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Division III
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No. 367550

**COURT OF APPEALS
DIVISION III
OF THE STATE OF WASHINGTON**

CAROLINE E. RELPH,

Respondent,

v.

DAVID GLUBRECHT AND MARTHA GLUBRECHT,

Appellants.

BRIEF OF RESPONDENT RELPH

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APPENDIX

DAVID GLUBRECHT AND MARTHA GLUBRECHT

v.

CAROLINE E. RELPH

Court of Appeal, Division III
Case No. 367550

A.	2
B.	2

I. STATEMENT OF THE CASE

The Respondent, CAROLINE E. RELPH, (hereafter “Relph”) has used the disputed property and driveway since the spring of 1974. (CP 42) (CP 58) At that time, Ms. Relph moved onto her property at 3616 S. Assembly Rd., Spokane, Washington, when she married her husband. (CP 42); (CP 127)

The driveway, which accessed the Relph house, was just dirt until 1976 when the Relphs began placing gravel in the driveway. (CP 34); (CP 66) The driveway is located in an old abandoned railroad right of way at one time. (CP 128) The Relph driveway has been used and in the same location since 1974. (CP 128)

Through the years, Ms. Relph and her now deceased husband have improved the driveway by placing crushed rock or gravel on their driveway and grading to make it level. (CP 52); (CP 50); (CP 128) The Relphs have solely plowed snow and maintained the ground adjacent to the driveway. (CP 51); (CP 48); (CP 128)

The use of the disputed property by Ms. Relph has never been challenged. (CP 128) The improvement of placing gravel on the driveway and it maintaining the disputed area was open and obvious to all in the neighborhood. (CP 128) Photographs from Ms. Relph’s declaration clearly show the open and obvious nature of her use of the property. (CP 139- 163) The yellow house that the Appellants purchased, and his processors in interest lived, is very close and easily visible to the Relph driveway (CP 149, 163) Further, the disputed property and Relph driveway (with its address sign) was passed daily by the Appellants’ predecessors in interest going to and from their home. (CP 142)

Ms. Relph’s use of the disputed property was done without permission from anyone. (CP 128)

The Relphs' use of the disputed property and driveway was exclusive and continued uninterrupted or contested for over 40 years. (CP 127); (CP 130)

The Appellants purchased their property on November 30, 2016. (CP 130)

Ms. Relph's use of the disputed property and driveway continues to be exclusive. (CP 130)

Prior to the Appellants' purchase, the Appellants questioned the Relph driveway and use of the "disputed property", which was the first time Ms. Relph's use had been challenged. (CP 130) In so doing, Ms. Relph asserted her ownership by demanding a written easement (a claim of right) and notorious use, which is acknowledged in the Declaration of David Glubrecht when he states:

She acknowledged that the property line was on the east side of the driveway and requested of the seller (Matt Davis) that he provide her with a written easement for the driveway. None was provided. (CP 87)

Ms. Relph has for 44 years treated the disputed property and driveway as her own, and to the outward appearance to the neighbors, Ms. Relph owned the disputed property and driveway. (CP 59, 61); (CP 63); (CP 55); (CP 52); (CP 51); (CP 49)

During the past 40 years Ms. Relph used the disputed property and driveway exclusively for her family and friends. (CP 67); (CP 127)

On May 10, 2018 Ms. Relph filed her complaint to quiet title in Spokane County Superior Court. (See Appendix "A")

The Appellant, on May 14, 2018, indicated he was going to block Ms. Relph's use of the disputed property. (CP 88)

In response, Ms. Relph obtained a restraining Order to maintain the status quo allowing Ms. Relph to continue her use uninterrupted. (See Appendix "B")

II. STANDARD OF REVIEW

This Court reviews an order of summary judgment de novo. *Hisle v. Todd Pac. Shipyards Corp.*, 151 Wn.2d 853, 860, 93 P.3d 108 (2004).

The courts have long held that the purpose of a motion for summary judgment is to examine the sufficiency of the evidence supporting the Plaintiff's formal allegations so that unnecessary trials may be avoided where no genuine issue of material fact exists. *Morris v. McNicol*, 83 Wn.2d 491, 519 P.2d 7 (1974); *Garbell v. Tall's Travel Shop, Inc.*, 17 Wn. App. 352, 353, 563 P.2d 211 (1977), *Island Air, Inc. v. LaBar*, 18 Wn. App. 129, 566 P.2d 972 (1977).

A material fact is one upon which the outcome of litigation depends in whole or in part. *Morris v. McNicol*, *supra*; *Amant v. Pacific Power & Light Co.*, 10 Wn. App. 785, 520 P.2d 181 (1974), *aff'd per curiam*, 84 Wn.2d 872, 529 P.2d 829 (1975).

The court in *Island Air, Inc. v. LaBar*, *supra* at page 136 held:

The motion will be granted only if after viewing the pleadings, depositions, admissions and affidavits, and all reasonable inferences that may be drawn therefrom in the light most favorable to the nonmoving party, it can be stated as a matter of law that (1) there is no genuine issue as to any material fact, (2) all reasonable persons could reach only one conclusion, and (3) the moving party is entitled to judgment. *LaPlante v. State*, 85 Wn.2d 154, 531 P.2d 299 (1975); *Wilber Dev. Corp. v. Les Rowland Constr., Inc.*, 83 Wn.2d 871, 523 P.2d 186 (1974); *McDonald v. Murray*, 83 Wn.2d 17, 515 P.2d 151 (1973); *Ciminski v. Finn Corp.*, 13 Wn. App. 815, 537 P.2d 850 (1975).

Further, the non-moving party attempting to avoid summary judgment may not simply rely upon argumentative assertions or on having its affidavits considered at their face value, for upon the submission by the moving party of adequate affidavits the nonmoving party must set forth specific facts that sufficiently rebut the moving party's contentions and disclose that a genuine issue of material fact exists. *Twelker v. Shannon*

& *Wilson, Inc.*, 88 Wn.2d 473, 479, 564 P.2d 1131 (1977). The general rule in Washington was cited in *Felsman v. Kessler*, 2 Wn. App. 493, 496, 468 P.2d 691 (1970)

as:

[1] It is the general rule that once the moving party has filed affidavits controverting the pleadings, the nonmoving party can no longer rely upon his pleadings but must come forth with evidence, as long as it is available, which would justify a trial.

Here the Appellant presented no evidence to place material facts in dispute.

III ERRORS ALLEGED ON APPEAL

1. Whether the trial court erred in excluding statements under ER 408 as being made as offers of settlement or compromise contained in the Declaration of David Glubrecht.
2. Whether the trial court erred when it held that an existing driveway, not built by, but maintained by the adverse possessor, be claimed by adverse possession.
3. Whether the trial court erred by finding that an open area located easterly of the driveway was acquired by adverse possession.
4. Whether the trial erred in granting adverse possession to a six-inch strip of land as a penumbra for purposes of clearing snow.
5. Whether the trial court erred in granting summary judgment to the claim of adverse possession?

IV. ARGUMENT

It is well established law whether the requisite facts exist as the trier of fact but determines whether those facts constitute adverse possession as an issue of law. *Chaplin v. Sanders*, 100 Wn.2d 853, 863, 676 P.2d 431 (1984).

The elements required to establish a claim of adverse possession, a party's possession of property must be: (1) exclusive, (2) actual and uninterrupted, (3) open and notorious, and (4) hostile and under a claim of right made in good faith. *Chaplin*, Id, at

857. All of these elements must exist concurrently for the statutory 10-year period pursuant to RCW 4.16.020.

Further, the party claiming to have adversely possessed the property has the burden of establishing the existence of each element." *ITT Rayonier, Inc. v. Bell*, 112 Wn.2d 754, 757, 774 P.2d 6 (1989).

One of the unique and fundamental principles of adverse possession is that **title vests automatically** in a claimant who satisfies all of these elements throughout the 10-year statutory period. *Gorman v. City of Woodinville*, 175 Wn.2d 68, 72, 283 P.3d 1082 (2012). The *Gorman* court held at page 72:

Title vests automatically in the adverse possessor if all the elements are fulfilled throughout the statutory period. *El Cerrito, Inc. v. Ryndak*, 60 Wash.2d 847, 855, 376 P.2d 528 (1962) (" When real property has been held by adverse possession for 10 years, **such possession ripens into an original title.**"). *Emphasizes Added*

Further, In *Gorman v. City of Woodinville*, *supra*, the court cited Mugaas as authority for why a vested title acquired by adverse possession could not be lost through transfer or record title to a city acting in its governmental capacity, despite state law preventing limitations periods from running against the State. Neither decision had anything to do with the passage of title between successive occupants of adversely possessed property. It is clear that the title Ms. Relph obtained automatically through adverse possession was not affected by the subsequent transfer of the Defendants' property. In this case, the adverse use began in 1973 when Spokane County sold the property currently owned by the Defendants to Homer and Esther Gepford, as adverse possession cannot be taken against a government entity.

1. **Alleged error whether the trial court erred in excluding statements under ER 408 as being made as offers of settlement or compromise contained in the Declaration of David Glubrecht.**

The Appellants failed to designate the Order Granting Plaintiff's Motion to Strike Portions of the Declaration of David Glubrecht (CP 109-110), in the Notice of Appeal. (CP 121-126)

RAP 5.3(a) specifies that a notice of appeal must "designate the decision or part of decision which the party wants reviewed". Our Supreme Court has held that in general, the court will not review an order that was not designated in the notice of appeal. RAP 2.4(a); *Right-Price Recreation, LLC v. Connells Prairie Cmty. Council*, 146 Wn.2d 370, 378, 46 P.3d 789 (2002). An exception to this rule exists, only where the undesignated order "prejudicially affects the decision designated in the notice." RAP 2.4(b). In *Right-Price Recreation, LLC Id*, at page 380 the court held that an order "prejudicially affects" the decision designated in the notice of appeal where the designated decision would not have occurred in the absence of the undesignated order.

Here, the Appellants reference portions of the Declaration of David Glubrecht, which were excluded pursuant to ER 408, but fails to address why an exception to RAP 5.3(a) is applicable. In the Relph motion to strike, she relied upon ER 408 which reads:

In a civil case, evidence of (1) furnishing or offering or promising to furnish, or (2) accepting or offering or promising to accept a valuable consideration in compromising or attempting to compromise a claim which was disputed as to either validity or amount, is not admissible to prove liability for or invalidity of the claim or its amount. **Evidence of conduct or statements made in compromise negotiations is likewise not admissible.** This rule does not require exclusion of any evidence otherwise discoverable merely because it is presented in the course of compromise negotiations. This rule also does not require exclusion when the evidence is offered for another purpose, such as proving bias or prejudice of a witness, negating a contention of undue delay, or proving an effort to obstruct a criminal investigation or prosecution.

In addressing the exception to RAP 5.3(a), those portions of the Declaration of David Glubrecht stricken by the trial court pursuant to ER 408, if allowed, do not put any

fact in dispute contained in the Declarations supporting the Relph's Summary Judgment motion.

