

FILED
SUPREME COURT
STATE OF WASHINGTON
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No. 97618-0

IN THE SUPREME COURT OF THE STATE OF WASHINGTON

SPINNAKER RIDGE COMMUNITY ASSOCIATION, INC.,
Plaintiff/Respondent

v.

CHRISTOPHER AND SUZANNE GUEST
and their marital community.
Defendants/Petitioners.

CHRISTOPHER and SUZANNE GUEST
and their marital community,
Counterclaimants and Third Party Plaintiffs/Petitioners

v.

SPINNAKER RIDGE COMMUNITY ASSOCIATION, INC.,
DAVID LANGE and KAREN LANGE; JOHN FARRINGTON and
JEAN FARRINGTON; and WALLACE "BOB" TIRMAN and
VALERIE TIRMAN,
CounterDefendant, Third Party Defendants/Respondents
and
John Does 1 - 50

**PETITIONERS' JOINT AND COMBINED
REPLY TO RESPONDENTS' JOINT ANSWER TO
PETITIONERS' MOTION FOR EXTENSION OF TIME
WITHOUT ANY GUEST WAIVER OF ANY KIND**

Suzanne Guest
Guest Marital Community
Christopher Guest
Petitioners
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Petitioners Suzanne Guest, Christopher Guest, and the Guest marital community although separately sued by the Association and its attorneys , and by David Lange and Karen Lange, in this Guest v. Lange related and linked but statutorily barred action, submit this joint and combined reply although separate parties entitled to justice without any waiver of any kind to the “Respondents’ Joint Answer to Petitioners’ Motion for Extension of Time”, collectively referred to below for convenience and judicial economy as “Guest” or “Guests” subject to the Respondents’ Answer being stricken with prejudice.

A. The Non-Existent Coe Family Trust, Non-Existent ‘Trustee’ Michael Coe, Non-Existent Trust ‘Successor Trustees’ And Their Attorneys, And Attorney Farley Did Not File An Answer To The Guests’ Motion For An Extension

The ‘Trust’ and related parties and their attorneys including Gillaspay & Rhode law firm attorney Patrick McKenna and attorney Timothy Farley did not file an Answer to the Guests’ Motion for an extension of time.

B. This Matter, Action And CR 54(b) Guest Claim, Recovery And Defense Case Is Not Final Yet, The Full Extent of The Association’s, Its Members, Its Alleged ‘Board’ And Its Members, The Langes’, The Third Party Defendants, The Insurance Companies and Their Attorneys Liability To The Guests Has Not Been Adjudicated Or Determined Yet

This CR 54(b) multi-party Guest claim and multi-Guest defense action that involved not yet final Association, Lange, Third Party

Defendants, insurance company and attorney liability to the Guests is not yet final.

The Spinnaker Ridge Association lawsuit against the Guests that the Association and its attorneys filed with the Pierce County superior court - at a minimum - was statutorily and procedurally barred as a matter of law and Washington State public policy ab initio under the Washington State Land Use Petition Act (“LUPA”), chapter 36.70C RCW statutes, and under well-established Washington State appellate court opinions.

It is undisputed that no one filed and/or served a timely and compliant LUPA “Petition for Review” with the Pierce County superior court within 21 days after the City of Gig Harbor (“City”):

1. Granted the Langes’ application for a ‘retroactive’ after the construction fact deck demolition and new Lot 4, 6801 Main Sail Lane, Gig Harbor deck construction building permit on December 6, 2011, and issued its final Lange stipulated to LUPA land use permit decision on that date;

2. Granted the Guests’ 2013 application for a City deck demolition permit to remove, demolish and destroy any and all then existing decks on any part of SR Lot and a new Guest SR Lot 5 deck construction permit as identified in the Guests’ detailed new deck construction plans including on the exact same location where the Langes had constructed a deck on part of SR Lot and issued its final LUPA land use decision on December 3, 2013;

3. Or within 21 days after the City granted the Guests' title and ownership of SR Lot 5 and any and all structures, fixtures and chattels on any part of SR Lot 5 and the 6833 Main Sail Lane, Gig Harbor, dwelling, house and home on **November 21, 2011** as part of the SR Lot 4, 6801 Main Sail Lane, Gig Harbor and Lange permitting process, and again on **December 3, 2013** as part of its final LUPA land use building permitting process of the Guests' application for a Lot 5 deck demolition and new Guest deck construction permit when it issued the Guest permit, issuing and granting SR Lot 5 title and ownership of SR Lot 5 to the Guests that was not subject by its terms and provisions to any 'Association' membership, to any 'Association' CC&Rs, with no exemptions, restrictions or any limitations.

