

COURT OF APPEALS, Division I OF THE STATE OF WASHINGTON

ELIN CHINN,

Respondent,

No. 63453-4-1

v.

IVY LITTLE – CADMAN,

Whatcom Superior No.
08-3-00258-6

Appellant,

APPELLANT'S BRIEF

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2019 MAR 23 AM 10:20
COURT OF APPEALS
STREET 2000

GROUNDNS FOR REVIEW

1. There is written evidence showing Ms. Little's interest in the property on Isaacson Rd.
2. Credibility issues are shown by contradictions in the record.
3. Those factors create disputed material facts and constitute a prima facie case when considered in light most favorable to Ms. Little.

INTRODUCTION and ISSUES

Ms. Chinn's action to eject and quiet title was filed after it became clear that her son's marriage could not be repaired.

In late October of 2007 John Cadman was removed from the property he resided on with his wife, Ivy Little-Cadman, and charged with Assault 4, DV by the Whatcom County Sheriff's Office. The title to the property is in Mr. Cadman's mother, Elin Chinn's name. An NCO that would prohibit Mr. Cadman from going within 500 ft of his wife's

residence was requested by the prosecutor and granted. Ivy Little could not accept her husband's refusal to get treatment for alcoholism, which meant he would continue to be abusive; she remained on the property alone with her 9 dogs. Mr. Cadman pled guilty to the charge and filed for divorce March 16th, 2008. The divorce is still pending.

Ms. Chinn commenced a lawsuit on August 21, 2008. Mr. Cadman was joined as a defendant under CR 19. Ivy Little has constructive dyslexia that prevents her from processing written language; she can barely read and almost cannot write. Ivy has to rely on others to read, write, and explain written materials for her. Her children are also dyslexic and of no help in legal matters.

Ms. Chinn's Motion for Summary Judgment was granted on April 10th, 2009 and Ivy Cadman found out then that her attorney didn't submit the evidence she had given him to the Court and that she had to move. When she could get more information, she found out she had to move out in 5 days. After Ivy moved out, John moved in and has been residing on the property ever since.

Ms. Little had to move in with a near stranger in Oak Harbor to stay together with her 9 show dogs and the woman she was living with turned out to be extremely controlling and abusive. After Ivy Little had all she could take, she left school, and came back to Bellingham to stay with her family. By that time she had run out of money and had no legal help; the local legal aid would not help her and she had to rely on DV advocates and near-strangers, none of whom had any legal training, to get this far in the Court of Appeals.

Ivy had her dogs taken away and given to her husband by court order in the dissolution in late October of 2009. Her husband has a very aggressive attorney. Mr. Cadman made Ivy's business web-site unusable long ago. She cannot run her dog-breeding and showing business and make enough of an income to live on her own. Being thrown out of her family home on 5 days notice and losing any interest she could have acquired has been a serious detriment.

EACH SIDE'S THEORY OF THE CASE

Ms. Chinn's attorney, Kathryn Berger, argued that Summary Judgment should be granted because Ms. Little has not provided competent evidence that would lead the Court to continue the case to trial. According to Ms. Chinn theory, she, the Plaintiff, has the title; she agreed to let John and Ivy occupy the property for \$200/mo rent and upkeep. Ms. Little does not dispute that all major improvements were made by and at, her mother-in-law's expense. Because there is no written conveyance, Ivy must demonstrate the requisite elements for a parol gift and must show by clear and convincing evidence she has an interest in the property. She hasn't provided evidence sufficient to overcome the Statute of Frauds. Improvements made by the couple could be compensated for in damages. There was no competent evidence of substantial improvements; even if there are, it is unlikely to exceed rent that went unpaid. Elements of part performance were not shown. Alleging contrary facts is not enough.