The Appellants, in error, argue that Ms. Relph did not allege her interest in the disputed property. David Glubrecht's declaration identifies Ms. Relph's (lay person's) assertion of her rights at their first meeting prior to the Appellants' purchase when she identifies what she thought may be the boundary line and at the same time demanded a written easement; not that she would like to buy one. David Glubrecht's declaration states:

On or about October 30,2016 I met with Matt Davis at 3611 S. Polk to inspect the property which includes parcel #25341.9069. Mr. Davis was the defacto Seller of the property to me. This purpose of this inspection was in furtherance of the purchase of the property. While we were outside near the eastern side of the property Ms. Relph came out and we discussed where the property line was. *Ms. Relph showed us a small compost bin on the east side of the driveway that she said she thought had a property corner marker in it. She acknowledged that the property line was on the east side of the driveway and requested of the seller (Matt Davis) that he provide her with a written easement for the driveway. None was provided. Emphasis Added.*

(CP 86-87)

This is clear evidence of Ms. Relph's claim of right and hostility,

Those portions of David Glubrecht's declaration, which were before the trial court, also failed to put any material fact in dispute contained in the supporting declarations to the Relph Summary Judgment motion.

Further, the Appellants fail to argue that had the ER 408 statements not been stricken, material facts would be put in dispute.

As such, the trial court's stricken portions of the Declaration of David Glubrecht should not be considered in this appeal.

2. Alleged error whether the trial court erred when it held that an existing driveway, not built by, but maintained by the adverse possessor, be claimed by adverse possession.

The Appellants misstate the facts regarding the creation of the Relph driveway within the disputed property. The facts are that the Relphs built and maintained the driveway within the disputed property from an abandoned railroad right of way. This is evidenced by the Declaration of Carol Relph who stated:

3. I know that originally the driveway was an abandoned railroad right of way.
4. When I moved onto my property, the driveway which accessed the house is the same driveway at issue in this case. This driveway used by my husband prior to our marriage is in the same exact location and unchanged since the spring of 1974.

(CP 128)

The Relphs built and maintained the driveway in the disputed property, which has been acquired by the doctrine of adverse possession during the over 40 years of use.

This court in *LeBleu v. Aalgaard*, 193 Wn.App. 66, 71, 371 P.3d 76, (2016) identified the necessary elements for a claim of adverse possession as follows:

“To establish a claim of adverse possession, a party's possession of property must be: (1) exclusive, (2) actual and uninterrupted, (3) open and notorious, and (4) hostile and under a claim of right. *Chaplin v. Sanders*, 100 Wn.2d 853, 857, 676 P.2d 431 (1984). All of these elements must exist concurrently for at least 10 years. RCW 4.16.020. Because courts presume that the holder of legal title is in possession, " the party claiming to have adversely possessed the property has the burden of establishing the existence of each element." *ITT Rayonier, Inc. v. Bell*, 112 Wn.2d 754, 757, 774 P.2d 6 (1989).”

The Appellants have challenged the establishment of several of the necessary elements stated above

- a. **The Appellants first challenges the element of exclusivity.**

The Appellants, having presented no evidence to the contrary, in error argue that Relph has failed to meet her burden of proof on the element of exclusively of use. Ms. Relph, during her Summary Judgment motion, had/has the burden of proof of proving the necessary elements by a preponderance of the evidence. *ITT Rayonier, Inc. v. Bell supra; Nickell v. Southview Homeowners Ass'n*, 167 Wn.App. 42, 50, 271 P.3d 973 (2012).

Our state Supreme Court has clearly stated that use must be similar to that of a true owner. *ITT Rayonier, Inc. Bell, Id.* at 759. In so doing the court affirmed that while possession need not be absolutely exclusive to establish adverse possession, it must be possession of a type expected by an owner. *ITT Rayonier Id.* at 129.

In cases where the courts have found a lack of exclusivity, they involve use by the title owner as well that indicates ownership. Such as in *Thompson v. Schlittenhart*, 47 Wn. App. 209, 212, 734 P.2d 48, review denied, 108 Wn.2d 1019 (1987) where both parties made similar use of the disputed property and in *Scott v. Slater*, 42 Wn.2d 366, 369, 255 P.2d 377 (1953) where the title owner cultivated, sprayed, and harvested pears on the disputed property.

Here, the Relphs maintained the driveway and the property adjacent to it for their exclusive use during the past 40 years. No one else used the disputed property as evidenced by the neighbor's observations. Stan McGrew stated:

"Carol Relph has always treated the driveway in question as her property. During the time I have known Carol Relph, I have observed only her and her family maintain the driveway by placing gravel and grading it. Carol's driveway at issue, comes off Polk road and is the only way to access her property." Emphasis Added.

(CP 52)

Woodrow C. Bain stated:

“I have known Carol Relph for 42 years since she moved in with her deceased husband and to her current address of 3610 Assembly Rd., Spokane, WA 99224. During that time, I have observed Carol and her deceased husband maintaining and upgrading a road on the west side of their property and in general, making their property a visually pleasant place to live. Carol and her husband, when alive, maintained the road at the west of their property by placing gravel, grading the surface, and removing snow. *This road has always looked like their driveway and I never saw anyone else use it.*” *Emphasis Added.*

(CP 50-51)

Rose Frederick stated:

“Their driveway was a dirt drive until they hauled in gravel and filled holes, so their cars could make it up to the house and garage. At no time was anyone else involved in the construction or upkeep of the driveway. All hired help was paid “ie” gravel trucks, snowplows...
From my observation, only family or friends used the driveway.”
Emphasis Added.

(CP 54)

Lynn Bain stated:

“During that time, I have observed Carol and her deceased husband maintaining and upgrading a road on the west side of their property and in general, making their property a visually pleasant place to live. Carol and her husband, when alive, maintained the road at the west of their property by placing gravel, grading the surface, and removing snow. *This road has always looked like their driveway and I never saw anyone else use it.*”
Emphasis Added.

(CP 48-49)

The above evidence supports Ms. Relphs claim for exclusive use under Washington case law and the Appellants having presented no evidence to contradict any of the declarations filed in support of Ms. Relph’s Summary Judgment motion.

The trial court addressing the issue of Ms. Relph's exclusive use found:

So in her declarations and arguments, is it exclusive? Everyone of her witnesses says that's her driveway. It goes to her house. She's used it since 1974. Was it actual uninterrupted? She's been using it for over 30 years. Was it open and notorious? All the pictures and declarations show that the house that you purchased you drive right by it on that road, that she's using it open and notorious when you're driving by the property.

(RP 25)

The Court should find that based upon the evidence presented and the absence of any controverting evidence that the Ms. Relph had/has exclusive use of the disputed property.

b. The Appellants challenge that no prior owner was put on Notice of the Relph claim and whether Relph's use was open, notorious, continuous and uninterrupted use for 10 years;

It is clear that the Relphs' use of the disputed property was adverse to all prior title owners and her claim of right apparent to everyone since 1974. (CP 49); (CP 51); (CP 52); (CP 67); (CP 56); (CP 62-63); (CP 58)

In *Smith v. Breen*, 26 Wn.App. 802, 805-806, 614 P.2d 671, (1980) the court defined adverse uses as “

“Adverse use is use hostile to the servient owner. *Northwest Cities Gas Co. v. Western Fuel Co.*, 13 Wash.2d 75, 123 P.2d 771 (1942). Adverse use is not permissive or made in subordination to the rights of the servient tenant. 3 R. Powell, *Real Property* § 413 (1979). It must be with the acquiescence of, but not the permission of, the servient tenant. 3 B. Jones, *Tiffany on Real Property* § 796 (3d ed. 1939); 4 H. Tiffany, *Real Property* § 1196 (3d ed. 1975). Thus, the servient tenant must have reasonable notice that a claim is made in hostility to his title. *Watson v. County Comm'rs*, 38 Wash. 662, 80 P. 201 (1905). See *Cuillier v. Coffin*, 57 Wash.2d 624, 358 P.2d 958 (1961).

Another way to look at adverse use was in *Standing Rock Homeowners Ass'n v. Misich*, 106 Wn.App. 231, 239, 23 P.3d 520 (2001), which stated adverse possession occurs if a party uses property "as if it were her own, entirely disregards the claims of others, asks permission from nobody, and uses the property under a claim of right."

In this case, Relph has used the disputed property for over 45 years beginning in 1974. Ms. Relph provided the following statement to the trial court regarding her use of the disputed property.

2. I have used the real property and driveway since the spring of 1974 when I married my husband, Albert Relph (deceased). Prior to our marriage, my husband owned the property and we had exclusively used the driveway since 1971 to access the property at 3616 S Assembly.

3. I know that originally the driveway was an abandoned railroad right of way.

4. When I moved onto my property, the driveway which accessed the house is the same driveway at issue in this case. This driveway used by my husband prior to our marriage is in the same exact location and unchanged since the spring of 1974.

5. Attached as Exhibit "A" is an aerial view of the driveway taken off Google Earth this year. The photo accurately depicts the current condition of the property, which shows my drive way through the center of the photograph and the defendants' driveway in the upper left coming south off Polk road.

6. Through the years, my husband and I have improved the driveway by placing crust rock or gravel on the driveway roadbed and grading to make it level. In fact, we have hired multiple contractors that have brought in equipment to continue improving the road. We have been solely responsible for all maintenance plus snow removal.

7. I know that in 1973, Spokane County sold the old railroad right of way on which the property and easement at issue in this litigation to Homer and Esther Gepford. Attached as Exhibit "B" is a copy of the Gepford's Quit Claim Deed.

8. The Gepfords did not own the property very long and soon sold to Karl and Susan Homa in June 1974. Attached as Exhibit "C" is a copy of the Homa's Statutory Warranty Deed.

9. Our use of the property and driveway was never challenged by the Homa's. Our use was daily, and we maintained the driveway by placing gravel and filling holes as needed. The Homa's never used the driveway or assisted in its maintenance.

10. The Homas' divorced not long after they purchased the property and only Susan Homa was seen on the property after 1977. Attached as Exhibit "D" is Susan Homa's Quit Claim Deed.

11. During the time period Susan Homa owned the property, we made improvements to the driveway. Our improvements were obvious and made without objection from anyone, nor did we ask or receive permission from anyone. Attached as Exhibits "E1-E14" are recent photos of my driveway

12. Exhibit "E1" shows the entrance to my driveway off Polk Road on the right side of the photograph.

13. Exhibit "E2" shows another photograph of the entrance to my driveway showing the garage at the back of the property. The Defendants' property is to the right. The Defendants and all their predecessors had to pass my driveway to reach their house.

