

FILED
IN THE COURT OF APPEALS FOR THE STATE OF WASHINGTON
Court of Appeals
Division III III
State of Washington
1/27/2020 8:00 AM

EDWARD L. HART)
Petitioner, ()
)
 i. ()
)
BRITTANY FULLER ()
Respondent,)
_____ ()

Case No, 365450

BRIEF IN SUPPORT

Prepared by:
Edward L. Hart
Pro Se

TABLE OF CONTENTS

Cover page.....Page 1

TABLE OF CONTENTS.....Page 2

ISSUES PRESENTED FOR REVIEW.....Page 3

STATEMENT OF CASE.....Page 4

ARGUMENT and AFFIDAVIT.....Page 5

*NO INDEX INCLUDED

*NO AUTHORITIES ADDED

ISSUES PRESENTED FOR REVIEW:

1. VIOLATION OF CIVIL RULE 56
2. DOES RESPONDENT HAVE A RIGHT TO NOTIFICATION REGARDING DECISIONS AND RULINGS OF THE COURT?
3. FAILURE OF THE CLERKS OFFICE TO PROPERLY NOTIFY THE TRIAL OF RESPONDENTS TIMELY FILINGS.
4. THE TRIAL COURTS FAILURE TO APPLY THE RULE OF LENITY CONCERNING A PRO SE LITIGANT.
5. FAILURE OF PETITIONER TO PROPERLY EFFECTUATE SERVICE UPON RESPONDENT NATHAN HART.

STATEMENT OF CASE:

In 2017 Brittany Fuller filed this matter in effort to gain ownership over the respondents lawful property claiming that respondents brother had given over his portion of ownership under the presentment that respondent would convey all interest unto Brittany Fuller once she turned 18 years of age this was not the case.

Respondent did make a prima facie showing that the property in question had been shared ownership of three siblings after the estate of the father had been settled and that sibling T. Jordan and Michael Hart did both sign Quit Claim Deeds relinquishing all rights to said property unto respondent whom to date has relinquished his interest in said property at 204 Pear Lane, Wenatchee, Washington via Quit Claim deed unto his biological son Nathan E. Hart only.

ARGUMENT AND AFFIDAVIT

1. The trial court in this deliberately refused to follow the Rule of law concerning Civil Rule 56 Summary Judgement...The petitioner filed a motion for summary judgment in this matter with the trial court in 2018. The respondent did file a response to the filed summary judgement and as part their answer did make a prima favor showing that respondents interest in the above mentioned property was validated by the included documents i.e. probate. court decision, quitclaim deeds and Banking statements and Auditors receipts and statement all which showed that petitioner was the lawful owner of the property.

2. The petitioner and the. court upon receiving respondents answer made the abrupt decision to strike the summary judgement request after receiving notification of the prima facie showing and had the entire matter stricken with hearing, thus violating the tenets of Civil Rule 56 and violating the respondents right to due process of the law.

3. After the courts' striking of the petitioners Summary Judgement request the Respondents did file a summary judgment under Civil Rule 56 and submitted virtually the same evidence in support of ownership making a prima facie showing that respondents had a genuine material issue of fact that said property was in fact that respondent is 100% owner of said property....

4. The petitioner failed to answer the respondents summary judgement request, and the trial court chose to strike the filing from the case docket without hearing or notification even after receiving respondents motion for default for want of answer, and respondents objection to the striking of these filings without justification, or notification, the trial court again acted contrary to the written letter of the law concerning Civil Rule 56.

5. Because the respondents are pro se litigants, the court knowingly refused to invoke the rule of lenity in this matter, where the respondent is without education or any other skilled training in the vocation of judicial procedure and the practical application of such.

6. Additionally respondent is currently incarcerated in the Washington State Department of Corrections and cannot make a formal appearance in any court with clarity of the proceedings before him. The respondents is without the educational ability correctly address these issue and as such did request that the rule of lenity apply in this matter.

7. During and throughout these proceedings all of the respondents filings have been ignored by the clerks office and were not placed before the trial court in a timely manner thus the trial proceeded against the respondents as though they were in abstintia. These filings are documented in the courts file as timely.

8. Throughout these respondent Nathan E. Hart after being made a patty to these proceedings by Attorney Krystal Frost, was served with any pleadings nor answer during is entire proceeding and as such all service has been deemed not effectuated by the petitioner.

RELIEF REQUESTED

Respondents are asking that these proceedings be remanded for hearing upon the merits of the CR 56 Summary Judgements as purported by he letter of the law, and that a change of venue be done to avoid any other biased actions which deny his right to due process.

X  DATE: 1/22/2020

NATHAN HART - FILING PRO SE

January 25, 2020 - 4:04 PM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 36545-0
Appellate Court Case Title: Brittany Fuller v. Edward L. Hart, et al
Superior Court Case Number: 17-2-00943-6

The following documents have been uploaded:

- 365450_Briefs_20200125155849D3163011_9408.pdf
This File Contains:
Briefs - Appellants
The Original File Name was img132.pdf

A copy of the uploaded files will be sent to:

- Krystal@dadkp.com

Comments:

Sender Name: nathan hart - Email: natehart83@yahoo.com
Address:
2436 cherry st
hoquiam, WA, 98550
Phone: (360) 500-5595

Note: The Filing Id is 20200125155849D3163011