Taken from Memorandum in Support of Summary Judgment

At the hearing, Ms. Berger argued that no pictures or evidence of improvements was shown and that Ms. Little doesn't even attempt to prove to show the improvements were permanent and substantial; there was no one other than Ivy Cadman testifying about them. Ivy could not have done something differently had she known the title to the property would never pass to the couple; there was no detrimental reliance – there was nothing John and Ivy could have done. No prima facie case supporting Ivy's interest in the property had been established.

Ivy Little argues that there are disputed material facts: she has an interest in the property that was her family home because her mother-in-law has stated to her, John, and others, that she was gifting the property to the couple and had provided proof of her intention to transfer title to them in writing. *CP: Declaration of Ivy Cadman*. That evidence has not been provided to the Court in time for the hearing. Ivy's attorney simply didn't use it or refer to it, though she had given the documents, and other evidence, to him in a timely manner. Having a written and signed

statement, sufficiently identifying the property does show a genuine issue for trial. Ignoring that evidence would not be equitable in dividing property between the former spouses.

Of course, had Ms. Little known that she would not be allowed to have a permanent home on the Isaacson Rd property, she would have thought of better ways to invest her time, creativity and hard work. The couple could and would act on other ideas and find other help or places to stay if they needed to.

Also, there are contradictions and factually incorrect statements in the sworn testimony in support of summary judgment. Ms. Little's own credibility is attacked and credibility is another issue that cannot be decided in summary judgment. This evidence does indeed show a prima facie case.

ASSIGNMENT OF ERROR

Trial court erred in granting summary judgment to eject and quiet title in Ms. Chinn and issuing a Writ of Restitution, ruling that no genuine issue of material fact exists. *CP: p.4, Order on Motion for Summary Judgment*

Trial court did its best to be fair given what was provided, (*RP, p.12*) but the issues in opposition were raised, though not sufficiently substantiated, by Ms. Little's attorney. *RP, p.7-10, CP: Defendant's Response to Summary Judgment*

ARGUMENT

Ms. Little's claim that she has an interest in what has been her family home is not factually unsupported and satisfies the Statute of Frauds. Her husband, John Cadman sent a note dated August 30, 2006, long before the marriage fell apart, to an insurance agency calling it a statement regarding their purchase of the home from his mother, Elin Chinn. The statement he was referring to is signed by Elin Chinn; she states that John and Ivy Cadmans are purchasing a home from her and when the down payment is satisfied, the title will transfer to them.

See CP: Notes from John Cadman and Elin Chinn, attached to Declaration of Ivy Cadman, dated 7/1/09.

These notes were written in August 2006 and Ivy obtained them from the insurance company (another fact her attorney failed to include in

her declaration). Back then, no one involved suspected there will be litigation or had an interest in kicking out a family member. The notes are, in my mind, more weighty in their neutrality that the later statements made after the relationship went sour and a scape-goat was found.

There are obvious contradictions in testimony in support of summary judgment – After writing the note referred to above, Ms. Chinn states “the property is in my name because it was always intended to be... I have conducted myself in an honest manner. *CP; Reply Declaration of Elin Chinn, p.3, lines 6,10.*

Ms. Berger invalidates the testimony of Lisa Rosier, Garrick Sager and Tracy Crank by arguing that John was already removed from the property in 2008, so they must be contributing Ivy’s statements to John because their memories are hazy. *RP: p.11*

Lisa Rosier states that John and Ivy both told her the property is an early inheritance and she advised the couple to obtain that in writing. *CP: Declaration of Lisa Rosier, p2, attached to Defendant’s Response to Plaintiff’s Motion for Summary Judgment.* When Ms. Rosier visited the

Cadmans in September, they were still together; the DV incident happened on 10/23/07. By March 08, John has filed for divorce. Ms. Rosier had mis-spoke on the year and it is a harmless error. She states that she bought a puppy in 2007 and that it was 6 months old when she spoke to the Cadmans. Ms. Rosier got her puppy in the spring.