14. Exhibit "E3" shows the address marker at the entrance to my driveway.

15. Exhibit "E4" shows my driveway as it is entered.

16. Exhibit "E5" shows my driveway about a quarter of the way to the garage.

17. Exhibit "E6" shows my driveway about halfway to the garage.

18. Exhibit "E7" shows the turn-a-round of my driveway three quarter of the way to the garage.

19. Exhibit "E8" shows my driveway turn-a-round in front of the garage.

20. Exhibit "E9" shows my driveway turn-a-round in front of the garage.

21. Exhibit "E10" shows my driveway turn-a-round in front of the garage.
22. Exhibit "E11" shows my driveway looking back from the garage.
23. Exhibits "E12 and 13" shows the ground next to the driveway that I have maintained.
24. Exhibit "E14" shows that my building is close and easily visible through the trees from in front of the defendants' yellow house. This also shows how close the driveway has been to the past owners of the Defendants' house.
25. Our use of the property and driveway has been and continues to be exclusive and continuous since 1974, and as Exhibits "E1-e14" clearly show, we have treated the property and driveway as an owner would be expected.
26. No one has challenged my use until I learned Susan Homa passed away and her heirs sold the property to the defendants, David and Martha Glubrecht on November 30, 2016. Attached as Exhibit "F" is the Glubrecht's Statutory Warranty Deed.
27. Since the Glubrechts purchased the property I have continued to access my property at 3616 S., Assembly Rd., Spokane, Washington over the same driveway (easement road) as always.
28. Mr. Glubrecht indicated he wanted me to either buy the driveway (easement road) or he would put up a fence and prevent my continued use. As a result, and in an effort to be a good neighbor, I consulted attorney Charles Carroll to attempt to work out a resolution.
29. We have been unable to come an agreement and as a result, I received a letter from Mr. Glubrecht that he intended to block off access to my driveway (easement road). Attached as Exhibit "F" is the letter I received.
30. On May 14, 2018, Mr. Glubrecht came to the property and was placing stakes on my property. He became involved in an altercation with my son and the police were called.
31. Due to Mr. Glubrecht's actions, I obtained a temporary order to maintain the status quo.
32. I am respectfully requesting the Court grant my Motion for Summary Judgment, as I have been openly and continuingly using the

roadway and property as my own since 1974 (44 years). My use has always been exclusive and no one else has helped maintain the property or roadway except for those individuals who have helped me occasionally through the years.

(CP 127-168))

Ms. Relph's use of the disputed property was/is obvious and open. The photographs which accompany her Declaration support the obvious nature of her use and claim of right. (CP 138); (CP 140); (CP 146); (CP 148)

The disputed property with its driveway was/is clearly visible comprising of the roadbed and the continued maintenance of placing and replacing gravel through the years.

The driveway was readily observable by the Appellants' previous title owners as their home was adjacent and for over 40 years drove by the Relph driveway each day. The photographic marked as Exhibits "E1" attached to Ms. Relph's declaration clearly show the Appellants' home on the backside of the driveway, which was occupied by the Appellants' predecessors for the past 45 years. (CP 140)

The courts have held that in determining what acts are sufficiently open and notorious to manifest to others a claim to land, the character of the land must be considered. *Krona v. Brett*, 72 Wash.2d 535, 433 P.2d 858 (1967). The *Krona* court stated at page 539:

"The necessary use and occupancy need only be of the character that a true owner would assert in view of its nature and location."

The open and notorious requirement is met when the “claimant uses the land so that any reasonable person would assume that the claimant is the owner”.

Anderson v. Hudak, 80 Wn.App. 398, 404-405, 907 P.2d 305 (1995).

Ms. Relph’s adverse use is supported by the Declaration of David W.

Walter who stated:

“For the last 44 years, I have observed the Relph family use the Right-of-way to access their homes & garage. Carol’s House is on the south end of property and must be accessed on grade from Polk Road. Her home sits approximately 35 feet above our home because of the vertical change of the hill (Basalt Rock) I have always believed this Right-of-way was owned and their only access.

For the last 40 plus years, I have observed the Relph family to maintain, gravel, snow plow and grade the access Road.”

(CP 58-61)

Ms. Relph’s adverse use is supported by the Declaration of Woodrow C.

Bain who stated:

“I have known Carol Relph for 42 years since she moved in with her deceased husband and to her current address of 3610 Assembly Rd., Spokane, WA 99224. During that time, I have observed Carol and her deceased husband maintaining and upgrading a road on the west side of their property and in general, making their property a visually pleasant place to live. Carol and her husband, when alive, maintained the road at the west of their property by placing gravel, grading the surface, and removing snow. This road has always looked like their driveway and I never saw anyone else use it.

Additionally, Carol has always maintained the area between the road on the west of her property and the rest of her property. She has planted plants and kept it clean, as you would expect an owner to do.

From my years of observation, Carol and her husband always utilized the road on the west of their property to access their home and garage located on the rear of the property. It has always appeared that they owned their entire property, including the road which they have always used for access.”

(CP 50-51)

Ms. Relph's adverse use is supported by the Declaration of Stan McGrew

who stated:

"I have known Carol Relph and Al since the 1980's. I have plowed their driveway for them off and on over the years.

Carol Relph has always treated the driveway in question as her property. During the time I have known Carol Relph, I have observed only her and her family maintain the driveway by placing gravel and grading it. Carol's driveway at issue, comes off Polk road and is the only way to access her property.

I have lived near them for the entire time they have lived at that address."

(CP 52-53)

Ms. Relph's adverse use is supported by the Declaration of Rose Frederick

who stated:

"In late 1976 or early 1977 I moved to 3616 S. Assembly Spokane Washington and worked as a nanny/housekeeper for Mr. & Mrs. Relph.

Their driveway was a dirt drive until they hauled in gravel and filled holes, so their cars could make it up to the house and garage. At no time was anyone else involved in the construction or upkeep of the driveway. All hired help was paid "ie" gravel trucks, snowplows...

From my observation, only family or friends used the driveway. I have had a continued contract with the family and I do know that they have a handicapped daughter Marion Lee and family who lives in the home. I know from living on the property that if she has an emergency the driveway is her only access."

(CP 54-55)

Ms. Relph's adverse use is supported by the Declaration of Lynn Bain

who stated:

"I have known Carol Relph for 42 years since she moved in with her deceased husband and to her current address of 3610 Assembly Rd., Spokane, WA 99224. During that time, I have observed Carol and her deceased husband maintaining and upgrading a road on the west side of their property and in general, making their property a visually pleasant place to live. Carol and her husband, when alive, maintained the road at the west of their property by placing gravel, grading the surface, and removing snow. This road has always looked like their driveway and I never saw anyone else use it.

Additionally, Carol has always maintained the area between the road on the west of her property and the rest of her property. She has planted plants and kept it clean, as you would expect an owner to do.

From my years of observation, Carol and her husband always utilized the road on the west of their property to access their home and garage located on the rear of the property. It has always appeared that they owned their entire property, including the road which they have always used for access.”

(CP 48-49)

Ms. Relph’s adverse use is supported by the Declaration of Diana L

Walter who stated:

“I have resided at 4410 W. Thorpe Road since my husband and I purchased our property in 1974. I have known Carol Relph and her deceased husband for 44 years.

Our property borders the Relph property on the south side. Our children grew up, played together and attended the same school. Carol Relph and her family use the driveway on the west of her property to access their home. I have never observed Carol’s neighbors to the west use the driveway. However, for the last 44 years, I have observed the Relph family use the driveway to access their homes & garage. Carol’s house is on the south end of property and must be accessed on grade from Polk Road. Attached as Exhibit “A” is a photograph of her driveway, which has been in the same location since 1974.

Her home sits approximately 35 feet above our home because of the vertical change of the hill (Basalt Rock). I have always believed this driveway was owned by the Relphs, as they treated it as their own and have never heard anything to the contrary in the neighborhood.

For the last 40 plus years, I have observed the Relph family maintain, gravel, snow plow and grade the driveway.”

(CP 62-65)

Ms. Relph’s adverse use is supported by the Declaration of Bill Thomas

Haughton, Jr., who stated:

“During the years 2010 - 2013, I resided at the property of Carol Relph, at 3610 South Assembly Road, Spokane, Washington, 99224. During that time, I both did maintenance grading and snowplowing on the property, including the driveway, which runs along the west side of the property. While I lived at the property, I did not see anyone using the driveway other than the Relphs and their friends. Additionally, I did not see anyone

else claim an interest in the driveway or its adjacent property other than the Relphs.”

(CP 56-57)

Ms. Relph’s adverse use is supported by the Declaration of Marion Lee, who stated:

“I am the daughter of Carol Relph and moved to 3616 S Assembly Rd. Spokane, WA 99224 in 1974 with my parents.

I witnessed and helped my parents improve and maintain the driveway which went to our home and garage. We provided all the maintenance on the driveway by filling potholes regularly and plowing snow.

This driveway has been our only access to our house and garage. No one else ever used or maintained our driveway. Through the years I have seen our previous neighbors to the west watch us use the driveway. In fact, their driveway is the next driveway up Polk Road and had to pass my mother’s driveway to get to their house.

I currently live at 3616 S Assembly road and this driveway is the only access to the property. It is also the only access for first responders (fire, police, med) to reach the property. As a person with a disability, this makes my driveway vital for my health and well-being. Attached as Exhibit “A1-A5” are recent photographs which show the current condition of the driveway and adjacent property. The driveway has looked this way for the last 20 years.

My parents created this driveway more than 40 years ago and have always treated it as their own. This driveway has always remained in the same location for the past 40 years.

than 20 years. Additionally, my son’s family and friend have also helped maintain the driveway over the past 20 years. However, no one else has ever used or maintained the driveway.”

(CP 66-78)

The above testimony and photographic evidence clearly show Ms. Relph use of the disputed property, as would be expected of an owner. The evidence supports the use of the disputed property was exclusive and as indicated by the Relph’s neighbors, from all appearances was owned by the Relphs. (CP 49); (CP 51); (CP 52); (CP 67); (CP 56); (CP 62-63); (CP 58)

In *Hunt v. Matthews*, 8 Wn.App. 233, 235-237, 505 P.2d 819 (1973) the court held that the acts constituting the warning which establishes notice must be made with sufficient obtrusiveness to be unmistakable to an adversary, not carried out with such silent civility that no one will pay attention. Ms. Relph's use of the disputed property was made quite clearly by the creation of a driveway and the care and maintenance of the adjacent property without permission for over 40 years which is clearly open and obvious to the world. Photographs attached to the Declarations submitted by Carol Relph in support of her Summary Judgment motion establish that her use of the disputed property and driveway were not done in "such silent civility that no one will pay attention" (CP 130); (CP 56-57); (CP 48-49); (CP 52-53); (CP 50-51); (CP 58-61)

The trial court found the evidence supported actual notice by holding:

Number one, what's been alleged in this particular case is that there was no notice that Ms. Relph was claiming this property as her own. Well, under the cases cited, in essence, that's a hostility element.

The cases basically rely on the fact that you treat

12

this property as your own against the world, you hold it out that way, that puts people on notice particularly in a case like this because this particular case is not what was alleged.

They've alleged this is undeveloped, open property.

Well, what we have here is a platted subdivision with Mr. Glubrecht's house that he purchased right there. You can take a rock, and you can throw it and hit this easement road. This easement road was something that you drive past every time you go in and out of the property that Mr. Glubrecht's purchased.

So the people who live there had actual notice. They could see it. It's not like an undeveloped piece of property, woods off into the sticks and no one ever sees it. Those are the particular cases where they're saying

yes, there's a presumption because no one can see it.
They don't know. They don't have notice.