The Guests are not Association members. The Guests did not receive any title to SR Lot 5 in exchange for their valuable Lot 5 "purchase price" consideration from the alleged and purported Lot 5 'sellers' in November 2004.

The Association, the Langes, the Third Party Defendants, the insurance companies, and their attorneys are not entitled to seek, to litigate, to challenge and/or to obtain any relief, any recovery or any remedy from any court under LUPA, including challenging or attempting to alter the Guests' SR Lot 5 title issued to and granted to the Guests by the City in

November 2011, retroactive to 2004, and again in December 2013 (retroactive to 2004) as part of its LUPA final land use decisions.

Under LUPA, whether the City had the legal right to issue and grant un-encumbered and unrestricted SR Lot 5 title to the Guests in 2011 and in 2013 is irrelevant and immaterial under LUPA, even illegal local legislative body land use decisions that are not timely appealed, challenged and litigated within the absolute 21 day time period permitted by RCW 36.70C.040 become final, no longer challengeable or appealable or subject to any litigation once the 21 day appeal window expires.

In this instance, there are also intervening entity SR Lot 5 vested constitutional, statutory, contract, property, due process and common law rights that cannot be interfered with or altered by the Association, the Langes, the Third Party Defendants, their or the Guests' insurers and by any of their attorneys: the Ellen L. Guest Trust and Trustee Ellen. L. Guest, also resulting in a not yet final CR 54(b) Spinnaker Ridge v. Guest matter and action for the entry of judgments not only in the Guests' favor but also in the Ellen L. Guest Trust's favor as well. [See **Appendix A** (October 22, 2019 Declaration of Ellen L. Guest and the Ellen L. Guest Trust); **Appendix B** (October 25, 2019 Declaration of Suzanne Guest).

In addition, the Association, the Association 'board' and its members, other SR Lot owners, the Langes, the Third Party Defendants,

their insurers and their attorneys have all acted in bad faith, with “unclean hands”, fraudulently and with deceit forfeiting any consideration by any court at any level under well-established Washington State law. *J.L. Cooper v. Anchor Security Co.* The Court cannot even “listen” to Respondents or their attorneys or any relief, remedy or recovery that they seek.

On October 24, 2019, Respondents and their attorneys filed an Answer to the Guests’ Petition for Review. In addition to numerous other fatal Respondent and attorney Petition Answer admissions, the Respondents and their attorneys failed to deny or submit any declaration or any refuting evidence that Respondents through their attorneys and their attorneys themselves had tampered with at least one material Spinnaker Ridge v. Guest witness and had suborned the perjury of at least one material witness’ material testimonial evidence and testimony - John English – in the superior court legal proceeding (whic in fact was before the Pierce County superior court sitting as a LUPA appellate court) not only evidencing “unclean hands” and litigation bad faith by the Association, by the Association ‘board’ and its members, by the Langes, by the Third Party Defendants and their insurers and attorneys but also one or more crimes.

C. Respondents’ Version Of Relevant Facts Is Inaccurate

Respondents’ version of ‘relevant’ motion facts is inaccurate. The

'original' January 31, 1986 recorded version of any purported Association CC&Rs was the only set that could have been a final City land use decision and the only set that could apply. The 'Association' did not seek or obtain any City approval of any subsequent alleged CC&Rs, and as required by the City's SRD preliminary plat and final plat land use decision demands as evidenced by the Guests' Petition for Review appendix documents, August 1986 or any 2007 alleged amended CC&Rs. As evidenced by the Guests' Petition for Review no CC&Rs were subject to the City's 1985/1986 requirement that any changes to the original CC&Rs (which did not permit any Association 'granted' easements of any SR Lot onto and/or into any other Lot or even on even on any 'open space' or alleged 'common property'.

