Received
Washington State Supreme Court

JUL 2 1 2014
E CRF
Ronald R. Carpenter
Clerk

No. 90420-1

Supreme Court of the State of Washington

David W. Creveling
Appellant

v.

Donna M. Alma, et vir, et al.
Respondents

Petition for Review

David W. Creveling
Appellant
110 Gold Creek Loop Rd
Carlton Wa 98814
(509) 923-2003

The Attorney for the title insurance company
Henry Kerr Hamilton
Fidelity National title Group
1200 6th Avenue, Suite 620
Seattle Wa 98101-3125

Table of Contents

		Page
A.	Identity of Petitioner	1
B.	Court of Appeals decision	1
C.	Issues presented for review	1 - 2
D.	Statement of the Case	2 - 3
E.	Argument why review should be accepted	3 - 5
F.	Conclusion	5

Table of Authorities

I inquired with Westlaw 2 times and westlaw did 2 different searches

Westlaw found no cases really relevant to someone intervening who had no color of title to intervene once a default judgement had been granted.

So if the Washington State Supreme Court should here this case then there will be a new case for case low established

Gebhers v. Alma 03-2-00182-3	3, 4, 5
Lis Pendens	4

A. Identity of Petitioner

I, David W. Creveling asks this Court to accept review of the court of Appeals decision terminating review designated in Part B of this petition.

B. Court of Appeals Decision entitled Commissioner's Ruling Filed February 25, 2014 and the order denying motion to modify filed May 21, 2014 A copy of the decisions are in the Appendix at pages A— through —. A copy of the order denying petitioners motion for reconsideration is in Appendix at pages A-— through —.

C. Issues presented for review

1st error

Name of Petitioner is David W. Creveling rather than the Courts beliof il. being David A. Creveling

2nd error

The people intervening over my objections had no interest in the property after the Okanogan County Superior Court signed the default judgement on April Third 2012

3rd assignment of error

After the Court put the property in my former wifes name in 2002 it did not prevent anyone from filing any lawsuit against my former wife in requards to the property

4th error

The Court has no standing to look at the Causes in the lawsuit for the intervenors at

this time in the proceeding (it is a mute point and could only have been brought up prior to the default judgement filed on April 3, 2012

5th error

The Court has wrongly assumed the intervenors have a right to intervene through their predecessors in interest.

6th error

The Court has unlawfully overlooked a legal Lis pendens.

7th error

The Cause of action in the 2003 case is irrelevant to the intervenors action now

8th error

Allowance of interventions to be in this case when they had 8 years, 8 months and 12 ½ days to intervene and chose to intervene after the default judgement when they had no interest in the property.

D. Statement of the Case

The intervenors were allowed to intervene over my objections in Superior Court.

The intervenors made motion to intervene after the April 3, 2012 default judgement was signed

The intervenors had no legal right to intervene after the default judgement was signed.

The intervenors had no interest in the property after the default judgement was signed

The only time the Intervenors had a legal right to intervene was when they had a color of interest prior to the default judgement.
The intervenors and their predecessors in interest could have intervened legally any time between July 21, 2003 when the excise tax was paid to the Okanogan County treasurer under excise tax # 82103 and the few minutes before judge Culp signed the default Judgement on April 3, 2012 in Okanogan County Superior Court Cause # 03-2-00182-3

In fact the intervenors and their predecessors in interest had 8 years and 8 months and 12½ days to legally intervene and they intentionally chose not to intervene until after they had no interest at all in the property on June of 2012

E. <u>Argument why review should be accepted</u>

The majority of title insurance companies have overstepped there legal authority and have begun ignoring and removing items filed against title plus title Companies have been adding items against title in reguards navigable and unnavigable waters.

The Court needs to rein in the title Companies such that title companies only report what is filed against the title with County Auditors offices for real property

Still this is no excuse for the intervenors as

the Lis Pendens was filed in Okanogan County Superior Court Cause # 03-2-00182-3 and Okanogan County Auditors # 3061781 on June 10, 2003 at 3:24pm giving notice of the Liens filed under Okanogan Auditors # 3055146 and 3056477 and giving notice of the Lawsuit Cause # 03-2-00182-3 at which all were served upon the defendant Holmes by the Pierce County Deputy Sheriff Roger D. Ward on July 16, 2003 at 12:00pm and again filed in Cause # 03-2-00182-3 of Okanogan County Superior Court.

The property was on Contract and subject to the Lawsuit # 03-2-00082-3 and the Lis Pendens the entire time

The only person who could have came back after the default judgement was filed was Holmes who was a party of the suit before the default judgement

I have had Westlaw do 2 searches 2 different times and no case law has been found so the Supreme Court needs to decide.

The way it stands, the title insurance company says anyone any time can come back and intervene after a default judgement.

I say only a person who is a party to the suit before the default judgement has the right to come back after a default judgement, and especially in this case ar after the default

Judgement the people who intervened had no color of title in the property what so ever.