Mr. Sager states that he spoke to John Cadman in 2004 while helping the couple select a manufactured home and that John told him his mother was buying the house for them as a gift. *CP: Declaration of Garrick Sager, p.2, attached to Defendant's Response to Plaintiff's Motion for Summary Judgment.*

Ms. Crank states that John told her that his mother gave them the property where they lived in June or July of 2007. *CP: Declaration of Tracy Crank, p.2, also attached to Defendant's Response to Plaintiff's Motion for Summary Judgment.*

The witnesses are not contradicting the record and their testimony cannot be negated by saying one of them claimed to speak to John in 2008, so all of their memories must be hazy and unreliable.

Ms. Chinn states that the couple was to pay rent on page 2, line 17 of the *Reply Affidavit of Elin Chinn; CP*

Her own son and witness, John Cadman states that they do not pay rent and there is no rental agreement. He continues, “My mother owns the home outright. It is absurd of Ivy to think she can continue to live in my mother’s home rent-free and expect me to live elsewhere. Ivy has no claim to this property and she has no right to be there. I’ve heard that she has “some paperwork” that has the house a gift to Ivy and myself. No such paperwork has been created.” Response Declaration of John Cadman page 2, paragraph 3.

Ms. Chinn blames Ivy for John’s removal from the property, *CP: Reply to Counterclaim, p.2* and accuses Ivy of claiming DV to further her own position. The police report is clear that Ivy was the victim and it is unreasonable to blame her for John getting drunk and attacking her. That

reveals their hostility which in turn, diminishes the weight of their testimony.

Ms. Little's attorney, Bradley Swanson, cites a case, *Hal v. Inland Entire Blood Bank*, which states that a court should not resolve a genuine issue of credibility on summary judgment. *RP: Page 9*. However, Mr. Swanson also states that he didn't include the case in his pleadings.

The requirements for winning summary judgment are well-established to the point of common knowledge in the legal profession. Based on the argument above, genuine disputes of material facts are shown and reasonable inferences from the evidence, when viewed in light most favorable to the non-moving party, establish that Ms. Cadman's claim for an interest in the property is worth further inquiry and resolution by trial or settlement.

CONCLUSION

Ivy Cadman respectfully requests the Court to reverse the trial court's decision to grant summary judgment and remand the case back to trial

court for a more equitable resolution, which would then guide the trial
court in the dissolution case for a more equitable resolution as well.

Dated this 22 day of February; Revised this 21 day of March, 2010.

A handwritten signature in black ink, appearing to read "Ivy Cadman", with a long horizontal flourish extending to the right.

Ivy Cadman, Appellant

PO Box 425, Ferndale, WA, 98248

John Cadman
Ivy Little-Cadman
PO Box 425
Ferndale, WA
98248

Vern Fonk Agency
Attn: Elaine Henske
3531 Rucker Ave #A
Everett, WA
98201

August 30, 2006

Hi Elaine,

Enclosed is a statement regarding the purchase of the home from my mother, Elin Chinn.
This should be sufficient for the GMAC Insurance.

Regards



John Cadman

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2010 MAR -1 AM 11:01

FILED
COURT OF APPEALS
STATE OF WASHINGTON
2010 MAR 23 AM 10:29

Elin Chinn
5081 Northwind Court
Bellingham, WA 98226
(360)676-9029

To Whom It May Concern:

John and Ivy Cadman are purchasing a home from me located at 3919 Isaacson Road, Bellingham, WA.

A portion of the monthly payment applies to the principal, and when the down payment amount has been satisfied, title will transfer to them.

The monthly payment includes utilities and insurance.

A handwritten signature in black ink that reads "Elin Chinn". The signature is written in a cursive style with a large, sweeping initial "E".

Elin Chinn

VERN FONK INSURANCE AGENCY, INC.