(RP 12-13)

The prior owners to the Appellants' property could not have been unaware or failed to observe the Relph's creation, use and maintenance of the disputed property during the past 40 years.

c. Appellants in error argue the lack of evidence for the "hostility" element and presumption of permissive use.

The Appellants cite to *Gamboa v. Clark*, 183 Wn.2d 38, 44, 348 P.3d 1214 (2015), as a basis for alleging permissive use. It is first important to note that *Gamboa, Id.* is a prescriptive easement cases and the case at bar is an adverse possession case as more property was at issue for the trial court than only a driveway.

The main fact on which the *Gamboa, supra* court made its decision was the mutual use of the driveway by the parties. As the *Gamboa, supra* court stated at page 51:

"Like the example in *Roediger*, here the Gamboas and Clarks are neighbors and they used the road for their own purposes in conjunction with each other without incident."

The Appellants also fail to address that the court in *Gamboa, Id.* at 44-45 a claimant may defeat the presumption of permissive use " when the facts and circumstances are such as to show that the user was adverse and hostile to the rights of the owner, or that the owner has indicated by some act his admission that the claimant has a right of easement."

In this case there is no evidence of use by any of the Appellants' predecessors in interest or the Appellants themselves for that matter.

The evidence presented by Ms. Relph indicates use was adverse and hostile to the rights of all the Appellants predecessors and that of the Appellants. The Relph's use also addresses the Appellants argument that the property is undeveloped and as such there is a presumption of permissive use. The issue of the disputed property being undeveloped land is not supported by the facts. First the parties' properties are all located in a platted subdivision named "Washington Park Addition". (CP 99) Second, the disputed property was developed by the Relphs. In *Harris v. Urell*, 133 Wn.App. 130, 135 P.3d 530, (2006), an adverse possession case with similar facts to this case, addressed the issues of the presumption of permissive use based on undeveloped property, by stating:

¶ 25 The Urells argue primarily that Harris's use was not hostile because the land was unimproved and "[w]here the land is vacant, open, unenclosed, and unimproved, use is presumed permissive." Appellant's Opening Br. at 9 (citing *Standing Rock Homeowners Ass'n v. Misich*, 106 Wash.App. 231, 239, 23 P.3d 520, review denied, 145 Wash.2d 1008, 37 P.3d 290 (2001)). But the record shows that the disputed land was improved: Harris built a gravel driveway on it and cleared several areas. Thus, contrary to the Urells' contention, Harris's use was not presumptively permissive.

¶ 26 Further, substantial evidence supports the trial court's finding that Harris's use of the driveway was hostile. Between 1965 and 1975, Harris treated the land as her own against the world: She built and maintained [135 P.3d 535] a gravel driveway, cleared several areas, and traveled daily across the disputed property. She allowed no one except her family and invited guests onto the property.

As in *Harris, Id.*, Ms. Relph and her deceased husband improved the disputed property. Ms. Relph and her deceased husband built a gravel driveway, maintained the gravel driveway and the property adjacent to it. The Relphs

traveled daily across the disputed property for 45 years. Uncontroverted testimony indicates no one except her family and invited guests used the disputed property. The assertion of a presumption of permissive use fails under the reasoning of the *Harris, Id*, decision.

In arguing permissive use, the Appellants are in essence challenging the element of “hostility” in an adverse possession case such as the case at bar. In other words, the Appellants argue that no evidence of the “Hostility” element was presented to the trial court during the Summary Judgment motion. In this court’s recent case of *LeBleu v. Aalgaard, supra* this court stated:

¶11] The only element of adverse possession that the LeBleus claim is not established by the Aalgaards is that of hostility. Hostility " 'does not import enmity or ill-will.'" Chaplin, 100 Wn.2d at 857 (quoting King v. Bassindale, 127 Wash. 189, 192, 220 P. 777 (1923)). The " hostility/claim of right" element of adverse possession requires only that the claimant treat the land as his own as against the world throughout the statutory period. The nature of his possession will be determined solely on the basis of the manner in which he treats the property. His subjective belief regarding his true interest in the land and his intent to dispossess or not dispossess another is irrelevant to this determination. Id. at 860-61.

Additionally, in *Herrin v. O'Hern*, 168 Wn.App. 305, 311, 275 P.3d 1231 (2012), an adverse possession case, the court described the element of Hostility as:

"The hostility/claim of right' element of adverse possession requires only that the claimant treat the land as his own as against the world throughout the statutory period." Hostility is not personal animosity or adversarial intent, but instead connotes that the claimant's use has been hostile to the title owner's, in that the claimant's use has been akin to that of an owner.

Further, there is no evidence that any prior predecessor in interest of the Appellants gave or received permission. Here, the Appellants are apparently arguing that Ms. Relph must prove a negative. However, absent the Appellants’

claim of a presumption of permissive use the burden of proof is well settled law in Washington that the party asserting that the use was permissive has the burden of proof *Brandt v. Orrock*, 106 Wash. 593, 596, 181 P. 35, (1919)

So the argument about the presumption it was permissive, we discussed that in our brief, as well. One of the later cases that came out talked about well, if you have use of an easement, in itself, it doesn't necessarily mean that you overcome the presumption because that's just indicia of no permission.

The problem with that case, I think that's the *Gamboa* case, that case that was heard in 2012. What we're alleging is that these property rights vested in Ms. Relph back in the '80s when the 10-year Statute of Limitations ran.

In the cases that I cited talks in terms of it vests automatically in the individual at the end of that ten years. You don't have to do anything. It's just it vests by operation of law, and the cases, also, indicate that that vests original title in that individual, and they have a right to convey it if they even want.

So here we have a situation where title to this property would vest with Ms. Relph back in the '80s, and at that time, she didn't have to really do anything more. She became title owner of that property, and I think the fact that even in the later cases that that presumption that she had permission would go away, especially after a length of time of 40 years and with the notice on the property that that was basically given.

So, in essence, what we have in opposition to our summary motion is we have a declaration from Mr. Glubrecht, particularly if you remove those sections that we discussed earlier, puts absolutely nothing in dispute. It contradicts no facts.

(RP 14-15)

The uncontracted Declarations submitted by Ms. Relph indicate that the land was treated as her own as against the world throughout the statutory period. These Declarations and the facts assured therein are undisputed as such; the incontrovertible portions must be taken as true for purposes of summary

judgment. *Owen v. Burlington Northern Santa Fe R.R. Co.*, 153 Wash.2d 780, 787, 108 P.3d 1220 (2005).

- d. Whether the trial court erred by finding that an open area located easterly of the driveway was acquired by adverse possession.**

The trial court's award of the property east of the driveway is simply part of the disputed land used by Ms. Relph, maintained and used as her own.

Ms. Relph, in her Declaration, Exhibit "E12", identified the photo of this portion of the disputed property she maintained (CP 130); (CP 162 -163)

Ms. Relph's use was echoed by the Declaration of Lynn Bain who stated:

Additionally, Carol has always maintained the area between the road on the west of her property and the rest of her property. She has planted plants and kept it clean, as you would expect an owner to do.

(CP 49)

Woodrow C. Bain also stated:

"During that time, I have observed Carol and her deceased husband maintaining and upgrading a road on the west side of their property and in general, making their property a visually pleasant place to live.

Ms. Relph used this area as part of her yard for 40 years. As the court found:

So the improvements, the gravel, the crushed rock, the plowing, putting plants down. In the pictures, it shows her address is on the driveway. All of those all show that she has met every element of an adverse possession claim with no facts to dispute her claim.

(RP 25)

- e. Six-inch strip of land west of the Relph driveway is part of the disputed property used for snow placement during the past 40 winters.**

The trial court's award of a six-inch strip of land next to the driveway is simply part of the disputed land used by Ms. Relph for snow during the winter months. The use is supported by the declaration of David Walter stated:

"For the last 40 plus years, I have observed the Relph family to maintain, gravel, snow plow and grade the access Road."

(CP 65)

Stan McGrew stated he helped them snow plow the driveway:

"I have known Carol Relph and Al since the 1980's. I have plowed their driveway for them off and on over the years. Carol Relph has always treated the driveway in question as her property."

(CP 52)

Ms. Relph's removal of snow from the driveway is further supported by the Declaration of Lynn Bain who stated:

"Carol and her husband, when alive, maintained the road at the west of their property by placing gravel, grading the surface, and removing snow. This road has always looked like their driveway and I never saw anyone else use it."

(CP 48)

The Declarations regarding Ms. Relph's plowing of snow went unchallenged by the Appellants. The use of the six-inch strip of ground was part of the disputed property and properly included in the Court's Order granting Summary Judgment.

f. The evidence indicates the Relphs' possession and use of the disputed property ripened into an original title during the Appellants' predecessors' ownership of the disputed property.

A unique and fundamental principle of adverse possession not addressed by the Appellants is that **title vests automatically** in a claimant who satisfies all

of these elements throughout the 10-year statutory period. The Washington Supreme court in *Gorman, supra* decision involved adverse possession in circumstances similar to that of the Appellants.

Relph obtained her title by adverse possession prior to the Appellants' purchase. In *Gorman, Id*, Mr. Gorman claimed title to certain real property through adverse possession. The property at issue, was dedicated to the city of Woodinville by a private owner in December 2005 for a roadway. On July 10, 2007, Gorman filed an action to quiet title claiming he acquired title through a 10-year period of adverse possession that transpired while the land was still in private hands.

The court in *Gorman, supra* addressed the automatic vesting of title by adverse possession at 73 by holding:

Title vests automatically in the adverse possessor if all the elements are fulfilled throughout the statutory period. *El Cerrito, Inc. v. Ryndak*, 60 Wash.2d 847, 855, 376 P.2d 528 (1962) (" When real property has been held by adverse possession for 10 years, **such possession ripens into an original title.**"). *Emphasizes Added*

The court in *Gorman, supra*, also addressed the Appellants' situation where title had vested by adverse possession with Ms. Relph prior to their purchase. The *Gorman, supra* court at page 74 held:

¶ 10 Title acquired through adverse possession cannot be divested by acts other than those required to transfer a title acquired by deed. This rule was articulated in *Mugaas v. Smith*, 33 Wash.2d 429, 206 P.2d 332 (1949). Ms. Mugaas claimed she acquired title to certain real property through adverse possession. The Smiths countered that Ms. Mugaas lost her claim to the disputed property by ceasing to use the property after the period of adverse possession had transpired. This court disagreed and quieted title in Ms. Mugaas. **We held a title obtained through adverse possession is as strong as a title acquired by deed: " it cannot be divested ... by any other act short of what would be required in a case where [] title was**

by deed." Id. at 431, 206 P.2d 332 (quoting *Towles v. Hamilton*, 94 Neb. 588, 143 N.W. 935 (1913)). Therefore, if Gorman obtained title to Tract Y through adverse possession, his title was not extinguished through the previous owner's attempt to dedicate the land to the City.

...