As above, the Guest are not Association members and are not subject to the Association CC&Rs in any event. The Guests know today and have learned that the Guests received title to SR Lot 5 from the City in November 2011 and also in December 2013 (retroactive to November 2004) not from any living 'Coe Family Trust' that did not exist in 2004, or any alleged and purported 'successor trustees' that also did not exist in 2004. [Appendix A; Appendix B].

The alleged null, void, deficient and defective on its face in any

event 'injunction' that the superior court signed, entered and filed in 2016, (the first 2014 wrongful, null, void, defective and deficient injunction against the Guests issued by already then recused then presiding judge Ronald Culpepper was vacated by Judge Culpepper in May 2015), was also null and void. The Association had and has no underlying damage or damages nor could they. The Association 'approved' the Guests' Lot 5 deck plans, the design and look of the Guests' deck plans, and all sections of the Guests' deck plans already permitted by the City as a final LUPA land decision in February 2004 in any event.

The Respondents' alleged Answer complaints have already been addressed by the courts. The Langes' in any event by Lange assumption and adoption are the Guests' open-ended indemnitors (the Guests do not need to win or to prevail to be indemnified) without limit, limitation, restriction or reservation. The Langes are also the Guests full defenders under the 1987 null, void, defective, forged and deficient recorded ESM, Inc. alleged 'patio or deck' easement document, required to release the Guests from any Guest liability to any person, entity or individual with regard to the "use" by any person, entity and/or individual - including by any court of that 1987 document, and to save the Guests harmless from any claims, litigation, suits, orders to pay, judgments, appeals, or any other proceedings.

Respondents do not dispute that the Guests' encountered technical difficulties of extraordinary dimension on September 4, 2019.

In direct contrast to the legislative and draconian and absolute RCW 36.70C.040 LUPA 21 day "Petition for Review" filing and service deadline that no court can extend, waive or alter, as Respondents admit and concede in their Answer an extension of time is authorized, allowed and is permitted in this instance and in this circumstance under RAP 18.8,

The Guests filed and served their Motion for Extension at 5 pm on September 20, 2019. The Clerk of the Supreme Court accepted that filing, and entered the Court's briefing schedule. Respondents and their attorneys did not file a motion to modify that ruling within the time period allowed.

The Guests filed and served the necessary affidavits and declarations to support their motion for extension. By sworn testimony, the Guests evidenced the unexpected and the extraordinary circumstances surrounding the after 5 pm filing of the Guests' Petition for Review and the gross miscarriage of justice that would occur if the extension was not granted.

Court enforcement of the LUPA statutes is a matter of great public concern and interest. Attorney adherence to their professional conduct duties and obligations, their duty of candor to the courts, and to comply with the law is a matter of great public, court and litigant concern and interest.

Respondents and their attorneys admitted in their October 24, 2019 Answer to the Guests' Petition for Review (among other fatal Respondent and attorney admissions) that Respondents, the Smith Alling law firm and the Wilson Smith Cochran Dickerson law firm and their attorneys tampered with a material witness in this case and suborned a material witness' perjured testimony and evidence in this pending legal proceeding.

The Guests supported their motion for an extension. Private ownership of land, real estate and an individual house and home is generally the largest investment an individual has made in his or her lifetime. As evidenced by this Court's recent Maytown Sand & Gravel opinion, a person and/or an entity – including in this instance the Ellen L. Guest Trust and Trustee Ellen L. Guest as well as the Guests - have constitutional, statutory, property, personal, and in most cases a contract, and common law rights in land use permits and in one of the most important rights of real property ownership: the right to exclude others from your land and property.

With regard to Respondents' Answer Exhibit 13 in particular, Guest disputes that any delay caused by any attorney Constantine filing was caused by the Guests for the alleged purpose used by Respondents.

D. Respondents' Arguments Fail

As above, Respondents and their attorneys have no standing and cannot be heard. Respondents' arguments fail on many grounds and on

many levels, including lack of jurisdiction, lack of standing and “unclean hands”.

With regard to the authorities cited by Respondents, they support the Guests in this instance not Respondents or their attorneys. Respondents did not deny that what is driving the litigation is more than one insurance companies’ agenda regarding the Guests and other litigation including in this instance open-ended, unlimited, no exception, no limit and no exclusion Allstate and other insurance company indemnity Guest contracts in Guest v. Allstate.

The Guests’ motion should be granted, and Respondents’ Answer stricken.