3531 RUCKER AVE., SUITE A

EVERETT, WA 98201

EVERETT, WA 98222

03 MAR 2008 PM 4 T



Ivy LITTLE
P.O. Box 425
FERDALE, WA 98248

58248+0425



1. NO. ARRESTED NEXT 1 ARREST 0		2. OBS. DISP. CALL <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		3. OFFENSE / EVENT DESCRIPTION ASSAULT 4TH DEGREE DV					4. EVENT NUMBER 07A-24764	
5. LAST KNOWN SECURE ON MO DA YR DOW TIME			6. DISCOVERED/OBSERVED ON MO DA YR DOW TIME			7. REPORTED ON MO DA YR DOW TIME			RECORDS ONLY	
						10 23 07 TUE 115				

GENERAL LOCATION OF OCCURRENCE
3900 BLOCK ISACKSON RD, BELLINGHAM WA 98226

8. SPECIFIC LOCATION OF OCCURRENCE
3919 ISACKSON RD, BELLINGHAM WA 98226

9. GRID
38-3E-14

CODE: VICTIM CONTACT INITIATED OR CLOSURE OR WRITE NAME BELOW DO NOT DISCLOSE OK TO DISCLOSE

CODE V	NO 1	LAST NAME CADMAN	FIRST LUN	MI M	DOB	SEX	RACE	AGE
RESIDENCE ADDRESS 3919 ISACKSON RD			CITY BELLINGHAM	STATE WA	ZIP 98226	RES. PHONE (AREA CODE)		
BUSINESS NAME AND ADDRESS N/A			CITY	STATE	ZIP	BUS. PHONE (AREA CODE) N/A		

CODE	NO	LAST NAME	FIRST	MI	DOB	SEX	RACE	AGE
RESIDENCE ADDRESS			CITY	STATE	ZIP	RES. PHONE (AREA CODE)		
BUSINESS NAME AND ADDRESS			CITY	STATE	ZIP	BUS. PHONE (AREA CODE)		

CODE: ARRESTED (USE MULTIPLE CHARGES IN SUMMARY) CIRCLE CODE IF ADDITIONAL PAGES NEEDED

CODE A	NO 1	LAST NAME CADMAN	FIRST JOAN	MI S	DOB	SEX	RACE	AGE
RESIDENCE ADDRESS 3919 ISACKSON RD			CITY BELLINGHAM	STATE WA	ZIP 98226	WARRANT OR CIT. NO. AC 30070	RES. PHONE (AREA CODE)	
BUSINESS ADDRESS N/A			CITY	STATE	ZIP	BUS. PHONE (AREA CODE)		

OBSERVABLE PHYSICAL ODDITIES / DESCRIPTION	AKA/NICKNAME	HAIR	EYES	HEIGHT	WEIGHT	DRIV. LIC & STATE

VEHICLE

USED IN CRIME STOLEN RECOVERED
 ARREST/OTHER LOCAL WACIC/NCIC ENTRY

YEAR	MAKE	MODEL	COLOR(S)

LICENSE NO. ST VIN/FRAME

REGISTERED OWNER

STOLEN PROPERTY STATEMENT

MOTOR VEHICLE OTHER PROPERTY BOTH

I, the undersigned, hereby declare this to be a true and correct report: I am the owner or person in legal possession of the reported property and did not give any permission to use or take this property. I will will not testify in court, under oath, to the facts herein. I understand that I may be charged with an offense, "Obstructing a Public Officer" (RCW 9A.76.020), or with "False Reporting" (RCW 9A.84.040 - Gross Misdemeanor) by filing a false report which hinders, obstructs, or delays a public officer.

SIGNATURE X

14. IMPOUND

VEHICLE EVIDENCE SAFEKEEPING

IMPOUND/EVIDENCE NUMBERS

JUVENILE ARRESTEE INFORMATION

IF PRIOR ARREST, WHERE?