The new title holder need not sue to perfect his interest: " [t]he quiet title action merely confirm[s] that title to the land ha[s] passed to [the [283 P.3d 1085] adverse possessor]." *Emphasizes Added*

The trial court recognized the issue of the disputed property vesting in Ms Relph during the 1980's and held:

So here we have a situation where title to this property would vest with Ms. Relph back in the '80s, and at that time, she didn't have to really do anything more. She became title owner of that property, and I think the fact that even in the later cases that that presumption that she had permission would go away, especially after a length of time of 40 years and with the notice on the property that that was basically given.

(RP 15)

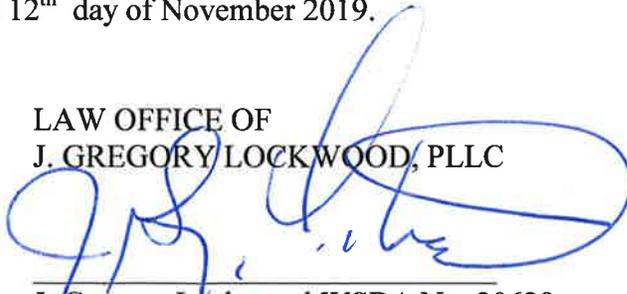
It is clear that the evidence submitted by Ms. Relph demonstrates the exclusive use and maintenance of the disputed property, which was open and obvious and treated as her own as against the world, during the 1980's and had ripened into original title by adverse possession.

V. CONCLUSION

Based upon the uncontroverted Declarations submitted in support of Ms. Relph's motion for summary judgment, the Court's Order Granting Summary Judgment should be sustained.

Respectfully submitted this 12th day of November 2019.

LAW OFFICE OF
J. GREGORY LOCKWOOD, PLLC



J. Gregory Lockwood WSBA No. 20629
Attorney for Respondent

CERTIFICATE OF SERVICE

I, Vickie Fulton, do declare that on November 12, 2019, I caused to be served a true and correct copy of the foregoing to the following listed party(s) via the means indicated:

John Montgomery
Waldo, Schweda & Montgomery
2206 North Pines Road
Spokane, WA 99206

U.S. Mail
Facsimile
Hand Delivery
E Filing Portal

DATED this 12 day of November 2019.



Vickie Fulton

APPENDIX “A”

COPY
Original Filed

MAY 10 2018

Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

CAROLINE E. RELPH, individually,

Plaintiff,

v.

DAVID GLUBRECHT and MARTHA
GLUBRECHT, husband and wife,

Defendants.

NO. 18202049-7

COMPLAINT FOR DECLARATORY
RELIEF, QUIET TITLE AND ADVERSE
POSSESSION

Plaintiffs complain and for causes of action alleges as follows:

I. PARTIES, JURISDICTION, VENUE

1.1 The Plaintiff, Caroline E. Relph, is and at all times mentioned in this complaint was/is a resident of Spokane County Washington and owner of the following described real property:

1. 3616 S ASSEMBLY RD, SPOKANE, WA, 99224.
Legally described as: WASHINGTON PARK LESS ROAD L1; ALL L2 B16
Parcel No. 25341.2001.
See attached Spokane County Treasure's data sheet marked as exhibit "A"
2. 3616 S ASSEMBLY RD, SPOKANE, WA, 99224.
Legally described as: WASHINGTON PARK L5-6-7 B16
Parcel No. 25341.2003.
See attached Spokane County Treasure's data sheet marked as exhibit "B"

COMPLAINT FOR DECLARATORY
RELIEF QUIET TITLE AND
ADVERSE POSSESSION - 1

Law Office of
J. Gregory Lockwood, PLLC
421 W. Riverside, Ste. 960
Spokane WA 99201
Telephone: (509) 624-8200
Facsimile: (509) 623-1491

1 1.2 Defendants, David Glubrecht and Martha Glubrecht, a marital community in the
2 State of Washington and are residents of Spokane County, Washington and is the
3 owner of the following real property in Spokane Washington:

- 4 1. No address assigned.
5 Legally described as: 34 25 42 100' RW IN SE1/4 OF NE1/4 LYG SLY OF
6 SHORT RD REV
7 Parcel No. : 25341.9069.
8 See attached Spokane County Treasure's data sheet marked as exhibit "C"

9 1.3 All real property at issue in this complaint is located in Spokane County
10 Washington as are all acts and/or omissions alleged herein have occurred in
11 Spokane County, Washington.

12 1.4 This court has both subject matter and personal jurisdiction over the parties and
13 issues asserted in this litigation.

14 1.5 Venue is proper in Spokane County, Washington.

15 **II. CAUSE OF ACTION**
QUIET TITLE AND ADVERSE POSSESSION.

16 2.1. The plaintiff reallege paragraphs 1.1 – 1.5 as if fully set forth.

17 2.2 Plaintiff is the owner by adverse possession of the easement road located on
18 defendants' parcel 25341.9069 which has been used as ingress and egress to
19 plaintiff's parcel 25341.2003 together with that real property located east of the
20 easement road on defendants parcel 25341.9069. See attached aerial photograph
21 marked as exhibit "D"

22 2.3 Plaintiffs' possession and use of the above referenced easement and real property
23 includes but is not limited to the continuous and uninterrupted use as a
24

1 ingress/egress, clearing and maintenance and improvement by the placement of
2 crush rock and or gravel.

3 2.4 Plaintiff's possession and use of the above described easement and real property
4 has been actual, open, notorious, hostile, continuous, exclusive with the easement
5 road being located on the same route since the plaintiff moved onto the plaintiff's
6 Parcel No. 25341.2003 on or about December 1974, which is in excess of the 10
7 year statute of limitation set forth in RCW 4.16.020 and as a result the plaintiff has
8 acquired title by adverse possession pursuant to RCW 7.28. on or about
9 December 1984.

10 2.5 Defendants claim an estate or interest in the real property described that is
11 adverse to plaintiff.
12

13 WHEREFORE, plaintiffs demand judgment against defendants as follows:

- 14 1. For judgment quieting title in the name of the plaintiff as the owner by
15 adverse possession of the easement road located on defendants' parcel
16 25341.9069 which has been used as ingress and egress to plaintiff's parcel
17 25341.2003 together with that real property located east of the easement
18 road on defendants parcel 25341.9069.
- 19 2. For the award of attorney fees and costs pursuant to RCW 7.28.083(3).
- 20 3. For such further relief as the court may deem proper.

21 Dated this 16 day of May, 2018.

22 LAW OFFICE OF
23 J. GREGORY LOCKWOOD, P.L.L.C.

24 J. GREGORY LOCKWOOD, WSBA #20629
25 Attorney for Plaintiffs

COMPLAINT FOR DECLARATORY
RELIEF QUIET TITLE AND
ADVERSE POSSESSION - 3

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Spokane WA 99201
Telephone: (509) 624-8200
Facsimile: (509) 623-1491



EXHIBIT

A

Parcel Number: 25341.2001
 Site Address: 3610 S ASSEMBLY RD
 Printer Friendly (SummaryPrint.aspx)

WEBPADAL Data As Of: 5/9/2018
 SCOUT Map (<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.2001>)
 Collapse All

Owner/Taxpayer

[\(Default.aspx?PID=25341.2001\)](#)

Owner

Taxpayer

Owner Name: RELPH, CAROLINE E
Address: 3616 S ASSEMBLY RD, SPOKANE, WA, 99224

Taxpayer Name: RELPH, ALBERT L
Address: 3616 S ASSEMBLY RD, SPOKANE, WA, 99224-5021

Photos

<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.2001>



Assessed Value

Tax Year	Land	Dwelling/Structure	Current Use Land	Taxable	Personal Prop.	Total Value
2018	26,250	73,800	0	100,050	0	100,050
2017	26,250	76,400	0	102,650	0	102,650
2016	26,250	68,300	0	94,550	0	94,550
2015	26,250	0	0	26,250	0	26,250
2014	26,250	0	0	26,250	0	26,250
2013	26,250	0	0	26,250	0	26,250

Site Address

Parcel Type	Site Address	City	Land Size	Size Desc.	Description	Tax Year	Tax Code Area	St:
R	3610 S ASSEMBLY RD	SPOKANE	0.35	Acre (s)	Household, single family	2018	2040 (http://cp.spokanecounty.org/Assessor/TCA/TaxCodeAreaByYear.aspx?TCA=2040)	Act

WASHINGTON PARK LESS ROAD L1;ALL L2 B16

Appraisal

<http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2001>

Parcel Class	Appraiser	Neighborhood Code	Neighborhood Name	Neighborhood Desc	Appraiser Name	A P
11 Single Unit	117 (http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2001)	222500	GARSP	PLAT - GARDEN SPRINGS A	Ben	4

Levy

Levy Name	Levy Rate 2017	Levy Rate 2018	Levy Type	Tax ID
County General	1.3670	1.2866	Non-Voted	2040
County General Cons Futures	0.0438	0.0419	Non-Voted	2040
County Library General	0.4762	0.4541	Non-Voted	2040
County Road	1.6792	1.5992	Non-Voted	2040
Fire District 10	1.2403	1.2546	Non-Voted	2040
Fire District 10 EMS	0.5000	0.4995	Non-Voted	2040
Fire District 10 GO Bond	0.2597	0.2439	Non-Voted	2040
SD360 Cheney B&I	1.6517	2.4210	Voted	2040
SD360 Cheney General	2.9045	2.7385	Voted	2040
State School	2.0002	1.8087	Non-Voted	2040
State School Levy 2	0.0000	0.9865	Non-Voted	2040
Totals:	12.12	13.33		



Characteristics [?](http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2001) (http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2001)

Dwelling/ Structure	Year Built	Gross Living Area	Size	Type	House Type	Roof Material	Heat	Cool	Bedroom	Half Bath	Full Bath
Manufactured Home	2014	NA	1,290	SF	91 Double Wide	Comp sh medium	Forced hot air-elec	Central air	0	0	2

Features / Structure	Main Floor Size	Size Type
MHOME - Upper Roof Extension Canopy	216	SF
MHOME - WDDK-R	216	SF

Land Number	Soil ID	Acreeage	Sq Ft	Frontage	Depth	Lot(s)
1	TIRR	0.35	15,163	0	0	1

Sales

Property Taxes (Notices.aspx) (https://www.invoicecloud.com/SpokaneCounty)
 (http://www.spokanecounty.org/Treasurer/)