CONCLUSION

The Guests respectfully request that the Court grant the Guests’ Motion, deny Respondents’ motion and requests and strike Respondents’ Answer.

Respectfully submitted on this 25th day of October, 2019.

/s/ Suzanne Guest
Suzanne Guest
Guest Marital Community

/s/ Christopher Guest
Christopher Guest

Certificate of Service to follow by separate filing

APPENDIX

EXHIBIT A

**DECLARATION OF ELLEN L. GUEST
AND THE ELLEN L. GUEST TRUST**

I, Ellen L. Guest, the “Ellen L. Guest Trust” grantor and trustee, hereby declare under penalty of the perjury laws of the State of New Mexico that the following declarations, statements, facts, events and circumstances are true and correct and that I have personal knowledge of the same, and/or are true and correct based upon the best of my knowledge and belief if qualified as my understanding.

1. I am over the age of eighteen. I am competent to testify in any court.

2. I have personal knowledge of the following declarations, statements, facts, events and circumstances unless stated as qualified as my understanding of the situation and the facts which in that instance I have every reason to believe are true and correct.

3. I am and have been a life long resident and citizen of the state of New Mexico.

4. I did not appear in the State of Washington at any time for the signature of any documents related to the Ellen L. Guest Trust loan of a substantial amount of money to Christopher and Suzanne Guest on June 1, 2016, or related to the funding of that loan.

The Ellen L. Guest Trust

5. I am the grantor and the only trustee of the “Ellen L. Guest Trust” (the “Trust”).

6. The Ellen L. Guest Trust, a New Mexico state trust, was created by me and by the Trust attorney in 2014 at my direction as part of my estate planning.

7. The Trust’s attorney communicates with me on a regular basis.

8. The Trust has a separate CPA accountant.

9. The Trust files a Trust tax return every year that is prepared by the Trust’s CPA accountant.

10. The Ellen L. Guest Trust exists today. As the only Trust trustee, I have no plan to terminate the Trust.

11. I had and I still have sole and complete decision making powers for the Trust.

12. I had and still have full authority to take any lawful action in the name of the Trust, including the power and the authority to loan and to lend any Trust money to any person, individual or entity under any terms and/or conditions that I as the trustee of the Trust agree to.

13. All and/or virtually all of my property and assets are owned by and titled in the Trust’s name.

May/June 2016 Trust Loan to Christopher and Suzanne Guest

14. In May 2016, Christopher Guest (“Christopher”) contacted me and asked me if he and his wife Suzanne could borrow a very large and substantial amount of money from me. Christopher explained to me why he and Suzanne needed a very substantial loan.

15. Christopher explained to me that he and Suzanne could not obtain a loan from a bank because of the Washington State litigation that they were involved in.

16. In May 2016, Christopher explained to me that his next door neighbors at the Spinnaker Ridge Gig Harbor development subdivision and the Langes’ friends on the Spinnaker Ridge Community Association board and other Spinnaker Ridge residents who wanted to force and compel him and Suzanne to “move far away” from Spinnaker Ridge had interfered with his and with Suzanne’s credit and that the bank that he had banked with for all of his adult life would not loan him or Suzanne any money even using their Spinnaker Ridge properties as collateral because of the Washington State litigation.

17. Christopher explained to me in May 2016 that he and Suzanne would have to deposit very large sums of cash with the Pierce County court in the immediate future to avoid their next door neighbors, the Spinnaker Ridge ‘board’ and its members, and their attorneys and also one

or more insurance companies from foreclosing their Spinnaker Ridge properties and their Main Sail Lane home to force and compel him and Suzanne to “move far away” from Spinnaker Ridge.

18. In May 2016, I told Christopher that the Ellen Guest Trust would loan him and Suzanne (who I had known by then for over two decades) a very large sum of cash to deposit with the Pierce County courts to avoid their next door neighbors, the Spinnaker Ridge Association ‘board’ and its members, the Association and their attorneys (and one or more insurance companies) from foreclosing against Christopher and Suzanne’s Spinnaker Ridge properties and Main Sail Lane home to force and compel them to “move far away” from Spinnaker Ridge.

19. After I notified Christopher that the Ellen L. Guest Trust would loan him and Suzanne the amount of money that they requested, Christopher and Suzanne hired and paid for an attorney and a law firm to prepare a Deed of Trust Promissory Note between them and the Ellen L. Guest Trust and a Deed of Trust contract and document that would be signed by Christopher and Suzanne for the amount of money that they borrowed from the Trust transferring title to their Spinnaker Ridge Gig Harbor properties and Main Sail Lane home to a Deed of Trust Trustee with the Ellen L. Guest Trust as the beneficiary of the recorded Deed of Trust with a vested primary security interest in and ‘title’ to Christopher Guest

and Suzanne Guest's Spinnaker Ridge properties and their Main Sail Lane home and SR Lot 5.

20. The legal documents were finalized, and were signed by Christopher Guest and Suzanne Guest on June 1, 2016. I received copies of the documents to review and approve as Trustee of the Ellen L. Guest Trust. I signed the Deed of Trust Promissory Note on June 1, 2016 in New Mexico after Christopher and Suzanne had already signed the document in Washington State.

21. SR Lot 5 and any fixtures, structures or any chattels on any part of Lot 5, and the 6833 Main Sail Lane, Gig Harbor dwelling and house, are collateral securing repayment of the Ellen L. Guest Trust loan that was made by the Trust to Christopher and Suzanne on June 1, 2016.

22. After the promissory note and the Deed of Trust documents were signed by Christopher and Suzanne and notarized, and after I signed the promissory note as the Trustee of the Ellen L. Guest Trust as payee, the Ellen L. Guest Trust made available and paid over \$600,000+ in cash to Christopher and to Suzanne Guest to 'save' their Spinnaker Ridge Gig Harbor properties and their Gig Harbor Main Sail Lane home from their Gig Harbor neighbors, the Spinnaker Ridge Association, the Spinnaker Ridge Association 'board' and its members, and their attorneys and one or more insurance companies' plan and attempt to foreclose those properties to

enable them to deposit an enormous amount of cash with the Washington State courts to prevent foreclosure.

**Christopher and Suzanne Guest Have Made Principal
And Interest Payments To The Ellen L. Guest Trust**

23. Christopher and Suzanne Guest have made principal and interest payments to the Ellen L. Guest Trust.

**The Ellen L. Guest Trust Is An Additional Insured Under
Christopher and Suzanne Guest's SR Lot 5, 6833 Main Sail
Gig Harbor Homeowner's Policy**

24. The Ellen L. Guest Trust is a legal entity unto itself.

25. The Trust has a recognized and a vested interest in and to the Spinnaker Ridge development subdivision Gig Harbor ("SR") SR Lot 5 property, real estate, land, and dirt and any and all structures including any "other structures" on any part of Lot 5 including any decks, any Lot 5 fixtures also including any decks existing on Lot 5, and/or any chattels on any part of Lot 5, again including any decks on said property, and in and to the 6833 Main Sail Lane, Gig Harbor home and house by virtue of the Trust loaning over \$600,000+ in cash to Christopher and Suzanne Guest in May/June 2016 to deposit with the Washington State courts to protect and to preserve their – and now the Trust's – right to their Spinnaker Ridge Gig Harbor property and Main Sail Lane home.

26. Because the Trust had and has a vested interest in and an 'ownership' right to Christopher and Suzanne Guest's Spinnaker Ridge Gig Harbor, Washington properties used as collateral for the June 1, 2016 Trust loan to Christopher and Suzanne, the Ellen L. Guest Trust is and has been an "additional insured" under Christopher and Suzanne Guest's Spinnaker Ridge Lot 5, 6833 Main Sail Lane, Gig Harbor homeowner's property and dwelling insurance policy, and presumably under their excess and umbrella policy.

27. It is my understanding that Christopher and Suzanne Guest's Main Sail Lane, Gig Harbor, homeowner's and excess policy insurance companies have abandoned them with regard to the Washington State litigation.

28. When Christopher and Suzanne Guest's Main Sail Lane, Gig Harbor, Lot 5 Spinnaker Ridge insurance company (and other insurers, including other Spinnaker Ridge property insurers) abandoned Christopher and Suzanne Guest, they also abandoned the Ellen L. Guest Trust who is and also was an insured.

