

WASHINGTON STATE COURT OF APPEALS DIVISION THREE

CASE SUMMARIES FOR ORAL ARGUMENT

The following summaries are drawn from briefs and lower court judgments. The summaries have not been reviewed for accuracy by the judges and are intended to provide a general idea of facts and issues presented in the cases. The summaries should not be considered official court documents. Facts and issues presented in these summaries should be checked for accuracy against records and briefs, available from the Court, which provide more specific information.

Date of Hearing: Thursday October 27, 2011
Location: Spokane, 500 N. Cedar

9:00 AM

1) No.: 29665-2-III

Case Name: Michael R. Hanson, et ux v. Diamond Land Company LLC, et al
County: Pend Oreille

Case Summary: The Hanson Living Trust (Hanson) sold six acres of land to Diamond Land Company, LLC on a real estate contract. Diamond defaulted on the contract after selling several lots in the subdivision to individual purchasers, who along with their lot purchased a 1/27 interest in a common area known as Lot 6 of Diamond Beach. Lot 6 had been created by way of a final plat of Diamond Beach, which Hanson signed as a lienholder consenting to the subdivision. Hanson filed suit to quiet title to Lot 6 after Diamond's default and voluntary forfeiture of its contract interests by quitclaim deed. The court granted the individual purchasers' summary judgment motion on the grounds that, pursuant to RCW 58.17.165, Hanson's signatures on Diamond's plat were a quit claim that conveyed portions of Hanson's interest in Lot 6 to property purchasers stated on the plat, which designated Lot 6 as a community access area for Diamond Lake. Hanson appeals.

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- 2) **No.: 29198-7-III, consolidated with 29517-6-III**
Case Name: Christopher Butler, et ux v. Sandra Coyle
County: Stevens

Case Summary: Butlers and Coyle are neighboring landowners who received their properties from a common grantor and whose respective deeds each describe the boundary line between the properties as the center line of an existing dirt road. But Coyle hired a surveyor who concluded the metes and bounds description of that line in the deeds does not align with the road's actual location. Acting on that survey, Coyle began fencing along the surveyed boundary line, thus restricting Butlers' access to their property. Butlers filed suit. The court reformed the parties' deeds to establish the dirt road center line as the correct boundary line, corrected a scrivener's error on a recorded easement to ensure Butlers' continued use of that road, found Coyle had committed common law trespass, and granted a permanent injunction preventing Coyle from interfering with the Butlers' use of the easement. Coyle appealed. The trial court subsequently found Coyle in contempt of the judgment. Coyle also appeals that finding.

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- 3) **No.: 29379-3-III**
Case Name: Donald J. Rokkan v. Gesa Credit Union, et al
County: Benton

Case Summary: In 2000, Marsaelle McHale opened three term share certificates at Gesa Credit Union, naming family members/relatives as beneficiaries of the first two certificates and her friend Paula Miller (also a Gesa employee) as beneficiary of the third. Another friend, Donald Rokkan, had McHale's power of attorney and was unaware of the share certificate beneficiary designations. McHale's 2002 will left the bulk of her estate to Rokkan when she died in 2005. Miller claimed no prior knowledge she was a share certificate beneficiary. Believing the beneficiary designations were coerced, Rokkan (individually and as McHale's personal representative) sued Gesa and Miller. The court summarily dismissed all of Rokkan's various claims except negligent misrepresentation and fiduciary breach, which were tried to a jury. The court excluded Rokkan's proposed testimony that McHale desired him to be beneficiary of the share certificates. The jury found in favor of Gesa and Miller. Rokkan appeals.

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4) **No.: 29177-4-III**

Case Name: Mark Brotherton, et ux v. Kralman Steel Structures Inc., et al

County: Walla Walla

Case Summary: Mark Brotherton contracted Kralman Steel Structures Inc. to remove the driveway at his residence and install a new one. Kralman installed a defective driveway. Brotherton sued Kralman for breach of contract, seeking damages to cure the defective performance. The trial court found reasonable a \$12,796 bid that Brotherton obtained from another contractor and entered judgment against Kralman for that amount plus attorney fees, costs and interest. Kralman appeals.

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11:00 AM

5) **No.: 29085-9-III**

Case Name: State of Washington v. Tobias Allen Pritchard

County: Yakima

Case Summary: While legally married but separated from her husband Tobias Pritchard, Sonya Pritchard reported to police that she had seen him driving a particular stolen truck. She also disclosed the location of a motel where he was staying. Officers executed a search warrant at the motel and found the stolen truck keys in Mr. Pritchard's room, resulting in his being charged with possession of a stolen motor vehicle. The court denied his request under the marital communications privilege to exclude certain statements made by Ms. Pritchard. A jury found Mr. Pritchard guilty as charged. He appeals.

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6) **No.: 29675-0-III**

Case Name: State of Washington, Department of Ecology v. City of Spokane Valley, et al

County: Spokane

Case Summary: The superior court affirmed the city of Spokane Valley's grant of Substantial Development Permit Exemptions for two docks on the Spokane River to Coyote Rock LLC, developers of a 30-lot residential subdivision located alongside a free-

flowing stretch of the river. The superior court found the docks were clearly intended for the private non-commercial use of the adjoining properties, and that adverse cumulative environmental impact was speculative and not supported by the record. The Department of Ecology appeals, seeking reversal of the permit exemptions.

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- 7) **No.: 29234-7-III**
Case Name: State of Washington v. Anita Sue Wolf
County: Klickitat

Case Summary: Anita S. Wolf was convicted of second degree murder for the gunshot killing of her fiancé Michael White. The trial court admitted evidence of a prior domestic incident in which Wolf had bumped White with a truck during an argument. The jury rejected her theory of accidental shooting and found her guilty. The court imposed a firearm sentence enhancement based upon the jury's special verdict finding that Wolf committed the crime while armed with a firearm. Wolf appeals.

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- 8) **No.: 29269-0-III**
Case Name: Elmer Segraves v. Carl C. Fulton, et al
County: Columbia

Case Summary: Segraves owns property that has been in his family since 1948. Fulton purchased adjoining property in 2001. From 1947 to 2001, a fence existed within the boundaries of the Fulton property. According to Segraves, the fence line marks the boundary between the properties, but the true boundary is on Segraves' side of the fence line. Segraves filed an action to quiet title to the disputed property on theories of mutual acquiescence or adverse possession. The trial court ordered title vested in Segraves. Fulton appeals.

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