Taxes are due April 30th and October 31st

Tax Year	Charge Type	Annual Charges	Remaining Charges Owing
2018	A/V Property Tax	1,334.10	667.05
2018	Soil Conservation Principal CNSV1	5.03	2.52
2018	State Forest Patrol Principal SFFIRE1	17.20	8.60
2018	State Forest Patrol Principal SFFIRE3	0.50	0.25
2018	Stormwater Principal RES1	21.00	10.50
2018	Weed Control Principal WCWEED1	1.80	0.90
	Total Taxes for 2018	1,379.63	689.82
2017	A/V Property Tax	1,244.39	0.00
2017	Soil Conservation Principal CNSV1	5.03	0.00
2017	State Forest Patrol Principal SFFIRE1	17.20	0.00
2017	State Forest Patrol Principal SFFIRE3	0.50	0.00
2017	Stormwater Principal RES1	21.00	0.00
2017	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2017	1,289.92	0.00
2016	A/V Property Tax	1,185.41	0.00
2016	Soil Conservation Principal CNSV1	5.03	0.00
2016	State Forest Patrol Principal SFFIRE1	17.20	0.00
2016	State Forest Patrol Principal SFFIRE3	0.50	0.00
2016	Stormwater Principal RES1	21.00	0.00
2016	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2016	1,230.94	0.00
2015	A/V Property Tax	342.58	0.00
2015	Soil Conservation Principal CNSV1	5.03	0.00
2015	State Forest Patrol Principal SFFIRE1	17.20	0.00
2015	State Forest Patrol Principal SFFIRE3	0.50	0.00
2015	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2015	367.11	0.00
2014	A/V Property Tax	340.65	0.00
2014	Soil Conservation Principal CNSV3	5.00	0.00
2014	State Forest Patrol Principal SFFIRE1	17.20	0.00
2014	State Forest Patrol Principal SFFIRE3	0.50	0.00
2014	Weed Control Principal WCWEED1	3.00	0.00
	Total Taxes for 2014	366.35	0.00

Tax Receipts

Tax Year	Receipt Number	Receipt Date	Receipt Amount
2018	7607518	05/02/2018	689.81
2017	7301785	10/25/2017	644.96

Tax Year	Receipt Number	Receipt Date	Receipt Amount
2017	7220479	04/28/2017	644.96
2016	6932433	10/25/2016	615.47
2016	6886094	06/07/2016	437.62
2016	6883257	05/17/2016	177.85
2015	6549030	10/21/2015	183.56
2015	6501855	05/05/2015	183.55

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Assessor's Office (<http://www.spokanecounty.org/Assessor/>)

1116 West Broadway Avenue
County Courthouse, 1st Floor
Spokane, WA 99260

Assessor's Information

Owner, Site Address, Appraisal, Levy, Characteristics, Sales

Hours: Monday - Thursday 8:30am - 4:00pm

Friday 8:30am - 1:00pm

(excluding holidays)

Phone (Phone) (509) 477-3698

Fax: (Fax) (509) 477-3697

Email: (Email) Contact the Assessor (<mailto:Assessor@spokanecounty.org>)

Treasurer's Office

(<http://www.spokanecounty.org/treasurer/>)

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Spokane, WA 99260

Treasurer's Information

Taxpayer, Property Taxes, Receipts, Sales

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Friday 8:30am - 1:00pm

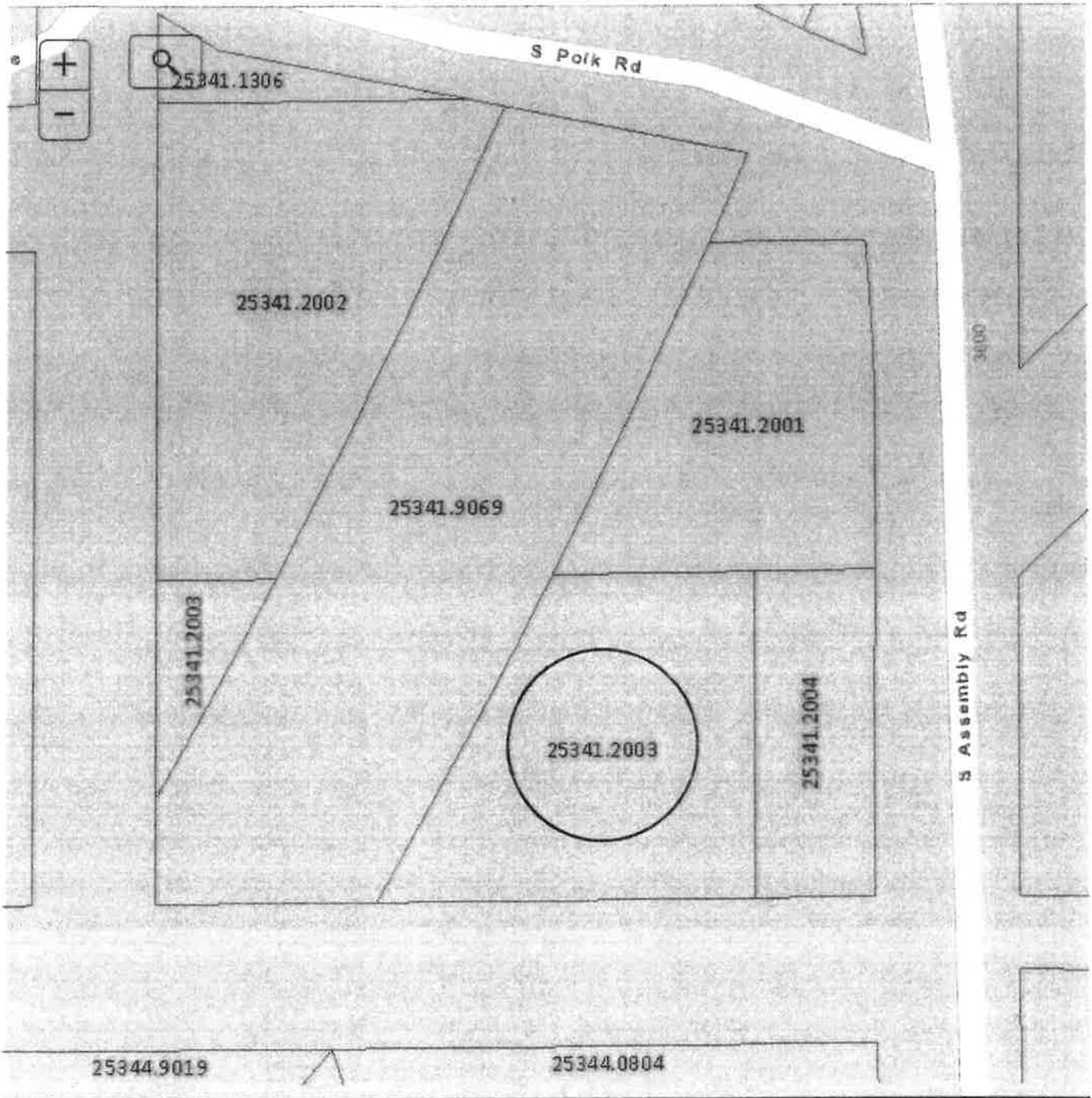
(excluding holidays)

Phone (Phone) (509) 477-4713

Fax: (Fax) (509) 477-3674

Email: (Email) Contact the Treasurer
(<mailto:treasurer@spokanecounty.org>)

EXHIBIT B



Parcel Number: 25341.2003
 Site Address: 3616 S ASSEMBLY RD
 Printer Friendly (SummaryPrint.aspx)

WEBPADAL Data As Of: 5/9/2018
 SCOUT Map (<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.2003>)
 Collapse All

Owner/Taxpayer

[\(Default.aspx?PID=25341.2003\)](#)

Owner

Taxpayer

Owner Name: RELPH, CAROLINE E
Address: 3616 S ASSEMBLY RD, SPOKANE, WA, 99224

Taxpayer Name: RELPH, ALBERT L & CAROLINE E
Address: 3616 S ASSEMBLY RD, SPOKANE, WA, 99224

Photos

<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.2003>



Assessed Value

Tax Year	Land	Dwelling/Structure	Current Use Land	Taxable	Personal Prop.	Total Value
2018	26,250	8,300	0	34,550	0	34,550
2017	26,250	8,300	0	34,550	0	34,550
2016	26,250	8,300	0	34,550	0	34,550
2015	26,250	8,500	0	34,750	0	34,750
2014	26,250	8,500	0	34,750	0	34,750
2013	26,250	8,800	0	35,050	0	35,050

Site Address

Parcel Type	Site Address	City	Land Size	Size Desc.	Description	Tax Year	Tax Code Area	St
R	3616 S ASSEMBLY RD	SPOKANE	0.41	Acre (s)	Personal property MH's	2018	2040 (http://cp.spokanecounty.org/Assessor/TCA/TaxCodeAreaByYear.aspx?TCA=2040)	Act

WASHINGTON PARK L5-6-7 B16

Appraisal

<http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2003>

Parcel Class	Appraiser	Neighborhood Code	Neighborhood Name	Neighborhood Desc	Appraiser Name
18 Other Residential	117 (http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2003)	222500	GARSP	PLAT - GARDEN SPRINGS A	Ben

Levy

Levy Name	Levy Rate 2017	Levy Rate 2018	Levy Type	Tax ID
County General	1.3670	1.2866	Non-Voted	2040
County General Cons Futures	0.0438	0.0419	Non-Voted	2040
County Library General	0.4762	0.4541	Non-Voted	2040
County Road	1.6792	1.5992	Non-Voted	2040
Fire District 10	1.2403	1.2546	Non-Voted	2040
Fire District 10 EMS	0.5000	0.4995	Non-Voted	2040
Fire District 10 GO Bond	0.2597	0.2439	Non-Voted	2040
SD360 Cheney B&I	1.6517	2.4210	Voted	2040
SD360 Cheney General	2.9045	2.7385	Voted	2040
State School	2.0002	1.8087	Non-Voted	2040
State School Levy 2	0.0000	0.9865	Non-Voted	2040
Totals:	12.12	13.33		



Characteristics

<http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.2003>

Dwelling/ Structure	Year Built	Gross Living Area	Size	Type	House Type	Roof Material	Heat	Cool	Bedroom	Half Bath	Full Bath
General Purpose Bldg Wood Pole Frame	1999	NA	864	SF						0	0

Land Number	Soil ID	Acreage	Sq Ft	Frontage	Depth	Lot(s)
1	TIRR	0.41	17,920	0	0	1

Sales

Sale Date	Sale Price	Sale Instrument	Excise Number	parcel
09/01/2006	0.00	Quit Claim Deed	200616963 (ImageExcise.aspx? ExciseNumber=200616963&Parcel=25341.2003)	25341.2003

Property Taxes

<http://www.spokanecounty.org/Treasurer/>

[Notices.aspx](#) \$ <https://www.invoicecloud.com/Spokanecounty>

Taxes are due April 30th and October 31st

Tax Year	Charge Type	Annual Charges	Remaining Charges Owing
2018	A/V Property Tax	460.70	230.35
2018	Soil Conservation Principal CNSV1	5.04	2.52
2018	State Forest Patrol Principal SFFIRE1	17.20	8.60
2018	State Forest Patrol Principal SFFIRE3	0.50	0.25
2018	Stormwater Principal RES1	21.00	10.50
2018	Weed Control Principal WCWEED1	1.80	0.90
	Total Taxes for 2018	506.24	253.12
2017	A/V Property Tax	418.85	0.00
2017	Soil Conservation Principal CNSV1	5.04	0.00
2017	State Forest Patrol Principal SFFIRE1	17.20	0.00
2017	State Forest Patrol Principal SFFIRE3	0.50	0.00
2017	Stormwater Principal RES1	21.00	0.00
2017	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2017	464.39	0.00
2016	A/V Property Tax	433.16	0.00
2016	Soil Conservation Principal CNSV1	5.04	0.00
2016	State Forest Patrol Principal SFFIRE1	17.20	0.00
2016	State Forest Patrol Principal SFFIRE3	0.50	0.00
2016	Stormwater Principal RES1	21.00	0.00
2016	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2016	478.70	0.00
2015	A/V Property Tax	453.50	0.00
2015	Soil Conservation Principal CNSV1	5.04	0.00
2015	State Forest Patrol Principal SFFIRE1	17.20	0.00
2015	State Forest Patrol Principal SFFIRE3	0.50	0.00
2015	Stormwater Principal RES1	21.00	0.00
2015	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2015	499.04	0.00
2014	A/V Property Tax	450.94	0.00
2014	Soil Conservation Principal CNSV3	5.00	0.00
2014	State Forest Patrol Principal SFFIRE1	17.20	0.00
2014	State Forest Patrol Principal SFFIRE3	0.50	0.00
2014	Stormwater Principal RES1	21.00	0.00
2014	Weed Control Principal WCWEED1	3.00	0.00
	Total Taxes for 2014	497.64	0.00