10. OFF. INVOLVED

EQUIP. MALF. OTHER
 EMP. ERROR FALSE ALARM SHEET

PARENTS NOTIFIED OF ARREST?
 YES NO

PARENTS NOTIFIED OF DETENTION?
 YES NO

ADDITIONAL COPIES TO:

NOTIFICATION BY OFFICER DATE TIME

DISCLOSABLE VICTIM/BUSINESS ADDRESS

PROPERTY (TOTAL VALUE) RECOVERED-\$ N/A STOLEN-\$ N/A DAMAGED-\$ N/A

SUMMARY
WCSO RESPONDED TO A PHYSICAL DOMESTIC AT THE ABOVE LOCATION. A-1 WAS ARRESTED FOR ASSAULT 4TH DEGREE DV AND BOOKED INTO WCSO JAIL.

EVENT NUMBER
07A-2

OFFENSE DESCRIPTION:		DATE:	EVENT NUMBER:
ASSAULT 4 th DEGREE DV	<input checked="" type="checkbox"/> CONT. NARRATIVE <input type="checkbox"/> FOLLOW-UP	10/23/07	07A-24764
1. Reconstruct incident and describe investigation. 2. Victim's injuries - details and where medical exam occurred. 3. Property damaged - describe and indicate amount of loss. 4. If significant, describe vehicle.		5. Identify undeveloped leads. 6. List statements taken. 7. List persons from whom statements need to be taken later. 8. Physical evidence - detail what and where found, by whom, and disposition.	
ADDITIONAL COPIES TO:			

NARRATIVE:

1. On 10/23/07 at about 1115 hrs I was dispatched to a physical domestic at 3919 Isaccson Rd and Deputy Baker was my cover unit. Dispatch advised V-1 Ivy Cadman was reporting A-1 John Cadman had grabbed her wrists and tried to hit her several times. I arrived and Ivy was standing out by the road. Ivy reported John had been drinking alcohol the previous night and was getting ready to leave in the truck. She had told him he had to leave the house and he was no longer allowed to live with her until he was sober. Ivy stated John then went to leave on his own. She did not want him to drive intoxicated and went to the truck to keep the keys. Once at the truck, she stated John grabbed her arms and tried to get the keys from her. John reportedly twisted her wrist trying to get the keys. Ivy stated her wrists hurt then and they still did when I was talking to her. Ivy was able to get a hand free and call 911 on her cell phone. John then let go of her and she met us out by the road when we arrived. She did have slight bruising on her left arm above her watch. She claimed she was not hit by John and he did not try to punch or hit her.

John stated Ivy was pushing him out of the house and was continually pushing him as they neared the vehicle. Ivy was accusing him of drinking and was trying to force him out of the house. John said Ivy had been trying to get him out of the house for the past year. He refused to leave because it was his house. Ivy tried calling his mother to get him to leave, but she refused to get in the middle. Ivy then became more upset and started pushing John and yelling at him to get out of the house. He started outside and Ivy kept pushing him as he was still outside. He stated she looked like she was going to hit him and he was tired of being pushed so he grabbed her wrists to stop her. He then let go of her and she called 911. He stated he only grabbed her wrists to keep her from pushing him any more. John stated he was not hurt, but only feared he would be hurt. There were no other witnesses. Both John and Ivy gave written statements.

John and Ivy both denied the accusations from one another. John stated he never went for the keys and Ivy stated she never pushed John or touched him in any way. I do believe both parties were withholding information. John was found to be the primary aggressor due to the bruises on Ivy's wrists. John was placed under arrest at about 1248 hrs. He was read his Miranda Rights from the department issued rights card. He stated he understood his right and continued saying Ivy was lying. John was transported to the WCSO jail and booked without incident. He was cited with AC30878. A DV advocate was contacted and given Ivy's information.

PC RISK FACTORS:

- Ivy does not think John will try to seriously injure or kill her.
- John is only this way when he drinks and he has been dry for 15 years. This is the first time since then.
- Today was the most frightening event thus far.