F. Conclusion

The relief sought is the ejectment of the intervenors who had 8 years, 8 months and 12 ½ days for themselves and their predecessors in interest to intervene and chose to wait until they had no interest in the property to intervene

Restoration of the April 3, 2012 Default judgement in Okanogan County Superior Court Cause # 03-2-00482-3 and the restoration of my property under said Default judgement

The alternative is for the Court to allow the lower courts decisions to stand which will give precedence for ~~non~~ NOW parties to intervene in cases after default judgements with no actuall interests in the cases except to try to change the decision made in the default Judgement,

Respectfully submitted
David W. Crevelin
David W. Creveling
Petitioner

July 15, 2014

FILED

FEB 25 2014

COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON

The Court of Appeals
of the
State of Washington
Division III

DAVID A. CREVELING, Appellant,	)	No. 30998-3-III
v.	)	COMMISSIONER'S RULING
DONNA M. ALMA, et vir., et al., Respondents.	)	

David A. Creveling appeals the Okanogan County Superior Court's June 6, 2012 Orders "Vacating Default Judgment," "Granting Motion Allowing Limited Intervention," and "Granting Motion to Shorten Time to Hear Motions to Intervene and to Set Aside Default Judgment." The latter two Orders pertain to motions that persons brought who

have interests in the real property that is the subject of this action.[1] They are herein referred to collectively as the Intervenors.

The Intervenors now move on the merits to affirm. RAP 18.14.

On April 3, 2012, Mr. Creveling obtained a default judgment against his former wife. The basis of the default judgment was a nine year old pleading that Mr. Creveling had filed that named his former wife a third party defendant in Dan and Reba Gebbers' 2003 quiet title action. The default judgment transferred title to the real property in question to Mr. Creveling. But the court in the parties' 2002 dissolution had awarded the property to Mr. Creveling's former wife, who in 2003 transferred the real property to the Intervenors' predecessor in interest.

On May 3, 2012, Mr. Creveling notified the Intervenors of his default judgment. On June 4, 2012, the Intervenors moved to vacate the default judgment on the ground Mr. Creveling's pleadings had not alleged facts that supported his action. The superior court granted their motion.

Mr. Creveling appeals.

The Intervenors correctly state the law that "a default is not an absolute confession by the defendant of his liability, but is instead merely an admission of the facts cited in the Complaint, which by themselves may or may not be sufficient to establish a

[1] Those persons include George and Mary Armendariz, Teresa Rebo, Robert and Heather Brunkow, and Denny and Suzanne Lawson.

defendant's liability." *Kaye v. Lowe's HIW, Inc.*, 158 Wn. App. 320, 326, 242 P.3d 27 (2010). Here, the pleadings on which Mr. Creveling obtained the default judgment do not allege facts sufficient to support any cause of action against his former wife, the Intervenors' predecessors in interest, or the Intervenors themselves, that would result in an award to him of the property. Nor was the motion to vacate untimely under CR 60(b).

As for Mr. Creveling's challenge to the superior court's orders with regard to intervention, "a party has a right to intervene on timely motion if it claims an interest relating to the subject of the action, and if the disposition of the action may impair or impede its ability to protect that interest." *Columbia Gorge Audubon Soc'y v. Klickitat County*, 98 Wn. App 618, 629, 989 P.2d 1260 (1999). Here, the Intervenors claim title to the property through their predecessors in interest. By intervening, they seek to correct the wrongful default judgment that created an issue as to their right to the property. Their motion was also timely because they brought it as soon as they reasonably could have known about the default judgment.

Mr. Creveling asserts the lis pendens he filed on the property in June 2003 gave notice to all succeeding purchasers that the property was encumbered. This Court fails to see how a baseless lis pendens that Mr. Creveling filed a year after the dissolution decree awarded the property to his former wife, created any notice issue that would work in his favor against her successors in interest. Accordingly,

IT IS ORDERED, the Intervenors' motion on the merits is granted and the judgment is affirmed.

February 25, 2014

Monica Wasson
Commissioner

FILED
May 21, 2014
In the Office of the Clerk of Court
WA State Court of Appeals, Division III

COURT OF APPEALS, DIVISION III, STATE OF WASHINGTON

DAVID A. CREVELING, Appellant, v. DONNA M. ALMA, et vir., et al., Respondents.	)))))))))	No. 30998-3-III ORDER DENYING MOTION TO MODIFY

THE COURT has considered appellant's motion to modify the Commissioner's Ruling of February 25, 2014, and is of the opinion the motion should be denied. Therefore,

IT IS ORDERED, the motion to modify is hereby denied.

DATED: May 21, 2014.

PANEL: Judges Siddoway, Korsmo, Lawrence-Berrey.

FOR THE COURT:

LAUREL H. SIDDOWAY, Chief Judge

Certificate of mailing
for Washington State Supreme Court
Case # 90420-1

Copy of Petition for Review
mailed to:

1) Jennifer Creveling AKA Jenifer Holmes
P.O. Box Vaughn WA 98394

2) Henry Kerr Hamilton
Fidelity National title Group
1200 6th Avenue Suite 620
Seattle WA 98101-3125

[signature]
July 16, 2014