Tax Receipts

Tax Year	Receipt Number	Receipt Date	Receipt Amount
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Tax Year	Receipt Number	Receipt Date	Receipt Amount
2018	7607517	05/02/2018	253.12
2017	7301783	10/25/2017	232.20
2017	7220478	04/28/2017	232.19
2016	6932430	10/25/2016	239.35
2016	6883257	05/17/2016	239.35
2015	6549031	10/21/2015	249.52
2015	6501853	05/05/2015	249.52

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Assessor's Office (<http://www.spokanecounty.org/Assessor/>)

1116 West Broadway Avenue
 County Courthouse, 1st Floor
 Spokane, WA 99260

Assessor's Information

Owner, Site Address, Appraisal, Levy, Characteristics, Sales

Hours: Monday - Thursday 8:30am - 4:00pm
 Friday 8:30am - 1:00pm
 (excluding holidays)

Phone (Phone) (509) 477-3698

Fax: (Fax) (509) 477-3697

Email: (Email) [Contact the Assessor \(mailto:Assessor@spokanecounty.org\)](mailto:Assessor@spokanecounty.org)

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Treasurer's Information

Taxpayer, Property Taxes, Receipts, Sales

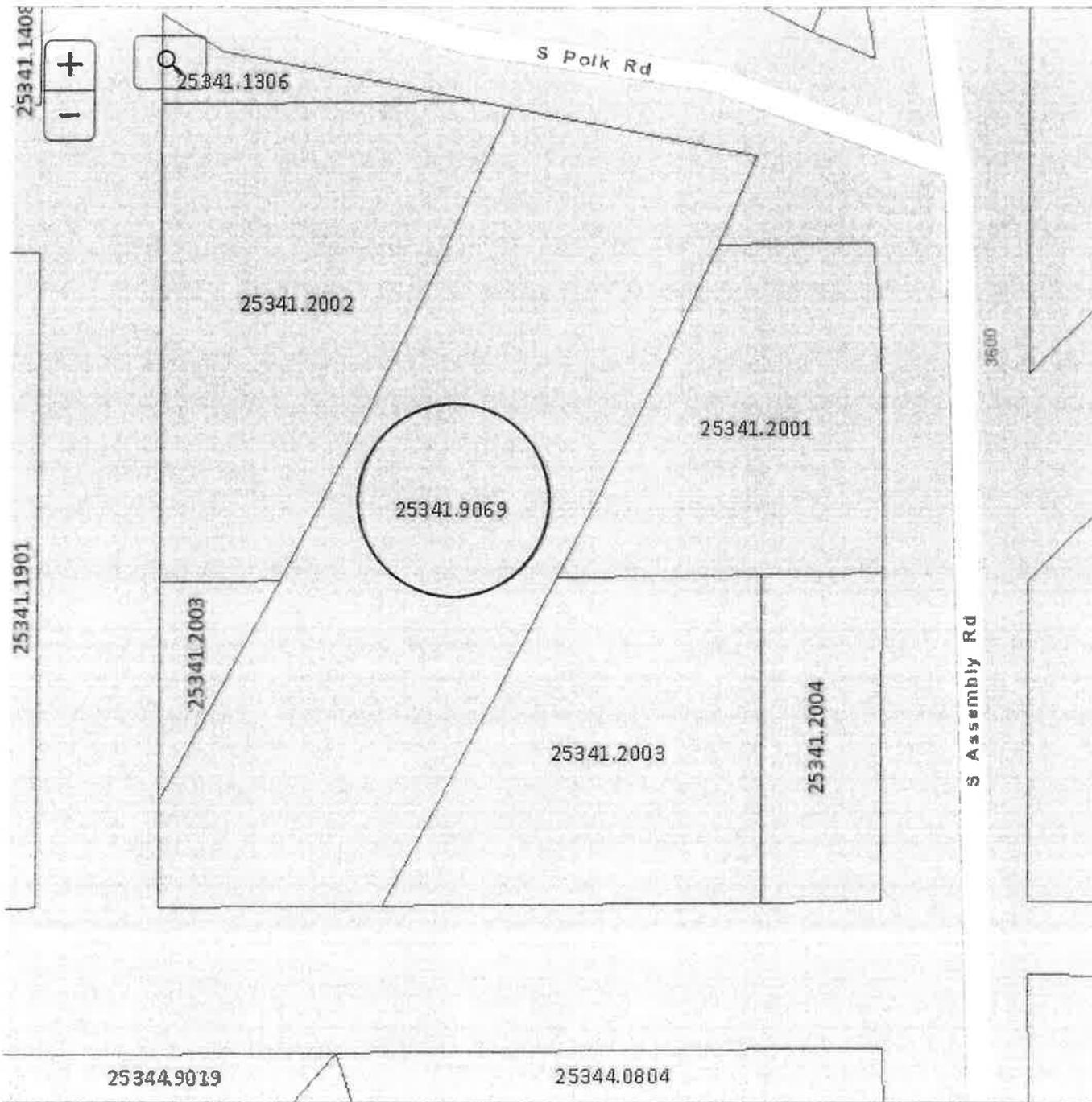
Hours: Monday - Thursday 8:30am - 4:00pm
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 (excluding holidays)

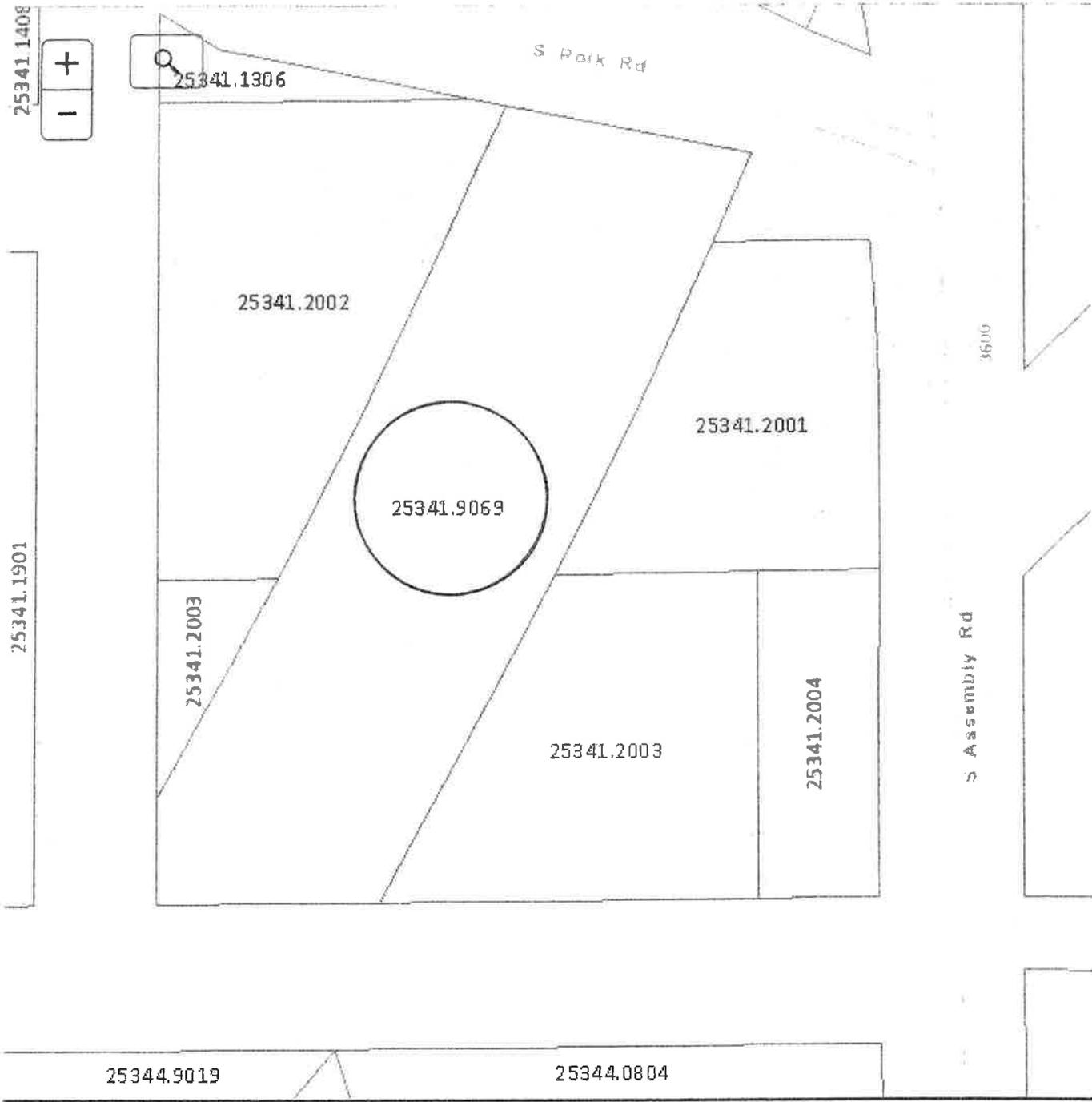
Phone (Phone) (509) 477-4713

Fax: (Fax) (509) 477-3674

Email: (Email) [Contact the Treasurer \(mailto:treasurer@spokanecounty.org\)](mailto:treasurer@spokanecounty.org)

EXHIBIT C





Parcel Number: 25341.9069
 Site Address: 0 ADDRESS UNKNOWN
 Printer Friendly (SummaryPrint.aspx)

WEBPADAL Data As Of: 5/9/2018
 SCOUT Map (<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.9069>)
 Collapse All

Owner/Taxpayer

[\(Default.aspx?PID=25341.9069\)](#)

Owner

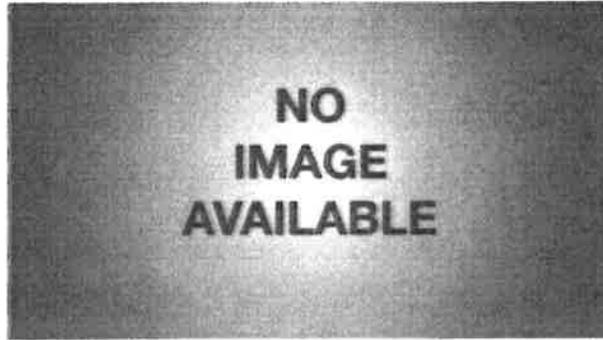
Taxpayer

Owner Name: GLUBRECHT, DAVID & MARTHA
 Address: 1411 S HAVANA, SPOKANE, WA, 99223

Taxpayer Name: GLUBRECHT, DAVID & MARTHA
 Address: 1411 S HAVANA, SPOKANE, WA, 99223

Photos

<http://cp.spokanecounty.org/SCOUT/Map/?PID=25341.9069>



Assessed Value

Tax Year	Land	Dwelling/Structure	Current Use Land	Taxable	Personal Prop.	Total Value
2018	5,300	0	0	5,300	0	5,300
2017	5,300	0	0	5,300	0	5,300
2016	5,300	0	0	5,300	0	5,300
2015	5,300	0	0	5,300	0	5,300
2014	5,300	0	0	5,300	0	5,300
2013	5,300	0	0	5,300	0	5,300

Site Address

Parcel Type	Site Address	City	Land Size	Size Desc.	Description	Tax Year	Tax Code Area	Sta
R	0 ADDRESS UNKNOWN	SPOKANE	0.88	Acre (s)	Undeveloped land	2018	2040 (http://cp.spokanecounty.org/Assessor/TCA/TaxCodeAreaByYear.aspx?TCA=2040)	Act

34 25 42 100' R/W IN SE1/4 OF NE1/4 LYG SLY OF SHORT RD REV

Appraisal

<http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.9069>

Parcel Class	Appraiser	Neighborhood Code	Neighborhood Name	Neighborhood Desc	Appraiser Name	A P
91 Vacant Land	117 (http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.9069)	222500	GARSP	PLAT - GARDEN SPRINGS A	Ben	4

Levy

Levy Name	Levy Rate 2017	Levy Rate 2018	Levy Type	Tax ID
County General	1.3670	1.2866	Non-Voted	2040
County General Cons Futures	0.0438	0.0419	Non-Voted	2040
County Library General	0.4762	0.4541	Non-Voted	2040
County Road	1.6792	1.5992	Non-Voted	2040
Fire District 10	1.2403	1.2546	Non-Voted	2040
Fire District 10 EMS	0.5000	0.4995	Non-Voted	2040
Fire District 10 GO Bond	0.2597	0.2439	Non-Voted	2040
SD360 Cheney B&I	1.6517	2.4210	Voted	2040
SD360 Cheney General	2.9045	2.7385	Voted	2040
State School	2.0002	1.8087	Non-Voted	2040
State School Levy 2	0.0000	0.9865	Non-Voted	2040
Totals:	12.12	13.33		



Characteristics

<http://cp.spokanecounty.org/Assessor/ContactAssessors/Default.aspx?parcel=25341.9069>

Land Number	Soil ID	Acreage	Sq Ft	Frontage	Depth	Lot(s)
1	TIRR	0.88	38,333	0	0	53

Sales

Sale Date	Sale Price	Sale Instrument	Excise Number	parcel
11/30/2016	65,000.00	Statutory Warranty Deed	201617820 (ImageExcise.aspx?ExciseNumber=201617820&Parcel=25341.9069)	25341.9069

Property Taxes

<http://www.spokanecounty.org/Treasurer/> [\(Notices.aspx\)](#) <https://www.invoicecloud.com/Spokanecounty>

Taxes are due April 30th and October 31st

Tax Year	Charge Type	Annual Charges	Remaining Charges Owning
2018	A/V Property Tax	70.68	0.00
2018	Soil Conservation Principal CNSV1	5.09	0.00

Tax Year	Charge Type	Annual Charges	Remaining Charges Owing
2018	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2018	77.57	0.00
2017	A/V Property Tax	64.25	0.00
2017	Soil Conservation Principal CNSV1	5.09	0.00
2017	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2017	71.14	0.00
2016	A/V Property Tax	66.45	0.00
2016	Soil Conservation Principal CNSV1	5.09	0.00
2016	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2016	73.34	0.00
2015	A/V Property Tax	69.17	0.00
2015	Soil Conservation Principal CNSV1	5.09	0.00
2015	Weed Control Principal WCWEED1	1.80	0.00
	Total Taxes for 2015	76.06	0.00
2014	A/V Property Tax	68.78	0.00
2014	Soil Conservation Principal CNSV3	5.00	0.00
2014	Weed Control Principal WCWEED1	3.00	0.00
	Total Taxes for 2014	76.78	0.00

Tax Receipts

Tax Year	Receipt Number	Receipt Date	Receipt Amount
2018	7580884	04/27/2018	77.57
2017	7216366	04/27/2017	71.14
2016	6906264	10/13/2016	36.67
2016	6704110	04/01/2016	36.67
2015	6517124	08/24/2015	38.03
2015	6321859	03/04/2015	38.03

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Phone (Phone) (509) 477-4713

Fax: (Fax)(509) 477-3674

Email: (Email) Contact the Treasurer

(<mailto:treasurer@spokanecounty.org>)

EXHIBIT



D



APPENDIX “B”

COPY
Original Filed
JUN 06 2018
Timothy W. Fitzgerald
SPOKANE COUNTY CLERK

**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

CAROLINE E. RELPH, individually,

Plaintiffs,

NO. 18-2-02049-7

v.

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO.

DAVID GLUBRECHT and MARTHA
GLUBRECHT, husband and wife,

Defendants.

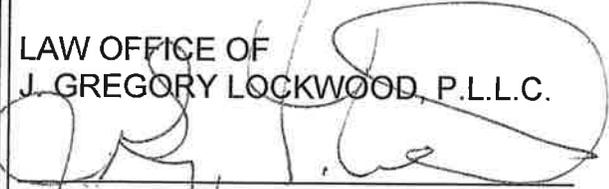
STIPULATION

The plaintiff, Caroline E. Relph, by and through her attorney, J. Gregory Lockwood, and defendants, David Glubrecht and Martha Glubrecht, by and through their attorney, John Montgomery, hereby stipulate to a Temporary Order, maintaining the status quo for the plaintiff's continued use of the disputed easement for ingress and egress. It is further stipulated that this Temporary Order shall remain in effect until further order of the court.

Dated this ____ day of June, 2018

LAW OFFICE OF
J. GREGORY LOCKWOOD, P.L.L.C.

WALDO, SCHWEDA
& MONTGOMERY, P.S.



J. GREGORY LOCKWOOD
WSBA #20629
Attorney for Plaintiff .

See attached

JOHN MONTGOMERY
WSBA # 7485
Attorney for Defendants.

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO - 1

Law Office of
J. Gregory Lockwood, PLLC
421 W. Riverside, Ste. 960
Spokane WA 99201
Telephone: (509) 624-8200
Facsimile: (509) 623-1491

ORDER

The parties having stipulated to a Temporary Order to maintain the status quo for the plaintiff's continued use of the disputed easement for ingress and egress, it is therefore ORDERED:

1. The parties shall maintain the status quo of the plaintiff's use of the disputed easement for ingress and egress.

2. This Order shall remain in effect until further order of this court.

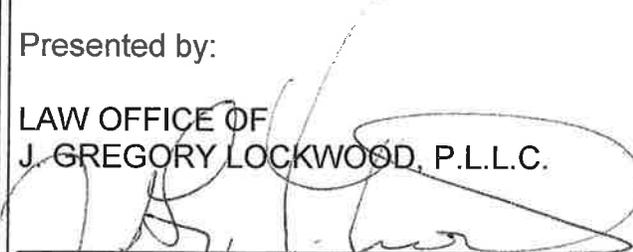
Dated this ____ day of June, 2018.

ANNETTE S. PLESE

JUDGE ANNETTE S. PLESE

Presented by:

LAW OFFICE OF
J. GREGORY LOCKWOOD, P.L.L.C.



J. GREGORY LOCKWOOD
WSBA #20629
Attorney for Plaintiff

Approved as to form and content:

WALDO, SCHWEDA
& MONTGOMERY, P.S.

JOHN MONTGOMERY
WSBA # 7485
Attorney for Defendants

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO - 2

Law Office of
J. Gregory Lockwood, PLLC
421 W. Riverside, Ste. 960
Spokane WA 99201
Telephone: (509) 624-8200
Facsimile: (509) 623-1491

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**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE**

CAROLINE E. RELPH, individually,

Plaintiffs,

v.

DAVID GIUBRECHT and MARTHA
GLUBRECHT, husband and wife,

Defendants.

NO. 18-2-02049-7

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO.

STIPULATION

The plaintiff, Caroline E. Relph, by and through her attorney, J. Gregory Lockwood, and defendants, David Glubrecht and Martha Glubrecht, by and through their attorney, John Montgomery, hereby stipulate to a Temporary Order, maintaining the status quo for the plaintiff's continued use of the disputed easement for ingress and egress. It is further stipulated that this Temporary Order shall remain in effect until further order of the court.

Dated this _____ day of June, 2018

LAW OFFICE OF
J. GREGORY LOCKWOOD, P.L.L.C.

J. GREGORY LOCKWOOD
WSBA #20629
Attorney for Plaintiff.

WALDO, SCHWEDA
& MONTGOMERY, P.S.


JOHN MONTGOMERY
WSBA #7485
Attorney for Defendants.

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO - 1

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ORDER

The parties having stipulated to a Temporary Order to maintain the status quo for the plaintiff's continued use of the disputed easement for ingress and egress, it is therefore ORDERED:

1. The parties shall maintain the status quo of the plaintiff's use of the disputed easement for ingress and egress.

2. This Order shall remain in effect until further order of this court.

Dated this _____ day of June, 2018.

JUDGE ANNETTE S. PLESE

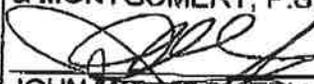
Presented by:

LAW OFFICE OF
J. GREGORY LOCKWOOD, P.L.L.C.

J. GREGORY LOCKWOOD
WSBA #20829
Attorney for Plaintiff

Approved as to form and content:

WALDO, SCHWEDA
& MONTGOMERY, P.S.



JOHN MONTGOMERY
WSBA # 7488
Attorney for Defendants

STIPULATED TEMPORARY ORDER
TO MAINTAIN STATUS QUO - 2

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LAW OFFICE OF J. GREGORY LOCKWOOD PLLC

November 12, 2019 - 11:02 AM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 36755-0
Appellate Court Case Title: Caroline E. Relph v. David Glubrecht and Martha Glubrecht
Superior Court Case Number: 18-2-02049-7

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LAW OFFICE OF J. GREGORY LOCKWOOD PLLC

December 12, 2019 - 9:05 AM

Transmittal Information

Filed with Court: Court of Appeals Division III
Appellate Court Case Number: 36755-0
Appellate Court Case Title: Caroline E. Relph v. David Glubrecht and Martha Glubrecht
Superior Court Case Number: 18-2-02049-7

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