29. As trustee of the Ellen L. Guest Trust, I frequently receive and have received mailings over the last number of years from a variety of entities and individuals addressed to the Ellen L. Guest Trust in New Mexico offering to 'purchase' the Trust's title, interest in, and ownership of

the Spinnaker Ridge Lot 5, 6833 Main Sail Lane, Gig Harbor property, and the Ellen L. Guest Trust Washington State recorded "Deed of Trust" from the Trust, further evidencing the Trust's vested and recognized interest in the Gig Harbor, Washington, Spinnaker Ridge Lot 5, 6833 Main Sail Lane, Gig Harbor property – and any structures, fixtures and/or chattels existing on any part of SR Lot 5.

The Trust Objects To And Opposes Any Interference By Any Person, Individual Or Entity With The Trust's Interest In, Title To, And/Or Ownership of SR Lot 5

30. As Trustee of the Ellen L. Guest Trust, I object to and oppose any interference by any person, entity or individual including by any Washington court with any Trust title to, interest in and/or ownership of Spinnaker Ridge Gig Harbor development subdivision SR Lot 5, any and all structures, fixtures and/or chattels on any part of Lot 5, and the 6833 Main Sail Lane, Gig Harbor dwelling, house and home that the Trust has invested over \$600,000+ in cash to preserve and to protect.

31. The Trust has due process, property, constitutional, statutory and common law SR Lot 5 and 6833 Main Sail Lane, Gig Harbor, Washington rights that have been repeatedly violated and disregarded not only by David Lange, Karen Lange, and the Lange marital community, but also by the Spinnaker Ridge Community Association alleged corporation and its board and board members, by the 'Association' and its members,

by Spinnaker Ridge dwelling owners and their attorneys and also by one or more insurance companies and their attorneys and others.

32. No person, entity or individual has made the Trust a party to any Guest v. Lange et al. or any related Spinnaker Ridge Community Association, Inc. v. Guest et al. action, lawsuit, legal proceeding or any appellate proceedings.

33. It is my understanding that the Trust is not subject to any Washington State court order, ruling, decision, ‘judgment’, injunction, opinion or mandate.

The Langes And Any Lange Successor, Assign And Or Lessee Must Immediately Remove And Demolish Any Overdue April 2011 Lange Constructed Deck On Any Part of SR Lot 5

34. The Trust had and still has a vested ownership of and a recognized interest in and to SR Lot 5 and any structures, fixtures and chattels that exist on any part of SR Lot 5 as evidenced by the June 1, 2016 recorded Ellen L. Guest Trust recorded Deed of Trust, Pierce County Auditor Document.

35. As the Trustee of the Ellen L. Guest Trust, I understand that in December 2011 the Langes stipulated to and with the City of Gig Harbor for the purpose of obtaining a “retroactive” after-the- fact Lange, SR Lot 4, 6801 Main Sail Lane and mandatory SR Lot 5 deck demolition and new Lot 4 deck construction City final land use building construction permit that the

Langes – almost eight (8) years ago – would immediately remove and demolish any and all portions of the April 2011 deck that the Langes had constructed on any part of SR Lot 5 that were ‘outside the property lot lines of SR Lot 4’. This mandatory SR Lot 5 deck demolition permit condition included removal and demolition of any and all Lange constructed Lot 5 footings and support systems at the Langes’, any successor and/or any Lange assign’s cost and expense.

36. The Langes did not remove or demolish the deck that they built on part of Lot 5.

37. The Langes have trespassed on SR Lot 5 property that the Trust owns, has beneficial title to, and/or has a recognized property interest in since June 1, 2016.

Trust Demand For Lange, Lange Successor, Assign And/Or Personal Representative, Lange Lessee, Tenant And/Or Renter And/Or Real Estate Contract Vendee Immediate Removal And/Or Complete Demolition Of Any Lange Constructed Deck On Any Part Of SR Lot 5

38. In reality, it is my understanding that today the Trust owns and has title to SR Lot 5, any and all structures, fixtures and any chattels on any part of Gig Harbor, Washington SR Lot 5 including any decks on any part of SR Lot 5, including any Lange constructed deck on any part of SR Lot 5.

39. The Ellen L. Guest Trust is not an ‘Association’ member.

40. The Trust is not subject to any 'Association' CC&Rs, any Association Bylaws, any Association 'rules' and/or any Association Articles of Incorporation.

41. As above, the Trust is not subject to any Washington State court order, ruling, act, action, decision, 'order to pay', 'judgment', injunction or any appellate court opinion and/or mandate.

42. It is my position and the Trust's position that the Langes, the Spinnaker Ridge Association, its members, the 'Association' and its board and its members past and current, their attorneys and one or more insurance companies and others have repeatedly violated the Trust's constitutional, due process, property, contract, Lange indemnity and defense, and SR Lot 5 and 6833 Main Sail Lane common law rights in the Guest v. Lange and related Spinnaker Ridge Community Association, Inc. v. Guest litigation, matters, actions and appellate proceedings to the Trust's damage.

43. I understand today that Christopher and Suzanne did not receive any title to the SR Lot 5 property or to the 6833 Main Sail Lane house from the non-existent living 'Coe Family Trust' or from any alleged and purported but non-existent 'Coe Family Trust' trustees in 2004 when Christopher and Suzanne 'purchased' SR Lot 5.

44. I further understand today, however, that Christopher and Suzanne did receive title to SR Lot 5 and to the 6833 Main Sail Lane, Gig

Harbor, Washington, house from the City of Gig Harbor in November 2011 (retroactive to 2004) as part of the City's land use permitting process and procedures under Washington State law.

45. It is my further understanding today as Trustee of the Ellen L. Guest Trust that the title and ownership of SR Lot 5 and the 6833 Main Sail Lane property that the City granted to Christopher and Suzanne Guest in 2011, and again in 2013 as part of additional SR Lot 5 City land use permitting procedures and process, is not subject to any exceptions, any conditions, any Spinnaker Ridge Community Association CC&Rs, or any alleged Christopher or Suzanne Association membership.

46. In addition, I also understand today that when Christopher and Suzanne accepted an "offer to sell" Lot 5 and the 6833 Main Sail Lane house and any and all fixtures, structures, chattels and any decks on any part of Lot 5 to Christopher and Suzanne in 2004 by a living trust that did not exist in 2004 and by alleged trustees that did not exist in 2004, a trust and alleged trustees that were fabricated in 2004 by a Washington State licensed realtor and by other individuals and entities, including a realty company, a Washington State title insurance company and by a Washington State escrow company for the purpose of obtaining Christopher and Suzanne's Lot 5 purchase price money, realtor commissions and title escrow and insurance fees, expenses and costs, they all falsified and misrepresented the

title and ownership of SR Lot 5 and the 6833 Main Sail Lane house to the Guests.

47. It is also my understanding as the Trustee of the Ellen L. Guest Trust that those entities, persons and individuals (with the exception of one adult Coe child who is now deceased) and others are still continuing to commit and perpetrate that real property, real estate, title and financial fraud even to this date in the Washington State litigation involving Christopher and Suzanne.

48. By committing any SR Lot 5 and 6833 Main Sail Lane, Gig Harbor, related title, real property, real estate, financial and ownership fraud, those entities, individuals and persons – and their attorneys and insurers (some of whom I and the Trust assert are our insurers) – and others have and are committing title, real property, real estate, financial and ownership fraud against the Trust and against me as the Trustee of the Trust.

49. As above, as Trustee of the Ellen L. Guest Trust, I understand today that Christopher and Suzanne did receive title to and ownership of SR Lot 5 and 6833 Main Sail Lane - and any fixtures, structures, chattels and any decks on any part of SR Lot 5 and 6833 Main Sail Lane, Gig Harbor - from the City of Gig Harbor and also from Pierce County in 2011 - and again in 2013 - as part of City land use decisions involving Lot 4 and also Lot 5 and 6833 Main Sail Lane, Gig Harbor. No one challenged, appealed

or disputed those final City permitting land use decisions within the time period allowed by Washington State law.

**Immediate Removal And Demolition Of The Lange
Constructed Deck On Any Part Of SR Lot 5, 6833 Main Sail
Lane Including Any Footings And Support Structures**

50. It is also my understanding that the Langes and any Lange successor, assign, tenant, renter, lessee, and any real estate contract vendee or any occupier of SR Lot 4 and 6801 Main Sail Lane who has used and has been on any part of SR Lot 5 and the 6833 Main Sail Lane, Gig Harbor property without the Ellen L. Guest Trust's prior advance and continuing consent, permission and/or authority, or without Christopher and Suzanne's consent, permission and authority – consent, permission and authority that has not been given - have been trespassing on property that the Ellen L. Guest Trust had and still has a beneficial interest in, title to, and/or ownership of along with constitutional, statutory, property, due process, and contract rights to exclude all others from that property.

