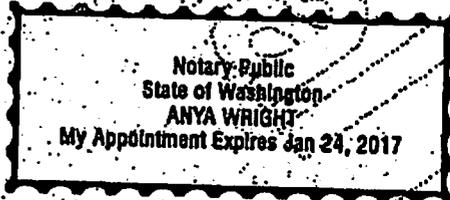
STATUTORY WARRANTY DEED
(continued)

State of WASHINGTON
County of PIERCE

I certify that I know or have satisfactory evidence that Betty J Gleason is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: November 23, 2015

Name: ANYA WRIGHT
Notary Public in and for the State of Washington
Residing at: BUCKLE UP
My appointment expires: 1/24/17



For reference only, not for re-sale.

DUPLICATE

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

- 1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey.

Recording No: 1472

- 2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Large Lot

Recording No: 2303

- 3. Covenants, conditions, restrictions, assessments, and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

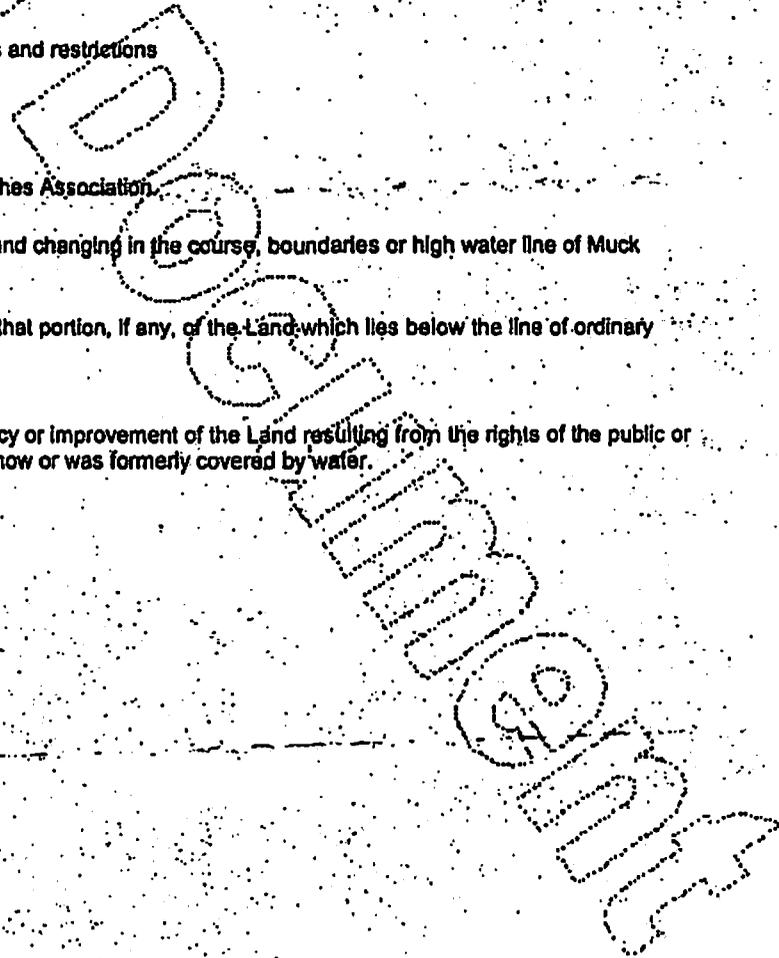
Recording Date: September 15, 1975
Recording No.: 2889153

Modification(s) of said covenants, conditions and restrictions

Recording Date: July 5, 1978
Recording No.: 2834150

- 4. Assessments, if any, levied by Rainier Ranches Association.
- 5. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Muck Creek.
- 6. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Muck Creek.
- 7. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.

For reference only, not for re-sale.



283-1150

DECLARATION OF ANNEXATION

THIS DECLARATION OF ANNEXATION is made June 27, 1978, by D. A. BELPOY and VIRGINIA E. BELPOY, husband and wife, hereinafter referred to as "Declarant".

WHEREAS, Declarant has previously subjected certain real property in Pierce County, Washington, to a Declaration of Covenants, Conditions and Restrictions, dated September 13, 1976, recorded SEPT. 16TH, 1976, under Pierce County Auditor's Fee No. 2689153; and

WHEREAS, said Declaration provides under Article II thereof for the annexation of certain additional properties adjacent to the real property subject to the original Declaration; and

WHEREAS, pursuant to said Article II, said annexation may be made by Declarant without the consent of members of Rainier Ranches Association, the Association provided for in said Declaration;

NOW, THEREFORE, Declarant hereby declares that the real property in Pierce County, Washington, described as:

PARCEL A:
Beginning at the Southwest corner of Section 30, Township 18 North, Range 4 East, of the Willamette Meridian; thence along the southerly line of said section, North 88°41'01" East, 1849.18 feet to the true point of beginning of this description; thence parallel with the East line of Lot 19, Plat of Rainier Ranches as recorded under Survey #1473, records of Pierce County, Washington, North 01°56'02" East, 2400.16 feet; thence North 00°09'00" East, 201.56 feet; thence North 89°51'00" West, 100.00 feet to the easterly right-of-way line of 60th Avenue East as shown on said Plat of Rainier Ranches; thence along said right-of-way line North 12°20'19" West, 30.73 feet; thence South 89°51'00" West, 385.28 feet to the North-South centerline of said Section 30; thence South along said centerline South 02°40'07" West, 2627.01 feet to the South line of said Section 30; thence South 88°41'01" West, 237.99 feet to the true point of beginning.

PARCEL B:
Beginning at the Southwest corner of Section 30, Township 18 North, Range 4 East of the Willamette Meridian; thence

For reference only, not for re-sale.

SEP 28 8 5 AM '78

2834150

along the southerly line of said Section, North 88°41'01" East, 2087.17 feet to the North-South-centerline of said Section 30; thence North 02°40'07" East along said North-South centerline, 2627.01 feet to the true point of beginning; thence continuing North 02°40'07" East, 645.12 feet; thence South 77°39'41" West, 543.21 feet to the easterly right-of-way line of 60th Avenue East as shown on the Plat of Rainier Ranches, as recorded under Survey #1473, records of Pierce County, Washington; thence South 12°20'19" East along said easterly right-of-way line, 539.80 feet; thence South 89°51'00" East, 385.28 feet to the true point of beginning.

PARCEL C:

Beginning at the Southwest corner of Section 30, Township 18 North, Range 4 East of the Willamette Meridian; thence along the southerly line of said Section North 88°41'01" East, 1,749.02 feet to the true point of beginning; thence along the easterly line of Lot 19 of the Plat of Rainier Ranches as recorded under Survey #1473 in the records of the Pierce County Auditor, Tacoma, Washington; North 01°56'02" East, 1,404.29 feet; thence North 00°09'00" East, 200.00 feet; thence South 89°51'00" East, 100.00 feet; thence South 00°09'00" West, 201.56 feet; thence South 01°56'02" West, 2,400.17 feet; thence South 88°41'01" West, 100.16 feet to the true point of beginning.

PARCEL D:

Beginning at the most Southeast corner of Lot 1 of the Plat of Rainier Ranches, as recorded under Survey #1473, records of Pierce County, Washington; thence on the same bearing system as that Plat, North 77°39'41" East, a distance of 30.00 feet to the North-South centerline of Section 30, Township 18 North, Range 4 East, of the Willamette Meridian; thence North 02°40'07" East along said North-South centerline, a distance of 503.22 feet to intersect the East line of said Lot 1; thence South 08°15'22" West, a distance of 256.71 feet; thence South 03°33'41" West, a distance of 255.53 feet to the point of beginning.

PER- 8/ 5W 7/10/01

is and shall be held, sold and conveyed subject to the easements, restrictions, covenants and conditions set forth in the said Declaration of Covenants, Conditions and Restrictions dated September 13, 1976, recorded SEPT. 16th 1976 under Pierce County Auditor's Fee No. 2689153, which said Declarations are hereby incorporated herein as though fully set forth in full, all of which shall run with and shall apply to and be binding upon all parties having or acquiring any right, title or interest in the property hereinabove described or any part thereof and shall inure to the benefit of each owner thereof.

For reference only, not for re-sale.

2834150

IN WITNESS WHEREOF, the undersigned, being the Declarants
herein, have hereunto set their hands and seals the date first
above written.

D. A. Belfoy
D. A. BELFOY

Virginia E. Belfoy
VIRGINIA E. BELFOY

STATE OF WASHINGTON)
COUNTY OF PIERCE) ss.

On this _____ day of June, 1978, before me personally ap-
peared D. A. BELFOY and VIRGINIA E. BELFOY, to me known to be
the individuals described in and who executed the within and
foregoing instrument, and acknowledged that they signed the
same as their free and voluntary act and deed, for the uses
and purposes therein mentioned.

GIVEN UNDER my hand and official seal this 30 day
June, 1978.

James D. [Signature]
Notary Public in and for the State
of Washington, residing at Tacoma.



REC-300
JUL 5 1978

RECORDED

'78 JUL 5 AM 8:42

RICHARD A. GREGG ALDER
PIERCE COUNTY WASH.

[Signature]

Land Title

2834150
Declaration of Association

For reference only, not for re-sale.

APPENDIX E

December 12 2018 2:02 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG and ANNA MARIE
REITZUG, husband and wife and the marital
community comprised thereof; and MARK
HADMAN and LISA HADMAN, husband and
wife and the marital community comprised
thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendant.

NO. 18-2-05745-6

FIRST AMENDED COMPLAINT TO QUIET
TITLE, FOR EJECTMENT, AND
TRESPASS/VIOLATION OF RCW 4.24.630

Plaintiffs allege:

I. JURISDICTION

1.1 This Court has jurisdiction pursuant to RCW 2.08.010.

II. VENUE

2.1 Venue is proper under RCW 4.12.010.

III. PARTIES

3.1 Plaintiffs Henry C. Reitzug and Anne Marie Reitzug are husband and wife
and own real property commonly known as 6214 260th St. E, Graham, Pierce County,

1 Washington (“the Reitzug Property”). The Reitzug Property is also known as Pierce County
2 Tax Parcel No. 0418304055.

3 3.2 Plaintiffs Mark Hadman and Lisa Hadman are husband and wife and own
4 real property commonly known as 6210 260th St. E, Graham, Pierce County, Washington
5 (“the Hadman Property”). The Hadman Property is also known as Pierce County Tax
6 Parcel No. 0418301069 in Pierce County, Washington.

7 3.3 Defendant Skipper Kuzior is a single man who owns and resides at
8 property commonly known as 5501 264th St. E in Graham, Pierce County, Washington
9 (“the Kuzior Property”). The Kuzior Property is also known as Pierce County Tax Parcel No.
10 0418303015.
11

12 IV. GENERAL ALLEGATIONS

13 4.1 The current configuration of the Reitzug Property and Hadman Property
14 was created by a 2012 Boundary Line Adjustment recorded under Pierce County Auditor
15 File No. 201205255001. As a result of this Boundary Line Adjustment, the Reitzug
16 Property is separated from the Kuzior Property by a ten-foot section of the Hadman
17 Property.
18

19 4.2 Defendant acquired title to the Kuzior Property through a Statutory
20 Warranty Deed recorded December 23, 2015.

21 4.3 During the summer of 2017, Defendant relocated a many decades-old
22 boundary fence from the property line between the Hadman Property and Kuzior Property
23 onto the Reitzug property. Kuzior claims that the new location of this fence is the proper
24 property line.

25 4.4 Since relocating the fence, Kuzior has extensively grazed his livestock on
26 both the Reitzug Property and Hadman Property. He has also parked a vehicle on the

1 Reitzug Property for periods of time. The grazing and Kuzior's other use of his property
2 materially damaged the Reitzug Property and Hadman Property.

3 4.5 On June 21, 2018, Defendant had filed a "re-record" of the statutory
4 warranty deed by which he acquired title to his property. This "re-record" purported to
5 "correct" his property's legal description, and he added the tax parcel numbers of
6 Plaintiffs' properties to the list of properties affected by the "re-record" of the deed. As a
7 result, title companies will not insure title around this "re-record" of the deed without an
8 indemnity form Plaintiffs.
9

10 **V. CLAIMS FOR RELIEF:**

11 **A. QUIET TITLE**

12 5.1 Plaintiffs reallege the claims set forth in paragraphs 1.1 through 4.5.

13 5.2 Defendant does not own and has no right to use any portion of either the
14 Reitzug Property or the Hadman Property.

15 5.3 The Court should quiet title in the Reitzugs' names to the Reitzug Property
16 and in the Hadmans' names to the Hadman Property.

17 5.4 The Court should order that Defendant's "re-record" of his deed does not
18 affect the Reitzugs' full and clear title to the Reitzug Property and the Hadmans' full and
19 clear title to the Hadman Property.
20

21 **B. EJECTMENT**

22 5.4 Plaintiffs reallege the claims set forth in paragraphs 1.1 through 4.5.

23 5.5 Defendant has unlawfully placed his personal property and other property
24 on the Reitzug Property and the Hadman Property.

25 5.6 Plaintiffs are entitled to an order requiring Defendant to remove his
26 personal property and other property from the Reitzug Property and the Hadman Property.

APPENDIX F

January 18 2019 4:20 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG, as his separate estate;
and MARK HADMAN and LISA HADMAN,
husband and wife and the marital community
comprised thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendant.

NO. 18-2-05745-6

DECLARATION OF MARK HADMAN IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
FEBRUARY 15, 2019 AT 9:00 A.M.

Mark Hadman declares under penalty of perjury under the laws of the State of Washington that the following is true and correct:

1. I am one of the Plaintiffs in the above-entitled action. I am over the age of 18 and competent to be a witness herein. I make this Declaration based on my personal knowledge.

2. My wife and I regularly have the hay on our property and the adjacent property owned by the Reitzugs (who are my in-laws) cut and baled. We use the hay for our own horses and sell any extra bales that we don't need.

3. In September 2017, Skipper Kuzior unilaterally relocated the fence separating his property from mine and assumed possession of portions of our property

DECLARATION OF MARK HADMAN - 1 of 2
(18-2-05745-6)
[4845-3834-1765]

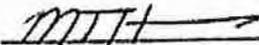
LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

1 and the Reitzugs' property. His possession of our properties lasted for approximately one
2 year and continued for some time even after this Court ordered that he return the fence
3 to its proper position.

4 4. During the time that Skipper Kuzior had control of that portion of our
5 properties, he mowed it and let his animals graze there. And I was unable to access that
6 portion of my property.

7 5. Because of Skipper Kuzior excluded me from our properties and mowed
8 the area, I was unable to cut the hay and use it or sell it like I normally would. I estimate
9 that I would have had about 50 bales of hay from that portion of the property and they
10 would sell for \$10 each.
11

12 DATED this 18 day of January 2018 at MAUI, Hawaii.

13
14 
Mark Hadman

APPENDIX G

January 18 2019 4:20 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

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

9 HENRY C. REITZUG, as his separate estate;
10 and MARK HADMAN and LISA HADMAN,
11 husband and wife and the marital community
12 comprised thereof,

13 Plaintiffs,

14 v.

15 SKIPPER KUZIOR,

16 Defendant.

NO. 18-2-05745-6

PLAINTIFFS' SECOND MOTION FOR
PARTIAL SUMMARY JUDGMENT

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
FEBRUARY 15, 2019 AT 9:00 A.M.

17 **I. RELIEF REQUESTED**

18 Plaintiffs Henry C. and Anne Marie Reitzug¹ and Mark and Lisa Hadman ask this
19 Court to grant summary judgment on their amended claims of quiet title and trespass²
20 against Defendant Skipper Kuzior and issue an order stating that (1) Defendant's "re-
21 record" of his Statutory Warranty Deed filed June 21, 2018 does not affect the Reitzugs'
22 and Hadmans' full and clear titles to their respective properties, and (2) Defendant is
23 liable under RCW 4.24.630 for waste and damage caused to Plaintiffs' properties.

24
25 ¹ There is an error in the caption of this case, which lists only Henry Reitzug and the Hadmans as Plaintiffs.
As stated in the text of the Complaint, Dr. Reitzug's wife, Anne Marie, is also a Plaintiff.

26 ² This Court previously granted partial summary judgment in favor of Plaintiffs on their claims of quiet title
and trespass by its order of July 13, 2018. Plaintiffs subsequently amended their complaint and now seek
summary judgment on their quiet title claim as pleaded in their First Amended Complaint.

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II. STATEMENT OF FACTS

A. The Parties' Properties

Plaintiffs Henry C. Reitzug and Anne Marie Reitzug are the titled owners of the real property commonly known as 6214 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418304055 (the "Reitzug Property").³ Plaintiffs Mark Hadman and Lisa Hadman are the titled owners of the real property commonly known as 6210 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418301069 (the "Hadman Property").⁴ Defendant Skipper Kuzior is a single man who owns and resides at property commonly known as 5501 264th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418303015 (the "Kuzior Property").⁵

As set forth in prior briefing, in 2012 Plaintiffs obtained a Boundary Line Adjustment that revised their properties into their present configuration.

B. Plaintiffs' Complaint and First Motion for Partial Summary Judgment

In September 2017 Mr. Kuzior unilaterally moved the wire fence separating his property from the Plaintiffs' properties⁶ across the Hadmans' property, which is only ten-feet wide in the section abutting Mr. Kuzior's property, and 30 feet onto the Reitzugs' property.⁷

³ Declaration of Dianne K. Conway in Support of Plaintiffs' Motion for Partial Summary Judgment (filed June 15, 2018) ("First Conway Decl.") Ex. A.

⁴ *Id.* Ex. A. Plaintiffs bought the original parcels together and later divided the parcel through a Boundary Line Adjustment.

⁵ *Id.* Ex. B.

⁶ The Record of Survey for the Boundary Line Adjustments shows that this fence was directly on the legally described property line. Declaration of Kenneth R. Anderson, PLS (filed June 15, 2018).

⁷ Declaration of Mark Hadman ("Hadman Decl.") at ¶ 3.

1 Mr. Hadman and Dr. Reitzug made requests to Mr. Kuzior to move the fence back,
2 but in response Mr. Kuzior and his fiancé Beatrice Arrendondo filed petitions for Orders of
3 Protection-Antiharassment against Mr. Hadman and Dr. Reitzug.⁸ Later they filed another
4 petition for Order of Protection-Antiharassment against neighboring property owner and
5 relative of Plaintiffs, Christopher Tibbitts.⁹ After various proceedings in district court, no
6 permanent protective orders were entered on any of the petitions, and the court entered
7 CR 11 sanctions against Kuzior and Arrendondo.¹⁰

8
9 Plaintiffs, satisfied that they would not be able to reason with Kuzior to come to
10 resolution regarding the fence, filed this action on February 15, 2018 asserting claims for
11 quiet title, ejectment, and trespass. On June 15, 2018, Plaintiffs moved for partial
12 summary judgment on their claims of quiet title, ejectment, and trespass (liability only).
13 On July 13, 2018, this Court heard oral argument on Plaintiffs' motion for partial
14 summary judgment. The Court subsequently granted Plaintiff's motion, quieted title in the
15 Reitzugs and Hadmans, and ordered that the fence be returned to its proper location.¹¹

16 Kuzior did not immediately relocate the fence.¹² He also called the Pierce County
17 Sheriff when surveyors hired by Plaintiffs at Kuzior's insistence came to mark the correct
18 property line.¹³

21
22

⁸ Pierce County District Court Case No. 7Z623267A (Arrendondo v. Reitzug) and Case No. 7Z623402A
23 (Kuzior v. Hadman).

⁹ Pierce County District Court Case No. 8Z624054A (Kuzior v. Tibbitts).

¹⁰ Sanctions were awarded in the Reitzug and Tibbitts proceedings.

¹¹ Order Granting Plaintiffs' Motion for Partial Summary Judgment (filed July 13, 2018).

¹² Hadman Decl. at ¶ 3.

¹³ Declaration of Dianne K. Conway in Support of Plaintiffs' Second Motion for Partial Summary Judgment
26 ("Second Conway Decl.") at ¶ 2.

1 **C. Kuzior’s “Re-record” Deed and Plaintiffs’ Amended Complaint**

2 Unbeknownst to Plaintiffs, Mr. Kuzior filed a “re-record” of his Statutory Warranty
3 Deed (“Re-record Deed”) after Plaintiffs moved for partial summary judgment.¹⁴ The
4 Re-record Deed, filed June 21, 2018, attaches historical documents of unclear relevance
5 and provenance and includes a cover sheet on which Mr. Kuzior lists the parcel numbers
6 for the Kuzior Property as well as the parcel numbers for Reitzug Property and Hadman
7 Property, but there is no signature from the Grantor.¹⁵

8
9 Plaintiffs’ counsel discovered the Re-record Deed in August 2018 and inquired
10 with Chicago Title Company about the possible effect the filing could have on the Reitzug
11 Property and Hadman Property.¹⁶ Chicago Title stated that the Re-record Deed would
12 show as an exception to title that could not be insured around unless the Kuzior filed a
13 deed quitclaiming any interest in the Reitzug and Hadman properties or there was a
14 judgment quieting title to the Reitzugs and Hadmans and extinguishing any title right and
15 interest of Kuzior.¹⁷ Plaintiffs’ counsel then wrote to Defendant’s counsel demanding that
16 Defendant remove or render void the re-record deed; she received no response.¹⁸
17 Accordingly, Plaintiffs’ counsel sought to amend the complaint in this action to
18 incorporate the re-record deed into Plaintiffs’ quiet-title claim.¹⁹ Defendant’s counsel
19 ultimately agreed to a stipulated order for leave to amend the complaint, and on
20 December 12, 2018 Plaintiffs’ filed their First Amended Complaint. In addition to
21

22
23 ¹⁴ *Id.* at ¶ 3, Ex. B.

24 ¹⁵ *Id.* at Ex. B.

25 ¹⁶ *Id.* at ¶ 3-4.

26 ¹⁷ Declaration of Rob Hainey (“Hainey Decl.”) at ¶ 4.

¹⁸ Second Conway Decl. at ¶ 4-5, Ex. C.

¹⁹ *Id.* at ¶ 5.

1 incorporating the re-record deed into Plaintiffs' quiet title claim, the amended complaint
2 also added a claim for damages under RCW 4.24.630 to Plaintiffs' existing trespass
3 claim. That addition was made based on Plaintiffs' discovery that Kuzior had removed
4 material amounts of hay and caused damage to Plaintiffs' properties during the period he
5 occupied portions of their properties.²⁰
6

7 Plaintiffs now seek partial summary judgment on the amended claims for quiet
8 title and trespass (liability only).

9 III. EVIDENCE RELIED UPON

10 Plaintiffs rely upon the argument and authority below, the Declaration of Dianne K.
11 Conway and attachments thereto, Declaration of Mark Hadman, Declaration of Rob
12 Hainey, Declaration of Kenneth Anderson previously filed on June 15, 2018, and the
13 records and files herein.

14 IV. LEGAL DISCUSSION

15 Summary judgment should be granted if there are no genuine issues of material
16 fact and the "moving party is entitled to judgment as a matter of law."²¹ The moving party
17 bears the burden of demonstrating the absence of an issue of material fact.²² Summary
18 judgment is also appropriate when, based on the facts considered in the light most
19 favorable to the non-moving party, a "reasonable fact finder could reach only one
20 conclusion."²³ In opposing summary judgment, the nonmoving party cannot merely rely
21 on "allegations or self-serving statements" made in its pleadings, but must present
22

23
24 ²⁰ Hadman Decl. at ¶¶ 4-5.

25 ²¹ CR 56(c); *Townsend v. Walla Walla School Dist.*, 147 Wn. App. 620, 196 P.3d 748 (2008).

26 ²² *Young v. Key Pharmaceuticals, Inc.*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)).

²³ *Kim v. Lakeside Adult Family Home*, 185 Wn.2d 532, 547, 374 P.3d 121 (2016).

1 specific facts showing the existence of a genuine issue of material fact for trial.²⁴
2 Summary judgment is meant to test the sufficiency of evidence in order to avoid
3 unnecessary trials.²⁵
4

5 **A. Quieting title in Plaintiffs is necessary because Kuzior’s Re-record Deed does not**
6 **represent a valid claim of interest in Plaintiffs’ properties but nevertheless clouds**
7 **Plaintiffs’ titles.**

8 The Re-record Deed filed by Kuzior is not a valid interest or claim to title, but
9 rather appears to be yet another attempt by Kuzior to “reclaim” what he believes is his
10 historic family land that was long ago “stolen.”

11 The cover sheet to the Re-record Deed states “Re Record to Correct Legal” and
12 lists the tax parcel numbers for the Kuzior, Reitzug, and Hadman properties.²⁶ Attached is
13 the December 2015 Statutory Warranty Deed detailing the grant of the Kuzior Property
14 from Betty Gleason to Kuzior and signed by the Grantor.²⁷ Also attached are two items
15 titled “Exhibit A” and “Declaration of Annexation,” which are seemingly related, as both
16 reference the “Rainier Ranches Association” and are dated circa the mid-1970s. The
17 Declaration of Annexation is signed by Declarants D.A. and Virginia Belfoy. The
18 Declaration of Annexation describes four parcels (Parcels “A” through “D”) by metes and
19 bounds and declares certain easements, restrictions, covenants and conditions as set
20 forth in an earlier Declaration are incorporated and shall apply to those parcels.

21 The Re-record Deed is not a valid land transfer because it was not signed by the
22 Grantor. “Every deed shall be in writing, signed by the party bound thereby, and
23

24 ²⁴ *Newton Ins. Agency & Brokerage, Inc., v. Caledonian Inc. Group, Inc.*, 114 Wn. App. 151, 157, 52 P.3d
30 (2002).

25 ²⁵ *Young*, 112 Wn.2d at 226.

26 ²⁶ Second Conway Decl. at Ex. B.

27 *Id.*

1 acknowledged by the party before some person authorized . . . to take acknowledgements
2 of deeds.”²⁸ The signature of Betty Gleason is on the 2015 Statutory Warranty Deed, but
3 nothing indicates that Betty Gleason, or any other Grantor, signed off on the “corrected
4 legal” description purporting to annex additional land. And there is no notary or other
5 acknowledgment of an authorized party. Further, the “Declaration of Annexation,” even if
6 applicable to the Reitzug and Hadman properties does not convey ownership. Rather, the
7 document simply states that certain easements, restriction, covenants, and conditions
8 apply to the land described.²⁹ Nothing in the Declaration of Annexation speaks to
9 ownership. Accordingly, nothing in the Re-record Deed indicates that there was a valid
10 transfer of additional land to Skipper Kuzior beyond what he already possessed by virtue
11 of his 2015 Statutory Warranty Deed.
12

13 Because this Court previously quieted title to Plaintiffs and Kuzior’s Re-record
14 Deed is not a valid ownership interest in Plaintiffs’ properties, this Court should again
15 quiet title to Plaintiffs in their respective properties and enter an order stating that the
16 Re-record Deed does not affect Plaintiffs’ titles. Such an order is necessary to prevent
17 Plaintiffs from suffering the negative effects of showing an exception in their title reports.
18

19 **B. RCW 4.24.630 applies and Kuzior is liable under said statute for damages and
20 attorney fees.**

21 This Court previously granted summary judgment on liability on Plaintiffs trespass
22 claim.³⁰ Plaintiffs later determined that Kuzior had mowed and removed hay from the
23 Plaintiffs’ properties during the time (approximately one year) that Kuzior occupied the
24

25 ²⁸ RCW 64.04.020.

26 ²⁹ See final paragraph of “Declaration of Annexation” in Ex. B to Second Conway Decl.

³⁰ Order Granting Plaintiffs’ Motion for Partial Summary Judgment (filed July 13, 2018).