REPORTING OFFICER:
ROOSMA 4A170

REVIEWING OFFICER:

OFFENSE DESCRIPTION:		DATE:	EVENT NUMBER:
ASSAULT 4 th DEGREE DV		10/23/07	07A-24764
<input checked="" type="checkbox"/> CONT. NARRATIVE <input type="checkbox"/> FOLLOW-UP			
1. Reconstruct incident and describe investigation. 2. Victim's injuries - details and where medical exam occurred. 3. Property damaged - describe and indicate amount of loss. 4. If significant, describe vehicle.		5. Identify undeveloped leads. 6. List statements taken. 7. List persons from whom statements need to be taken later. 8. Physical evidence - detail what and where found, by whom, and disposition.	
ADDITIONAL COPIES TO:			

NARRATIVE:

- John has access to weapons at his dad's house.
- John would not use weapons against her or others.
- This was the first time in 15 years that John has assaulted her.
- Ivy does not believe John would try to injure or kill her.
- John is unemployed.
- They are not separated or divorced.
- Ivy has local family and friends.

- 2. Ivy had bruising on her left wrist.
- 3-5 N/A
- 6. Statements were taken from John and Ivy and are attached to this report.
- 7. N/A
- 8. Photos were taken of Ivy's arms and was booked into WCSO evidence.

WHATCOM COUNTY SHERIFF'S OFFICE CASE SUMMARY / PROBABLE CAUSE

4 of 9

OFFENSE / DESCRIPTION	DATE	CASE #	PAGE
ASSAULT 4 th DEGREE DV	10/23/07	07A-24764	OF

COURT			
DISTRICT	<input checked="" type="checkbox"/>	SUPERIOR	<input type="checkbox"/>
		JUVENILE	<input type="checkbox"/>
		MUNICIPAL	<input type="checkbox"/>
SUSPECT ADMITTED OFFENSE	<input checked="" type="checkbox"/>	CRIME PARTNER ADMITTED OFFENSE	CRIME PARTNER ADMITTED AND NAMED SUSPECT AS PARTICIPANT

INJURIES RECEIVED BY VICTIM

V-1 had sore wrists.

MEDICAL ATTENTION REQUIRED	AT SCENE	AT HOSPITAL	DATE AND TIME OF ARREST
YES	NO	LOCATION:	10/23/07 1248

NARRATIVE:

CHARGES: Assault 4th Degree DV

V-1 Cadman, Ivy M. DOB: [REDACTED] 3919 Isaccson Rd, Bellingham WA 98226 [REDACTED]

A-1 Cadman, John S. DOB: [REDACTED] 3919 Isaccson Rd, Bellingham WA 98226 [REDACTED]

On 10/23/07 at about 1115 hrs I was dispatched to a physical domestic at 3919 Isaccson Rd. Dispatch advised V-1 Ivy Cadman was reporting A-1 John Cadman had grabbed her wrists and tried to hit her several times. I arrived and Ivy was standing out by the road. Ivy reported John had been drinking alcohol the previous night and was getting ready to leave in the truck. She did not want him leave intoxicated and went to the truck to keep the keys. Once at the truck, she stated John grabbed her arms and tried to get the keys from her. John reportedly twisted her wrist trying to get the keys. Ivy stated her wrists hurt then and they still did when I was talking to her. She did have slight bruising on her left arm above her watch. She claimed she was not hit by John.

John stated Ivy was pushing him out of the house and was continually pushing him as they neared the vehicle. He stated he only grabbed her wrists to keep her from pushing him any more. He stated she looked like she was going to hit him. John stated he was not hurt, but only feared he would be hurt. There were no other witnesses. John was found to be the primary aggressor and was placed under arrest at about 1248 hrs. He was read his Miranda Rights from the department issued rights card. He stated he understood his right and continued saying Ivy was lying.

PC RISK FACTORS:

- Ivy does not think John will try to seriously injure or kill her.
- John is only this way when he drinks and he has been dry for 15 years. This is the first time since then.
- Today was the most frightening event thus far.
- John has access to weapons at his dad's house.

