

NO. 87855-2

SUPREME COURT  
OF THE STATE OF WASHINGTON

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STATE OF WASHINGTON  
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STATE OF WASHINGTON,  
Plaintiff-Respondent

PETITIONER'S STATEMENT OF  
ADDITIONAL AUTHORITIES

RECEIVED BY E-MAIL *D/H*

v.

DAVID ALLEN WOOTEN, JR.,  
Defendant-Petitioner

Under RAP 10.8, Petitioner David Allen Wooten, Jr. hereby submits the following additional authority on the procedures under which purchaser's rights under a real estate contract can be forfeited. This bears on the issue of ownership of property (Issue No. 1 raised in Wooten's Petition for Review):

- RCW. 61.30.020. Forfeiture or foreclosure--Notices--Other remedies not limited

(1) A purchaser's rights under a real estate contract shall not be forfeited except as provided in this chapter. Forfeiture shall be accomplished by giving and recording the required notices as specified in this chapter. This chapter shall not be construed as prohibiting or limiting any remedy which is not governed or restricted by this chapter and which is otherwise available to the seller or the purchaser. At the seller's option, a real estate contract may be foreclosed in the manner and subject to the law applicable to the foreclosure of a mortgage in this state.

(2) The seller's commencement of an action to foreclose the contract as a mortgage shall not constitute an election of remedies so as to bar the seller from forfeiting the contract under this chapter for the same or different breach. Similarly, the seller's commencement of a forfeiture under this chapter shall not constitute an election of remedies so as to bar the seller from foreclosing the contract as a mortgage. However, the seller shall not maintain concurrently an action to foreclose the contract and a forfeiture under this chapter whether for the same or different breaches. If, after giving or recording a notice of intent to forfeit, the seller elects to

foreclose the contract as a mortgage, the seller shall record a notice canceling the notice of intent to forfeit which refers to the notice of intent by its recording number. Not later than ten days after the notice of cancellation is recorded, the seller shall mail or serve copies of the notice of cancellation to each person who was mailed or served the notice of intent to forfeit, and shall post it in a conspicuous place on the property if the notice of intent was posted. The seller need not publish the notice of cancellation.

Respectfully submitted this 22nd day of May, 2013.

\_\_\_\_\_/s/\_\_\_\_\_  
Rita J. Griffith, WSBA No. 14360

\_\_\_\_\_/s/\_\_\_\_\_  
Cynthia B. Jones, WSBA No. 38120

Attorneys for Appellant



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Rec'd 5-22-13

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Please find attached Statement of Additional Authorities for State v. David Allen Wooten, Case No. 87855-2. Submitted by Cynthia B. Jones, WSBA 38120, (206)972-4943, [cjones@joneslegalgroup.net](mailto:cjones@joneslegalgroup.net)

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Cynthia B. Jones  
Jones Legal Group, LLC  
[www.joneslegalgroup.net](http://www.joneslegalgroup.net)

Tel: 206.972.4943  
Email: [cjones@joneslegalgroup.net](mailto:cjones@joneslegalgroup.net)

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