51. As Trustee of the Ellen L. Guest Trust, I demand that the Langes, any Lange Lot 4 successor, assign and/or personal representative, any Lange Lot 4 lessee, tenant, renter, real estate contract vendee and any Lot 4, 6801 Main Sail Lane, Gig Harbor, occupier immediately remove and demolish the entirety of any Lange constructed deck on any part of Spinnaker Ridge Lot 5, 6833 Main Sail Lane, Gig Harbor, including any

footings and any deck support systems that the Langes placed on any part of SR Lot 5 in April 2011 at their sole cost and expense.

52. I further understand today from documents recently received by Christopher and Suzanne from the Spinnaker Ridge Community Association 'board' within the last week that Tom Briggs and Carol Briggs (the "Briggs"), the current occupiers of SR Lot 4, 6801 Main Sail Lane, Gig Harbor, immediately adjacent to SR Lot 5, 6833 Main Sail Lane, own Spinnaker Ridge Lot 4.

53. It is my understanding that the Briggs purchased SR Lot 4 and/or entered into a real estate contract to purchase Lot 4 with full knowledge of the Spinnaker Ridge litigation, Christopher and Suzanne's title and ownership of the entirety of the SR Lot 5 real property and with full knowledge of Christopher and Suzanne's continued objections and opposition to the Langes and then to the Briggs being on and using any part of SR Lot 5 and/or attempting to exclude the Guests from being on any part of SR Lot 5, including the deck that the Langes constructed on part of Lot 5 in April 2011.

54. It is also my understanding that the Briggs have been on constructive notice of the Ellen L. Guest Trust's interest in, beneficial title to and 'ownership' of SR Lot 5 and 6833 Main Sail Lane and any and all fixtures, structures and chattels on any part of SR Lot 5 as a result of the

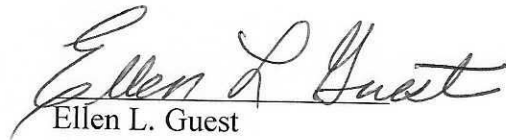
June 2016 recording of the June 1, 2016 Christopher and Suzanne Guest and Ellen L. Guest Trust Deed of Trust in the Pierce County Auditor's records, a document that is available to the public on the Pierce County Auditor's web site as well as their knowledge, constructive if not actual, regarding Lot 4 recorded lis pendens.

55. The Ellen L. Guest Trust and I did not - and do not - give the Briggs any permission or any authority to be on, to access, or to use any part of SR Lot 5, to be on and/or to use any deck structure that existed and/or exists on any part of SR Lot 5 in the past, in the present or in the future, or to be on any part of 6833 Main Sail Lane, Gig Harbor, Washington for any reason or for any purpose.

56. The Ellen L. Guest Trust and I as Trustee demand that the Briggs and any Briggs successor and/or assign immediately remove and demolish all portions of the April 2011 Lange constructed deck on any part of Spinnaker Ridge Lot 5, 6833 Main Sail Lane, Gig Harbor including any and all deck footings and any support systems on any part of SR Lot 5 at their sole cost and expense.

57. It is my understanding that the Briggs have been trespassing on property that the Ellen L. Guest Trust owns and/or that the Ellen L. Guest Trust has beneficial title to since June 1, 2016.

I declare that the foregoing statements, declarations, facts, events and circumstances are true and correct and/or to the best of my knowledge are true and correct under penalty of perjury of the laws of the State of New Mexico on this 22nd day of October, 2019, at Albuquerque, New Mexico.



Ellen L. Guest

Trustee

The Ellen L. Guest Trust

2925 Cutler Avenue N.E.

Albuquerque, New Mexico 87107

October 25, 2019 - 4:49 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 97618-0
Appellate Court Case Title: Spinnaker Ridge Community Assoc. v. Christopher Guest, et ux, et al.
Superior Court Case Number: 14-2-08865-1

The following documents have been uploaded:

- 976180_Answer_Reply_20191025164744SC580716_4337.pdf
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Note: The Filing Id is 20191025164744SC580716