REPORTING OFFICER:

REVIEWING OFFICER:

WHATCOM COUNTY SHERIFF'S OFFICE CASE SUMMARY / PROBABLE CAUSE

5099

OFFENSE / DESCRIPTION	DATE	CASE #	PAGE
ASSAULT 4 th DEGREE DV	10/23/07	07A-24764	OF

COURT

DISTRICT	<input checked="" type="checkbox"/>	SUPERIOR	<input type="checkbox"/>	JUVENILE	<input type="checkbox"/>	MUNICIPAL	<input type="checkbox"/>
SUSPECT ADMITTED OFFENSE	<input checked="" type="checkbox"/>	CRIME PARTNER ADMITTED OFFENSE	<input type="checkbox"/>	CRIME PARTNER ADMITTED AND NAMED SUSPECT AS PARTICIPANT			

INJURIES RECEIVED BY VICTIM

V-1 had sore wrists.

MEDICAL ATTENTION REQUIRED		AT SCENE		AT HOSPITAL		DATE AND TIME OF ARREST	
YES	<input type="checkbox"/>	NO	<input type="checkbox"/>	LOCATION:		10/23/07 1248	

NARRATIVE:

- John would not use weapons against her or others.
- This was the first time in 15 years that John has assaulted her.
- Ivy does not believe John would try to injure or kill her.
- John is unemployed.
- They are not separated or divorced.
- Ivy has local family and friends.

These events occurred in Whatcom County, Washington.

REPORTING OFFICER:

REVIEWING OFFICER:

WHAITOM COUNTY SHERIFF'S OFFICE

6 of 9

DOMESTIC VIOLENCE COMPLAINT/VICTIM STATEMENT

Event # 07A-24764

Date: 10-23-07 Location: WHAITOM

Statement of: CADMAN JOHN S. DOB [REDACTED]
(Last) (First) (MI)

Time of Statement 1229 Hrs By Deputy ROOSMA Per # 4A170

Please answer fully and to the best of your knowledge the following questions:

1) Were you hit/was any physical force used against you/were you put in fear of being hurt assaulted during this incident? yes (circle one).

2) If yes to the above, By Whom? IVY CADMAN
Relationship to you: WIFE

3) Describe how you were assaulted and/or threatened: IVY WAS PUSHING ME ~~FOR~~ OUT THE DOOR AND DOWN THE STAIRS. SHE PUSHED ME OUT THE PATH TOWARDS THE VEHICLES TELLING ME TO LEAVE. SHE SAID SHE COULD HURT ME AND MADE SWINGING GESTURES. I HELD HER WRISTS SO SHE WOULDN'T HIT ME.

(attach WCSO statement form if necessary)

4) Are you injured? yes no (circle one). Do you have any visible injuries, marks and or pain as a result of this incident? yes no (circle one). If answer to either or both is yes, please describe:

5) Will you seek medical aid? yes no (circle one). If so, where?

(attach medical release/waiver if necessary)

6) When did this incident occur? (date/time) 10/23/2007 11:30 AM

7) Where did this incident occur? 3919 ISAACSON RD BELLINGHAM

8) Has this person ever done this type of thing to you before? yes no (circle one).

9) If yes, when and where? SPOKANE WA. IN SEPTEMBER

10) Have you ever reported previous incidents of domestic violence? yes no (circle one)

I, JOHN CADMAN certify or declare, under penalty of perjury, under the laws of the State of Washington, that the information provided is true and correct.