1 area.³¹ RCW 4.24.630 states that “[e]very person who goes onto the land of another and
2 who removes timber, crops, minerals, or other similar valuable property from the land, or
3 wrongfully causes waste or injury to the land . . . is liable to the injured party for treble the
4 amount of damages caused by the removal, waste, or injury.” A person acts “wrongfully”
5 for purposes of RCW 4.24.630 when he “intentionally and unreasonably commits the act
6 or acts while knowing, or having reason to know, that he or she lacks authorization to so
7 act.”³² An injured party is entitled to damages for the market value of the property
8 removed or injured and “reasonable costs, including but not limited to investigative costs
9 and reasonable attorneys’ fees and other litigation-related costs.”³³

11 Here, Kuzior acted wrongfully when he unilaterally relocated the boundary fence
12 and occupied portions of Plaintiffs’ properties. This Court has already ruled that Kuzior
13 did not have title to those portions of Plaintiffs’ properties and that he committed
14 trespass. Kuzior had not cognizable claim to the land he occupied. Further, the boundary
15 fence accurately marked the boundary before Kuzior relocated it. Accordingly, Kuzior
16 could not have been mistaken about the fact that he was occupying Plaintiffs’ properties,
17 and his actions were plainly wrongful.

19 Because Kuzior went “onto the land of another” and removed valuable hay, he is
20 liable under RCW 4.24.630 for damages and attorney’s fees. This Court should grant
21 summary judgment in favor of Plaintiffs and find that RCW 4.24.630 applies, and Kuzior
22 is liable for damages and attorney fees.

25 ³¹ Hadman Decl. at ¶ 4.

26 ³² RCW 4.24.630.

³³ *Id.*

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V. CONCLUSION

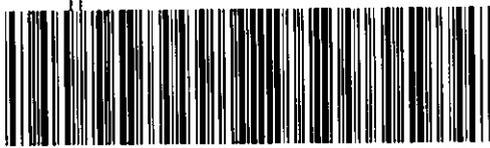
For the foregoing reasons, Plaintiffs respectfully request that this Court grant their motion for partial summary judgment against Defendant Skipper Kuzior on their amended claim of quiet title and trespass (liability only) and order that Kuzior's Re-record Deed has no effect on Plaintiffs' titles.

DATED this 18th day of January 2019.

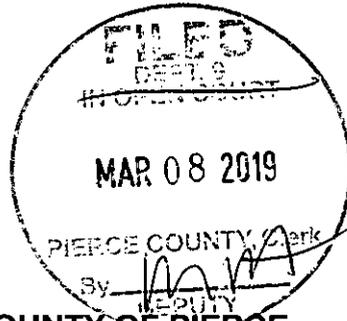
GORDON THOMAS HONEYWELL LLP

By: /s/ Dianne K. Conway
Dianne K. Conway, WSBA No. 28542
dconway@gth-law.com
Kristina Southwell, WSBA No. 51097
ksouthwell@gth-law.com
Attorney for Plaintiffs

APPENDIX H



0050
6888
3/12/2019



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

HENRY C REITZUG, as his separate estate; and MARK HADMAN and LISA HADMAN, husband and wife and the marital community comprised thereof,

Plaintiffs

vs.

SKIPPER KUZIOR,
Defendant.

Cause No: 18-2-05745-6

ORDER ON RECONSIDERATION
(OR)

On March 1, 2019, Defendant filed a Motion for Reconsideration of the Court's Order Granting Plaintiffs' Second Motion for Partial Summary Judgment dated March 1, 2019. The Court has reviewed the Motion for Reconsideration and pursuant to PCLR 7(c)(3) it is hereby

ORDERED, ADJUDGED and DECREED that Plaintiffs are not required to file a response, and Defendant's Motion for Reconsideration is DENIED.

DATED this 8th day of March, 2019.


JUDGE EDMUND MURPHY

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APPENDIX I

MAR 18 2019

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY Y DEPUTY



NOTICE FOR DISCRETIONARY REVIEW

SUPERIOR COURT OF WASHINGTON
FOR [Pierce] COUNTY

Mark Hadman
Lisa Hadman
Henry C Reitzug

[Name of plaintiff],)
Plaintiff,)
v.)
[Name of defendant],)
Defendant.)

No. [trial court] 18-2-05745-6
Notice of Discretionary Review
to [Court of Appeals or ~~Supreme Court~~]
Division II

Skipper W Kuzior

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed: for example, "Order Denying Discovery", "Paragraph 4 of the Restraining Order".] entered on [date of entry.]

March 1 orders Appraising Summary Judgment March 19-2019

A copy of the decision is attached to this notice. Motion Vacation Hearing on Re Consideration

[Date] March 18-2019

Signature

Skipper W Kuzior
Attorney for [Plaintiff or Defendant]

[Name, address, telephone number, and Washington State Bar Association membership number of attorney for petitioner and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

FILED

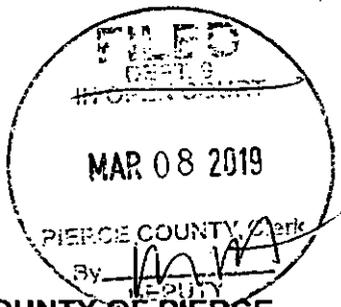
PIERCE COUNTY SUPERIOR COURT
KEVIN STOCK
CLERK OF THE SUPERIOR COURT
TACOMA WA

18-2-05745-6

Recpt. Date	Acct. Date	Time
03/18/2019	03/18/2019	01:59 PM
Receipt/Item #	Tran-Code	Docket-Code
2019-05-02088/01	1116	4AFF
Cashier: TMW		
Paid By: Kuzior, Skipper		
Transaction Amount:		\$290.00

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3/20/2019 6995 0015
3/12/2019 6888 001



IN THE SUPERIOR COURT OF WASHINGTON, COUNTY OF PIERCE

HENRY C REITZUG, as his separate estate; and MARK HADMAN and LISA HADMAN, husband and wife and the marital community comprised thereof,

Plaintiffs

vs.

SKIPPER KUZIOR,
Defendant.

Cause No: 18-2-05745-6

ORDER ON RECONSIDERATION

(OR)

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ORDERED, ADJUDGED and DECREED that Plaintiffs are not required to file a response, and Defendant's Motion for Reconsideration is DENIED.

DATED this 8th day of March, 2019.


JUDGE EDMUND MURPHY

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FILED
IN COUNTY CLERK'S OFFICE
MAR 07 2019
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
DEPUTY

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

HENRY REITZUG
MARK HADMAN
LISA HADMAN

Plaintiff,

And,

SKIPPER WILLIAM KUZIOR

Defendant

Case No.: 18-2-05745-6

RECONSIDERATION OF MARCH 1ST
ORDER DUE TO QUIT CLAIM TITE
FRAUD BY PLAINTIFFS MOTION TO
DISMISS

RECEIVED

MAR 07 2018

GORDON THOMAS HONEYWELL

I, Skipper William Kuzior respond to this baseless lawsuit for what it is an
attempt to cover up quit claim fraud of my title to my property

Specific Facts Pertinent to Accusers

I. No fences have ever been removed or moved by me or anyone on my behalf I
believe the fence and gate You are referencing was removed from the south side of

RECONSIDERATION OF MARCH 1ST ORDER DUE TO QUIT CLAIM TITE FRAUD BY PLAINTIFFS
MOTION TO DISMISS - 1

3/20/2019 5:59:55 PM 0017
3/11/2019 5:56:00:37

1 my property by Hopkins Forestry Lincoln tree Farm This Fact is clearly backed up
2 they admit to it
3

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5 2. I own the Eastern side of the John McLeod homestead cert 617 also known as Lot 1
6 Rainier Ranches I bought this property from direct family parcels A B C D I have a
7 10 ft road that separates me from Bethel Greenacres Wildlife Preserve wild 1492 that
8 I also co own with the home owners of Rainier Ranches Our equestrian trails in our
9 conveniences'.
10

11
12 3. Henry Reitzug Mark and Lisa Hadman stole my title to parcels A and B using a
13 poorly executed quit claim fraud stamped by their notary Mark Watson
14 201210080542 and 201210080543 These documents have not been presented to the
15 court because the cover page is the exact same the parcel numbers were crossed of
16 and rerecorded with my parcel numbers when my family listed the property I bought
17 on the MLS these instruments were somehow recorded without:
18

19 **A Required proof legal ownership**

20
21 **B All parties having ownership have to sign instrument I never signed nor did Daniel**
22 **Gleason a direct deceased ancestor grandson of Daniel Mounts great grandson of**
23 **Washington state's 1st settler John McLeod our legendary ancestor.**
24
25
26
27

3/20/2019 6995 0018
3/11/2019 5860038

- 1 4. The parties then tried to shift boundaries in an effort to change the appearance of the
2 stolen property using Anderson Surveyors they operate out of a storage shed in
3 federal way with no business sign and behind locked doors they conducted an illegal
4 overlap survey then illegally moved the boundaries of the parcels. It is very clear that
5 they did not have title only quit claim deeds in the records I have already provided
6 from the county dated 2012
7
- 8 5. Parcel B was connected to a derelict shack owned by Mark Had man using the
9 community equestrian trail
10
- 11 6. Neither party is my neighbor to the East this is a direct lie a waterway lies to the east
12 of my property it is public land to the high water mark trespass is not even possible
13
- 14 7. Henry Reitzug has a well documented history of Sexual Harassment against couples
15 that he believes are living in sin and has got caught peeking in our windows at my
16 friend Beatrice she even provided photographic evidence Reitzug saw her naked
17 these actions are very disturbing. Beatrice had to move to a close separate address do
18 to continuing criminal actions. Reitzug has been accused in Federal Court of sexual
19 harassment this document is already filled with the county clerk According to a web
20 site on the internet Henry is part of a cult called Dominator
21
- 22 8. We had a full one year restraining order on Mark Hadman who was properly served
23 by Richard Patton in front of witnesses. We were awarded this in a large part because
24 of his constant misuse of firearms. Hadman's dog an illegal Alaskan wolf hybrid at
25 over 3.5' tall killed dozens of my fruit trees I planted on my family farm as well as 20
26 grape plants and 25 berry plants. These are attached **exhibit D**. This damage was
27

3/20/2019 6995 0019
3/11/2019 88600039

1 done because he was cruelly tied to a milk crate full of rocks. See deposition of Tom
2 Staring and Christopher Tibbitt's

3
4 9. Lisa Hadman is no stranger to filing frivolous lawsuits against people for her own
5 actions. She has filed lawsuits against at least two separate individuals she had
6 wrecked her car into at fault. In pierce county court alone. One of the judges even
7 stated "Lisa you have sure wasted the courts time yet again please just try to drive
8 more cautiously and learn to control your temper. Lisa had this case sealed to hide
9 her embarrassment for getting called out

10
11 10. See my families Wetlands segregation recombination **Exhibit B** I own the disputed
12 land unequal ably.

13 11. Also **Exhibit C** We used Conway's law firm to segregate this property that is now
14 inherit ally mine This criminal transferring and conflict of interest should lead to
15 summarily discharging Conway and her law firm from any other proceedings on this
16 matter.

17
18 12. Numerous property crimes have been carried out by the perpetrators in an attempt to
19 scare us our mailbox was violently smashed footprints lead strait back to the Reitzug
20 back porch. A large wooden fence post carved like a carpenters pencil was crammed
21 in the center of the yard where it still is located. The most recent was a 1st Degree
22 Arson that we caught on video by Christopher Tibbitt's as he set fire to an old rotting
23 structure at Benston Homestead LLC to fraud insurance. Christopher Tibbitt's gained
24 Financially from this crime he is part owner according to **Exhibit A** fact check there
25 has never been a Benston Homestead in Township 18 this is homestead fraud
26
27

3/20/2019 6995 0020
3/11/2019 68500040

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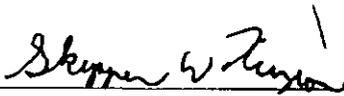
Specific Relief Requested

A: Title to parcel A and parcel B this land already belongs to me the law is very clear on these sort of fraud issues

My family hired Daniel Pebble from Gordon Thomas Maliencha Honeywell What Diane Conway is perpetrating is a major conflict of Interest as well as possible theft

See exhibits A B C and D

Dated this 7th Day in March 2019


SKIPPER WILLIAM KUZIOR

3/20/2019 6995 0021
3/11/2019 68600041

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Exhibit A

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3/20/2019 9102/02/3

18841
4102/42/11

For reference only, not for re-sale.

Unrecorded

201210080542 RCAROVA 2 PGS
18/08/2012 03:56:29 PM \$73.80
AUDITOR, Pierce County, WASHINGTON

After Recording Return to:
Mark Watson
3623 S. 12th Street
Tacoma, WA 98405

QUITCLAIM DEED

Grantor(s): Mark Hadman and Lisa Hadman
Grantee(s): Henry C. Reitzug and Anne Marie Reitzug
Abbr. Legal Description: PLN W1/2 NE QTR and W1/2 SE QTR SEC.30 TWN.18N. R4E
Assessor's Property Tax Parcel or Account Number: 0418304018. 0418304055
Reference Numbers of Documents Assigned or Released: N/A

THE GRANTOR(s), Mark Hadman and Lisa Hadman, husband and wife, for and in the sole consideration of partitioning property owned jointly with the grantees, and to adjust boundaries to the property for the convenience of all owners, conveys and quitclaims to Henry C. Reitzug and Anne Marie Reitzug, husband and wife, as Grantees, all right, title and interest in the following described real estate, including all after acquired title of the Grantors, situated in the County of Pierce, State of Washington.

That portion of the West half of the Northeast quarter and the West half of the Southeast quarter of Section 30, Township 18 North, Range 4 East of the Willamette Meridian, described as follows:

Commencing at the Northwest corner of said subdivision; thence along the West line of said subdivision South 02°38'31" West a distance of 22.40 feet to the beginning of a non tangent curve having a radius of 400.00 feet, the radial center of which bears South 15°53'35" East; thence Easterly along said curve to the right through a central angle of 01°19'04" for an arc distance of 9.20 feet to the beginning of a curve having a radius of 368.90 feet; thence Easterly along said curve to the right through a central angle of 18°56'13" for an arc distance of 121.93 feet; thence South 85°38'18" East a distance of 121.04 feet to the East line of the West 250.00 feet of said subdivision; thence along said line South 02°38'31" West a distance of 358.41 feet to the North line of lot 3, Pierce County short plat number 8403050163, according to the plat thereof recorded March 5, 1984, records of Pierce County Auditor and the true point of beginning; thence along the Westerly extension of said line north 87°42'29" West a distance of 240.00 feet to the east line of the West 10.00 feet of said subdivision; thence along said line South 02°38'31" West a distance of 3,231.98 feet; thence North 89°50'44" East a distance of 240.29 feet to the East line of the West 250.00 feet of said subdivision; thence along said line

18/08/2012 03:56:29 PM RCAROVA 4294507 3 PGS
EXCISE COLLECTED: \$0.00 PROC FEE: \$5.00
AUDITOR Pierce County, WASHINGTON TECH FEE: \$5.00

South 02°38'31" West a distance of 383.46 feet to the South line of said subdivision; thence along said line South 89°50'44" West a distance of 250.30 feet to the West line of said subdivision; thence along said line North 02°38'31" East a distance of 3,960.25 feet to the true point of beginning.

Situate in the county of Pierce, State of Washington.

DATED this 8 day of September, 2012.

By: Henry C. Reitzug, Husband

By: Anne Marie Reitzug, Wife

STATE OF WASHINGTON

COUNTY OF Pierce

On this day personally appeared before me Henry C. Reitzug and Anne Marie Reitzug, to me known to be the individuals described in and who executed the foregoing instrument, and is authorized to execute this instrument and that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 8 day of September, 2012.



Mark W. Watson
NOTARY PUBLIC
Print name: Mark W. Watson
Residing at: Boz, WA
Appointment expires: 12-19-15

For reference only, not for re-sale.

QUITCLAIM DEED-2

3/20/2019 6995 0023
3/11/2019 69600043

14887 9102/62/11

8403010190

QUIT CLAIM DEED

THE GRANTOR Dale A. Tibbitts and Corine Tibbitts, husband and wife.

for and in consideration for the sum of ~~One Hundred and Fifty Dollars~~ DOLLARS, in hand paid, convey and quit claim to Pierce County, a Political Subdivision of the State of Washington, the following described real property, situated in the County of Pierce, State of Washington, together with all after acquired title of the grantor(s), therein, to wit:

Beginning on the North line of the Southwest 1/4 of the Northeast 1/4 of Section 30, Township 18 North, Range 4 East of the W.M., at a point 250.44 feet N 88°09'00" E of the Northwest corner of said subdivision; thence continuing on said North line N 88°09'00" E 407.39 feet; thence S 1°33'09" W 30.05 feet, thence S 88°09'00" W 407.39 feet; thence S 1°31'53" E 30.05 feet to the point of beginning.

Additional Right of way for 260th St. E.

THIS PROPERTY IS QUIT CLAIMED TO PIERCE COUNTY AS IF THE RIGHTS HEREIN GRANTED HAD BEEN ACQUIRED UNDER THE EMINENT DOMAIN STATUTE OF THE STATE OF WASHINGTON.

PIERCE TAX PAID \$ None
Re. No. 601196 Date 2-29-84
Pierce County

By: Dale Tibbitts & Corine Tibbitts Sta.

RECORDED

DATED this _____ day of _____, 19____

84 MAR 1 P 12:53

Richard A. Lucas Attorney
PIERCE COUNTY CLERK
STATE OF WASHINGTON
County of Pierce
DEPUTY

[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)

On this day personally appeared before me Dale Tibbitts & Corine Tibbitts

to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same of their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 20th day of February, 1984.

APPROVED as to form only:

[Signature]
Pierce County Prosecuting Attorney

Notary Public in and for the State of Washington, residing at [Address]

Accepted By: [Signature]
Pierce County Executive Date 2/29/84

no fee
211
Executive

For reference only, not for re-sale.

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5102/62/11

2007 339 0765



STATE OF WASHINGTON
DEPARTMENT OF LICENSING
MASTER LICENSE SERVICE
Renewal Agent for Secretary of State



Limited Liability Company License Renewal & Annual Report

Profit Corporation Name, Registered Agent, and Registered Office Address

FOR VALIDATION ONLY

01P-400-925-0003
0745-W

BENSTON HOMESTEAD LLC
C/O SANDRA ROVAI
1201 PACIFIC AVE SUITE 2100
TACOMA WA 98401

Unified Business ID No. 602 675 334
State of Formation WA
Date of Formation 12-08-2006
Expiration Date* 12-31-2007

If the registered agent and/or office address shown above has changed, mark the box and complete the reverse side.

LICENSE RENEWAL SECTION *After renewal your new expiration date will be: **12-31-2008**

RENEW ONLINE! Go to: www.dol.wa.gov/business/renewcorp.html

Use your UBI# and the password: **X6B9 3556**

Domestic Limited Liability Company
Renewal Application Fee

\$ 50.00
9.00

Failure to return completed form and pay fees by the expiration date will result in \$25.00 late fee and may lead to the dissolution of your company.

Make check payable to: STATE TREASURER
in U.S. FUNDS only

TOTAL FEES DUE: 959.00

FEES & REPORT REQUESTED BY: 12-17-2007

ANNUAL REPORT SECTION - The entire section below must be completed each year. Type or print legibly in dark ink.

Does your company own land, buildings, or other real property in Washington? Yes No (If Yes, see instructions on reverse side under "Controlling Interest")

Contact telephone no. (360) 459-5850 Contact e-mail address

Address of principal place of business 35717 10TH AVE E ROY WA 98582
ADDRESS CITY STATE ZIP
If formed outside Washington, list the LLC office address ADDRESS CITY STATE ZIP

Briefly Describe the Nature of Your Business (Example: Retail sales. Stating "Any lawful purpose" is not adequate under Washington State law and will be rejected)

List title, name, and address of managers, if applicable. Otherwise list title, name, and address of members (attach additional sheets in the same format, if necessary. Include your UBI number on each page).

TITLE	NAME	ADDRESS	CITY	STATE	ZIP
	ANNE M. REITZUG	24013 63rd AVE E	GRAHAM	WA	98338
TITLE	NAME	ADDRESS	CITY	STATE	ZIP
	STEPHEN A. TIBBITTS	1000 CRESO Rd.	SPANAWAY	WA	98537
TITLE	NAME	ADDRESS	CITY	STATE	ZIP
	LISA N. HADMAN	24015 63rd AVE E	GRAHAM	WA	98338
TITLE	NAME	ADDRESS	CITY	STATE	ZIP
	JAMES A. TIBBITTS	13029 NE 134 TH PL.	KIRKLAND	WA	

Is the Limited Liability Company managed by managers? Yes No

X Naime M. Tibbitts
SIGNATURE OF MEMBER OR MANAGER
FORM MUST BE SIGNED BY A MEMBER OR MANAGER LISTED ABOVE

602 675 334

11-31-07
DATE SIGNED

Telephone: (360) 664-1450

Please return to: DEPARTMENT OF LICENSING
MASTER LICENSE SERVICE
PO BOX 9034
OLYMPIA WA 98507-9034

0026
66600046
6995
3/20/2019
3/11/2019

- 0-357 MORRISON, JAMES; (roll 97 page 467)
 Whatcom county; in section 1; T 37N R 2E; 165.18 acres;
 S.C. 1 Feb. 1853.
 B. 1823 Goshen [no state named]; M. ---; Arr. Ter. ___ Sep. 1852.
 Heirs-at-law: (mother) SARAH BUSER of NY.
 Aff: MAURICE O'CONNOR, ENOCH COMPTON, JNO. J. H. van BOKKELEN of
 Jefferson Co., SAMUEL D. HOWE of Island Co.
- 0-358 BENSTON, ADAM and wife SARAH; (roll 97 page 476)
 Pierce county; in sections 21 and 22; T 20N R 4E; 319.46 acres;
 S.C. 1 Apr. 1854.
 B. 1825 Scotland; M. SARAH 25 June 1850 Steilacoom OR Ter.; Arr.
 Ter. 20 June 1850.
 Ch: ---; Heirs: ---.
 Aff: GEORGE HAYWOOD, WILLIS BOATMAN, JOHN CARSON, THOMAS DEAN,
 WILLIAM BENSTON, JOHN WALKER.
 Notes: He stated that he was a citizen of the U.S. "by declaration
 and certificate"; [no data given].
- 0-359 MILLS, WILLIAM and wife ELZIRA; (roll 97 page 489)
 Thurston county; in sections 28 and 33; T 16N R 2W; 320 acres;
 S.C. 29 Nov. 1855.
 B. 1815 Pulaski Co. KY; M. ELZIRA [also ELSIRA] 8 Sep. 1836
 Jackson Co. MO; Arr. Ter. 20 Sep. 1852.
 Ch: JOHN R., NATHANIEL, RACHEL JANE.
 Aff: WILLIAM H. PULLEN, HENRY J. HALE, LEONARD D. DURGIN,
 HENRY C. FINCH.
- 0-360 SARJENT, ASHER W.; (roll 97 page 502)
 Thurston county; in section 31 of T 16N R 2W and in sections
 35 and 36 of T 16N R 3W; 322.71 acres; S.C. 16 Nov. 1853.
 B. 1829 Fountain Co. IN; M. ---; Arr. Ter. 29 Jan. 1850.
 Heir-at-law: (father) ASHER SARJENT of Thurston Co. WA Ter.
 Aff: ORRINGTON CUSHMAN, VAN OGLE, A. B. RABBESON, A. M. POE.
 Notes: The patent was issued in March 1875 to E. N. SARJENT
 [no relationship specified].
- 0-361 FREUND, ULRICH; (roll 97 page 516)
 Island county; in sections 34 and 35 of T 33N R 1E and in
 sections 2, 3 and 10 of T 32N R 1E; 322.63 acres;
 S.C. 4 Jan. 1851.
 B. 1821 Canton of St. Gall, Switzerland; M. ---; Arr. Ter.
 14 Oct. 1849.
 Ch: ---; Heirs: ---.
 Aff: CLEMENT W. SUMNER, MARTIN TAFTEZON, B. F. SHAW.
 Notes: Claim adjoined land of CLEMENT W. SUMNER. Claimant
 stated he was a naturalized citizen of the U.S., but no
 data given.

0027
 0995
 3/20/2019

0-430 PATTLE, WILLIAM R.; (roll 98 page 497)
 Whatcom county; in section 1 of T 37N R 2E and in section
 36 of T 38N R 2E; 158.20 acres; S.C. 18 Apr. 1853.
 B. 1819 County of Suffolk, England; M. ANN 12 Aug. 1845
 Harbor-Grace, Newfoundland; Arr. Ter. 30 July 1852.
 Ch: ROBERT aged 8 in Feb. 1855; SUSANNAH aged 5 in Feb. 1855.
 Aff: R. V. PEABODY, ANDREW WILSON, ALONZO M. POE, ENOCH COMPTON,
 RICHARD WILLIAMS.

Notes: Claim adjoined land of JAMES MORRISON and was commonly
 known as Pattle's Coal Claim. ALBION B. GOVE won a court
 case against WILLIAM R. PATTLE and the land was sold to pay
 debts at a sheriff's sale 8 Aug. 1859 to R. L. DOYLE. In
 Feb. 1863 a letter stated that Pattle had left WA Ter. in
 1856 or 1857. His wife never came to WA Ter.

0-431 BENSTON, WILLIAM; (roll 98 page 550)
 Pierce county; in sections 15 and 21; T 20N R 4E; 100.61 acres;
 S.C. 25 March 1854 or 1 Oct. 1855.
 B. 1832 or 1833 Scotland; M. ---; Arr. Ter. 17 Nov. 1852 or
 17 Oct. 1853.

Ch: ---; Heirs: ---.
 Aff: F. A. McCARTY, NICHOLAS DELIN, ADAM BENSTON, JOHN CARSON,
 JAMES HENRY MINSON.

Notes: Claim adjoined land of THOMAS WRIGHT. Benston was a natural-
 ized citizen "formerly of Great Britain and Ireland"; he stated
 he filed his declaration of intention of becoming a U.S. citizen
 18 May 1853 in Pierce Co. WA Ter.

0-432 EDGAR, JOHN, deceased, heirs-at-law of, and EDGAR, ELIZABETH
 (roll 98 page 570)

Thurston county; in section 18; T 17N R 2E; 648.16 acres;
 S.C. 18 Oct. 1847.

B. 1814 England; M. ELIZABETH ("BETSY") YELM 1 Jan. 1849
 Lewis Co. OR Ter.; Arr. Ter. 1 Jan. 1839.

Ch: JANE, JOHN, WILLIAM, MARY.

Aff: THOMAS M. CHAMBERS, CHARLES WREN, JOHN M. SWAN, FRANK
 CLARK, ELWOOD EVANS, B. F. DENNISON.

Notes: B. F. DENNISON was later the owner of most of this
 land. JOHN EDGAR was admitted as a U.S. citizen April 1853
 in Third Judicial District Court. His will was witnessed
 by FRED K. KENNEDY and R. FIANDER on 4 June 1853. WILLIAM
 TOLMIE and THOMAS LINKLATER were appointed executors by
 the Probate Court 16 July 1856 but declined to serve; JOHN M.
 SWAN was then appointed administrator. BETSEY EDGAR was
 a full-blood Indian and soon after her husband's death she
 returned to her tribe. The children were put in the custody
 of an acting guardian, to whom an allowance was paid for
 their support and education.

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3/20/2019 6995 0029
3/11/2019 68600049

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Exhibit B

3/20/2019 6995 0032
3/11/2019 68600052

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Exhibit C

3/20/2019 6995 6107242019 3/11/2019 6860053
117242019 14887 6107242019

JOSEPH W. GORDON
THOMAS L. HONEYWELL
WALTER B. PETERSON
MORRIS P. MALANCA
WILLIAM J. O'HEARN
JAMES E. O'NEILL
E. W. FARMER
RICHARD J. LENSEN
W. WALLACE CAVANAGH, JR.
JAMES P. FURBER
L. DONALD BRUCE, JR.
WALEN H. HONEYWELL
DORIS E. STONER
THOMAS L. FARMER
JOE GOODMAN, JR.
DORIS E. HAINES
NARR D. HONEYWELL
DAVE L. CARLISLE
WILLIAM C. HOLT

LAW OFFICES
CORDON, THOMAS, HONEYWELL
MALANCA, PETERSON & O'HEARN

POST OFFICE BOX 1187
2200 ONE WASHINGTON PLAZA
TACOMA, WASHINGTON 98401

JEDONE F. MCLEATHY
SERVA P. PUGH
JAMES P. PIERCE
JEFFREY A. SMYTH
RONALD S. LEIGHTON
JOSEPH F. O'NEILL

TELEPHONE
AREA CODE 206
672-6010

September 19, 1977

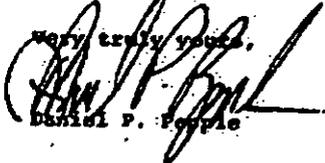
Mr. Oliver Martinson
Pierce County Assessor's Office
2401 South 35th Street
Tacoma, Washington 98409

RE: D.A. Belfoy -
Rainier Ranches Development

RECEIVED
SEP 21 1977
ASSESSOR'S OFFICE

Dear Mr. Martinson:

As you recall, I spoke with you the other day at a meeting in front of the Board of Equalization concerning Rainier Ranches Associates and D. A. Belfoy. In March of this year, on petition from taxpayer D. A. Belfoy, the Board of Equalization directed a reduction in assessed valuation on the Rainier Ranches property because the lower 95 acres were unusable swamp land. This property was platted and Mr. Belfoy requested segregation for property tax purposes of the various lots. The numbers of the segregated parcels range in sequence from 04-18-30-2-007 to 04-18-30-2-014 and from 04-18-30-3-004 to 04-18-30-3-014 excluding 013, which are the roads considered at the Board of Equalization meeting a couple of weeks ago. As I stated to you at that time it appears that the reduction mandated by the Board of Equalization determination was not incorporated in the assessed valuation of these particular segregated lots. You indicated the reason was that the information probably just hadn't made it to the Assessor's Office in time to include in the segregation. We, of course, are interested in revising the assessed valuation to incorporate the Board of Equalization determination and request instructions from you as to how to proceed. If you need any more information regarding the descriptions I will provide it to you as best as possible. The taxes on the lots as segregated have been paid under protest by Mr. Belfoy and thus, upon correction, we assume a refund will be forthcoming.

Very truly yours,

Daniel P. Pepple

DPP/mj

POOR QUALITY ORIGINAL

3/20/2019 0955 0034
 3/11/2019 00500054
 11/29/2016 14587
 0044

PIERCE COUNTY BOARD OF EQUALIZATION
 Determination of Value

Petition No. 76-1112

In the matter of the petition of D.A. Sulley to the Board of Equalization of Pierce County, Washington,

This petition to the Pierce County Board of Equalization came on regularly for hearing before this Board on the 27th day of April, 1977, upon the complaint of the above named:

After careful review of the record, and due consideration of the evidence submitted in connection with this petition, and of all available information and data, this Board finds that the 1976 true and fair value of the property hereinafter described, or of each designated portion thereof, is that set forth, or otherwise indicated, in the following schedule under the heading "Board of Equalization Valuation", and that any valuation fixed by the county assessor should be changed where required to conform to said valuation.

SCHEDULE

Description of Property Parcel No. 04-18-39-2-204	County Assessor Valuation	Board of Equalization Valuation
	Land Improvements	Land Improvements
As attached listing for legal description of property.	177,507.	169,000.
Personal property	Timber	Timber
	TOTALS	169,000.

IT IS THEREFORE ORDERED, that the 1976 true and fair value of the above described property, and of each designated portion thereof, be and the same is hereby fixed and established in the amount or amounts shown, or otherwise indicated, in the above schedule under the heading "Board of Equalization Valuation."

IT IS FURTHER ORDERED, that a certified copy of this order be transmitted to the petitioner, D.A. Sulley, to the treasurer, and to the assessor of Pierce County; and the said treasurer and the said assessor are hereby ordered and directed to change and correct, forthwith, the assessment and tax rolls of said county, where required, to accord with the provisions of, and give full effect to, this order.

REMARKS:

Additional functional discount given for wet 95 acres.

S/OTT 8E12

Dated at Tacoma, Washington
 this 27th day of Apr, 1977

PIERCE COUNTY BOARD OF EQUALIZATION

Attest: [Signature]
 Clerk of the Board

[Signature]
 Chairman

NOTE: Any taxpayer feeling aggrieved by any order of the County Board of Equalization may appeal to the Washington State Tax Appeals Board by filing with the County Auditor a Notice of Appeal, Form 500-BE-65, in duplicate, within ten calendar days after the date entered above that this Order was issued by the Board of Equalization. If this Order was received by mail, the ten day period for filing a Notice of Appeal shall commence on the third day following the day the County Board's Order was placed in the mail as evidenced by the postmark.

POOR QUALITY ORIGINAL

3/20/2019 6995 0035
3/11/2019 6860055
11/29/2016 1488/ 4041



Office of Pierce County Assessor
KEN JOHNSTON

October 13, 1977

Daniel P. Pebble
P.O. Box 1157
2200 One Washington Plaza
Tacoma, Washington 98401

Dear Mr. Pebble:

Re: D. A. Belfoy - Letter of September 19, 1977
Rainier Ranches Development

When the segregation for Rainier Ranches was set up the reduced value of the property was not incorporated into the new lots.

The Board of Equalization, Petition #76-1112, April 27, 1977, lowered the value from \$177,507 to \$168,000 due to the lower 95 acres being wet. Lots 13 thru 19 and the residue parcel are being reduced proportionately to the Boards adjustment.

In the course of updating our maps, the draftsman discovered an error in the acreage of the original parcel. Our records indicate 215.16 acres, actual acreage is 219.35 acres.

The correction of the acreage and value will be corrected in 1978 for 1979 taxes.

If I can be of further assistance, please contact me.

Sincerely,

KEN JOHNSTON, CRA
Pierce County Assessor

Gail Heuser
Gail Heuser
Chief of Support

GN/msp

CC: Oliver Martinson

3/20/2019 6995 0036
3/11/2019 58600056

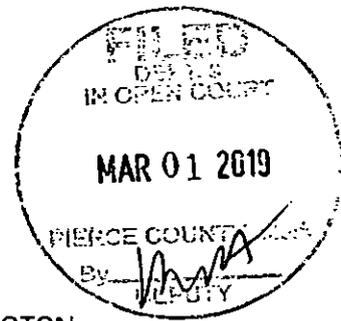
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Exhibit D

RECONSIDERATION OF MARCH 1ST ORDER DUE TO QUIT CLAIM TITE FRAUD BY PLAINTIFFS
MOTION TO DISMISS - 9



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3/20/2019
61007/9/8
3/5/2019



SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG, as his separate estate;
and MARK HADMAN and LISA HADMAN,
husband and wife and the marital community
comprised thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendant.

NO. 18-2-05745-6

ORDER GRANTING PLAINTIFFS' SECOND
MOTION FOR PARTIAL SUMMARY
JUDGMENT

ASSIGNED TO:
HON. EDMUND MURPHY

This matter came on before the undersigned Judge of the above-entitled Court upon Plaintiffs' Second Motion for Partial Summary Judgment. The Court has heard argument of Defendant *pro se* and of Plaintiffs' counsel and has reviewed the records and files herein, including the following:

1. Plaintiffs' Second Motion for Partial Summary Judgment;
2. Declaration of Dianne K. Conway;
3. Declaration of Mark Hadman in Support of Plaintiffs' Motion for Partial Summary Judgment;
4. Declaration of Rob Hainey in Support of Plaintiffs' Motion for Partial Summary Judgment; and
5. Supplemental Declaration of Dianne K. Conway

ORDER GRANTING PLAINTIFFS' SECOND MOTION
FOR PARTIAL SUMMARY JUDGMENT - 1 of 2
(18-2-05745-6)
[4812-2681-3321]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

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3/20/2019 6:59:55 6793

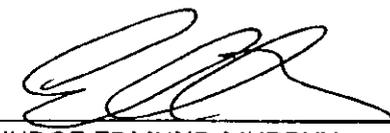
1 Now, therefore, it is hereby

2
3 ORDERED that Plaintiffs' Motion for Partial Summary Judgment is GRANTED. It is
4 further ORDERED that:

5 (1) Defendant Skipper Kuzior's "re-record" of the Statutory Warranty Deed to his
6 Graham property filed under Pierce County Auditor No. 201806210157
7 creates no title, interest, or other right in any portion of Plaintiffs' properties.

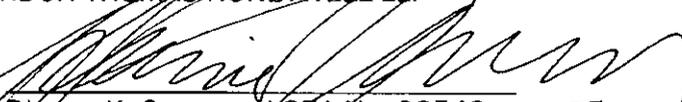
8 (2) Defendant Skipper Kuzior violated RCW 4.24.630 when he and/or his
9 livestock removed material amounts of hay and caused damage to Plaintiffs'
10 properties during the period of time he occupied portions of Plaintiffs'
11 properties. The amount of Plaintiffs' damages will be determined at trial or on
12 a subsequent motion.

13 DATED this 1st day of March 2019.

14
15
16 
17 JUDGE EDMUND MURPHY

18 Presented by:

19 GORDON THOMAS HONEYWELL LLP

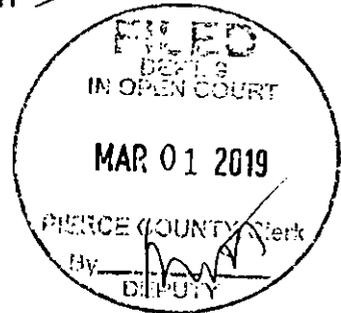
20 By: 

21 Dianne K. Conway, WSBA No. 28542
22 dconway@gth-law.com
23 Attorney for Plaintiffs

24 APPROVED:

25 *No Service Prior*
No legal argument on Matter

26 Skipper William Kuzior
Defendant Pro Se



ORDER GRANTING PLAINTIFFS' SECOND MOTION
FOR PARTIAL SUMMARY JUDGMENT - 2 of 2
(18-2-05745-6)
(4812-2681-3321)

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APPENDIX J

May 23 2019 2:17 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG, as his separate estate;
and MARK HADMAN and LISA HADMAN,
husband and wife and the marital community
comprised thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendant.

NO. 18-2-05745-6

PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
JUNE 21, 2019 AT 9:00 A.M.

I. RELIEF REQUESTED

Plaintiffs Henry C. Reitzug and Mark and Lisa Hadman ask this Court to grant summary judgment on their claims for damages.

II. STATEMENT OF FACTS

A. The Parties' Properties.

Plaintiff Henry C. Reitzug and Ann Marie Reitzug are the titled owners of the real property commonly known as 6214 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel No. 0418304055 (the "Reitzug Property").¹ Plaintiffs Mark Hadman and Lisa Hadman are the titled owners of the real property commonly known as

¹ Declaration of Dianne K. Conway in Support of Plaintiffs' Motion for Summary Judgment ("Third Conway Decl.") Ex. A.

1 6210 260th St. E., Graham, Pierce County, Washington - Pierce County Tax Parcel
2 No. 0418301069 (the "Hadman Property").² Defendant Skipper Kuzior is a single man
3 who owns and resides at real property commonly known as 5501 264th St. E., Graham,
4 Pierce County, Washington - Pierce County Tax Parcel No. 0418303015 (the "Kuzior
5 Property").³ The Kuzior Property is directly to the west of a ten-foot-wide section of the
6 Hadman Property that separates the Kuzior Property from the Reitzug Property.⁴

7
8 **B. Kuzior moves the fence line.**

9 In September 2017 Mr. Kuzior unilaterally moved the wire fence separating his
10 property from Plaintiffs' properties⁵ across the Hadmans' property and 30 feet onto the
11 Reitzugs' property.⁶

12 Both Mr. Hadman and Dr. Reitzug asked Kuzior to move the fence back to its
13 original location on the property line. In response Kuzior and his fiancé, Beatrice
14 Arrendondo, filed petitions for Orders of Protection-Antiharassment against Mr. Hadman
15 and Dr. Reitzug.⁷ Kuzior also later filed another petition for Order of Protection-
16 Antiharassment against neighboring property owner and nephew of Plaintiffs, Christopher
17 Tibbitts.⁸ After various proceedings in district court, no permanent protective orders were
18 entered on any of the petitions, and multiple courts entered CR 11 sanctions against
19 Kuzior and Arrendondo.⁹

20
21 ² *Id.* Ex. A. Plaintiffs bought the original parcels together and later divided the parcel through a Boundary
Line Adjustment.

22 ³ *Id.* Ex. B.

23 ⁴ *Id.* Ex. C.

24 ⁵ The Record of Survey for the Boundary Line Adjustments shows that this fence was directly on the legally
described property line. Declaration of Kenneth R. Anderson, PLS (filed June 15, 2018).

25 ⁶ Declaration of Mark Hadman ("Hadman Decl."); Declaration of Henry Reitzug ("Reitzug Decl.").

26 ⁷ Pierce County District Court Case No. 7Z623267A (Arrendondo v. Reitzug) and Case No. 7Z623402A
(Kuzior v. Hadman).

⁸ Pierce County District Court Case No. 8Z624054A (Kuzior v. Tibbitts).

⁹ Sanctions were awarded in the Reitzug and Tibbitts proceedings by the District Court, Superior Court, and
Court of Appeals. Third Conway Decl. ¶¶ 16-18.

1 **C. Plaintiffs' Complaint and First Motion for Partial Summary Judgment.**

2 Kuzior's actions convinced Plaintiffs that they would not be able to reason with
3 Kuzior to come to resolution regarding the fence. Accordingly, they filed this action on
4 February 15, 2018, asserting claims for quiet title, ejectment, and trespass. On June 15,
5 2018, Plaintiffs moved for partial summary judgment on their claims of quiet title,
6 ejectment, and trespass (liability only). On July 13, 2018, this Court granted Plaintiffs'
7 motion, quieted title in the Reitzugs and Hadmans, and ordered that the fence be
8 returned to its proper location.¹⁰

9
10 Kuzior did not immediately relocate the fence.¹¹ He also called the Pierce County
11 Sheriff when surveyors hired by Plaintiffs at Kuzior's insistence came to mark the correct
12 property line.¹²

13 **D. Kuzior's "Re-record" Deed and Plaintiffs' Amended Complaint.**

14 Unbeknownst to Plaintiffs, on June 21, 2018, Kuzior filed a "re-record" of his
15 Statutory Warranty Deed ("Re-record Deed") after Plaintiffs moved for partial summary
16 judgment.¹³ The Re-record Deed—which was not signed by the Grantor—attaches
17 historical documents of unclear relevance and provenance and includes a cover sheet on
18 which Mr. Kuzior lists the parcel numbers for the Reitzug Property and Hadman Property
19 as well as the parcel number for the Kuzior Property.¹⁴

20
21 Plaintiffs' counsel discovered the Re-record Deed in August 2018 and inquired
22 with Chicago Title Company about the possible effect the filing could have on the Reitzug

23
24 ¹⁰ Order Granting Plaintiffs' Motion for Partial Summary Judgment (filed July 13, 2018).

25 ¹¹ Hadman Decl. at ¶ 3.

26 ¹² Declaration of Dianne K. Conway in Support of Plaintiffs' Second Motion for Partial Summary Judgment ("Second Conway Decl.") at ¶ 2.

¹³ *Id.* at ¶ 3, Ex. B.

¹⁴ *Id.* at Ex. B.

1 Property and Hadman Property.¹⁵ Chicago Title advised that the Re-record Deed would
2 show as an exception to title that could not be insured around unless Kuzior filed a deed
3 quitclaiming any interest in the Reitzug and Hadman properties or there was a judgment
4 quieting title to the Reitzugs and Hadmans and extinguishing any title right and interest of
5 Kuzior.¹⁶ Plaintiffs' counsel then wrote to Kuzior's counsel demanding that Defendant
6 remove or render void the Re-record Deed; she received no response.¹⁷ Accordingly,
7 Plaintiffs' counsel sought to amend the complaint in this action to incorporate the Re-
8 record Deed into Plaintiffs' quiet-title claim.¹⁸ Defendant's counsel ultimately agreed to a
9 stipulated order for leave to amend the complaint, and on December 12, 2018, Plaintiffs'
10 filed their First Amended Complaint. In addition to incorporating the re-record deed into
11 Plaintiffs' quiet title claim, the amended complaint also added a claim for damages under
12 RCW 4.24.630 to Plaintiffs' existing trespass claim. That addition was made based on
13 Plaintiffs' discovery after the fence was restored to its proper position that Kuzior had
14 removed material amounts of hay from Plaintiffs' properties during the period he
15 occupied portions of their properties.¹⁹

17 **E. Plaintiffs' Second Motion for Partial Summary Judgment.**

18 On January 18, 2019, Plaintiffs filed a motion for partial summary judgment on
19 the amended quiet-title claims and violation of RCW 4.24.630 (liability only). After a delay
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24 ¹⁵ *Id.* at ¶ 3-4.

25 ¹⁶ Declaration of Rob Hainey ("Hainey Decl.") at ¶ 4.

26 ¹⁷ Second Conway Decl. at ¶ 4-5, Ex. C.

¹⁸ *Id.* at ¶ 5.

¹⁹ Hadman Decl. at ¶¶ 4-5.

1 arising from the withdrawal of Kuzior's counsel,²⁰ the Court heard and granted Plaintiffs
2 motion on March 2, 2019.²¹

3 **F. The present motion for Summary Judgment of remaining claims.**

4 The only issues remaining for trial are the issue of Plaintiffs' damages and
5 whether Kuzior should be sanctioned. Plaintiffs are seeking \$500 in damages due to
6 Kuzior's removal of hay from their properties, an amount that should be trebled since the
7 removal was wrongful and intentional. To date, Plaintiffs have incurred \$27,195.49 in
8 attorney fees and \$1,676.23 in costs.²² The trial date is July 15, 2019.
9

10 **III. EVIDENCE RELIED UPON**

11 Plaintiffs rely upon the argument and authority below, the Declaration of Dianne K.
12 Conway and attachments thereto, the Declaration of Henry Reitzug, the Declaration of
13 Mark Hadman, and the records and files herein.

14 **IV. LEGAL DISCUSSION**

15 Summary judgment should be granted if there are no genuine issues of material
16 fact and the "moving party is entitled to judgment as a matter of law."²³ The moving party
17 bears the burden of demonstrating the absence of an issue of material fact.²⁴ Summary
18 judgment is also appropriate when, based on the facts considered in the light most
19 favorable to the non-moving party, a "reasonable fact finder could reach only one
20 conclusion."²⁵ In opposing summary judgment, the nonmoving party cannot merely rely
21

22 ²⁰ Kuzior's counsel filed a Notice of Withdrawal on the date Kuzior's response to Plaintiffs' motion was due. Anticipating that Kuzior would ask for more time, Plaintiffs' counsel proactively obtained a later hearing date to allow Kuzior more time to respond. Nevertheless, Kuzior never filed a response. Third Conway Decl.

23 ²¹ Kuzior filed an interlocutory appeal of this decision. Oral argument was held on May 15, 2019; no decision has yet been rendered.

24 ²² Third Conway Decl. at ¶¶ 5-6.

25 ²³ CR 56(c); *Townsend v. Walla Walla School Dist.*, 147 Wn. App. 620, 196 P.3d 748 (2008).

26 ²⁴ *Young v. Key Pharmaceuticals, Inc.*, 112 Wn.2d 216, 225, 770 P.2d 182 (1989) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 106 S. Ct. 2548, 91 L. Ed. 2d 265 (1986)).

²⁵ *Kim v. Lakeside Adult Family Home*, 185 Wn.2d 532, 547, 374 P.3d 121 (2016).

1 on “allegations or self-serving statements” made in its pleadings, but must present
2 specific facts showing the existence of a genuine issue of material fact for trial.²⁶
3 Summary judgment is meant to test the sufficiency of evidence in order to avoid
4 unnecessary trials.²⁷

5 **A. Damages and attorney fees are warranted under RCW 4.24.630.**

6 RCW 4.24.630 authorizes treble damages and an award of attorney fees for
7 removal of and damage to another’s crops:

8
9 (1) Every person who goes onto the land of another and who removes
10 timber, crops, minerals, or other similar valuable property from the land, or
11 wrongfully causes waste or injury to the land, or wrongfully injures personal
12 property or improvements to real estate on the land, is liable to the injured
13 party for treble the amount of the damages caused by the removal, waste,
14 or injury. For purposes of this section, a person acts “wrongfully” if the
15 person intentionally and unreasonably commits the act or acts while
16 knowing, or having reason to know, that he or she lacks authorization to so
17 act. Damages recoverable under this section include, but are not limited to,
18 damages for the market value of the property removed or injured, and for
19 injury to the land, including the costs of restoration. In addition, the person
20 is liable for reimbursing the injured party for the party's reasonable costs,
21 including but not limited to investigative costs and reasonable attorneys'
22 fees and other litigation-related costs.

23 The requirement that the defendant act “wrongfully” means that the defendant
24 knew or had reason to know that he or she lacked authorization to act.²⁸

25 Here, Kuzior unilaterally relocated a century-plus old fence line across and onto
26 Plaintiffs’ properties and proceeded to occupy significant portions of those properties.
27 During the year that he occupied these properties he removed \$500 worth of hay through
28 mowing and grazing by his animals.²⁹ Given the clearly wrongful nature of Kuzior’s

29 ²⁶ *Newton Ins. Agency & Brokerage, Inc., v. Caledonian Inc. Group, Inc.*, 114 Wn. App. 151, 157, 52 P.3d 30 (2002).
²⁷ *Young*, 112 Wn.2d at 226.
²⁸ *Clipse v. Michels Pipeline Constr., Inc.*, 154 Wn.App. 573, 579-80, 225 P.3d 492 (2010).
²⁹ Hadman Decl.

1 actions, Plaintiffs are entitled to a damages award of \$1,500³⁰ plus their reasonable
2 attorney fees and expenses.

3 Generally, attorney fees are awarded only for services related to causes of action
4 that allow for fees.³¹ Hence, if fees are authorized for only some of the claims, the award
5 must properly reflect a segregation of time spent on issues for which fees are authorized
6 from time spent on other issues.³² But where the claims are so related that no
7 reasonable segregation can be made, there need be none.³³ Moreover, determining the
8 amount of fees should not be unduly burdensome for the court or the parties.³⁴
9

10 Here, while Plaintiffs asserted both quiet title and trespass-related causes of
11 action, these claims largely arose from the same nexus of facts: namely, Kuzior's
12 unilateral relocation of the fence separating his property from Plaintiffs' property. They
13 also required similar briefing. Accordingly, it is not possible for me to segregate fees
14 relating to the RCW 4.64.630 claim and trespass claim from the first quiet-title claim.³⁵
15 While the second quiet-title claim involved the Re-record Deed and not the fence, it was
16 addressed in the same Amended Complaint and motion for partial summary judgment in
17 which Plaintiffs addressed the RCW 4.64.630 claim. This makes it very difficult and
18 impractical to segregate the fees according to the claim.³⁶
19
20
21

22 ³⁰ Plaintiffs are also entitled to damages for common-law trespass, which was a subject of the first partial
23 summary-judgment motion. *Grundy v. Brack Family Tr.*, 151 Wn.App. 557, 567, 213 P.3d 619 (2009);
Bradley v. Am. Smelting & Ref. Co., 104 Wn.2d 677, 683-84, 709 P.2d 782 (1985).

24 ³¹ *Absher Constr. Co. v. Kent Sch. Dist. No. 415*, 79 Wn.App. 841, 847, 917 P.2d 1086 (1995).

25 ³² *Hume v. American Disposal Co.*, 124 Wn.2d 656, 672, 880 P.2d 988 (1994).

26 ³³ *Id.*

³⁴ *Id.* at 673.

³⁵ Conway Decl. ¶ 7.

³⁶ *Id.*

1 **B. Attorney fees are warranted under RCW 4.84.185.**

2 RCW 4.84.185 authorizes a court to award a prevailing party reasonable
3 attorneys’ fees if the court finds the losing party’s defense was frivolous or advanced
4 without reasonable cause:

5 In any civil action, the court having jurisdiction may, upon written findings
6 by the judge that the action, counterclaim, cross-claim, third party claim, **or**
7 **defense** was frivolous and advanced without reasonable cause, require the
8 nonprevailing party to pay the prevailing party the reasonable expenses,
9 including fees of attorneys, incurred in opposing such action, counterclaim,
10 cross-claim, third party claim, **or defense**. This determination shall be made
11 upon motion by the prevailing party after a voluntary or involuntary order of
12 dismissal, order on summary judgment, final judgment after trial, or other
13 final order terminating the action as to the prevailing party. The judge shall
14 consider all evidence presented at the time of the motion to determine
15 whether the position of the nonprevailing party was frivolous and advanced
16 without reasonable cause. In no event may such motion be filed more than
17 thirty days after entry of the order.

18 Courts have held that a lawsuit or defense is frivolous if, “when considering the
19 action in its entirety, it cannot be supported by any rational argument based in fact or
20 law.”³⁷

21 As plainly demonstrated in his response and non-response to Plaintiffs’ motions
22 for partial summary judgment, Kuzior had and has no rational basis to engage in the acts
23 that resulted in this litigation or to assert the defenses—such as they were—that he did.
24 Rather, his actions are arguments were intended to pursue a lawless land grab and
25 personal vendetta of unknown origins against Plaintiffs and their families. Kuzior’s
26 actions have resulted in significant financial strain and duress for Plaintiffs.³⁸ Accordingly,
the Court should award Plaintiffs their fees and expenses incurred in this action.

37 *Dave Johnson Ins., Inc. v. Wright*, 167 Wn. App. 758, 785, 275 P.3d 339 (2012); see also *Alexander v. Sanford*, 181 Wn. App. 135, 184, 325 P.3d 341 (2014).

38 Reitzug Decl.; Hadman Decl.

1 **C. Sanctions sufficient to cover Attorney fees are warranted under CR 11.**

2 CR 11 “deals with two types of filings: those lacking factual or legal basis
3 (baseless filings) and those made for improper purposes.”³⁹ A baseless filing is one that
4 is not well grounded in fact or not warranted by existing law or a good faith argument for
5 the alteration of existing law.⁴⁰ Improper purposes include intentions “such as to harass
6 or to cause unnecessary delay or needless increase in the cost of litigation.”⁴¹

7 If a party violates CR 11, “the court ... may impose ... an appropriate sanction,
8 which may include an order to pay to the other party or parties the amount of the
9 reasonable expenses incurred because of the filing of the pleading, motion, or legal
10 memorandum, including a reasonable attorney fee.”⁴²

11 As noted above, Kuzior’s actions and defenses to this action satisfies both
12 grounds for CR 11 sanctions.⁴³ First, Kuzior’s defenses are based on self-serving
13 delusions, not facts. Second, the only reason Kuzior proceeded with his actions and
14 defenses this action was to unlawfully occupy Plaintiffs’ properties and cause them
15 considerable financial and emotional strain.

16 **D. The Court should award attorney fees as damages under the quiet-title action.**

17 Washington courts adhere to the American rule, which states that absent a
18 contract, statute, or recognized ground of equity, the prevailing party does not recover
19 attorney fees as costs of litigation.⁴⁴ Nevertheless, the Washington Supreme Court has
20
21

22 _____
23 ³⁹ *MacDonald v. Korum Ford*, 80 Wn. App. 877, 883, 912 P.2d 1052 (1996).

24 ⁴⁰ *Id.* at 883-84.

25 ⁴¹ CR 11(a)(3); *In re Recall of Lindquist*, 172 Wn.2d 120, 136, 258 P.3d 9 (2011).

26 ⁴² CR 11(a). *Lindquist*, 172 Wn.2d at 136; *In re Kelly and Moesslang*, 170 Wn.App. 722, 739, 287 P.3d 12 (2012).

⁴³ CR 11 applies to parties and *pro se* litigants. *Trohimovich v. State*, 90 Wn. App. 554, 952 P.2d 192 (1998).

⁴⁴ *Haner v. Quincy Farm Chem., Inc.*, 97 Wn.2d 753, 757, 649 P.2d 828 (1982).

1 also recognized “certain circumstances” where attorney fees are recoverable as
2 damages.⁴⁵ For example, the Court has authorized attorney fees in actions for malicious
3 prosecution⁴⁶ and wrongful attachment or garnishment.⁴⁷ Most notably, the Court has
4 authorized attorney fees in slander-of-title actions:

5 Slander of title is analogous to these actions. It is the defendant who by
6 intentional and calculated action leaves the plaintiff with only one course of
7 action: that is, litigation. In malicious prosecution, wrongful attachment,
8 and slander of title, the defendants actually know their conduct forces the
9 plaintiff to litigate. In addition, similar to malicious prosecution and
10 wrongful attachment, actual damages are difficult to establish and often
11 times are minimal in slander of title. Fairness requires the plaintiff to have
12 some recourse against the intentional malicious acts of the defendant.⁴⁸

13 The quiet-title actions Plaintiffs were forced to pursue as a result of Kuzior’s bad
14 acts are highly analogous to a slander-of-title claim⁴⁹ and warrant the same
15 consideration. Kuzior’s bad acts were intentional and pursued for improper purposes,
16 and fairness dictates that Plaintiffs should be compensated for the financial pain they
17 have caused.

18
19
20 ⁴⁵ *Rorvig v. Douglas*, 123 Wn. 2d 854, 862, 873 P.2d 492 (1994); *State ex rel. Macri v. Bremerton*, 8
Wn.2d 93, 113, 111 P.2d 612 (1941).

21 ⁴⁶ *Aldrich v. Inland Empire Tel. & Tel. Co.*, 62 Wash. 173, 176-77, 113 P. 264 (1911) (damages include
the attorney fees for the underlying action made necessary by the defendant's wrongful act).

22 ⁴⁷ *James v. Cannell*, 135 Wash. 80, 83, 237 P. 8 (1925), *aff'd*, 139 Wash. 702, 246 P. 304 (1926)
(attorney fees are a “necessary expense incurred” in relieving the plaintiff of the wrongful attachment or
temporary injunction, and are recoverable); *Cecil v. Dominy*, 69 Wn.2d 289, 294, 418 P.2d 233 (1966).

23 ⁴⁸ *Rorvig v. Douglas*, 123 Wn. 2d 854, 862-63, 873 P.2d 492 (1994). See also Restatement (Second) of
24 Torts § 633 comment b (1977) (slander of title is a form of the general tort of publication of an injurious
falsehood, and the defendant is liable for the expense of measures reasonably necessary to counteract the
25 publication, including litigation to remove the doubt cast upon vendibility or value by disparagement.)

26 ⁴⁹ The only material distinction is that in a slander of title claim the slander must adversely affect a pending
sale or purchase of the property. *Pay 'N Save Corp. v. Eads*, 53 Wn.App. 443, 448, 767 P.2d 592 (1989)
(citing *Brown v. Safeway Stores, Inc.*, 94 Wn.2d 359, 375, 617 P.2d 704 (1980)). Here, of course, it was
impossible for Plaintiffs to list their properties for sale given Kuzior’s actions affecting their title.

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V. CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that this Court grant their motion for summary judgment against Defendant Skipper Kuzior; award damages of \$1,500; and award Plaintiffs their reasonable fees and costs.

DATED this 23rd day of May 2019.

GORDON THOMAS HONEYWELL LLP

By: /s/ Dianne K. Conway
Dianne K. Conway, WSBA No. 28542
dconway@gth-law.com
Attorney for Plaintiffs

APPENDIX K



FILED
IN COUNTY CLERK'S OFFICE

JUN 14 2019

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF PIERCE

HENRY REITZUG

Case No.: 18-2-05745-6

MARK HADMAN

LISA HADMAN

LEGAL AUTHORITY IN MOTION FOR
DISMISSAL

Plaintiff,

And,

SKIPPER WILLIAM KUZIOR

Defendant

A document filed today shows that the Boundary Line Adjustment Performed by
Kenneth Anderson created Illegal New parcel's attached exhibit A Notice of
Segregation/Combination

(6 RCW 58.17.0.40) describes a boundary line adjustment as such

A division made for the purpose of alteration by adjusting boundary lines,
between platted or unplanted lots or both, which does not create any additional lots, tract , parcel,
site, or division which contains insufficient area and dimension to meet minimum requirements
for width and area for a building site.

LEGAL AUTHORITY IN MOTION FOR DISMISSAL - 1

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1222
6/19/2019

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The reason this law exists is to stop the very illegal activity of overlap surveys. This happens when a property line from an adjacent parcel is moved over the footprint of a parcel next to it. Ex A Notice of segregation combination zoning code 9100 Agriculture

The parcel Henry created illegally is completely unbuildable without Title. Due to the fact it is complete wetlands and critical area. That is why my family Daniel Gleason Grandson of Daniel Mounts segregated it and recombined it to protect the ecosystem and preserve our families old growth spruce bog forest the rarest ecosystem in WA State.. Henry acquired this brand new parcel 3/5/2013. We have a old fence still survives as well as stone monuments to the John McLeod donation land claim cert 617 our legal descriptions from our Segregation Combination use these landmarks as lot corners these monuments are the actual section corners and quarter corners accepted for over 150years

Dated this 10th Day in June 2019

Skipper William Kuzior

SKIPPER WILLIAM KUZIOR

0134

1222

6/19/2019



Pierce County

Office of the Assessor-Treasurer

2401 South 35th Street, Room 142
Tacoma, Washington 98409-7498
(253) 798-6111 * FAX (253) 798-3142
ATLAS (253) 798-3333
www.piercecountywa.org/atr

Mike Lonergan
Assessor-Treasurer

Notice of Segregation/Combination

REITZUG HENRY C & ANNE MARIE
26113 63RD AVE E
GRAHAM, WA 98338-8326

3/5/2013

Parcel Number: 0418304055

Situs: 6214 260TH ST E, PIERCE COUNTY, WA

Dear Taxpayer:

A property segregation/combination has been completed resulting in a new parcel(s) of property. The new account information is summarized below. If the name and/or address is incorrect for tax purposes, please notify the office in writing. Please supply the parcel number and legal document number (excise tax affidavit number, auditor fee number, court order numbers, etc.). It is the taxpayer's responsibility to notify their lender of this segregation.

If you have any questions please contact our land segregation department at (253) 798-3299.

Legal Description

Section 30 Township 18 Range 04 Quarter 13 PARCEL B OF BLA 2012-05-25-5001 THAT POR OF W 1/2 OF NE & W 1/2 OF SE DESC AS FOLL COM AT NW COR OF SD SUBD TH S 02 DEG 38 MIN 31 SEC W 22.4 FT TO A PT OF A NON TANG C TO R RAD OF 400 FT & TO WHICH RAD PT BEARS S 15 DEG 53 MIN 35 SEC E TH ELY ALG SD CURV & C/A OF 01 DEG 19 MIN 04 SEC 9.2 FT TO BEG OF C TO R RAD OF 368.9 FT TH ELY ALG SD CURVE C/A OF 18 DEG 56 MIN 13 SEC 121.93 FT TH S 85 DEG 38 MIN 18 SEC E 121.04 FT TH S 02 DEG 38 MIN 31 SEC W 358.41 FT TO POB TH N 87 DEG 42 MIN 29 W 240 FT TH S 02 DEG 38 MIN 31 SEC W 3,231.98 FT TH E 240.29 FT TH N 02 DEG 38 MIN 31 SEC E 3,221.73 FT TO POB OUT OF 1-004 & 4-018 SEG 2013-0111 JP 10/8/12 JP

The values listed below are allocated from parent parcel values and may not represent true and fair market value.

APPEALS: You have the right to appeal the Assessor's determination of the allocation of value on your segregated parcels to the Pierce County Board of Equalization. Appeal forms (petitions) are provided by the Board and must be filed within 60 days of the date of this notice. Petitions received after those dates will be denied as not having been timely filed. A copy of this notice must be included in your appeal. For appeal information, contact the Board of Equalization at (253)798-7415.

Property Values 2012 values for 2013 taxes

Allocated Taxable Value Regular	107,900
Allocated Assessed Value	107,900
Allocated Land	107,900
Allocated Improvement	0

Property Characteristics

Use Code	9100
Unit of Measure	ACRE
Total Size	17.779

MIKE LONERGAN
ASSESSOR-TREASURER
web: WWW.CO.PIERCE.WA.US/ATR
A.T.L.A.S.: (253) 798-3333
FAX: (253) 798-3142

APPENDIX L

JUN 17 2019

RECEIVED

OUNTY, WASHINGTON
OCK, County Clerk
DEPUTY

JUN 17 2019

GORDON THOMAS HONEYWELL



18-2-05745-6 53446401 MT 06-19-19

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

HENRY REITZUG

Case No.: 18-2-05745-6

MARK HADMAN

LISA HADMAN

~~RESPONSE TO THIRD SUMMARY
JUDGMENT~~

Plaintiff,

*Motion to Declare
Named Plaintiffs Vexious*

And,

SKIPPER WILLIAM KUZIOR

Defendant

I. REQUESTED RELIEF

Respondent Skipper Kuzior requests the court (1) find Petitioners Mark and Lisa Hadman and their attorney Dianne Conway vexatious litigants in this matter. (2) Impose restrictions on their ability to file on this matter. Their continued misuse and abuse of the judicial process needs to conclude. (3) Impose sanctions on the trio payable to Henry Reitzug the real victim in their malicious acts (4) stave any sanctions for trial just a month away dismiss GTH from this case for a clear conflict of interest under(RPC) 1.9 (c)1

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6/20/2019

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II. BACKGROUND

Mark Hadman has had a full restraining order taken out on him when he committed a multitude of disturbing violent acts. Lisa Hadman has filed two separate lawsuits against other drivers that she was at fault for. The Crux of this dispute is that they claim they own my land I bought from my family because they put in a higher offer and paid a lot of money for a timber survey. **The real victims in this matter are Henry Reitzug and his wife** who have had to fund this trio's lust for my families land and the John McLeod homestead Trust 501 c3. The trio has established a pattern of initiating abusive, excessive and vexatious litigation **Conway has constantly exhibited and produced documents my family member Daniel Gleason used their law firm to obtain including my legal descriptions** I believe that Henry at this trios persuasion thru Sandra Rovia at Gordon Thomas and Honeywell's title Department. Used Shirley Smeltzer a real estate investor to trick Henry into a purchase of a Parcel number that belonged to my blood relative the Master parcel for subdivision 2303 his share of the Estate of Lester Earp. This old parcel number was the master number for my families lan it became 2303. I was very sad to see it it was the same as Belfoys except it was in the SW quarter section one continuous parcel. Mark Hadman did not agree with his own surveyor and called them back a second time to cut a 30ft slash thru the wetlands these federally protected wetlands the highest category 3 removing timber up to ten inch diameter mostly from my side of the property I live on next to the other parcel Reitzug is laying adverse possession of.

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III. ARGUMENT

Courts have discretion to impose restrictions on vexatious litigants

Attorneys practicing vexatious litigation can be disbarred *Yurris v. Phipps, 143 Wn. App. 680, 693, 181p.3d 849 (2008)RCW 2.28.010 (3)*

I have shown the Deed was acquired thru fraud on my motion to dismiss Binder v Binder, 50 Wn.2d 142, 148-149, 309 P.2d 1050 (1957)

Rap 2.3 (b) (4)

Granting these attorneys' fees is substantial grounds for difference of opinion most have already been obtained and are being used as duplicates. Conway even tries to ask for fees again for a third time on her failed campaigns that was perverse, unwarranted. She even tries to ask for fees denied by the higher courts

IV. CONCLUSION

The mocking me for being poor has to stop. Conway parades my assets from the divorce around like I have something substantial. I have sold everything to get the shell of a house made. The building permit was done on credit. I got nothing for the rental it was a complete tear down. Cody paid Ashley a substantial amount of money for it years ago. I still owe over 50k in credit debt Ashley agreed to pay over two years ago

I even sold my lawnmower my girlfriend who is due when the trial is scheduled has to push a manual one just to cut. I have had next to nothing in my accounts for over two years now

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Dated this 17th Day in June 2018



SKIPPER WILLIAM KUZIOR

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SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG, as his separate estate;
and MARK HADMAN and LISA HANDMAN,
husband and wife and the marital community
comprised thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendants.

NO. 18-2-05745-6

JOINT STATEMENT OF EVIDENCE

ASSIGNED TO:
EDMUND MURPHY

The parties, Plaintiffs through their attorney of record and Defendant, *pro se*,
submit the following Joint Statement of Evidence.

PLAINTIFFS' WITNESSES

1. Dr. Henry C. Reitzug
2. Mark Hadman
3. Lisa Hadman
4. Anne Marie Reitzug
5. Christopher Tibbitts
6. Annmarie Tibbitts
7. Patricia Tibbitts

Plaintiffs specifically reserve the right to call any of Defendant's witnesses.

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PLAINTIFFS' EXHIBITS

EX.	DOCUMENT	AUTHENTICITY ADMITTED	ADMISSIBILITY ADMITTED
1.	Notice of Segregation/Combination	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
2.	Kuzior Land Claim, 2016	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3.	Documents sent by Kuzior to Neighbors	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
4.	Aerial Photo, 2018	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
5.	Aerial Photo, 2018	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
6.	Photo 1 - New fence - Old gate	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
7.	Photo 2 - New fence - Old gate	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
8.	Photo - Perspective	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
9.	Photo 2 - Perspective	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
10.	Photo 3 - Perspective	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
11.	Photo - Incursion into property	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
12.	Photo 2 - Incursion into property	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
13.	Photo - New Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
14.	Reitzug Data Tree Aerial zoomed out	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
15.	Photo of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
16.	Photo 2 of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
17.	Photo 3 of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
18.	Photo 4 of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
19.	Photo 5 of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
20.	Photo 6 of Fence	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
21.	Drone Photo	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
22.	Drone Photo 2	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

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EX.	DOCUMENT	AUTHENTICITY ADMITTED	ADMISSIBILITY ADMITTED
23.	Drone Photo 3	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
24.	Drone Photo 4	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
25.	Invoice No. 876418, 2/23/18	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
26.	Invoice No. 877057, 3/18/18	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
27.	Time and Expense Invoice 6/22/18	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
28.	Work Authorization, 7/20/18	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
29.	Work Authorization, 7/23/18	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
30.	Time and Expense Invoice 7/24/18	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

DEFENDANT'S WITNESSES

1. Honorable Frank Bean (Tribal Council)
2. Dara Kiegler (Pierce County Biologist)
3. Members Rainieer Ranches. (Name Reserved)
4. Beatrice Arrendondo
5. Tom Strailing
6. Matt Slievans
7. Paul White Eagle
8. Arriella White Eagle
9. Enchant Godess and Tauluu Godess.
10. Lester Otney
11. Steel Justice
12. Tribal Affiliation (Name Reserved)
13. Lori Kuzior
14. Kenny Naylor

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15. Angel Gleason

16. Cherie Johnson

DEFENDANT'S EXHIBITS

EX.	DOCUMENT	AUTHENTICITY ADMITTED	ADMISSIBILITY ADMITTED
100.	Pierce County #HBJA-31, 1/31/77	Yes [] No [X]	Yes [] No [X]
101.	1473 Formally 1444	Yes [] No [X]	Yes [] No [X]
102.	Parcel Map	Yes [] No [X]	Yes [] No [X]
103.	Statutory Warranty Deed, 2003	Yes [] No [X]	Yes [] No [X]
104.	Map Ex Doc. N.I 34 long 1 session	Yes [] No [X]	Yes [] No [X]
105.	Executive Doc 4134 Congress Message	Yes [] No [X]	Yes [] No [X]
106.	0418303015 Aerial Photo, 2012	Yes [] No [X]	Yes [] No [X]
107.	Larson Associate Survey 09 Structures	Yes [] No [X]	Yes [] No [X]
108.	Application/Permit Review	Yes [] No [X]	Yes [] No [X]
109.	James Tilton Survey, 7/18/1873	Yes [] No [X]	Yes [] No [X]
110.	2303 Re-Recorded Map	Yes [] No [X]	Yes [] No [X]
111.	Bert Kepka	Yes [] No [X]	Yes [] No [X]
112.	HCE School Land Donation, 6/15/83	Yes [] No [X]	Yes [] No [X]
113.	HCE Lincoln Tree Farm	Yes [] No [X]	Yes [] No [X]
114.	SP 4939 Norrine, 12/16/83	Yes [] No [X]	Yes [] No [X]
115.	Larson BLA 2013	Yes [] No [X]	Yes [] No [X]
116.	Declaration of Covenants Rainier Ranches	Yes [] No [X]	Yes [] No [X]
117.	Zillo Photos	Yes [] No [X]	Yes [] No [X]
118.	Reserved for Subdivision Guarantee Rainier Ranches Homeowners Association	Yes [] No [X]	Yes [] No [X]

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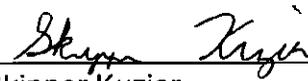
EX.	DOCUMENT	AUTHENTICITY ADMITTED	ADMISSIBILITY ADMITTED
119.	Tacoma Schools Declaration and Admittance	Yes [] No [X]	Yes [] No [X]
120.	Color Photos of Primeval Bog Forest (Reserved)	Yes [] No [X]	Yes [] No [X]

Dated this 17th day of June 2019.

ATTORNEY FOR PLAINTIFFS:

GORDON THOMAS HONEYWELL LLP

By: /s/ DIANNE K. CONWAY
Dianne K. Conway, WSBA No. 28542
dconway@gth-law.com

By: 
Skipper Kuzior
Defendant *pro se*

PIERCE COUNTY

COUNTY-CITY BUILDING

TACOMA, WASHINGTON



Office of Pierce County Assessor
KEN JOHNSTON

January 31, 1977

Ref #HBJA-31

Pacific National Bank of Washington
Representative of the Estate of Lester Earp
Trust Department
P.O. Box 1997
Tacoma, Washington 98401

Dear Sir,

Subject: Parcel #04-18-30-2-004

We are in receipt of several 1% real estate excise tax documents indicating sales transactions on a large lot sub-division covering subject parcel (large lot survey #1444). In order to complete the process of these transactions, we are in need of a map covering this large lot survey and legal descriptions on each of the properties. Upon receipt, we will process these documents as soon as possible.

Sincerely,

Harry L. Brunson
Chief of Support

HB:rd

cc: Desk

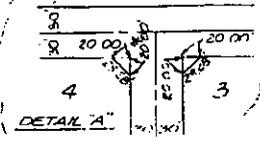
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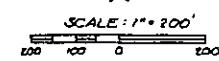
6/20/2019

RAINIER RANCHES

LOCAL IN SECTION 30, T14N, R4E,
W. 8 & M, PIERCE COUNTY, WASHINGTON



POOR QUALITY ORIGINAL



LEGEND

- - SET 1/2" IRON PIPE
- - SET CONC. MON/BRASS

NOTE
THIS PLAT IS RERECORDED TO
CORRECT AN ERROR IN THE
PLAT OF RAINIER RANCHES RECORDED
IN VOL 15 PG 44 UNDER AUDITORS # 1444

CURVE DATA

① R=400.00' L=71.33'	⑧ R=50.00' L=86.43'
② R=630.00' L=196.76'	⑨ R=50.00' L=70.68'
③ R=850.00' L=109.50'	⑩ R=50.00' L=83.37'
④ R=50.00' L=46.36'	⑪ R=50.00' L=30.40'
⑤ R=50.00' L=78.54'	⑫ R=50.00' L=43.22'
⑥ R=50.00' L=78.54'	⑬ R=50.00' L=32.73'
⑦ R=50.00' L=46.36'	

PERIMETER RAINIER RANCHES

THAT PORTION OF THE WEST ONE-HALF OF SECTION 30, TOWNSHIP 14 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST ONE QUARTER OF THE NORTHWEST ONE QUARTER; THENCE ALONG THE WEST LINE OF SAID SECTION SOUTH 01°55'55" WEST, 10.05 FEET TO TRUE POINT OF BEGINNING; THENCE ALONG SAME SAID WEST SECTION LINE SOUTH 01°55'59" WEST, 1374.78 FEET TO WEST ONE QUARTER CORNER OF SAID SECTION; THENCE ALONG SAME SAID WEST SECTION LINE SOUTH 01°56'02" WEST, 2648.61 FEET TO THE SOUTHWEST CORNER OF SAID SECTION; THENCE ALONG THE SOUTH LINE OF SAID SECTION NORTH 88°41'01" EAST, 1749.02 FEET THENCE NORTH 01°56'02" EAST, 2784.68 FEET; THENCE NORTH 00°00'00" WEST, 300.05 FEET; THENCE NORTH 72°20'18" WEST, 870.13 FEET; THENCE NORTH 47°20'44" EAST, 513.21 FEET; THENCE NORTH 23°31'31" EAST, 255.89 FEET; THENCE NORTH 08°15'42" EAST, 280.11 FEET; THENCE NORTH 02°40'07" EAST, 185.00 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF 260TH STREET EAST AND A CURVE CONCAVE TO THE SOUTHEAST AND HAVING A RADIUS OF 600.00 FEET; THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND CURVE (CORD BEARS SOUTH 68°55'46" WEST, 71.84'), 71.93 FEET TO A REVERSE CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 630.00 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE AND REVERSE CURVE, (CORD BEARS SOUTH 77°39'27" WEST, 302.28 FEET), 302.28 FEET; THENCE CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE NORTH 88°27'43" WEST, 1775.82 FEET TO THE WEST CORNER OF SECTION 30.

FILED FOR RECORD THIS 8 DAY OF Oct 1975
AT P.M. IN BOOK 15 PAGE 175
AT THE REQUEST OF Rainier Ranches

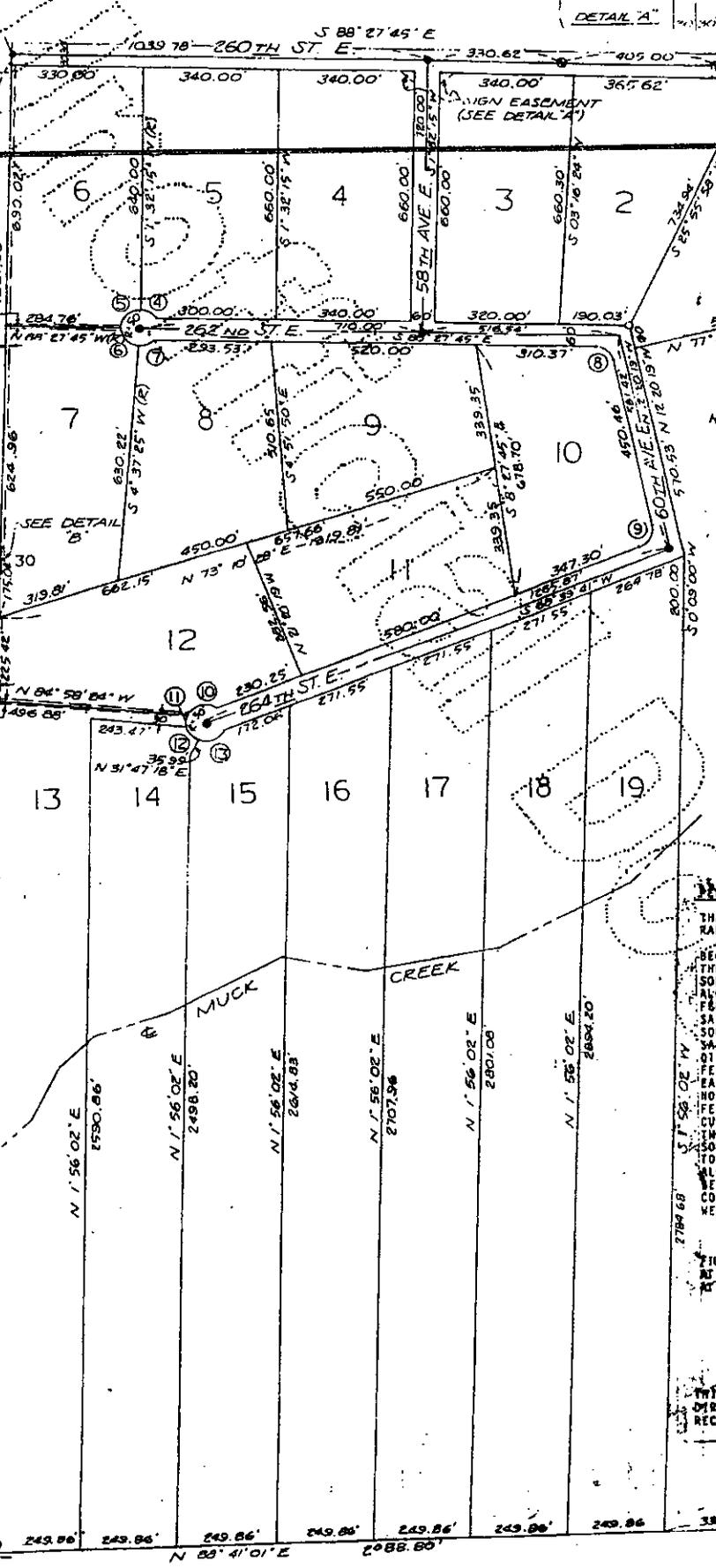
Alvin
SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY OPERATIONS IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF Rainier Ranches



J.S. LEAVIN & ASSOCIATES
REGISTERED LAND SURVEYORS

For reference only, not for re-sale.



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POOR QUALITY ORIGINAL

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6/20/2019

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418303015

11/29/2017 04:59 PM



Property Details		Taxpayer Details	
Parcel Number:	0418303015	Taxpayer Name:	KUZIOR SKIPPER
Site Address:	5501 264TH ST E	Mailing Address:	5501 264TH ST E GRAHAM WA 90338
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	9100-VACANT LAND UNDEVELOPED		

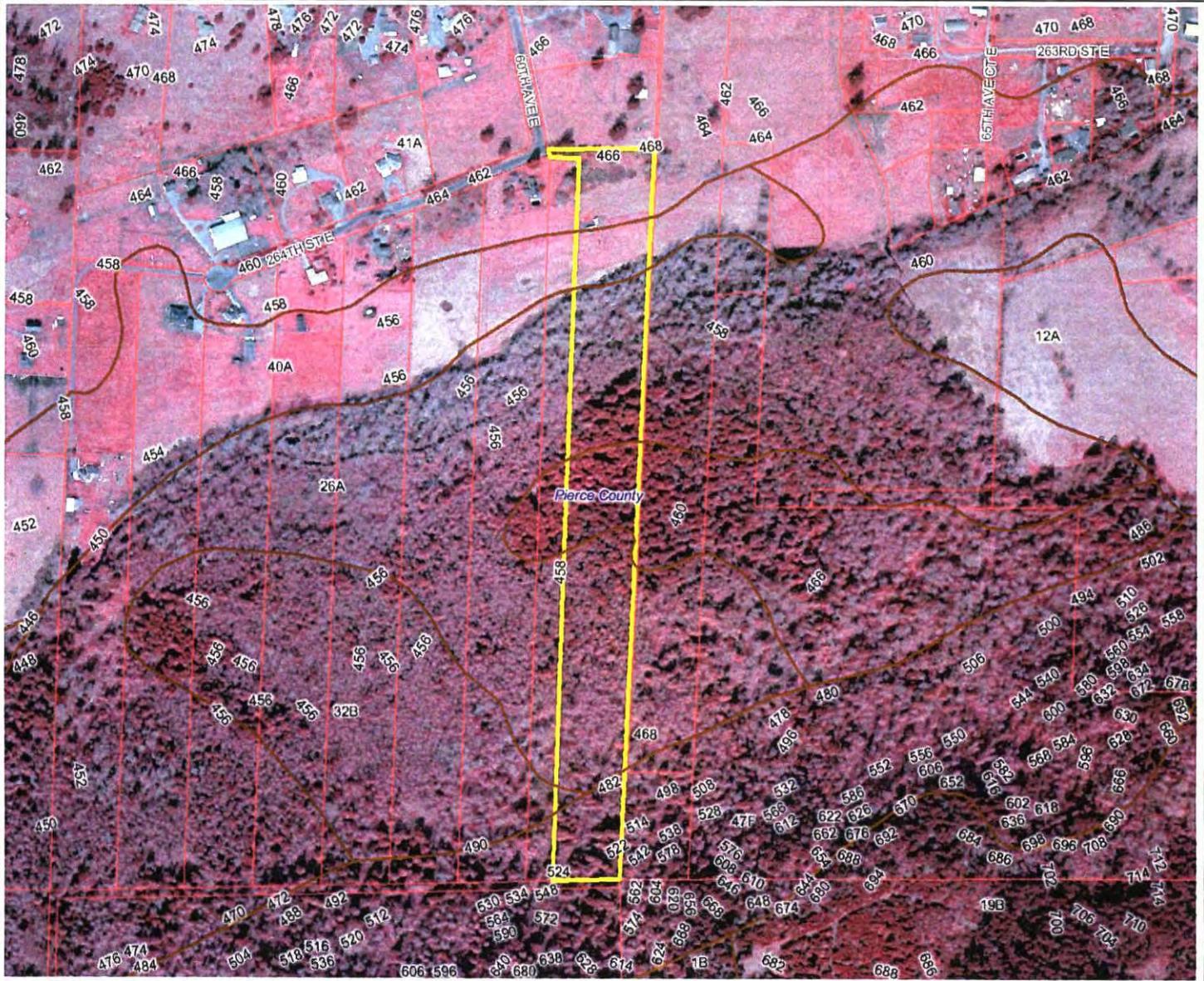
I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. All critical information should be independently verified.

Pierce County Assessor-Treasurer
Mike Lonergan
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piercecountywa.gov/ePIP

Copyright © 2017 Pierce County Washington, LLC. All rights reserved.

Property of Pierce County
Computer Database

0418303015



Map Legend

- Soils - BOD Desk
- Highlighted Tax Parcels
- ~ Fish Distribution (WFDW)

Contours - 2011

- ~ 10' Contour Line
- ~ 2' Contour Line

Hydro - Centerlines

- Piped Stream Sections
- ~ Stream

Priority Habitat/Species

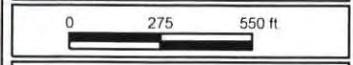
- Wetlands

Wetlands

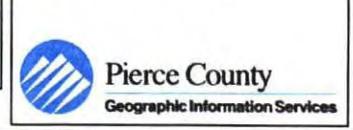
- Yes
- Not Verified
- No

Hydro - Surface Boundaries

- Water body
- Island
- Swamp



Printed: 9/28/16 12:17 PM

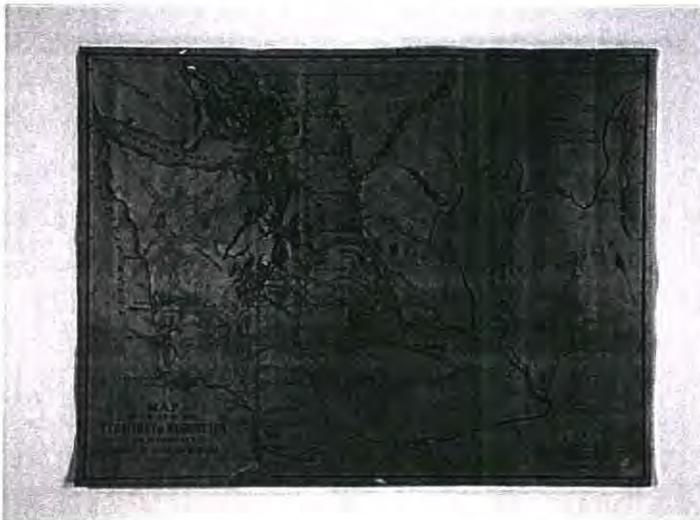


The map features are approximate and are intended only to provide an indication of said feature. Additional areas that have not been mapped may be present. This is not a survey. Orthophotos and other data may not align. Pierce County assumes no liability for variations ascertained by actual survey. All data is expressly provided AS IS and WITH ALL FAULTS. Pierce County makes no warranty of fitness for a particular purpose.

POOR QUALITY
ORIGINAL

COLLECTIONS CATALOG > "MAP OF A PART OF THE TERRITORY OF WASHINGTON TO ACCOMPANY REPORT OF SURVEYOR GENERAL"

"Map of a part of the Territory of Washington to accompany report of Surveyor General"



Mouse over the image to zoom.

[View Full Size Image](#)

Related Media

There are no other media for this item.

Catalog ID Number: 2014.0.79

Object Type: map, survey, map

Full Description:

survey map; "Map of a part of the Territory of Washington to accompany report of Surveyor General," James Tilton, Surveyor Generals Office, Olympia, Washington Territory, Sept. 20, 1855; The area of Washington Territory shown is from Fort Colville west to the Pacific Ocean, south to the Columbia River and north to the British Columbia border; reproduction, paper backed by linen. Series Number: Sen. Ex. Doc. N.I. 34 Cong. 1 Session Photo-duplication of original 1855 map. Map shows survey lines of Willamette Meridian, work under progress, and proposed to survey west of the meridian line. Map also shows Isaac Stevens' route for the Pacific Railroad,

and the U.S. Military Road from Steilacoom to Wallawalla (sic). Forts, major rivers, major lakes, and towns are indicated. A red line has been drawn to the base map to mark a route across the Cascade Mountain Range (through Naches Pass) from Walla Walla to Seattle.

Dimensions:

Height 14 in Scale: 1"=18 miles

Width 18 in

Creation Date: Sep. 20, 1855

Call Number: MAPB/WT/1855.2

Related Subjects: Washington Territory, map, survey, mountain, fort, Columbia River, river, Cascade Mountain Range, Oregon Territory, Northern Pacific Railroad, Strait of Juan de Fuca, Gulf of Georgia, island, Isaac Ingalls Stevens, construction, railroad, James Tilton, Naches Pass

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 30th ultimo, information respecting the proclamation of martial law in the Territory of Washington, &c.

FEBRUARY 10, 1857.—Read, ordered to lie on the table, and be printed.

To the Senate of the United States:

I transmit a report from the Secretary of State, with accompanying papers, in answer to the resolution of the Senate of the 30th ultimo.

FRANKLIN PIERCE.

WASHINGTON, *February 9, 1857.*

DEPARTMENT OF STATE,
Washington, February 9, 1857.

The Secretary of State, to whom was referred a resolution of the Senate of the 30th ultimo, requesting the President to communicate to that body, if not incompatible with the public interest, "copies of the letters, and any other papers, which may have been received at either of the executive departments relating to the proclamation of martial law in the Territory of Washington, by Governor Stevens, and also relating to the arrest of a judge of the said Territory while holding a district court of the United States and his retention by a military guard, and relating to any other proceedings under the said proclamation, not heretofore communicated to the Senate," has the honor to lay before the President the accompanying copy of papers, embracing all the correspondence and documents called for on the files and records of this department.

All which is respectfully submitted.

W. L. MARCY.

To the PRESIDENT OF THE UNITED STATES.

0128

1237

6/20/2019



July 3, 2018

Mr. Skipper Kuzior
5501 264th St. E.
Graham, WA 98338

RE: Existing building locations on parcel no. 041830-3-015, Pierce County, WA

Dear Mr. Kuzior,

I, Robert L. Swift, a Professional Land Surveyor licensed in the State of Washington, at the request of the property owner, Mr. Skipper Kuzior, conducted a survey on July 2, 2018, on a parcel of land (TPN 0418303015) to determine the location of two (2) existing buildings within the northeasterly portion of said parcel. The result of the survey indicates that the existing 3 foot by 6 foot building near the north property line and the 7 foot by 8 foot outbuilding near the east property line are entirely within the record boundaries of TPN 0418303015.

Robert L. Swift,
Professional Land Surveyor
Certificate No. 27195

Application/Permit Review/Inspection Comments

App#: 686415	Type: Boundary Line Adjustment	Status: Approved	Appl Date: 5/27/2010
Project Name: Hadman, Mark & Reitzug, Henry			Issued Date:
Description: Review Boundry Line Adjustment			Exp Date:
Bin #:			Final Date:
Applicant: PACIFIC ENGINEERING DESIGN, LLC	Owner: Reitzug, Henry & Hadman, Mark		
Phone: (206) 431-7970	Phone: Not Available		
Parcel #: 0418304018	RTSQQ: 04183042	Site Address: 6212 260th ST E	

Last Reviewer:	Fee Total:	\$1,720.00
Last Inspector:	Amount Paid:	\$1,720.00
	Total Due:	\$0.00

Review Type	Status	Date	Employee	Dept	Comment
Counter/Office	Comment	6/1/2010	Lori Roosendaal	FIRE	Rcvd packet for review - routed to LM.
Plan Check	Not applicable	6/1/2010	Lori Roosendaal	FIRE	FPB has no comment on the BLA.
Request for Information	Request for information	6/2/2010	Dena Reaugh	ASSR	Please call out the 1/4 1/4 in the title block Need signatures/acknowledgments prior to ATR signature on mylar New Parcel A - Please change first "BEGINNING" to "COMMENCING". Dist along east line of parcel is called out in legal as 280.00 but shown on drawing as 380.00 See note above on east line of parcel A. Excepted 260TH ST E right of way is not shown on drawing. Original distances & bearings that are changing need to be shown and labeled Taxes must be paid in full prior to signature on mylar 11) Will need updated title report prior to signature. (Can be submitted with mylar) 17) Please include site addresses
Plan Check	Not applicable	6/8/2010	Diane Ryba	BIOL	No wetland or fish/wildlife review is required for this BLA as it does not appear that it will cause either lot to be unbuildable. The southern parcel contains and will continue to contain wetlands and be subject to wetland review prior to any development proposal. Both parcels are and will continue to be subject to fish/wildlife review prior to any development proposal.
Request for Information	Request for information	6/16/2010	Dave Peterson	DENG	MARKED UP BLA, LETTER & CHECKLIST SENT TO SURVEYOR FOR REVISIONS. SENT SURVEY RESUBMITTAL CHECKLIST.
Request for Information	Request for information	6/21/2010	Melanie Halsan	PLAN	need response to required findings, need to provide original and revised lot sizes, need to show distance from structure to proposed property line. Minimum lot size in RSR is 5 acres - don't believe proposal is complying, concerned about how parce 4018 was created (m-seg) requested more information (deed predating 8-13-1974 would resolve issue)
Request for Information	Request for information	10/18/2010	Michelle Schreiner	HLTH	TPCHD has not received an application and/or fees for this project.
Receive Information	Received Back	11/16/2010	Donna Sigo	DENG	Revised BLA plans, section subd drawing, response letter, bla review, original red lined bla drawings
Receive Information	Received Back	11/16/2010	Vicki Eastburn	DENG	Received revised BLA plans, Checklist, section subdivision drawings, redlines on 11/16/10
Request for Information	Request for information	11/30/2010	Dave Peterson	DENG	2ND MARKED UP BLA & LETTER SENT TO SURVEYOR FOR REVISIONS. SENT SURVEY RESUBMITTAL CHECKLIST.
Receive Information	Received Back	9/27/2011	Cindy Anderson	DENG	Received redlined and revised BLA plans; quit claim deed; real estate excise tax affidavit; revised lot closure calcs and draft access easements.

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6/20/2019

Application/Permit Review/Inspection Comments

Appl#: 686415 Type: Boundary Line Adjustment Status: Approved Appl Date: 5/27/2010
 Project Name: Hadman, Mark & Reitzug, Henry Issued Date:
 Description: Review Boundry Line Adjustment Exp Date:
 Bin #: Final Date:
 Applicant: PACIFIC ENGINEERING DESIGN, LLC Owner: Reitzug, Henry & Hadman, Mark
 Phone: (206) 431-7970 Phone: Not Available
 Parcel #: 0418304018 RTSQQ: 04183042 Site Address: 6212 260th ST E

Last Reviewer: Fee Total: \$1,720.00
 Last Inspector: Amount Paid: \$1,720.00
 Total Due: \$0.00

Review Type	Status	Date	Employee	Dept	Comment
Request for Information	Request for information	10/7/2011	Dave Peterson	DENG	3RD MARKED UP BLA & LETTER SENT TO SURVEYOR FOR REVISIONS. SENT SURVEY RESUBMITTAL CHECKLIST. 1) BLA AND LOT CLOSURES DONT MATCH, REVISE AS NECESSARY. 2) SHOW EASEMENT 92944 3) IDENTIFY SURVEY EQUIPTMENT AND PROCEDURES 4) REVISE DEED FOR 260TH 6) NEED SHORT PLAT ALTERATION TO REVISE ACCESS TO SHORT PLAT LOTS 7) NEED EASEMENT DOCUMENTS FOR PROPOSED EASEMENTS 8) SEE BLA FOR ADDITIONAL COMMENTS
Request for Information	Request for information	10/13/2011	Barbara Cook	CART	PLEASE ADD ADDRESSES: (PARCEL A) 6210 260TH ST E, (PARCEL B) 6214 260TH ST E AND (PARCEL C) 6218 260TH ST E.
Cancel Application	Cancel application	2/8/2012	Laura Hankel	PLAN	<p>In accordance with Pierce County Code, Title 18.60, Review Process, an application is deemed null and void if the applicant fails to submit requested information within 360 days of the last request by a County department (180 days standard submittal time with one 180-day extension provided by the County).</p> <p>Review of the referenced application shows the requested information was not submitted in accordance with the required timeframes. Therefore, the application has been deemed null and void, cancelled in the PALS+ computer system, and documented in the associated files. No additional review shall be completed on any information submitted and no refunds can be provided.</p>
Counter/Office	Comment	3/8/2012	Vicki Eastburn	PLAN	test
Remove Cancel Status	Accept	4/26/2012	Laura Hankel	PLAN	remove due to confusion on pals processing clock
Extend Expiration Date	Accept	4/26/2012	Laura Hankel	PLAN	Extended due to confusion on pals processing clock
Waived from Automatic	Waive an application	4/26/2012	Laura Hankel	PLAN	Automatically added review comment due to the manual change of the Expiration Date.
Plan Check	Approved but on Hold	4/26/2012	Melanie Halsan	PLAN	Have complied with all planning requirements
Request for Information	Request for information	4/26/2012	Dave Peterson	DENG	Need access easement to be recorded and recording number shown on BLA.
Plan Check	Approved	4/26/2012	Barbara Cook	CART	ROAD NAMES AND ADDRESSES ARE OK.
Plan Check	Approved but on Hold	4/27/2012	Dena Reaugh	ASSR	Approved pending payment of taxes. If possible, please add 3,960.25' dimension to west side of Parcel A.
Plan Check	Approved but on Hold	4/27/2012	Dena Reaugh	ASSR	Dimension is on drawing. Ok to sign when taxes are paid in full.

Application/Permit Review/Inspection Comments

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 6/20/2019

Appl#: 686415	Type: Boundary Line Adjustment	Status: Approved	Appl Date: 5/27/2010
Project Name: Hadman, Mark & Reitzug, Henry			Issued Date:
Description: Review Boundry Line Adjustment			Exp Date:
Bin #:			Final Date:
Applicant: PACIFIC ENGINEERING DESIGN, LLC		Owner: Reitzug, Henry & Hadman, Mark	
Phone: (206) 431-7970		Phone: Not Available	
Parcel #: 0418304018	RTSQQ: 04183042	Site Address: 6212 260th ST E	

Last Reviewer:	Fee Total: \$1,720.00
Last Inspector:	Amount Paid: \$1,720.00
	Total Due: \$0.00

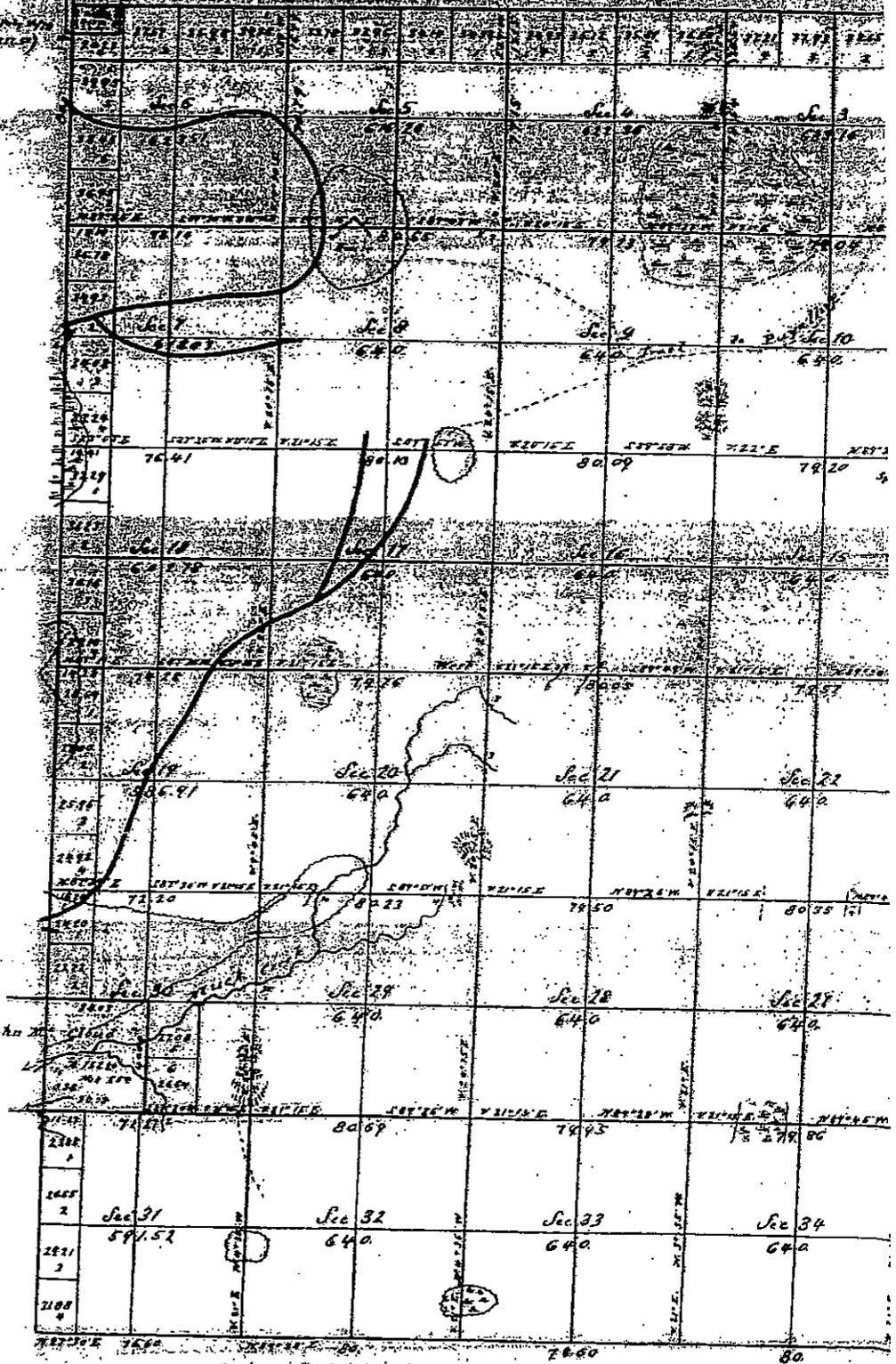
Review Type	Status	Date	Employee	Dept	Comment
Receive Information	Received Back	4/30/2012	Dave Peterson	DENG	Resub BLA
Plan Check	Approved	4/30/2012	Dave Peterson	DENG	Approved.
Plan Check	Approved	5/9/2012	Vergia Seabrook	HLTH	
Plan Check	Approved	5/21/2012	Dena Reaugh	ASSR	Signed mylar
Plan Check	Approved	5/24/2012	Melanie Halsan	PLAN	mylar signed
Plan Check	Comment	5/25/2012	Vicki Eastburn	PLAN	Recorded 5/25/12 #201205255001

Read with

18-4-A

Township No 18 North Range No 4 East

See the Sub-Section 18-4-A
changing sheets (18-4-A)



POOR QUALITY ORIGINAL

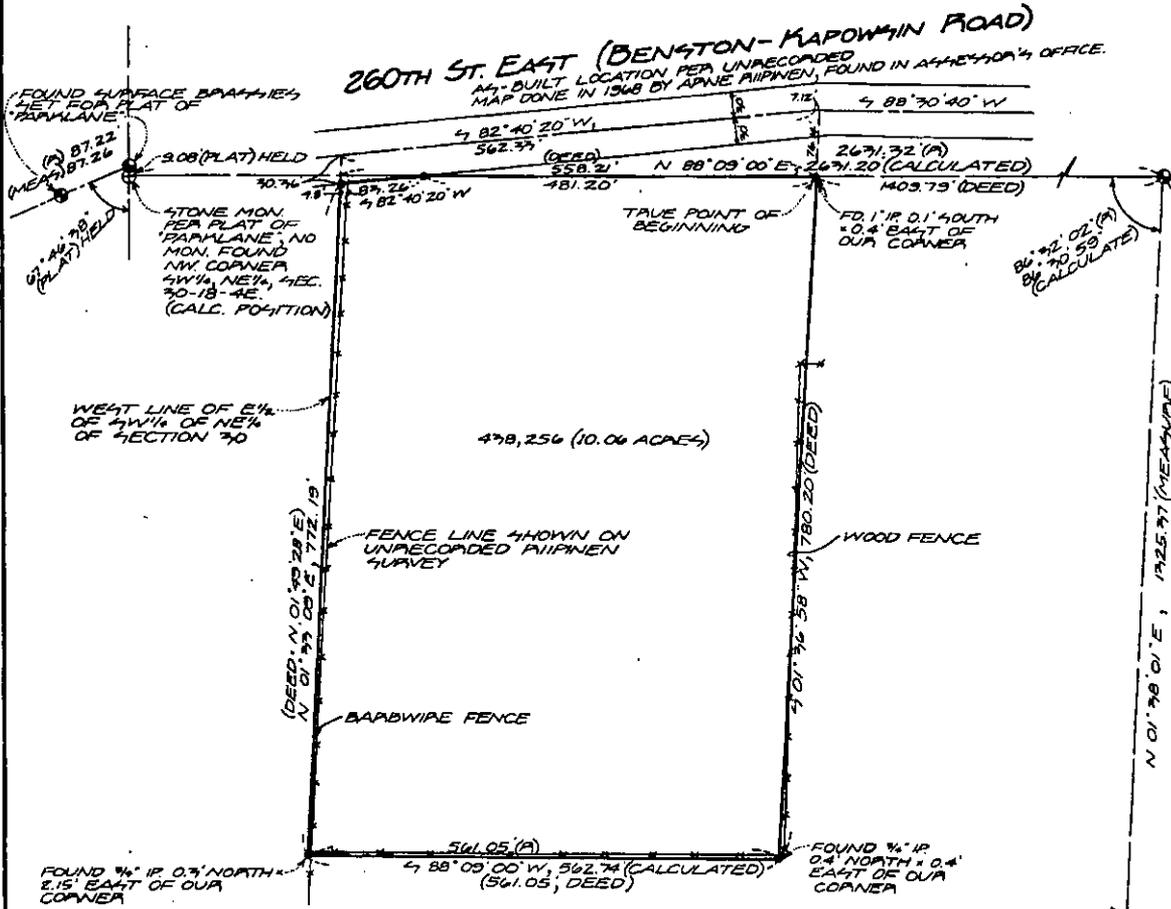
20/2019

SOURCES DESCRIBED	BY WHOM SURVEYED	CONTAINS		ANALYSIS OF INSTRUMENTS			DATE SURVEYED	When changed to the revised General Act
		No.	Date	Survey	Chain	Links		
Subdivisions	James John Reid	771	18 th July 1877	59	45	35	27 th Oct 1877	
Total No of acres	22 742.98							

6/20/2019

123

DATA OF BEARING: NORTH LINE 1/2 NE 1/4 SEC. 30 - N 88° 09' 00" E PER APNE PIIPINEN PL. # 7875, SHORT PLAT # 75-150.



LEGEND

- 1/2 REBAR W/CAP SET
- FOUND MONUMENT (AS NOTED)
- (M) RECORD DATA PER APNE PIIPINEN'S SHORT PLAT # 75-150 & SURVEY DONE IN JUNE 1968 AT FILE IN ASHESHOPIA OFFICE
- (PLAT) DATA PER PLAT OF 'PAPPLANE' DONE IN 1968 BY FRED LAWRENCE

LEGAL DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION, SOUTH 88° 09' 00" WEST 1403.79 FEET TO THE TAKE POINT OF BEGINNING; THENCE SOUTH 01° 26' 58" WEST 780.20 FEET; THENCE PARALLEL WITH THE NORTH LINE OF SAID SUBDIVISION, SOUTH 88° 09' 00" WEST 561.05 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 30; THENCE NORTH 01° 29' 28" EAST ALONG SAID WEST LINE 780.20 FEET TO THE NORTHWEST CORNER OF SAID SUBDIVISION; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION NORTH 88° 09' 00" EAST 558.21 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PORTION THEREOF, IF ANY, WITHIN BENKTON KAPOWAIN COUNTY ROAD.

SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEY RECORDING ACT AT THE REQUEST OF BETHEL SCHOOL DISTRICT IN JUNE 1987.

Wm. H. Nine
 WM. H. NINE, P.L.# 5788



POOR QUALITY ORIGINAL

AUDITOR'S CERTIFICATE
 Filed for record this 15 day of June, 1983
 under Auditor's Fee # 8306150349 at the request of
2:04 P.M.
\$25.00 *R. A. Moore by J. S. Schock*
 COUNTY AUDITOR



Consulting Engineers, Planners & Land Surveyors
 706 South 8th Street Suite 303
 Tacoma, Washington 98408
 (206) 627-9151
 Seattle 838-2886

RECORD OF SURVEY
 IN NE 1/4, SECTION 30, T18 N, R4 E, W.M.
 PIERCE COUNTY, WASH.
 FOR
BETHEL SCHOOL DIST. #403
 516 - 17th STREET EAST
 PANAWAY, WASH. 98787

JOB NO. 1465
 DESIGNED: AD
 DRAWN: ACP/AMM
 APPROVED: SMH
 DATE: 6/15/87
 SCALE: 1" = 100'
 SHEET 1 OF 1

8306150349

6/20/2019

0136



SCALE 1"=400'

BASIS OF BEARING ASSUMED, SOUTH LINE OF S.W. 1/4, SEC. 31-18-92 N.W.M.

LEGEND

- SET 1/2" REBAR
- FOUND IRON (1/2" NOTED)

LEGAL DESCRIPTION

The West Half (W/2) of the Northeast Quarter, (NE1/4),
 AND the Northeast Quarter (NE1/4) of the Northeast
 Quarter (NE1/4),
 AND Lots 1 and 2 and the East Half (E1/2) of the
 Northeast Quarter (NE1/4),
 AND Lot 3,
 AND the North Half (N1/2) of the Northeast Quarter
 (NE1/4) of the Southeast Quarter (SE1/4),
 AND the North Half (N1/2) of the Northeast Quarter (NE1/4)
 of the Southeast Quarter (SE1/4),
 AND the West 30 feet of the South Half (S1/2) of the
 Northeast Quarter (NE1/4) of the Southeast
 Quarter (SE1/4),
 ALL in Section 31, Township 18 North, Range 4
 East of the Willamette Meridian.

TOGETHER WITH that part of the South 30 feet of
 the Southeast Quarter (SE1/4) of the Northeast
 Quarter (NE1/4) of Section 36, Township 18 North,
 Range 3 East, lying East of the National Park
 Highway, its frontiers, and their successors and
 assigns, and the right to use the West 200
 feet of the tract hereby conveyed as a means of
 ingress and egress.

TOGETHER WITH that part of the Northeast Quarter
 (NE1/4) of the Southeast Quarter (SE1/4) of Section
 36, Township 18 North, Range 3 East of the
 Willamette Meridian, lying West of the National
 Park Highway, EXCEPT the following:
 Beginning at the Southeast corner of the Southeast
 Quarter (SE1/4) of the Northeast Quarter (NE1/4) of
 Section 36, Township 18 North, Range 3 East of the
 Willamette Meridian; thence South 89°19'26" East
 along the quarter section line 592.35 feet to the
 northerly right-of-way line of Skate Highway
 No. 5 and the TREE POINT BEGINNING; thence
 continuing South 89°19'26" East, 74.62 feet;
 thence South 34°47'49" East 282.98 feet; thence
 at 19°11' angle South 35°12'11" West, 80 feet to the
 northerly right-of-way line of Skate Highway No. 5;
 West 100 feet along said right-of-way line to the
 55°12'11" East along said right-of-way line, 20.00 feet;
 South 10°11'11" East along said right-of-way line, 16.31 feet to the
 South line of said Southeast Quarter (SE1/4) of the
 Northeast Quarter (NE1/4) of the Southeast Quarter (SE1/4)
 Meridian, and the TREE POINT OF BEGINNING.
 SUBJECT TO easements of record.

Surveyor's Certificate

This map correctly represents a survey made
 by me or my direction in accordance with
 the requirements of the Survey Recording
 Act, Chapter 19, Sections 19.010-19.020,
 RCW.

William J. Rebar
 William J. Rebar, L.S. 116190

AUDITOR'S CERTIFICATE

This record was filed on the 5th day of June, 1980,
 at 11:20 AM in Book 53 of Sale at
 61 at the request of J.S.D. in
 presence of *John J. Rebar*



BOOK NO.	7-915-80
RECORDED C.W.H.	
OWNER	D.J.P.
APPROVED C.W.H.	
DATE	29 APR 80
SCALE	1"=400'
SHEET	L. OF L.

RECORD OF SURVEY
 IN SECTION 31, T18N, R3E & SECTION 36, T18N,
 R3E, W.M., PIERCE CO., WASHINGTON
 FOR: TACOMA SCHOOL DISTRICT
 ("LINDCOLN TREE FARM")
 (COMM. MAP 1, TACOMA WASHINGTON)

CONSULTING ENGINEERS & LAND SURVEYORS
 510 SOUTH 11th STREET
 TACOMA, WASHINGTON, 98402
 (206) 827-9151



For reference only, not for re-sale
 #3269

POOR QUALITY ORIGINAL

RECORD OF SURVEY FOR BOUND

260th STREET EAST (PUBLIC)

1/16 COR. - 3" DIA. BRASS DISK 0.1' BELOW SURFACE SET BY P.C.P.

ORIGINAL DESCRIPTION - PARCEL 'A'

LOT 1, PIERCE COUNTY SHORT PLAT NO. 78-895 PER MAP RECORDED DECEMBER 7, 1978, IN VOLUME 31 OF SHORT PLATS AT PAGE 33;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD; RECORDS OF PIERCE COUNTY AUDITOR.

ORIGINAL DESCRIPTION - PARCEL 'B'

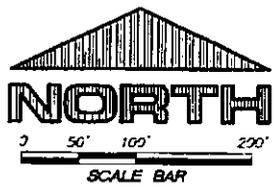
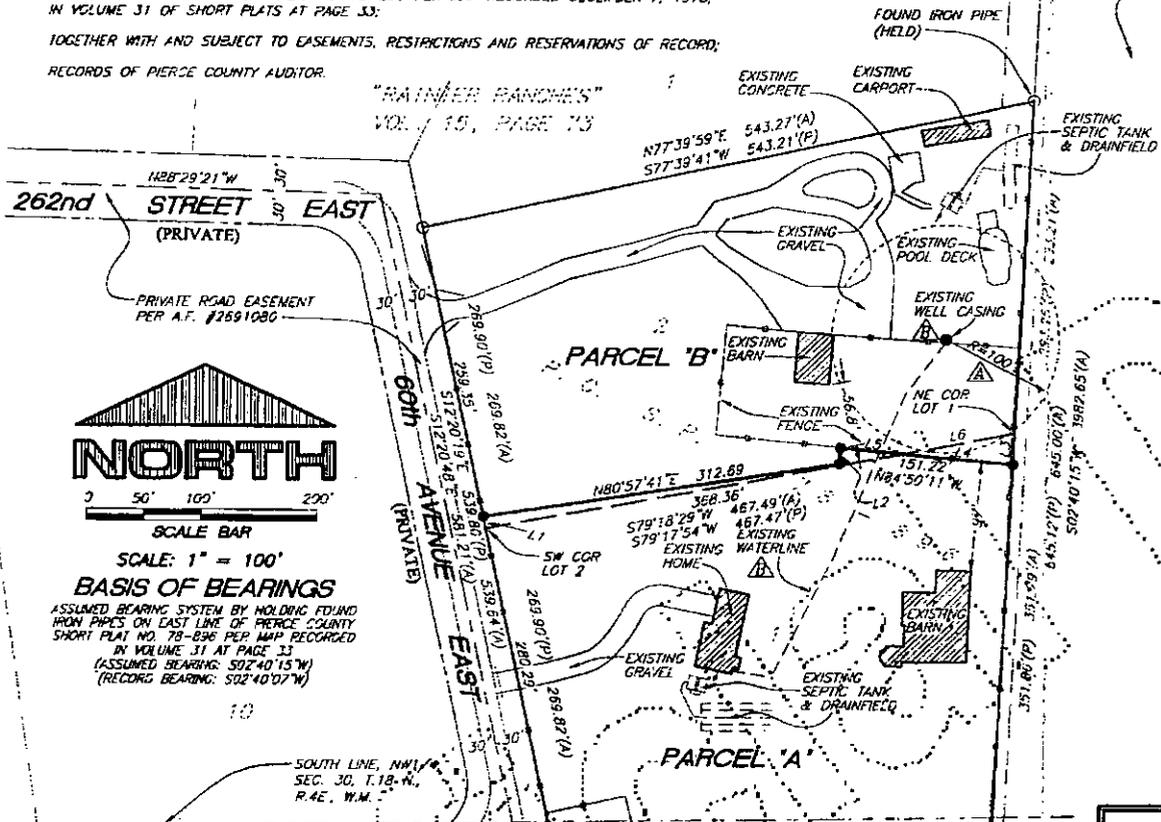
LOT 2, PIERCE COUNTY SHORT PLAT NO. 78-896 PER MAP RECORDED DECEMBER 7, 1978, IN VOLUME 31 OF SHORT PLATS AT PAGE 33;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD; RECORDS OF PIERCE COUNTY AUDITOR.

LINE	BEARING	DISTANCE
L1	N12°26'48"W	10.47
L2	N03°49'44"E	13.95
L3	N02°40'15"E	27.11
L4	N84°50'11"W	96.54
L5	S84°50'11"E	54.68
L6	N79°18'29"E	89.13

BLA #2012052550

"RAINIER RANCHES" VOL. 15, PAGE 73



BASIS OF BEARINGS
ASSUMED BEARING SYSTEM BY HOLDING FOUND IRON PIPES ON EAST LINE OF PIERCE COUNTY SHORT PLAT NO. 78-896 PER MAP RECORDED IN VOLUME 31 AT PAGE 33 (ASSUMED BEARING: S02°40'15"W) (RECORD BEARING: S02°40'07"W)

REVISED

LOT 1, PIERCE COUNTY SHORT PLAT NO. 78-895 PER MAP RECORDED DECEMBER 7, 1978, IN VOLUME 31 OF SHORT PLATS AT PAGE 33; EXCEPT THAT SAID LOT 1, 7 FEET, THENCE THENCE N79°18'29"E BEGINNING;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD; RECORDS OF PIERCE COUNTY AUDITOR.

REVISED

LOT 2, PIERCE COUNTY SHORT PLAT NO. 78-896 PER MAP RECORDED DECEMBER 7, 1978, IN VOLUME 31 OF SHORT PLATS AT PAGE 33; EXCEPT THAT SAID LOT 2, 11 FEET, THENCE 13.95 FEET, THENCE 579°18'29"E BEGINNING;

TOGETHER WITH AND SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD; RECORDS OF PIERCE COUNTY AUDITOR.

POOR QUALITY ORIGINAL

NOTES:

1. THIS BOUNDARY LINE ADJUSTMENT IS NOT A PLAT, REPLAT OR SUBDIVISION.
2. APPROVAL OF A BOUNDARY LINE ADJUSTMENT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED FOR ANY STRUCTURE OR DEVELOPMENT WITHIN ANY LOT AFFECTED BY THE BOUNDARY LINE ADJUSTMENT.
3. THE APPROVAL OF THIS BLA BY PIERCE COUNTY SHOULD NOT BE CONSTRUED AS APPROVAL OF ANY LAND USE WHICH MAY OR MAY NOT HAVE BEEN PROPERLY PERMITTED.
4. ALL CONDITIONS, RESTRICTIONS AND NOTES FROM THE ORIGINAL SUBDIVISION STILL APPLY.

SW SEC. COR. - NOT VISITED; HELD CALC'D POSITION PER SURVEY UNDER AF #201205255001



STATE OF WASHINGTON COUNTY OF WA

I HEREBY CERTIFY THAT THE USES AND PURPOSES GIVEN UNDER MY HAND AND SEAL ARE CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTARY PUBLIC IN AND RESIDING AT
(PRINT NAME) **JAIN**
MY COMMISSION EXPIRES:

SHEET 1

0140

1237

6/20/2019

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

This Declaration, made on the date hereinafter set forth, by D. A. BELFOY and VIRGINIA E. BELFOY, husband and wife, hereinafter referred to as "Declarant",

WITNESSETH:

WHEREAS, Declarant is the owner of certain property in Pierce County, Washington, more particularly described as:

As set forth in Exhibit "A" attached hereto.

NOW, THEREFORE, Declarant hereby declares that all of the properties described above shall be held, sold and conveyed subject to the following easements, restrictions, covenants and conditions, which are for the purpose of protecting the value and desirability of, and which shall run with, the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE I.

Definitions

Section 1. "Association" shall mean and refer to RAINIER RANCHES ASSOCIATION, a Washington nonprofit corporation, its successors and assigns.

Section 2. "Properties" shall mean and refer to that certain real property hereinabove described and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 3. "Common Area" shall mean all real property owned by the Association for the common use and enjoyment of the members of the Association. The Common Area to be owned

by the Association at the time of the conveyance of the first lot consists of roads, easements for equestrian trails, and entrance monuments.

Section 4. "Lot" shall mean and refer to any portion of the Properties (except Common Areas) described as a separate tract on the survey of the Properties recorded contemporaneously with this Declaration or on a similar exhibit filed in connection with the annexation of additional properties pursuant to Article II.

Section 5. "Member" shall mean and refer to every person or entity who holds membership in the Association.

Section 6. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title to any lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 7. "Declarant" shall mean and refer to D. A. Belfoy and Virginia E. Belfoy, their heirs and assigns, but only so long as the instrument of assignment (as to assigns only) specifically refers to and assigns the rights of Declarant under this Declaration.

Section 8. The term "mortgage" shall include a Deed of Trust.

ARTICLE II

Annexation of Additional Properties

Additional land within the area described below may be annexed by the Declarant without the consent of the members within ten (10) years of the date of this instrument. The area referred to is located in Pierce County, Washington, and is described as follows:

As set forth in Exhibit "B" attached hereto.

ARTICLE III

Property Rights

Section 1. Owners' Easements of Enjoyment. Every owner shall have a right and easement of enjoyment in and to the Common Area and for ingress and egress over and through the Common Area, subject to such reasonable rules and regulations regarding use as the Association may from time to time adopt and make known to the members, and such easements shall be appurtenant to and shall pass with the title to every Lot, subject to the following provisions:

(a) The right of the Association to dedicate or transfer all or any part of the roads constituting part of the Common Area to any public authority for road purposes. No such dedication or transfer shall be effective unless an instrument signed by 50% of the voting power of each class of members agreeing to such dedication or transfer has been recorded.

(b) The right of the Association to suspend the voting rights and right to use of the equestrian trails by an owner for any period during which an assessment against his Lot remains unpaid; and for a period not to exceed 60 days for any infraction of its published rules and regulations.

Section 2. Delegation of Use. Any owner may delegate, in accordance with the By-Laws, his right of enjoyment to the Common Area to the members of his family, his tenants, or contract purchasers who reside on the property.

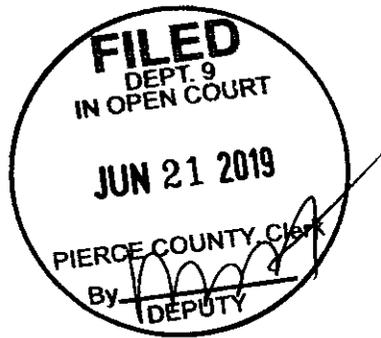
ARTICLE IV.

Membership and Voting Rights

Section 1. Every owner of a lot which is subject to assessment shall be a member of the Association. Membership

APPENDIX N

0072



SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR PIERCE COUNTY

HENRY C. REITZUG, as his separate estate;
and MARK HADMAN and LISA HADMAN,
husband and wife and the marital community
comprised thereof,

Plaintiffs,

v.

SKIPPER KUZIOR,

Defendant.

NO. 18-2-05745-6

ORDER GRANTING PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT

ASSIGNED TO:
HONORABLE EDMUND MURPHY

This matter came before the Honorable Edmund Murphy of the Pierce County Superior Court on Plaintiffs' Motion for Summary Judgment. The Court, heard argument of counsel and reviewed the pleadings and records, including:

1. Plaintiffs' Motion for Summary Judgment
2. Declaration of Henry Reitzug
3. Declaration of Mark Hadman
4. Declaration of Dianne K. Conway
5. Reply Declaration of Dianne Conway re Plaintiffs' Motion for Summary Judgment

6/26/2019 1320

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6/26/2019

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6. Supplemental Reply Declaration of Dianne K. Conway re: Plaintiffs' Motion for Summary Judgment.

and the Court being fully advised, it is

ORDERED that Plaintiffs' Motion for Summary Judgment is GRANTED. It is further ordered that

7. Plaintiffs are the prevailing party on Plaintiffs' Motion for Summary Judgment pursuant to the Court's Order Granting Defendants' Motion for Summary Judgment entered on June 21, 2019.

8. Plaintiffs are entitled to treble damages and an award of reasonable attorneys' fees and litigation expenses pursuant to RCW 4.24.630. Plaintiffs' RCW 4.24.630 claim arises from the same nexus of facts as Plaintiffs' trespass and first quiet-title action. Attorney fees and litigation expenses incurred relating to the RCW 4.24.630 cannot be reasonably segregated from fees and expenses relating to the other claims.

9. Plaintiffs are entitled to reasonable attorneys' fees and litigation expenses pursuant to RCW 4.84.185, as Defendant's defenses against Plaintiffs' claims were frivolous and advanced without reasonable cause.

~~10. Plaintiffs are entitled to sanctions sufficient to cover attorney fees and costs pursuant to CR 11, as Defendant's defenses against Plaintiffs' claims were baseless and made for improper purposes.~~

~~11. Plaintiffs are entitled to attorney fees as damages for prevailing on the two quiet-title actions, as there is no material difference between Plaintiffs' quiet-title actions~~

EM
DK
EM
DK

0074

1320

6/26/2019

1 ~~and a slander-of-title claim and Defendant left Plaintiffs with no recourse other than~~ *RAC*
2 litigation to protect title to their properties.

3 12. The billing rates for the various attorneys and legal staff that performed
4 work for Plaintiffs, as more fully set forth in Plaintiffs' Motion and supporting Declaration
5 of Dianne K. Conway, are reasonable.

6 13. The Court has reviewed the billing records and believes that the time
7 expended by Plaintiffs in defending this case were reasonable.

8 14. The litigation expenses incurred by Plaintiffs are reasonable.

9 THEREFORE, for the above-stated reasons, the Court hereby

10 ORDERS that Defendants are entitled to an award of (1) treble damages in the
11 amount of \$1,500; (2) attorneys' fees in the amount of \$ 29,715.99; ~~(3) sanctions~~ *RAC*
12 in the amount of \$ ~~_____~~; and (4) litigation expenses in the amount of
13 \$ 1,736.49
14
15
16

17 DATED this 21st day of June 2019.

18 *[Signature]*
19 JUDGE EDMUND MURPHY

20 Presented by:

21 GORDON THOMAS HONEYWELL LLP

22 By: *[Signature]*

23 Dianne K. Conway, WSBA No. 28542
24 dconway@gth-law.com
25 Attorney for Plaintiffs
26

FILED
DEPT. 9
IN OPEN COURT
JUN 21 2019
PIERCE COUNTY, WASH.
By: *[Signature]*
DEPUTY

0075
1320
6/25/2019

1 APPROVED:

2
3 By: Do Not Agree Frivolous
4 Skipper Kuzior, Pro Se

APPENDIX N

PIERCE COUNTY SUPERIOR COURT
KEVIN STOCK
CLERK OF THE SUPERIOR COURT
TACOMA WA

18-2-05745-6



Form 1. Notice of Appeal
(Trial Court Decision)
[Rule 5.3a]

SUPERIOR COURT OF WASHINGTON FOR Pierce COUNTY

Rcpt. Date 06/27/2019 Acct. Date 06/27/2019 Time 12:07 PM

Receipt/Item # 2019-05-05261/01 Tran-Code 1116 Docket-Code \$AFF
Cashier: DND

[Name of plaintiff], Henry Reitzny)
Plaintiff,)
Mark + Lisa Hadmen)
v.)
[Name of defendant],)
Defendant.)

No. [trial court] 18-2-05745-6
Notice of Appeal to SKIPP
[Supreme Court or Court of Appeals] Transaction Amount: \$290.00

SKIPP William Kuzior

[Name of party seeking review], [plaintiff or defendant], seeks review by the designated appellate court of the [Describe the decision or part of decision which the party wants reviewed for example, "Judgment", "Paragraph 4 of the marriage dissolution decree".] entered on [date of entry.]

A copy of the decision is attached to this notice.

[Date] 6-27-19

FILED
IN COUNTY CLERK'S OFFICE

JUN 27 2019

Signature

Skipp Kuzior
Attorney for [Plaintiff or Defendant]

PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY W DEPUTY

[Name, address, telephone number, and Washington State Bar Association membership number of attorney for petitioner and the name and address of counsel for each other party should be listed here. In a criminal case, the name and address of the defendant should also be listed here. See rule 5.3(c).]

Dianna Conway WSBA 28542 1201 Pacific Ave Suite 2100
Tacoma, Wa 98402

Skipp Kuzior 26327 60th Ave E Graham
Wa 98338

0029
6/28/2019 1349

APPENDIX O

May 23 2019 2:17 PM

KEVIN STOCK
COUNTY CLERK
NO: 18-2-05745-6

1
2
3
4
5
6
7 SUPERIOR COURT OF THE STATE OF WASHINGTON
8 FOR PIERCE COUNTY

9 HENRY C. REITZUG, as his separate estate;
10 and MARK HADMAN and LISA HADMAN,
11 husband and wife and the marital community
12 comprised thereof,

13 Plaintiffs,

14 v.

15 SKIPPER KUZIOR,

16 Defendant.

NO. 18-2-05745-6

DECLARATION OF DIANNE K. CONWAY

ASSIGNED TO:
HON. EDMUND MURPHY

HEARING DATE/TIME:
JUNE 21, 2019 AT 9:00 A.M.

17 Dianne K. Conway declares under penalty of perjury under the laws of the State of
18 Washington that the following is true and correct:

19 1. I am the attorney for Plaintiffs Henry C. and Ann Marie Reitzug and Mark
20 and Lisa Hadman. I am over the age of 18 and competent to make this declaration.

21 2. Attached as **Exhibit A** is a true and correct copy of the statutory warranty
22 deed by which the Reitzugs and Hadmans acquired their properties that are at issue in
23 this case.

24 3. Attached as **Exhibit B** is a true and correct copy of the statutory warranty
25 deed by which Defendant Skipper Kuzior acquired his property that is at issue in this
26 case.

DECLARATION OF DIANNE K. CONWAY - 1 of 8
(18-2-05745-6)
[4843-9501-7623]

LAW OFFICES
GORDON THOMAS HONEYWELL LLP
1201 PACIFIC AVENUE, SUITE 2100
TACOMA, WASHINGTON 98402
(253) 620-6500 - FACSIMILE (253) 620-6565

1 4. Attached as **Exhibit C** is a true and correct copy of the Pierce County
2 Assessor-Treasurer parcel map depicting the properties at issue in this case.

3 5. Attached as **Exhibit D** is a true ad correct copy of my office's billings for
4 legal fees in this matter. These total \$27,195.49.

5 6. Attached as **Exhibit E** is a true and correct copy of my office's billings for
6 costs in this matter. These total \$1,676.23.

7 7. While Plaintiffs asserted both quiet title and trespass-related causes of
8 action, these claims largely arose from the same nexus of facts: namely, Kuzior's
9 unilateral relocation of the fence separately his property from Plaintiffs' property. They
10 also required similar briefing. Accordingly, it is not possible for me to segregate fees
11 relating to the RCW 4.64.630 claim and trespass claim from the first quiet-title claim.
12 While the second quiet-title claim involved the Re-record Deed and not the fence, it was
13 addressed in the same Amended Complaint and motion for partial summary judgment in
14 which I addressed the RCW 4.64.630 claim. This makes it very difficult and impractical
15 to segregate the fees according to the claim.
16

17 8. I am a 1998 graduate of the University of Virginia School of Law. I have
18 practiced law in Washington for over 20 years. During that time, my practice has focused
19 on real estate law, land use, and environmental law. I charge Plaintiffs \$325 an hour for
20 my time on this matter, which is reasonable given my level of experience and expertise
21 (my hourly rate increased effective January 1, 2019, but I opted not to raise it for this
22 matter).
23

24 9. My associate Kristina Southwell also worked on this matter. She graduated
25 *cum laude* from the Indiana University Maurer School of Law in Bloomington and clerked
26 for the Honorable Judge Bradley A. Maxa on the Washington Court of Appeals, Division 2,

1 before joining my firm in 2017. She charged \$190/hour on this matter, which is
2 reasonable given her level of experience.

3 10. My associate Steven Fawcett did some brief research relating to this
4 motion. He graduated *summa cum laude* from the Seattle University School of Law—
5 where he received the CALI Award in ten different courses—in 2017. He charged
6 \$190/hour on this matter, which is reasonable given his level of experience.
7

8 11. My associate Christal Harrison also did some limited research relating to
9 this matter. She is a 2015 graduate of the University of Washington School of Law, after
10 which she clerked for two years at the Washington State Court of Appeals, Division I. She
11 charged \$190/hour on this matter, which is reasonable given her level of experience.

12 12. A summer associate, Saranda Ross, assisted with research and drafting
13 related to the first motion for summary judgment. She had completed her second year of
14 study at the University of Washington School of Law and is set to graduate next month.
15 She charged \$150/hour on this matter, which is reasonable given her level of experience.
16 Even so, I did write off or down six hours of her time.
17

18 13. My paralegal Sincere Hankins also worked on this matter. Ms. Hankins
19 graduated from Tacoma Community College in 2001 with an associate degree for Legal
20 Assistant. Ms. Hankins worked as a law clerk for 16 years; in 2006 she also started
21 working as a paralegal part-time, and she was promoted to full-time paralegal in 2017.
22 She charged \$125/hour on this matter, which is reasonable given her level of experience.

23 14. Another paralegal, Denise Lowry, also worked on this matter. Ms. Lowry is a
24 transactional paralegal with 27 years of experience in the areas of real estate, trusts and
25 estates and business, having taken the Paralegal courses at Ft. Steilacoom Community
26

1 College 1985-1987. She charged \$175/hour on this matter, which is reasonable given
2 her level of experience.

3 15. I will update the fees and costs before the hearing on this motion.
4 Additionally, I will provide the Court with the surveyor costs necessitated by Mr. Kuzior's
5 claim he had no idea where the boundary line was after the Court order him to relocate
6 the pasture fence back to its original position on the property line.
7

8 16. Kuzior's routinely takes unfounded positions regarding his property rights,
9 perceived slights against him, and other matters and frequently initiates abusive,
10 excessive, and vexatious litigation. Unfortunately, my clients and their family have
11 become his favorite target. As noted in the Motion and Mark Hadman Declaration, in
12 response to Mr. Hadman confronting Kuzior about Kuzior's relocation of the fence line,
13 Kuzior and Arrendondo sought an Order of Protection-Antiharassment against Mr.
14 Hadman in the present action based on a variety of over-the-top allegations.¹ As set forth
15 in the District Court pleadings, Kuzior and Arrendondo lied about serving Hadman and
16 obtained a Order of Protection after he did not appear at the hearing; this Order was later
17 revoked once the Court was informed of the deception. Kuzior and Arrendondo's efforts
18 to get a new protective order against Hadman were rejected.
19

20 17. On December 4, 2017, my partner, Jemima McCullum, sent a letter to
21 Kuzior demanding that he remove the fence and advising that it would be taken down if
22 he did not. In response, Arrendondo sought at Kuzior's behest (she admitted to this) an
23 Order of Protection-Antiharassment against Dr. Reitzug based on various scandalous
24 allegations.² Dr. Reitzug proved that he was not in the country during the time in question
25

26 ¹ Pierce County District Court Case No.7Z623402A.

² Pierce County District Court Case No. 7Z623267A.

1 (the Reitzugs live in Scotland) and obtained CR 11 Sanctions against Arrendondo.³
2 Arrendondo appealed this decision to Pierce County Superior Court, and the Honorable
3 Philip K Sorenson affirmed the decision and awarded another \$2,500 in CR 11
4 Sanctions.⁴
5

6 18. On June 25, 2018, Kuzior filed a Petition for Order of Protection-
7 Antiharassment against Christopher Tibbitts – the nephew of both the Reitzugs and the
8 Hadmans – who owns property adjacent to the properties that are the subject of the
9 dispute between Kuzior and Reitzug/Hadman.⁵ Tibbitts’ property was not involved in the
10 dispute, but he was the person who noticed and told his uncles the fence had been
11 moved.⁶ Tibbitts’ wife also submitted a declaration supporting Reitzug’s response to
12 Arrendondo’s Petition for Order of Protection-Antiharassment.⁷ Kuzior then voluntarily
13 dismissed his Petition against Tibbitts at the hearing on the matter claiming that it was a
14 case of mistaken identity, which prompted a \$1,500 sanction. This resulted in Kuzior
15 appealing the Order of Dismissal to the Superior Court, where he argued that he had *not*
16 voluntarily dismissed his Petition despite the hearing transcript very clearly showing
17 otherwise.⁸ The Honorable Judge Jerry Costello denied his appeal and issued an
18 additional sanction.⁹ Kuzior then sought discretionary review from the Court of Appeals,
19 which was denied and an additional sanction awarded.¹⁰ Kuzior is currently seeking
20 reconsideration of that decision on grounds that are baffling at best.
21

22 ³ *Id.*

23 ⁴ Pierce County Superior Court Case No. 18-2-05356-6.

24 ⁵ Pierce County District Court Case No. 8Z624054A.

25 ⁶ Declaration of Christopher Tibbitts submitted in Cause No. 8Z624054A.

26 ⁷ Declaration of Anne-Marie Tibbitts submitted in Cause No. 7Z623267A.

⁸ Pierce County Superior Court Civil Case No. 18-2-11976-1.

⁹ *Id.*

¹⁰ Washington Court of Appeals, Division II, No. 53083-0-II.

1 19. Kuzior has also used the courts to retaliate against others who he
2 perceives have wronged him. For example, Kuzior has initiated unsubstantiated civil suits
3 over self-declared property lines against other neighboring property owners. In 2016 and
4 2017, Kuzior filed claims against the Lincoln Tree Farm¹¹ and the Tacoma School
5 District,¹² claiming that he owned portions of their property, which adjoin his property to
6 the South. The former case was dismissed on procedural grounds and the latter was
7 dismissed with prejudice after the Court granted the District's summary-judgment motion.
8 Kuzior has now appealed that decision.
9

10 20. Kuzior's divorce proceedings also generated multiple litigious reactions
11 from Kuzior. After Kuzior's ex-wife initiated divorce proceedings in 2016,¹³ Kuzior filed
12 two lawsuits against his ex-wife's divorce attorney, Jennifer Wing;¹⁴ two lawsuits against
13 his ex-wife's grandmother, Nancy Lemay;¹⁵ and one Petition for an Order of Protection
14 against his ex-wife's father, Charles Boyles.¹⁶ A 2016 claim against Ms. Wing was
15 dismissed with prejudice and a judgment entitling Ms. Wing to attorney's fees and
16 costs.¹⁷ At the time the order of dismissal was initially entered, Kuzior surreptitiously
17 modified the order when he signed it to read dismissed "with out" prejudice.¹⁸ Ms. Wing
18 later caught the addition and returned to court to have the order corrected.¹⁹ In 2018
19

20 ¹¹ Pierce County Civil Case 16-2-13081-5.

21 ¹² Pierce County Civil Case 17-2-12326-4.

22 ¹³ Pierce County Superior Court Civil Case No. 16-3-02079-7.

23 ¹⁴ See Pierce County Superior Court Civil Case No. 16-2-13565-5, alleging that "Jennifer Anne Wing is a liar
24 and committed acts of fraud against a 'disabled person,' me Skipper Kuzior" and that she will "pay for this
25 dearly."

26 ¹⁵ Pierce County Superior Court Civil Case Nos. 17-2-13323-5 and 17-2-10611-4.

¹⁶ Motion for Immediate Restraining Order (Ex Parte) filed in Pierce County District Court Civil Case No. 16-
3-02079-7.

¹⁷ Pierce County Superior Court Civil Case No. 16-2-13656-5.

¹⁸ Order Clarifying and Amending Order of Dismissal and Declaration of Jennifer A. Wing filed in Pierce
County Superior Court Civil Case No. 16-2-13565-5.

¹⁹ *Id.*

1 Kuzior filed a Notice of Small Claim against Ms. Wing alleging that she had vandalized his
2 car on June 16, 2017, while he was in a hearing on the dissolution matter; his claim was
3 dismissed by Judge Lineberry following trial.²⁰
4

5 21. The two lawsuits brought against Ms. Lemay in 2017 were filed after she
6 submitted a declaration in support of Kuzior's ex-wife, Ms. Lemay's granddaughter, in the
7 divorce matter.²¹ The first lawsuit for "real estate theft" has been dismissed²² and the
8 second lawsuit for "embeslment [sic] of my 500k net worth money laundering" was
9 dismissed without prejudice.²³

10 22. The claim against Mr. Boyles came in the form of a petition seeking a
11 protective order against Mr. Boyles in this Court, in which Kuzior alleged that Mr. Boyles
12 was a "pervert" who acted inappropriately toward Kuzior's daughters (Boyles'
13 granddaughters).²⁴ The Court declined to issue any protective order.

14 23. Also during the dissolution proceedings, the parties reached a CR 2A
15 agreement, but Kuzior - who had representation at the time - decided to file a motion
16 *pro se* seeking to avoid the agreement.²⁵ Kuzior's attorney then withdrew. Meanwhile,
17 Kuzior's ex-wife was forced to spend time and money litigating over Kuzior's refusal to
18 comply with the agreement he had entered into. The court awarded fees to Kuzior's ex-
19 wife for the expense of responding to Kuzior's motion related to the CR 2A agreement.²⁶
20
21

22 ²⁰ Pierce County District Court No. 905375.

23 ²¹ Declaration of Nancy Lemay. Attached as Ex. B to Conway Decl.

24 ²² Pierce County Civil Case 17-2-10611-4.

25 ²³ Pierce County Civil Case 17-2-13323-5.

26 ²⁴ Motion for Immediate Restraining Order (Ex Parte) filed in Pierce County District Court Civil Case No. 16-3-02079-7.

²⁵ Pierce County Superior Court Civil Case No. 16-3-02079-7.

²⁶ Pierce County Superior Court Civil Case No. 16-3-02079-7.

EXHIBIT A



200307071522 2 PGS
 07-07-2003 03:09pm \$20.00
 PIERCE COUNTY, WASHINGTON

Name HENRY C. REITZUG and ANN MARIE REITZUG
 Address 2611 63RD AVE E
 City, State, Zip GRAHAM, WA

10132004
 Reference# (if applicable): _____
 Grantor(s): (1) SMELTZER SHIRLEY (2)
 Grantee(s): (1) REITZUG HENRY C. (2) REITZUG ANN MARIE
 Addit. Grantor(s) on pg. 2 Addit. Grantee(s) on pg. _____
 Legal Description (abbr.): SW 1/4 SE 1/4 AND NW 1/4 SE 1/4 SECT 30 TWNS
 18 N, R 4 E OF THE WM, SW 1/4 NE SECT 3 Addit. legal(s) on pg. 2
 Assessor's Tax Parcel ID# Acct #0418301004 AND ACCT #0418304018

STATUTORY WARRANTY DEED

THE GRANTOR **SHIRLEY SMELTZER**, AS HER SEPERATE ESTATE, for and in consideration of **TEN AND NO/100 DOLLARS AND OTHER VALUABLE CONSIDERATION**, in hand paid, conveys and warrants to **HENRY C. REITZUG and ANN MARIE REITZUG, HUSBAND AND WIFE, AS TO UNDIVIDED 57.7% INTEREST and MARK HADMAN and LISA HADMAN, HUSBAND AND WIFE, AS TO UNDIVIDED 42.3 % INTEREST** the following described real estate, situated in the County of **PIERCE**, State of Washington:

See Legal Description attached hereto and marked Exhibit "A". *pg 2*

SUBJECT TO:

Dated: July 3, 2003

Shirley Smeltzer
 SHIRLEY SMELTZER

TRANS
 10132004
 JUL 07 2003

STATE OF WASHINGTON)
)
 COUNTY OF Pierce) ss.

On this day personally appeared before me **SHIRLEY SMELTZER** to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that signed the same as free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 3 day of July, 2003.

Lisa A. Newland
 Notary Public in and for the State of Washington,
 residing at Tacoma
 My appointment expires: 12/29/04



Form 7176-3 (Rev. 12-96)

Transnation Title Insurance Company

LPB10



4008432 2 PGS
 07-07-2003 02:34pm EDRURY
 EXCISE COLLECTED: \$3,407.81
 PAT MCCARTHY, AUDITOR
 PIERCE COUNTY, WASHINGTON

AFF. FEE: \$0.00

For reference only, not for re-sale.

EXHIBIT A

PARCEL A:

THE WEST 250 FEET OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH, RANGE 4 EAST OF THE
W.M., IN PIERCE COUNTY, WASHINGTON;

PARCEL B:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 18 NORTH,
RANGE 4 EAST OF THE W.M., IN PIERCE COUNTY, WASHINGTON, DESCRIBED AS
FOLLOWS:

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 30;
THENCE NORTH $85^{\circ}47'32''$ EAST A DISTANCE OF 251.81 FEET;
THENCE NORTH $02^{\circ}40'07''$ EAST PARALLEL WITH THE WEST LINE OF THE SOUTHEAST
QUARTER OF SAID SECTION 30 A DISTANCE OF 2629.16 FEET TO THE NORTH LINE OF
SAID SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH $88^{\circ}55'20''$ WEST 250 FEET, MORE OR LESS, TO THE NORTHWEST
CORNER OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE SOUTH $02^{\circ}40'07''$ WEST 2642.93 FEET TO THE POINT OF BEGINNING ALONG
THE WEST LINE OF SAID SOUTHEAST QUARTER OF SAID SECTION 30;

SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.

For reference only, not for re-sale.

EXHIBIT B

55586-TR

DEC 23 2015

CHICAGO TITLE

201512230737 RJOHNSO 3 PGS
12/23/2015 02:35:25 PM \$75.00
AUDITOR, Pierce County, WASHINGTON

When recorded return to:
Skipper Kuzior
2017 90th St E
Tacoma, WA 98445

Filed for record at the request of:
 **Fidelity National Title**
COMPANY OF WASHINGTON, INC
5006 Center Street, Suite J
Tacoma, WA 98409-2314

Escrow No.: 611116720Z

STATUTORY WARRANTY DEED

THE GRANTOR(S) Betty J Gleason, an unmarried woman as her separate estate
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Skipper Kuzior, a married man

the following described real estate, situated in the County of Pierce, State of Washington:

**LOT 1, PIERCE COUNTY LARGE LOT DIVISION NO. 2303, RECORDED UNDER RECORDING
NUMBER 2303, PIERCE COUNTY, WASHINGTON.
SITUATE IN THE COUNTY OF PIERCE, STATE OF WASHINGTON.**

Abbreviated Legal: (Required if full legal not inserted above.)

Tax Parcel Number(s): 041830 301 5,

Dated: December 21, 2015


Betty J Gleason

For reference only, not for re-sale.

3/75

STATUTORY WARRANTY DEED

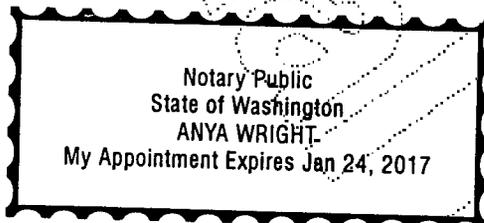
(continued)

State of WASHINGTON
County of PIERCE

I certify that I know or have satisfactory evidence that Betty J Gleason is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: November 23, 2015

Name: ANYA WRIGHT
Notary Public in and for the State of Washington
Residing at: Buckley 1/24/17
My appointment expires: 1/24/17



For reference only, not for re-sale.

EXHIBIT "A"

SUBJECT TO THE FOLLOWING:

1. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey:

Recording No.: 1473

2. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Large Lot

Recording No: 2303

3. Covenants, conditions, restrictions, assessments, and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: September 15, 1976

Recording No.: 2689153

Modification(s) of said covenants, conditions and restrictions.

Recording Date: July 5, 1978

Recording No.: 2834150

4. Assessments, if any, levied by Rainier Ranches Association.
5. Any question that may arise due to shifting and changing in the course, boundaries or high water line of Muck Creek.
6. Rights of the State of Washington in and to that portion, if any, of the Land which lies below the line of ordinary high water of Muck Creek.
7. Any prohibition or limitation of use, occupancy or improvement of the Land resulting from the rights of the public or riparian owners to use any portion which is now or was formerly covered by water.

For reference only, not for re-sale.

EXHIBIT C

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:12 AM



Property Details Parcel Number: 0418301069 Site Address: 6210 260TH ST E Account Type: Real Property Category: Land and Improvements Use Code: 1101-SINGLE FAMILY DWELLING		Taxpayer Details Taxpayer Name: HADMAN MARK & LISA Mailing Address: 26015 63RD AVE E GRAHAM WA 98338-8326	
--	--	---	--

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
 Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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WEBSITE INFORMATION
[Privacy Policy](#)
[Copyright Notices](#)

Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:12 AM



Property Details		Taxpayer Details	
Parcel Number:	0418301069	Taxpayer Name:	HADMAN MARK & LISA
Site Address:	6210 260TH ST E	Mailing Address:	26015 63RD AVE E GRAHAM WA 98338-8326
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1101-SINGLE FAMILY DWELLING		

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
2401 South 35th St Room 142
Tacoma, Washington 98409
(253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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WEBSITE INFORMATION
Privacy Policy
Copyright Notices

Assessor-Treasurer electronic Property Information Profile

Parcel Map for **0418301069**

01/18/2018 11:09 AM



Property Details Parcel Number: 0418301069 Site Address: 6210 260TH ST E Account Type: Real Property Category: Land and Improvements Use Code: 1101-SINGLE FAMILY DWELLING				Taxpayer Details Taxpayer Name: HADMAN MARK & LISA Mailing Address: 26015 63RD AVE E GRAHAM WA 98338-8326	
Dornak 0418303011	Lawrence Tibbitts 0418303012	L. Tibbitts 0418303013	Kuzior 0418303015	Reitzing 0418303016 Pierce County * 0418301069 0418301069 Hadman	0418308008 Benston Homestead
0418312002 Tacoma Sch. Dist.				Tacoma Sch. Dist. 0418310001	
For additional mapping options, visit Public GIS RTSQ Maps: Normal (200 Scale) Detailed (100 Scale)					

I acknowledge and agree to the prohibitions listed in RCW 42.56.070(9) against releasing and/or using lists of individuals for commercial purposes. Neither Pierce County nor the Assessor-Treasurer warrants the accuracy, reliability or timeliness of any information in this system, and shall not be held liable for losses caused by using this information. Portions of this information may not be current or accurate. Any person or entity who relies on any information obtained from this system does so at their own risk. **All critical information should be independently verified.**

Pierce County Assessor-Treasurer
Mike Lonergan
 2401 South 35th St Room 142
 Tacoma, Washington 98409
 (253)798-6111 or Fax (253)798-3142
www.piercecountywa.org/atr

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Assessor-Treasurer electronic Property Information Profile

Parcel Map for 0418301069

01/18/2018 11:11 AM



Property Details		Taxpayer Details	
Parcel Number:	0418301069	Taxpayer Name:	HADMAN MARK & LISA
Site Address:	5210 260TH ST E	Mailing Address:	26015 63RD AVE E GRAHAM WA 98338-8326
Account Type:	Real Property		
Category:	Land and Improvements		
Use Code:	1101-SINGLE FAMILY DWELLING		

For additional mapping options, visit [Public GIS](#)

RTSQ Maps: [Normal \(200 Scale\)](#) | [Detailed \(100 Scale\)](#)

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WARRANTY INFORMATION

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EXHIBIT D

February 23, 2018

Client: 025533

Matter: 000016

Invoice #: 876418

Resp. Atty: JJM

Page: 2

SERVICES

Date	Indiv	Description of Services	Hours	Amount
[REDACTED]				
01/19/2018	DKC	Email back and forth with client re boundary questions. Reviewed related short plat information and County data.	0.6	\$189.00
01/31/2018	DKC	Obtained updated dockets for Hadman and Reitzug protective order matters and checked for new filings. Meeting with client re history and next steps. Follow up re same. Reviewed appeal.	2.0	\$630.00
[REDACTED]				

ADJUSTED FEE TOTAL:

\$819.00

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Federal Tax I.D. No.: 91-0861866
Please remit to Tacoma Office, payable to Gordon Thomas Honeywell LLP

Seattle Office
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Seattle, Washington 98101-4185
(206) 676-7500
Facsimile (206) 676-7575

Henry Reitzug and Mark and Lisa Hadman
Little Halley
Deerness, Orkney, KW17 2QQ

March 15, 2018
Client: 036912
Matter: 000001
Invoice #: 877057
Resp. Atty: DKC
Page: 1

RE: v. Skipper Kuzior

For Professional Services Rendered Through February 28, 2018

SERVICES

Date	Indiv	Description of Services	Hours	Amount
02/02/2018	DKC	Email from Henry with photos Review of same.	0.1	\$31.50
02/05/2018	DKC	Emails re drafting of Complaint, etc.	0.1	\$31.50
02/15/2018	DKC	Drafted Complaint. Related research. Related emails with clients. Discussion and review re latest in Hadman restraining order matter.	2.4	\$756.00
02/26/2018	DKC	Discussion with attorney for Tacoma School District re Kuzior. Related emails. Emails re service issues.	0.7	\$220.50

ADJUSTED FEE TOTAL: \$1,039.50

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(206) 676-7500
Facsimile (206) 676-7575

Henry Reitzug and Mark and Lisa Hadman
Little Halley
Deerness, Orkney, KW17 2QQ

December 18, 2018
Client: 036912
Matter: 000001
Invoice #: 884355
Resp. Atty: DKC
Page: 1

RE: v. Skipper Kuzior

For Professional Services Rendered Through November 30, 2018

SERVICES

Date	Indiv	Description of Services	Hours	Amount
03/01/2018	DKC	Follow up re service issues.	0.1	\$31.50
03/06/2018	DKC	Discussion with Jennifer Wing's paralegal re possible address for service on Kuzior. Update re service issues to clients. Checked on status of Hadman restraining order matter.	0.3	\$94.50
03/20/2018	DKC	Email to Henry re status of service, etc.	0.2	\$63.00
03/29/2018	DKC	Emails re Kuzior hearing in matter against Hadman.	0.1	\$31.50
04/03/2018	DKC	Reviewed Affidavit of Service. Authorized filing of same. Emails re getting video. Emails with client re service, what's next. Related discussions.	0.3	\$94.50
04/09/2018	DKC	Follow up re obtaining video of Kuzior service.	0.1	\$31.50
04/12/2018	DKC	Reviewed SJ motion filed by Tacoma School District against Kuzior. Email to clients re same.	0.3	\$94.50
04/18/2018	SDH	Search military service status using SCRA website. Prepare declaration re the same.	0.8	\$100.00
04/19/2018	DKC	Emails re motion for default.	0.3	\$94.50
04/24/2018	DKC	[NO CHARGE] Email to assistant re motion for default.	0.1	\$0.00
04/30/2018	DKC	Follow up re Default/ findings & conclusions.	0.1	\$31.50
05/02/2018	DKC	Received Notice of Appearance. Checked status of other Kuzior cases. Read order, etc. from School District case. Email update to clients.	0.4	\$126.00
05/02/2018	DKC	Reviewed and filed Motion for Default.	0.1	\$31.50
05/09/2018	DKC	Much email re motion for default. Received and reviewed Answer from Kuzior. Related emails.	0.3	\$97.50
05/10/2018	DKC	Emails with clients re Kuzior. Emails re Motion for SJ, etc.	0.2	\$65.00

SERVICES

Date	Indiv	Description of Services	Hours	Amount
05/28/2018	DKC	Email follow up re status of Kuzior use of property.	0.1	\$32.50
05/29/2018	SRT	[NO CHARGE] review of file.	1.5	\$0.00
05/30/2018	DKC	Meeting with Saranda Ross re drafting SJ motion. Related emails.	0.3	\$97.50
05/30/2018	SRT	[NO CHARGE] meeting with Dianne for project assignment (summary judgment motion).	0.3	\$0.00
06/06/2018	SRT	Draft motion for summary judgment.	1.7	\$255.00
06/06/2018	SRT	[NO CHARGE] review of file.	1.4	\$0.00
06/06/2018	SRT	Legal research on summary judgment.	0.4	\$60.00
06/07/2018	DKC	Email and discussion with associate re background for SJ motion.	0.2	\$65.00
06/07/2018	SRT	Motion for summary judgment - draft statement of facts.	3.9	\$585.00
06/07/2018	SRT	Read through declarations & create timeline of legal cases Kuzior is/has been involved in.	1.9	\$285.00
06/08/2018	DKC	Many emails re SJ motion. Pulled documents for same.	0.3	\$97.50
06/08/2018	SRT	Motion for summary judgment - draft discussion section.	3.4	\$510.00
06/08/2018	SRT	Motion for summary judgment - draft statement of facts.	2.0	\$300.00
06/12/2018	DKC	Review and edit re motion for summary judgment. Emails with client re same. Research re surveyor.	1.1	\$357.50
06/13/2018	SRT	Review and editing of summary judgment draft & discussion with Dianne on case progress.	0.6	\$90.00
06/14/2018	DKC	Work re SJ motion and related declarations.	1.5	\$487.50
06/14/2018	SRT	Draft declaration of Mark Hadman.	0.8	\$120.00
06/14/2018	SRT	Draft declaration of Kenneth P. Anderson.	0.7	\$105.00
06/14/2018	SRT	Revise, edit and finalize motion for summary judgment.	1.8	\$270.00
06/15/2018	DKC	[REDUCED CHARGE] Emails re Hadman Declaration. Work and emails re Anderson declaration. Reviewed, edited, and finalized SJ motion.	2.2	\$499.99
06/15/2018	SRT	Draft Dianne Conway's declaration.	1.0	\$150.00
06/15/2018	SRT	[NO CHARGE] locate & download property deeds.	1.2	\$0.00
06/19/2018	DKC	Emails with Jennifer Wing re Kuzior filing of small claims action against her.	0.1	\$32.50

SERVICES

Date	Indiv	Description of Services	Hours	Amount
07/03/2018	DKC	Received and reviewed late filing by Kuzior. Email to clients re same.	0.3	\$97.50
07/04/2018	DKC	Email from Dr. Reitzug re Kuzior declaration.	0.1	\$32.50
07/05/2018	DKC	Email from Henry Reitzug re aerial photos, etc. Discussion with Mark Hadman.	0.2	\$65.00
07/06/2018	DKC	Much email re aerial photos, etc.	0.2	\$65.00
07/06/2018	DYPL	Review Summary Judgment motion; survey and Declaration; pull aerial photographs.	0.8	\$140.00
07/09/2018	DKC	Discussion with Mark Hadman. Prepared reply re SJ motion. Related review/analysis. Discussion with Denise Lowry re legal description comparison.	1.2	\$390.00
07/09/2018	DYPL	Office conference with Dianne Conway regarding common boundary.	0.2	\$35.00
07/10/2018	DYPL	[REDUCED CHARGE] Map out common boundary of Kuzior and Hadman; online map research; office conference with Dianne Conway.	2.5	\$300.00
07/11/2018	DKC	Emails and multiple discussions with Denise Lowry re presentation of legal description issue for SJ hearing.	0.4	\$130.00
07/11/2018	DYPL	Create demonstrative exhibit and explanation for summary judgment hearing.	3.0	\$525.00
07/13/2018	DKC	Hearing re summary judgment motion (lots of waiting!).	2.3	\$747.50
07/14/2018	DKC	Email to clients re SJ ruling and need to mark property line.	0.1	\$32.50
07/18/2018	DKC	Discussion with surveyor re his discussion with Kuzior, etc. Email response to client re situation and forwarding Court order.	0.2	\$65.00
07/19/2018	DKC	Prepared order re SJ motion. Email with Henry Reitzug.	0.2	\$65.00
07/21/2018	DKC	Email from client. Long response to same re hearing and next steps.	0.3	\$97.50
07/25/2018	SRT	Legal research re vexatious litigant.	1.5	\$225.00
07/27/2018	SRT	Legal research re vexatious litigant memo.	0.8	\$120.00
07/27/2018	SRT	Drafting memo re vexatious litigant.	4.2	\$630.00
07/28/2018	SRT	Legal research re vexatious litigant memo.	1.8	\$270.00
07/31/2018	SRT	Draft memo re vexatious litigant.	1.5	\$225.00
07/31/2018	SRT	Revise, edit and finalize memo re vexatious litigant.	0.7	\$105.00
08/01/2018	DKC	Email update from Mark Hadman re marking of property line.	0.1	\$32.50
08/02/2018	DKC	[NO CHARGE] Reviewed memo re vexatious litigant.	0.1	\$0.00
08/03/2018	DKC	[NO CHARGE] Read updated memo re vexatious litigant.	0.1	\$0.00
08/03/2018	SRT	[REDUCED CHARGE] revise, edit and finalize memo re vexatious litigant per Dianne's feedback.	1.6	\$150.00

December 18, 2018

Client: 038912

Matter: 000001

Invoice #: 884355

Resp. Atty: DKC

Page: 4

SERVICES

Date	Indiv	Description of Services	Hours	Amount
08/09/2018	SDH	Draft Plaintiffs' Disclosure of Primary Witnesses.	0.5	\$62.50
08/21/2018	DKC	Email to clients re fence status and bringing motion re vexatious litigant. Discussion with Hadman's attorney Mark Watson re same. Follow up email to clients.	0.4	\$130.00
08/25/2018	DKC	Long email to clients re Kuzior's amended SWD, development of his property, next steps, etc.	0.3	\$97.50
08/29/2018	DKC	Discussion with Denise Lowry re "corrected deed" issue.	0.1	\$32.50
08/29/2018	DYPL	Office conference with Dianne Conway regarding re-recorded deed.	0.1	\$17.50
09/05/2018	DKC	Discussion with Denise Lowry re her discussion with Rob Hainey re ramifications of Kuzior's re-recorded deed. Related emails.	0.3	\$97.50
09/05/2018	DYPL	Review Kuzior Statutory Warranty Deed and re-recorded deed; email to Rob Hainey to check on effect of re-recorded Statutory Warranty Deed; telephone conference with Rob Hainey.	0.8	\$140.00
09/11/2018	DKC	Reviewed Code Violation Complaints re Kuzior.	0.1	\$32.50
09/24/2018	DKC	Emails with Jennifer Wing re latest Kuzior.	0.1	\$32.50
10/08/2018	DKC	Emails with Henry re corrected deed issue and status of fence on property line.	0.2	\$65.00
10/08/2018	DKC	Emails re drone photos.	0.1	\$32.50
10/18/2018	DKC	Emails with Chris re photos of fence line.	0.1	\$32.50
11/07/2018	DKC	Drafted letter to Kuzior's attorney re "corrected deed" issue and amendment of complaint.	0.2	\$65.00
11/07/2018	DKC	Emails with clients re amendment of Complaint and continuing trial date.	0.1	\$32.50
11/09/2018	DKC	Emails and discussion with Steven Fawcett re recovery of attorney fees issue.	0.4	\$130.00
11/09/2018	SGF	Research when attorney's fees are available for equitable reasons. Discuss research with Dianne. Draft email summarizing research.	1.8	\$342.00
11/19/2018	DKC	Prepared Motion to Adjust Trial Date and related declaration.	0.4	\$130.00
11/19/2018	DKC	Prepared Amended Complaint. Prepared Motion to File Amended Complaint.	0.7	\$227.50
11/21/2018	DKC	Email from client re latest Kuzior antics and options. Reviewed Kuzior's handout to neighbors.	0.1	\$32.50

ADJUSTED FEE TOTAL:

\$11,663.99

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Henry Reitzug and Mark and Lisa Hadman
 Little Halley
 Deerness, Orkney, KW17 2QQ

May 21, 2019
 Client: 036912
 Matter: 000001
 Invoice #: 887962
 Resp Atty: DKC
 Page: 1

RE: v. Skipper Kuzior

For Professional Services Rendered Through May 21, 2019

SERVICES

Date	Indiv	Description of Services	Hours	Rate	Amount
12/03/2018	DKC	Reviewed latest Kuzior FB postings. Related emails.	0.1	\$325.00	\$32.50
12/03/2018	SDH	[NO CHARGE] Print last post on facebook. Forward the same to Dianne Conway.	0.2	\$0.00	\$0.00
12/04/2018	DKC	Email from Kuzior's counsel re stipulating to amended Complaint and continuance. Drafted same. Related emails.	0.5	\$325.00	\$162.50
12/05/2018	DKC	Emails and discussion re motions re trial date and amendment of complaint.	0.2	\$325.00	\$65.00
12/05/2018	DKC	Emails re new trial date.	0.1	\$325.00	\$32.50
12/06/2018	DKC	Emails with Henry re trial date. Emails re stipulations, hearings, etc. Related discussions.	0.2	\$325.00	\$65.00
12/12/2018	DKC	Emails and discussion re new orders. Email to Kuzior's attorney re court filing by Kuzior. Related review.	0.3	\$325.00	\$97.50
12/13/2018	DKC	Email from Henry re travel plans and latest Kuzior filing.	0.1	\$325.00	\$32.50
12/21/2018	DKC	Emails with Henry re travel questions, etc. Long email explaining damages analysis, follow up emails re same.	0.4	\$325.00	\$130.00
12/21/2018	DKC	Discussion with client re status of matter, next steps.	0.1	\$325.00	\$32.50
01/06/2019	DKC	Emails with client re billings and next steps.	0.1	\$325.00	\$32.50
01/07/2019	DKC	Emails with Kristina Southwell re new PSJ motion. Initial work on same.	0.4	\$325.00	\$130.00

May 21, 2019

Client: 036912

Matter: 000001

Invoice #: 887962

Resp Atty: DKC

Page: 2

SERVICES

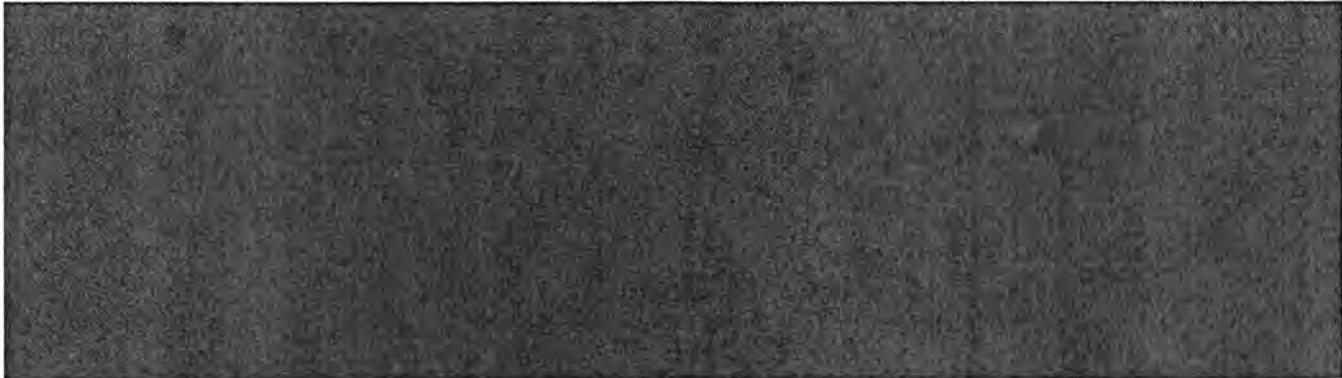
Date	Indiv	Description of Services	Hours	Rate	Amount
01/07/2019	KES	Conference with DKC to discuss needed briefing for partial SJ motion.	0.5	\$190.00	\$95.00
01/08/2019	DKC	Meeting and discussion with Kristina Southwell re new PSJ motion.	0.5	\$325.00	\$162.50
01/08/2019	DKC	Emails and research re PSJ motion.	0.5	\$325.00	\$162.50
01/08/2019	KES	Reviewing email from Reitzug with new materials from Kuzior being distributed to Tibbitts' neighbors.	0.2	\$190.00	\$38.00
01/09/2019	KES	Begin draft of second motion for partial summary judgment and supporting declaration.	1.1	\$190.00	\$209.00
01/10/2019	DKC	Emails and discussion with Kristina Southwell re PSJ motion. Emails re scheduling of PSJ motion. Email update to clients.	0.8	\$325.00	\$260.00
01/10/2019	KES	Continue drafting second motion for partial summary judgment and supporting declaration; phone conference with DKC to discuss declarations and other components of motion (.5 hr).	3.1	\$190.00	\$589.00
01/11/2019	DKC	Email from Kristina Southwell re discussion with Rob Hainey at Chicago Title.	0.1	\$325.00	\$32.50
01/11/2019	KES	Phone call with Rob Hainey of Chicago Title to discuss declaration to support second motion for partial SJ.	0.5	\$190.00	\$95.00
01/15/2019	DKC	Reviewed and revised Rob Hainey declaration. Email to Mark Hadman re hay removal.	0.4	\$325.00	\$130.00
01/15/2019	KES	Draft declaration for Rob Hainey of Chicago Title to support 2nd motion for partial SJ.	0.5	\$190.00	\$95.00
01/15/2019	KES	Revising draft Hainey Declaration to incorporate DKC edits and sending to Hainey for review and signature.	0.2	\$190.00	\$38.00
01/15/2019	KES	Call from Rob Hainey to discuss his declaration; emailing revised declaration for signature.	0.3	\$190.00	\$57.00
01/15/2019	KES	Finish draft of brief for partial summary judgment.	2.0	\$190.00	\$380.00
01/17/2019	DKC	Reviewed and revised Hadman declaration. Related discussion and email.	0.3	\$325.00	\$97.50
01/17/2019	KES	Call with Mark Hadman (.2 hr) and drafting Hadman declaration (.4 hr); finish draft Conway declaration (.8 hr).	1.4	\$190.00	\$266.00
01/18/2019	DKC	Reviewed and edited declaration and SJ motion. Related emails.	2.3	\$325.00	\$747.50

SERVICES

Date	Indiv	Description of Services	Hours	Rate	Amount
01/18/2019	KES	Revising and finalizing second motion for partial summary judgment and supporting materials for filing.	1.3	\$190.00	\$247.00
01/24/2019	DKC	Emails with Henry re Hadman discussion, etc.	0.1	\$325.00	\$32.50
01/29/2019	DKC	Long email update to clients.	0.2	\$325.00	\$65.00
01/30/2019	DKC	Email from Henry. Emails with Kuzior's attorney regarding PSJ motion.	0.1	\$325.00	\$32.50
02/05/2019	DKC	Emails re lack of response to PSJ and filing by Kuzior's counsel of notice of intent to withdraw. Much email and discussion re continuing hearing date.	0.4	\$325.00	\$130.00
02/06/2019	DKC	More email and discussion re hearing issue.	0.1	\$325.00	\$32.50
02/07/2019	DKC	Emails re continuance. Email update to clients.	0.2	\$325.00	\$65.00
02/22/2019	DKC	Emails with Kristina Southwell re lack of Kuzior response and what to put in reply.	0.2	\$325.00	\$65.00
02/24/2019	DKC	Reviewed and revised reply pleading. Related emails.	0.6	\$325.00	\$195.00
02/24/2019	KES	Draft reply for second motion for partial summary judgment.	1.6	\$190.00	\$304.00
02/25/2019	DKC	Final edits to reply declaration.	0.1	\$325.00	\$32.50
02/28/2019	DKC	Prepared Order for PSJ motion. Emails with Rob Hainey at Chicago Title re sufficiency of language. Prepared for hearing.	0.8	\$325.00	\$260.00
03/01/2019	DKC	Hearing on PSJ motion.	1.5	\$325.00	\$487.50
03/04/2019	DKC	Emails with Henry re PSJ ruling and clearing of title.	0.2	\$325.00	\$65.00
03/07/2019	DKC	Emails re recording PSJ order to ensure clearing of title.	0.2	\$325.00	\$65.00
03/07/2019	DKC	Email and discussion re Kuzior's motion for reconsideration. Reviewed same.	0.3	\$325.00	\$97.50
03/11/2019	DKC	Emails re recording Court order against Kuzior property.	0.1	\$325.00	\$32.50
03/11/2019	DYPL	Order certified copy of Order for Summary Judgment and prepare for recording of same against Reitzug, Hadman and Kuzior parcels.	0.8	\$175.00	\$140.00
03/13/2019	DKC	Received order denying motion for reconsideration.	0.1	\$325.00	\$32.50
03/13/2019	DYPL	Trip to Pierce County Auditor, record Order.	0.4	\$175.00	\$70.00
03/17/2019	DKC	Emails with Henry re Kuzior FB request.	0.1	\$325.00	\$32.50

SERVICES

Date	Indiv	Description of Services	Hours	Rate	Amount
03/20/2019	DKC	Email to clients re Kuzior's Notice for Interlocutory Appeal.	0.1	\$325.00	\$32.50
03/28/2019	DKC	Email from Court of Appeals re Motion for Interlocutory Appeal.	0.1	\$325.00	\$32.50
04/01/2019	DKC	Read Kuzior's Motion for Discretionary Review. Related emails.	0.3	\$325.00	\$97.50
04/03/2019	DKC	Emails re scheduling of oral argument on Motion for Interlocutory Appeal.	0.1	\$325.00	\$32.50
04/15/2019	DKC	Much work re drafting response to Motion for Interlocutory Appeal.	3.0	\$325.00	\$975.00
05/04/2019	DKC	Email from Henry re status. Read Kuzior's latest filing re financial status.	0.2	\$325.00	\$65.00
05/05/2019	DKC	Responded to Henry's questions.	0.1	\$325.00	\$32.50
05/10/2019	DKC	Email and letter from Henry re effect of litigation, etc. Initial work on SJ motion.	0.7	\$325.00	\$227.50
05/10/2019	DKC	Listened to Kuzior's voicemail. Forwarded same to clients with commentary.	0.2	\$325.00	\$65.00
05/13/2019	DKC	Worked on SJ motion and Reitzug and Hadman declarations.	6.6	\$325.00	\$2,145.00
05/14/2019	DKC	Continued work on SJ motion. Related emails. Returned Kuzior's call.	5.0	\$325.00	\$1,625.00
05/15/2019	DKC	Attended and argued at hearing for Interlocutory Appeal.	1.1	\$325.00	\$357.50
05/15/2019	DKC	Continued work on SJ motion.	2.4	\$325.00	\$780.00
05/16/2019	DKC	Continued work on SJ motion.	1.4	\$325.00	\$455.00
Total Professional Services			48.1		\$13,673.00



May 21, 2019
Client: 036912
Matter: 000001
Invoice #: 887962
Resp Atty: DKC
Page: 5

EXPENSES

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
12/01/2018	Thomson Reuters - West Payment Center- Legal Research- Library charges from 10/01/18-10/31/18	\$23.00
12/07/2018	Pierce County Superior Court Clerk- Court Costs- Fee for ex parte presentation of Stipulated Order Continuing Trial Date	\$41.50
01/22/2019	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Second Motion for Partial Summary Judgment	\$6.50
03/11/2019	Dianne Conway- Parking- Parking at March 1, 2019, 2nd Partial Summary Judgment Hearing re Reitzug and Hadman	\$9.00
03/11/2019	Pierce County Clerk- Court Costs- Certified copies of Order	\$13.50
03/12/2019	Pierce County Auditor- Recording Fee- Order and Judgment re Reitzug and Hadman	\$102.00
03/13/2019	Denise Lowry- Mileage- Travel to Pierce County Auditor re Reitzug and Hadman (6 @ \$0.58)	\$3.48
	Total Expenses	\$198.98



Unpaid balances over 30 days will be subject to a 1% per month late charge.

EXHIBIT E

Tacoma Office
1201 Pacific Avenue, Suite 2100
Post Office Box 1157
Tacoma, Washington 98401-1157
(253) 620-6500
Facsimile (253) 620-6565



<http://www.gth-law.com>
Federal Tax I.D. No.: 91-0861866
Please remit to Tacoma Office, payable to Gordon Thomas Honeywell LLP

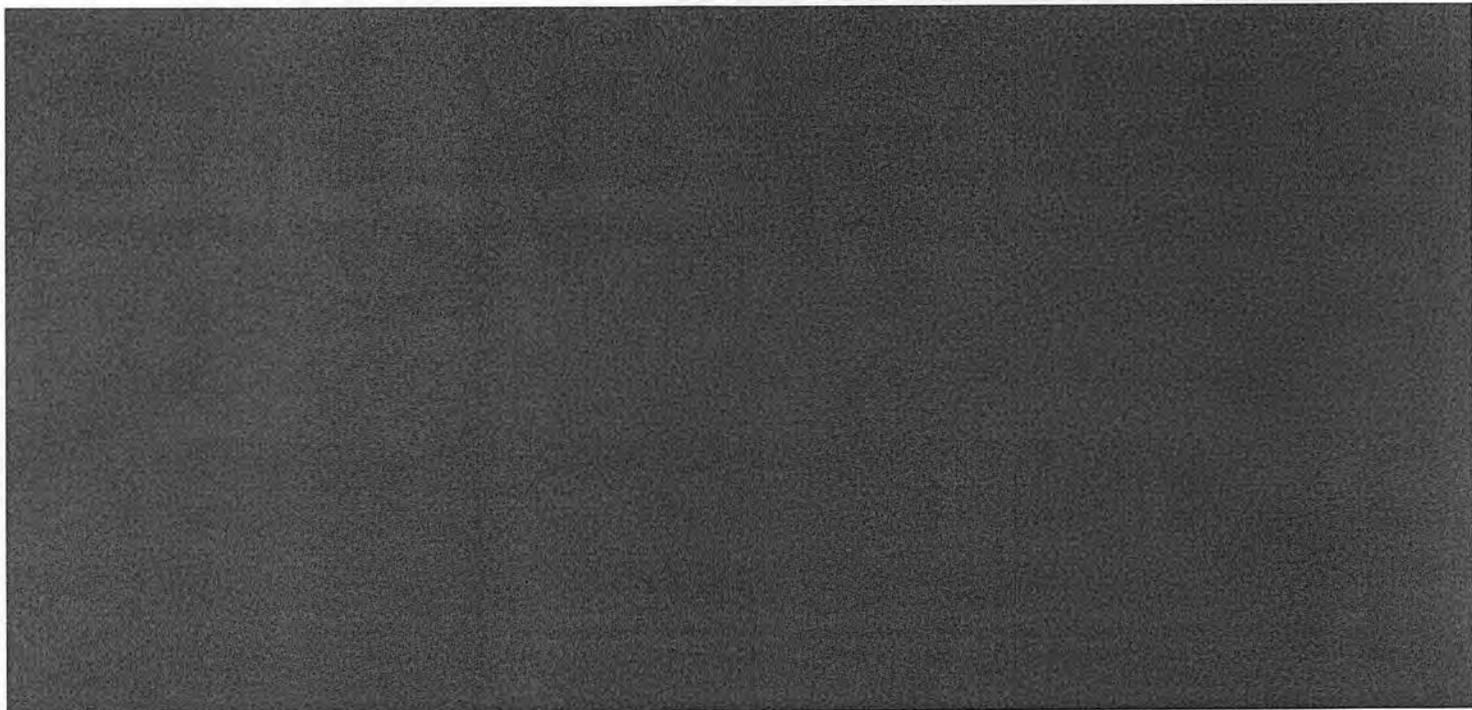
Seattle Office
One Union Square
600 University, Suite 2100
Seattle, Washington 98101-4185
(206) 676-7500
Facsimile (206) 676-7575

Henry Reitzug and Mark and Lisa Hadman
Little Halley
Deerness, Orkney, KW17 2QQ

March 15, 2018
Client: 036912
Matter: 000001
Invoice #: 877057
Resp. Atty: DKC
Page: 1

RE: v. Skipper Kuzior

For Professional Services Rendered Through February 28, 2018



EXPENSES*

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
02/20/2018	Pierce County Superior Court Clerk- Court Costs- Filing Fee for Complaint to Quiet Title	\$241.50
	Total Expenses	<u>\$241.50</u>

EXPENSES*

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
03/29/2018	Washington Legal Messengers, Inc.- Service of Process- Process of service re: Reitzug	\$407.25
04/19/2018	Color Photocopies (1 @ \$0.60)	\$0.60
04/30/2018	LexisNexis Risk Data Mgmt (Accurint)- Electronic Document Retrieval- Person searches, comprehensive reports - April 2018	\$13.08
05/02/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's working copy of motion for default	\$6.50
05/03/2018	Washington Legal Messengers, Inc.- Messenger Expenses- Shipping re: Reitzug	\$80.00
05/11/2018	Washington Legal Messengers, Inc.- Messenger Expenses- Shipping re: Reitzug	\$45.00
06/20/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working of Response to Motion for Order of Protection	\$6.50
06/25/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copies of Motion for Partial Summary Judgment-Reitzug	\$6.50
06/30/2018	Courtrax Corporation- Electronic Court Document Retrieval- Transaction searches/document retrieval - June 2018	\$2.75
06/30/2018	Thomson Reuters - West Payment Center- Legal Research- Legal Research from June 01 2018-June 30 2018	\$47.00
07/10/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Reply in Support of Motion for Partial Summary Judgment	\$6.50

December 18, 2018
Client: 036912
Matter: 000001
Invoice #: 884355
Resp. Atty: DKC
Page: 6

EXPENSES*

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
07/10/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Respondent's Brief	\$11.50
07/31/2018	Photocopies (144 @ \$0.10)	\$14.40
07/31/2018	Courtrax Corporation- Electronic Court Document Retrieval- Transaction searches/document retrieval - July 2018	\$29.15
08/01/2018	Thomson Reuters - West Payment Center- Legal Research- West Information charges for July 01, 2018-July 31, 2018	\$283.52
11/20/2018	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copies of Motion to Adjust Trial Date-Reitzug	\$6.50
	Total Expenses	<hr/> \$966.75

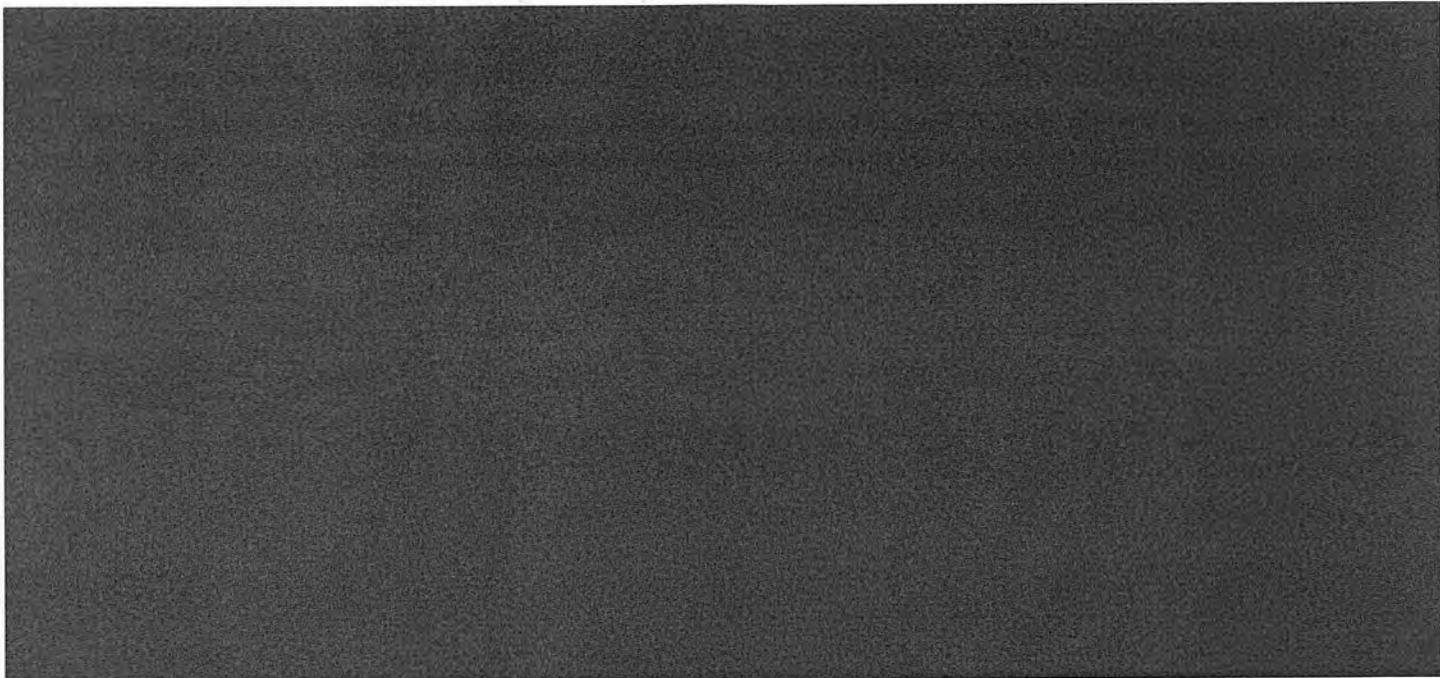


September 26, 2018
Client: 025533
Matter: 000016
Invoice #: 882069
Resp. Atty: JJM
Page: 2

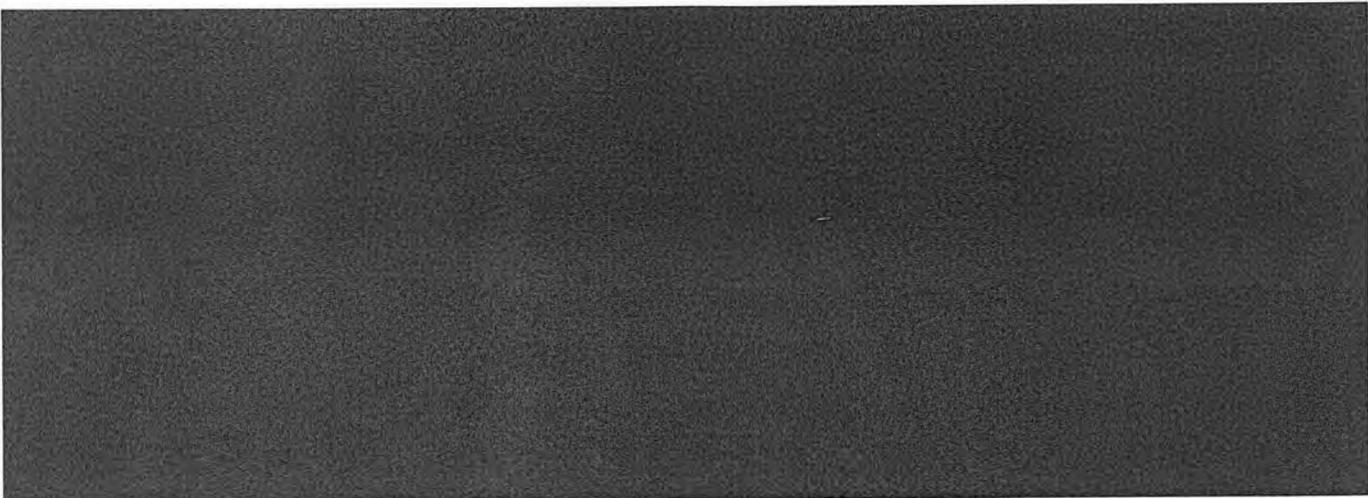
EXPENSES*

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
06/21/2018	Washington Legal Messengers, Inc.- Messenger Expenses- Rush legal messenger service re: Reitzug	\$269.00



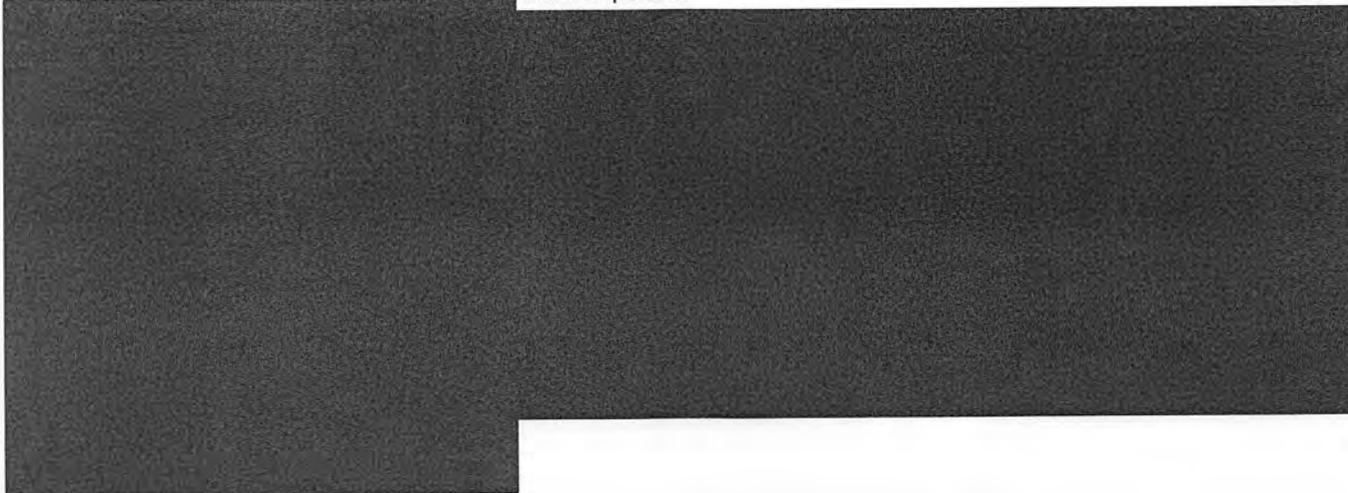
May 21, 2019
Client: 036912
Matter: 000001
Invoice #: 887962
Resp. Atty: DKC
Page: 4



EXPENSES*

**This statement may not include expense items such as telephone, filing fees, etc. for which we have not yet been billed.*

Date	Description of Expenses	Amount
12/01/2018	Thomson Reuters - West Payment Center- Legal Research- Library charges from 10/01/18-10/31/18	\$23.00
12/07/2018	Pierce County Superior Court Clerk- Court Costs- Fee for ex parte presentation of Stipulated Order Continuing Trial Date	\$41.50
01/22/2019	Pierce County Superior Court Clerk- Court Costs- Fee for Judge's Working Copy of Second Motion for Partial Summary Judgment	\$6.50
03/11/2019	Dianne Conway- Parking- Parking at March 1, 2019, 2nd Partial Summary Judgment Hearing re Reitzug and Hadman	\$9.00
03/11/2019	Pierce County Clerk- Court Costs- Certified copies of Order	\$13.50
03/12/2019	Pierce County Auditor- Recording Fee- Order and Judgment re Reitzug and Hadman	\$102.00
03/13/2019	Denise Lowry- Mileage- Travel to Pierce County Auditor re Reitzug and Hadman (6 @ \$0.58)	\$3.48
	Total Expenses	\$198.98



GORDON THOMAS HONEYWELL LLP

January 31, 2020 - 2:57 PM

Transmittal Information

Filed with Court: Court of Appeals Division II
Appellate Court Case Number: 53519-0
Appellate Court Case Title: Henry C. Reitzug, et al., Respondents v. Skipper Kuzior, Appellant
Superior Court Case Number: 18-2-05745-6

The following documents have been uploaded:

- 535190_Briefs_20200131145557D2636107_8028.pdf
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Briefs - Respondents
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