WHATSON COUNTY SHERIFF'S OFFICE
DOMESTIC VIOLENCE COMPLAINT/VICTIM STATEMENT

7 of 6

Date: 10/23/07 Location: WHATSON COUNTY, 3919 ISACSON RD Event # 07A24764
Statement of: CADMAN IVY M. DOB [REDACTED]
(Last) (First) (MI)
Time of Statement 1230 Hrs By Deputy BAKER Per # 44163

Please answer fully and to the best of your knowledge the following questions:

- 1) Were you hit/was any physical force used against you/were you put in fear of being hurt assaulted during this incident? yes no (circle one).
- 2) If yes to the above, By Whom? John Cadman
Relationship to you: husband grabbed my wrist holding- it and it was hurting
- 3) Describe how you were assaulted and/or threatened: the hold time. HE WAS TWISTING IT AND TURNING MY WRIST AND YELLING HE WANTED THE KEYS TO THE CAR TRUCK. I GOT ONE HAND LOOSE AND CALLED 911 WITH MY CELL PHONE THAT WAS IN MY POCKET.

(attach WCSO statement form if necessary)

- 4) Are you injured? yes no (circle one). Do you have any visible injuries, marks and or pain as a result of this incident? yes no (circle one). If answer to either or both is yes, please describe: LOOKS LIKE A ROPE BURN FROM MY WATCH ON MY LEFT WRIST.

- 5) Will you seek medical aid? yes no (circle one). If so, where? _____

(attach medical release/waiver if necessary)

- 6) When did this incident occur? (date/time) 10/23/07 1030-1100
- 7) Where did this incident occur? OUTSIDE IN YARD AT 3919 ISACSON RD
- 8) Has this person ever done this type of thing to you before? yes no (circle one).
- 9) If yes, when and where? _____

- 10) Have you ever reported previous incidents of domestic violence? yes no (circle one)

1. Ivy Cadman

WHATCOM COUNTY SHERIFF'S OFFICE

CASE SUMMARY / PROBABLE CAUSE

OFFENSE / DESCRIPTION	DATE	CASE#	PAGE
Violation of a No Contact Order Obstructing Law Enforcement	04/01/08	08A-06724	11 OF 17

COURT			
DISTRICT	X	SUPERIOR	JUVENILE
SUSPECT ADMITTED OFFENSE		CRIME PARTNER ADMITTED OFFENSE	CRIME PARTNER ADMITTED AND NAMED SUSPECT AS PARTICIPANT

INJURIES RECEIVED BY VICTIM

MEDICAL ATTENTION REQUIRED	AT SCENE	AT HOSPITAL	DATE AND TIME OF ARREST
YES	NO	LOCATION:	02/10/04 @1110

NARRATIVE:

A-1 CADMAN, JOHN S 10/07/62

V-1 CADMAN, IVY, M 05/12/47

On 04/01/08 at about 0940 (A-1) John Cadman went near the property of 3919 Isaacson Road violating a no-contact order. There is an active no-contact order that prohibits him from contacting (v-1) Ivy Cadman or going within 500 feet of her residence. Ivy saw John walking on Isaacson Road and asked him what he was doing. He spoke to her and told her in an angry voice to get away. He then walked into the woods above Ivy's home. Ivy said that John doesn't live nearby and has no reason to be in the area. She pointed the spot out where she saw John standing. This spot was approximately 10 feet away from Ivy's property line. I used a LIDAR and measured the distance from this spot to Ivy's home. It was approximately 185 feet.

Deputies followed John's footsteps in snow and found John near some travel trailers on Ivy's property. Using the LIDAR again I measured the distance from this spot to Ivy's home. The distance was 128 feet.

John had been drinking alcohol and couldn't explain why he was in the area.

The no contact order is a domestic violence no-contact order that was served on 10/24/07. Order number AC30878/2007A24764.

PC Risk Factors:

- John has access to weapons at his father's house
- Ivy doesn't believe John would use weapons against her or others
- Ivy fears that with John drinking alcohol he may be suicidal
- John is not currently employed.
- John and Ivy are separated but no legal separation paperwork has been filed. - Ivy not aware of divorce yet
- Ivy has local family and friends for support.

These events occurred in Whatcom County, Washington.

REPORTING OFFICER:

REVIEWING OFFICER: