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APPELLATE COURT 66611-8-1

COURT OF APPEALS  
DIVISION 1  
OF THE STATE OF WASHINGTON

2011 NOV - 7 PM 2: 01

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON

SHANGRI-LA COMMUNITY CLUB, Inc., Craig Sjostrom, #21149  
a Washington nonprofit corporation Attorney for Respondent  
1204 Cleveland Avenue  
Respondent, Mt. Vernon. WA 98273  
(360) 848-0339

vs.

MELVIN STRUCK and MARY STRUCK, Melvin E. Struck, Pro Se  
h/w 12024 8<sup>th</sup> Avenue, NW  
Appellants. Seattle, WA 98177  
(206) 255-5379, Cell

CORRECTED  
STRUCK'S REPLY TO SJOSTROM'S SEPTEMBER 30, 2011  
ANSWER TO APPELLANT'S BRIEF,

APPELLATE COURT 66611-8-1

ORIGINAL

MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

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TABLES

**JANUARY 3, 2011: REPORT OF PROCEEDINGS**

RP-1 thru RP-20 - VERBATIM REPORT

Court Hearing 1-3-11, cause numbers 09-2-02464-5 and  
[09-2-02466-1, Judge Dave Needy. Corrected copy sent to Skagit  
Superior Court and Appellate Court on or after May 9, 2011. ]

---

**A. INTRODUCTION:**

Clerks Papers: CP-64; CP-52 and CP-53; CP-54 and CP-55;  
CP-46 thru 48; CP-1 thru CP-5; CP-47; CP-49 thru  
CP-51; RP; CP-41 and CP-42

Judge Needy: RP-11 and RP-12  
1-3-11 transcription

**B. ASSIGNMENT OF ERROR:**

**C. STATEMENT OF THE CASE:**

Clerks Papers: CP-12; CP-75; CP-77; CP-78 and CP-79; CP-41 and  
CP-42; CP-20 and CP-21

**D. ARGUMENT:**

Judge Needy: RP-12, Page 12  
1-3-11 transcription

**E. CONCLUSION:**

Clerks Papers: CP-64

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**OCTOBER 24, 2011:** Supplemental Clerk's Papers from Superior Court  
09-2-02464-5 to Appeal court 66611-8-1. CP numbers not assigned yet.

**NOTE:** This 10-24-11 Clerk's Papers withdrawn from Skagit  
Superior Court records—11-1-11 per Mel Struck, Pro Se.

**OCTOBER 24, 2011:** Supplemental Clerk's Papers from Superior Court  
09-2-02466-1 to Appeal court 66611-8-1. CP numbers not assigned yet.

**NOTE:** This 10-24-11 Clerk's Papers withdrawn from Skagit  
Superior Court records—11-1-11 per Mel Struck, Pro Se.

THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB, INC	APPEALS COURT # 66661-8
	SKAGIT COUNTY # 09-2-02464-5
Plaintiff	
Vs.	
MELVIN & MARY STRUCK	Clerk's paper requested by
Defendant	MELVIN STRUCK, PRO SE

AFFIDAVIT/DCLR/CERT OF SERVICE  
Filed 08/24/2011 ..... 72

AFFIDAVIT/DCLR/CERT OF SERVICE  
Filed 08/24/2011 ..... 74

AMENDED DESIGNATION OF CLERK'S PAPERS  
(ACTUALLY SUPPLEMENTAL)  
Filed 08/24/2011 ..... 71

AMENDED DESIGNATION OF CLERK'S PAPERS  
(ACTUALLY SUPPLEMENTAL)  
Filed 08/23/2011 ..... 59-70

DECLARATION OF PREJUDICE DEMAND FOR TRIAL DATE  
Previously designated ..... 20-21

DESIGNATION OF CLERK'S PAPERS AMENDED TO INCLUDE  
DOCS FROM 09-2-02466-1  
Filed 08/24/2011 ..... 73

NOTICE OF APPEARANCE  
ANSWER & COUNTER CLAIM  
STRUCK, MELVIN  
Previously designated ..... 1-5

ORDER AUTHORIZING SVC BY PUBLICATION/COPY FROM 09-2-02466-1  
ORIGINALLY FILED 05-18-2010  
Filed 09/02/2011 ..... 75-76

ORDER GRANTING SUMMARY JUDGMENT  
JUDGE DAVID R. NEEDY  
Previously designated ..... 41-42

ORDER OF DEFAULT/ COPY FROM 09-2-02466-1, FILED 09-22-2010  
Filed 09/02/2011 ..... 77

ORDER ON MT FOR SUMMARY JDGMT COPY FROM 09-2-02466-1  
ORIGINALLY FILED 01-03/2011  
Filed 09/02/2011 ..... 78-79

REPLY TO COUNTER CLAIM  
Filed 03/18/2011 ..... 57-58

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DATE: Nov 7, 2011 THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SKAGIT COUNTY

Shangri-La Community Club, Inc	APPEALS COURT # 66611-8
Plaintiff	SKAGIT COUNTY # 09-2-02464-5
Vs.	
Melvin Struck & Mary Struck et al	Clerk's paper requested by
Defendant	Melvin Struck, Pro Se

COPY DOC 23 FR 09-2-02466-1 (Declaration of Service filed 01/03/2011)  
Filed 11/01/2011 ..... 84

COPY DOC 5 FROM 09-2-02466-1 (Order for Publication filed 05/17/2010)  
Filed 11/01/2011 ..... 81-82

COPY DOC 9 FROM 09-2-02466-1 (Order of Default filed 09/22/2010)  
Filed 11/01/2011 ..... 83

RE: BILL, Preparation of Clerk's Papers  
Case: 09-2-02464-5; Ct of Appeals #66611-8  
Case Name: Shangri-La Community Club Vs Melvin & Mary Struck et al

4 Pages @ .50 per page	\$	2.00
Index, covers, transport	\$	3.00
<b>Total Due:</b>	<b>\$</b>	<b>5.00</b>

VERITY CREDIT UNION

11027 MERIDIAN AVE N, SUITE 200  
SEATTLE, WA 98133  
(206) 440-9090  
veritycu.com

32-8188  
3250

No. 80312

Date: November 05, 2011

Pay to the  
Order of Skagit County Clerk

Amount \$\*\*\*\*\*5.00

Five and 00/100\*\*\*\*\*

DOLLARS

*Melvin Struck*  
M Struck 09-2-02464-5 App.66611-8-1  
Member

*Reg Burns*  
Authorized Signature  
This Check VOID After 90 Days

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MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

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Appellate Court: #66611-8-1  
Skagit Superior court: #09-2-02464-5

**WASHINGTON STATE COURT OF APPEALS  
DIVISION 1  
SEATTLE, WA**

SHANGRI-LA COMMUNITY CLUB,) Appellate Court: #66611-8-1  
Inc., a Washington nonprofit corp. )  
Respondent, ) CORRECTED  
vs ) APPELLANTS' REPLY TO  
MELVIN STRUCK and ) RESPONDENTS ANSWER  
MARY STRUCK ) TO APPELLANTS BRIEF  
Appellants. )

**FACTS**

The Shangrila Community Club, Inc. foreclosed on the same  
Skagit Auditor lien number 200610300173 CP-52 and 53 in Skagit  
County Superior Court using different cause numbers (09-2-02466-1,  
parcel P69006, Lot 16; and 09-2-02464-5, parcel P69007, Lot 17) with  
each cause number having different ownership. The following is in the  
appeals court records:

1 1.) During a May 18, 2010 ex parte hearing attorney Sjostrom,  
2 representing Shangrila Community Club, Inc., used cause number  
3 09-2-02466-1 against Karen Struck, one of the owners of Lot 16, parcel  
4 P69006, to file a motion for Complaint and Summons   
5 by Publication, which included lien 200610300173   
6 as quoted in original December 3, 2009 Complaint. The Complaint on  
7 Page 2,  Paragraph 2.3 states: "A lien encumbering Defendant's  
8 parcels was duly recorded on October 30, 2006 under Skagit County  
9 Auditor's File No. 200610300173, in the then-principal amount of  
10 \$115.00."

11 During the same May 18, 2010 ex parte hearing Judge Rickert  
12 granted an Order to Publish  against Karen Struck, one of the  
13 owners of Lot 16, parcel P69006. The other owners, Melvin Struck and  
14 Mary Struck, were not served with notice of this ex parte hearing  
15 scheduled on May 18, 2010. Also: A.) There never was any proper  
16 service of the Mary Struck, Melvin Struck and Karen Struck of the alleged  
17 original Complaint and Summons on December 14, 2009 at 12024 8<sup>th</sup>  
18 Avenue, NW, in Seattle WA 98177; and B.) There never was any  
19 Certificate of Service  of the alleged original December 14,  
20 2009 Complaint and Summons in the ex parte Court hearing record prior  
21 to and on May 18, 2010 up to 5:00 PM.

1           2.) During a September 22, 2010 ex parte hearing attorney  
2 Sjostrom, representing Shangrila Community Club, Inc., used cause  
3 number 09-2-02466-1 against the owners of Lot 16, parcel P69006 to file  
4 a motion to foreclose on lien 200610300173 [ CP-52 and 53 ], as quoted  
5 in original December 3, 2009 Complaint [ CP-49, 50 and 51 ]. The  
6 Complaint on Page 2, [ CP-50 ] Paragraph 2.3 states: "A lien  
7 encumbering Defendant's parcels was duly recorded on October 30, 2006  
8 under Skagit County Auditor's File No. 200610300173, in the then-  
9 principal amount of \$115.00."

10           During the same September 22, 2010 ex parte hearing Judge Cook  
11 granted an Order of Default [ CP-83 ] against Karen Struck, one of the  
12 owners of Lot 16, parcel P69006. The other owners, Melvin Struck and  
13 Mary Struck, were not served with notice of this ex parte hearing  
14 scheduled on September 22, 2010. Also: A.) There never was any proper  
15 service of the Mary Struck, Melvin Struck and Karen Struck of the alleged  
16 original Complaint and Summons [ CP-49, 50 and 51 ] on December 14,  
17 2009; and B.) There never was any Certificate of Service [ CP-84 ] of  
18 the alleged original December 14, 2009 Complaint and Summons in the ex  
19 parte Court hearing record prior to and on September 22, 2010 up to  
20 5:00 PM.

1           3.) During a January 3, 2011 summary judgment motion hearing  
2 attorney Sjostrom, representing Shangrila Community Club, Inc. used  
3 cause number 09-2-02466-1 against the owners of Lot 16, parcel P69006  
4 to foreclose on lien 200610300173 . as quoted in original  
5 December 3, 2009 Complaint . The Complaint on  
6 Page 2,  Paragraph 2.3 states: "A lien encumbering  
7 Defendant's parcels was duly recorded on October 30, 2006 under Skagit  
8 County Auditor's File No. 200610300173, in the then-principal amount of  
9 \$115.00."

10           During the January 3, 2011 cause number 09-2-02466-1 motion  
11 hearing Judge Needy granted a Summary Judgment Order  
12  against Melvin Struck, Mary Struck and Karen Struck,  
13 the owners of Lot 16, parcel P69006. This Judge Needy Summary  
14 Judgment order is in addition to the September 22, 2010 Judge Cook  
15 Default Order  against Karen Struck.

16           Also, during this multiple summary judgment motion hearing  
17 Sjostrom produced, for the first time ever, two Certificate of Service  
18  documents: a.) 09-2-02464-5 dated December 14, 2009  
19 for owners Melvin Struck and Mary Struck; and b.) 09-2-02466-1 dated  
20 December 14, 2009 for owners Melvin Struck and Mary Struck, which

1 excluded owner Karen Struck. These documents were not in the court  
2 records prior to the January 3, 2011 summary judgment hearings. These  
3 two Certificate of Service [ CP-80 and 84 ] were added to the  
4 09-2 02464-5 and 09-2-02466-1 court records on January 3, 2011, at  
5 2:42 PM, long after the Judge Needy court hearings were over on  
6 January 3, 2011.

7 4.) Then, during the January 3, 2011 summary judgment motion  
8 hearing attorney Sjostrom, representing Shangrila Community Club, Inc.  
9 used cause number 09-2-02464-5 against the owners of Lot 17, parcel  
10 P69007 to foreclose on lien 200610300173 [ CP-52 and 53 ] as quoted in  
11 original December 3, 2009 Complaint [ CP-46, 47 and 48 ]. Complaint,  
12 09-2-02464-5 on Page 2, [ CP-47 ]. Paragraph 2.3 states: "A lien  
13 encumbering Defendant's parcels was duly recorded on October 30, 2006  
14 under Skagit County Auditor's File No. 200610300173, in the then-  
15 principal amount of \$115.00."

16 Then Judge Needy, right after granting the cause number  
17 09-2-02466-1 Summary Judgment Order [ CP-78 and 79 ] on January 3,  
18 2011, went on to the next motion on the schedule. Then Judge Needy,  
19 using cause number 09-2-02464-5 motion hearing granted another

1 Summary Judgment Order CP-41 and 42 against Melvin Struck and  
2 Mary Struck, the owners of Lot 17, parcel P69007.

3 Also, during this multiple summary judgment motion hearing  
4 Sjostrom produced, for the first time ever, two Certificate of Service  
5 documents: CP-80 and 84 a.) 09-2-02464-5 dated December 14, 2009  
6 for owners Melvin Struck and Mary Struck; and b.) 09-2-02466-1 dated  
7 December 14, 2009 for owners Melvin Struck and Mary Struck, which  
8 excluded owner Karen Struck. These documents were not in the court  
9 records prior to these two January 3, 2011 summary judgment hearings.  
10 These two Certificate of Service were added to the 09-2 02464-5 and  
11 09-2-02466-1 court records on January 3, 2011, at 2:42 PM, long after the  
12 Judge Needy court hearings were over on January 3, 2011.

13 5. Skagit Superior Court Judge Needy allowed attorney Sjostrom,  
14 representing, Shangrila Community Club, Inc., to foreclose a second time  
15 CP-78 and 79 and a third time CP-41 and 42 on the same Skagit  
16 Auditor lien number 200610300173 CP-52 and 53 on January 3, 2011  
17 using different cause numbers (09-2-02466-1, parcel P69006, Lot 16; and  
18 09-2-02464-5, parcel P69007, Lot 17) and each cause number having  
19 different ownership.  
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1           6.) Struck always thought, and asserts in the record, that a specific  
2   lien 200610300173 CP-52 and 53 filed as an encumbrance upon  
3   property by a creditor was for a specific property of the debtor; not for  
4   other properties having different ownership. Shangrila Community Club,  
5   Inc. and attorney Sjostrom disagree with Struck's assertion. Also, Skagit  
6   Superior Court Judges Rickert, Cook and Needy, by granting their  
7   respective four court orders CP-78, 41, 83 and 81 , all disagree with  
8   Struck's assertion as stated in this paragraph. Also, all four of these court  
9   orders used the same lien number 200610300173 CP-52 and 53 from  
10   the original Complaint 09-2-02466-1 and the original Complaint  
11   09-2 02464-5.

12           Respectfully submitted,

13  
14           x       Dec 7, 2011  
15                           Melvin Struck, Pro Se                           Date

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SUPERIOR COURT WASHINGTON FOR SKAGIT COUNTY

Shangri-La Community Club, Inc.,

Plaintiff,

No. 09-2-02464-5

vs.

DECLARATION OF SERVICE

Melvin Struck & Mary Struck,

Defendant,

STATE OF WASHINGTON

ss.

COUNTY OF KING

The undersigned, being first duly sworn on oath deposes and says: That he/she is now and at all times herein mentioned was a citizen of the United States, over the age of eighteen years, not a party to or interested in the above entitled action and competent to be a witness therein.

That on the 14th day of December, 2009 @ 07:32 AM, at the address of 12024 8th Ave NW , Seattle, within KING County, WA, the undersigned duly served the following document(s): Summons; Complaint To Foreclose Lien For Unpaid Assessments in the above entitled action upon Melvin Struck & Mary Struck, by then and there, at the residence and usual place of abode of said person(s), personally delivering two true and correct copies of the above documents into the hands of and leaving same with Melvin Struck, Husband/Co-Defendant, being a person of suitable age and discretion, commonly known as age 16 or older, then resident therein. Left two copies on behalf of the marital community at the usual place of abode of said defendants.

Desc: Sex: Male - Age: 70 - Skin: White - Hair: Gray - Height: 6'2" - Weight: 220 lbs.  
Other Features: Beard

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct:

Date: 12/14/09  
Service Fee: \$ \_\_\_\_\_  
Return Fee: \$ \_\_\_\_\_  
Mileage Fee: \$ \_\_\_\_\_  
Misc. Fee: \$ \_\_\_\_\_  
Total Fee: \$ \_\_\_\_\_

Patrick Mahoney  
Registered Process Server  
License #: 0310560  
4th Corner Network, Inc.  
110 Prospect Street  
Bellingham, WA 98225  
800-321-2455

CP-80

MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell



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ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB,  
Inc., a Washington nonprofit corporation

Nº 09-2-02466-1

Plaintiff

ORDER ON MOTION  
FOR SUMMARY JUDGMENT

vs.

MELVIN STRUCK & MARY STRUCK,  
h/w; KAREN STRUCK, as her separate  
property if married

Defendants

THIS MATTER came on regularly for hearing on this date, on Plaintiff's motion for summary judgment. Plaintiff appeared by and through counsel and Defendants Melvin and/or Mary Struck appeared *pro se*.

The Court reviewed the following documents in connection with this motion:

- Motion & Memorandum for Summary Judgment;
- Declaration of Craig Sjostrom (re Covenants), with exhibit;
- Declaration of Craig Sjostrom (re Attorney's Fees and Costs), with exhibit;
- Declaration of James Hewett, with exhibit;
- Motion to Dismiss Claims, etc., filed by Defendant Melvin Struck.

Based on the foregoing documents and the arguments presented, the Court FINDS that there are no disputed issues of material fact and that Plaintiff's motion should be granted.

CRAIG D. SJOSTROM

Attorney at Law WSA 031149  
1204 Cleveland Ave., Mt. Vernon, Wash. 98273  
(360) 848-0339 FAX (360) 336-3488  
cdsjostrom@comcast.net

ORDER ON MOTION  
FOR SUMMARY JUDGMENT  
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ORIGINAL

Page 1 of 2

CP-78

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Now, therefore, IT IS HEREBY ORDERED AS FOLLOWS:

1. Judgment shall be entered in favor of Plaintiff and against Defendant in the principal amount of \$2,312.94.
2. Plaintiff's lien shall in addition be foreclosed in the manner provided by law.
3. Plaintiff shall further be awarded its costs in the amount of \$948.10 and attorney's fees in the amount of \$830.50, both amounts adjudged to be reasonable.
4. The above judgments shall bear interest at the legal rate from January 3<sup>rd</sup>, 2011.
5. OTHER:

*Defendant shall have 30 days, to Feb. 4th 2011 at 4:30pm, to file a specific counterclaim concerning the alleged refusal on the part of the plaintiff to provide information as to the location of the water hookup on the subject property.*

DONE IN OPEN COURT on January 3<sup>rd</sup>, 2011

*Shawn Moody*  
 \_\_\_\_\_  
 JUDGE

Presented by:

Approved as to form:

*Craig Sjostrom*  
 \_\_\_\_\_  
 CRAIG SJOSTROM #211149  
 Attorney for Plaintiff

*Left - did not sign*  
 \_\_\_\_\_  
 Defendant

*\* IF NO SUCH filing is made, plaintiff may present for entry a judgment & decree of foreclosure without further notice.*

ORDER ON MOTION  
 FOR SUMMARY JUDGMENT  
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**CRAIG D. SJOSTROM**  
 Attorney at Law WSA 42114  
 1204 Cleveland Ave., Mt. Vernon, Wash. 98273  
 (360) 848-0339 FAX (360) 336-3488  
 cdsjostrom@comcast.net

Page 2 of 2

CP-79

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ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB, Inc., a Washington nonprofit corporation	N# 09-2-02464-5
Plaintiff	ORDER ON MOTION FOR SUMMARY JUDGMENT
vs.	
MELVIN STRUCK & MARY STRUCK, h/w	
Defendants	

THIS MATTER came on regularly for hearing on this date, on Plaintiff's motion for summary judgment. Plaintiff appeared by and through counsel and Defendants Melvin and/or Mary Struck appeared *pro se*.

- The Court reviewed the following documents in connection with this motion:
- Motion & Memorandum for Summary Judgment;
  - Declaration of Craig Sjostrom (re Covenants), with exhibit;
  - Declaration of Craig Sjostrom (re Attorney's Fees and Costs), with exhibit;
  - Declaration of James Hewett, with exhibit;
  - Motion to Dismiss Claims, etc., filed by Defendant Melvin Struck.

Based on the foregoing documents and the arguments presented, the Court FINDS that there are no disputed issues of material fact and that Plaintiff's motion should be granted.

ORIGINAL

ORDER ON MOTION  
FOR SUMMARY JUDGMENT  
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Page 1 of 2

CRAIG D. SJOSTROM  
Attorney at Law WBA #1149  
1204 Cleveland Ave., Mt. Vernon, Wash. 98273  
(360) 848-0339 FAX (360) 336-3488  
cdsjostrom@comcast.net

CP-41

MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

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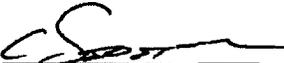
- Now, therefore, IT IS HEREBY ORDERED AS FOLLOWS:
1. Judgment shall be entered in favor of Plaintiff and against Defendant in the principal amount of \$2,312.94.
  2. Plaintiff's lien shall in addition be foreclosed in the manner provided by law.
  3. Plaintiff shall further be awarded its costs in the amount of \$317.50 and attorney's fees in the amount of \$787.50, both amounts adjudged to be reasonable.
  4. The above judgments shall bear interest at the legal rate from January 3<sup>rd</sup>, 2011.
  5. OTHER:

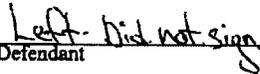
DONE IN OPEN COURT on January 3<sup>rd</sup>, 2011

  
JUDGE

Presented by:

Approved as to form:

  
CRAIG SJOSTROM #21149  
Attorney for Plaintiff

  
Defendant

ORDER ON MOTION  
FOR SUMMARY JUDGMENT  
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Page 2 of 2

**CRAIG D. SJOSTROM**  
Attorney at Law WSPA #21149  
1204 Cleveland Ave., Mt. Vernon, Wash. 98273  
(360) 848-0339 FAX (360) 336-3488  
cdsjostrom@comcast.net

CP-42

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SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA  
2010 SEP 22 PM 1:36

ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB, Inc., a  
Washington nonprofit corporation

Nº 09-2-02466-1

Plaintiff

ORDER OF DEFAULT

vs.

MELVIN STRUCK & MARY STRUCK,  
h/w; KAREN STRUCK, as her separate  
property if married

Defendants

THIS MATTER having come on ex parte, the Court having reviewed the motion and declaration for default and the records and files herein, and deeming itself fully advised, now, therefore, IT IS HEREBY ORDERED AS FOLLOWS:

That defendant Karen Struck be and hereby is adjudged in default.

DATED 9-22-10

*Susan K. Coob*  
JUDGE / COMMISSIONER

Presented by:

*Craig Sjostrom*  
CRAIG SJOSTROM #21149  
Attorney for Plaintiff

ORIGINAL

CRAIG D. SJOSTROM  
Attorney at Law WASH #21149  
1204 Cleveland Ave., Mt. Vernon, Wash. 98273  
(360) 848-0339 FAX (360) 336-3488  
cdsjostrom@comcast.net

ORDER OF DEFAULT

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Page 1 of 1

CP-83

MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2010 MAY 18 PM 1:25

ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB,  
Inc., a Washington nonprofit corporation

Plaintiff

vs.

MELVIN STRUCK & MARY STRUCK,  
h/w; KAREN STRUCK, as her separate  
property if married

Defendants

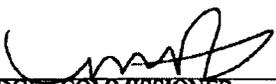
Nº 09-2-02466-1

ORDER AUTHORIZING SERVICE  
BY PUBLICATION

THIS MATTER HAVING COME ON EX PARTE, Plaintiff appearing through its attorney; the Court having reviewed the moving papers and the other records and files herein, and deeming itself fully advised, and finding that this action is against certain defendants, including Karen Struck; that the whereabouts of the said defendant are unknown, and that therefore personal service of the summons and complaint on the said defendant is not feasible, now, therefore, IT IS HEREBY ORDERED AS FOLLOWS:

That the summons be served on defendant Karen Struck by publication as provided for by RCW 4.28.100.

DATED: 5/18/10

  
JUDGE / COMMISSIONER

ORIGINAL

ORDER AUTHORIZING  
SERVICE BY PUBLICATION

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CRAIG D. SJOSTROM

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(360) 848-0339 FAX (360) 336-3488  
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CP-81

PAGE 19 of 27

MELVIN STRUCK, Pro Se  
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Seattle, WA 98177  
(206) 255-5379 Cell

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ITEM ①

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2009 DEC -7 AM 10:19

ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB, Inc., a Washington nonprofit corporation
Plaintiff
vs.
MELVIN STRUCK & MARY STRUCK, h/w
Defendants

N<sup>o</sup> 09 2 02464 5  
 COMPLAINT TO FORECLOSE  
 LIEN FOR UNPAID ASSESSMENTS

COMES NOW PLAINTIFF, by and through its attorney, and by way of Complaint against defendants, alleges as follows:

**I. Parties, Jurisdiction & Venue**

- 1.1 Plaintiff is a duly-authorized Washington nonprofit corporation. It is the managing entity for a residential/ recreational community located in Skagit County, Washington and known as Shangri-La on the Skagit.
- 1.2 Defendants are a married couple, residing in King County, Wash.
- 1.3 Defendants are the record owner of a lot in Shangri-La, particularly described as follows:  
 Lot 17, "Shangri-La on the Skagit, Div. 1", as per plat recorded in Volume 9 of Plats, pages 52 and 53, records of Skagit County, Washington. (P69007)
- 1.4 This Court has jurisdiction over the parties and the subject matter hereof, and venue is proper.

**II. Factual Background & Cause of Action**

- 2.1 Shangri-La is served by a private water system. Plaintiff is empowered to assess charges against Defendants' lots for provision of water service. Plaintiff has duly imposed regular and special assessments against Defendants' lots. Defendants have failed to pay the amounts due.

ORIGINAL

**CRAIG D. SJOSTROM**  
 Attorney at Law WWA #21149  
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 sjostrom@fidalgo.net

COMPLAINT  
CALL:ORIONA\vest\rt\Shangri-La CC\Struck\plaintiffs-17\complaint.wpd

Page 1 of 3

CP-46

MELVIN STRUCK, Pro Se  
 12024 8<sup>th</sup> Avenue, NW  
 Seattle, WA 98177  
 (206) 255-5379 Cell

- 1 2.2 The covenants, conditions and restrictions of the Shangri-La Community Club, as set  
 2 forth in the instrument recorded in Volume 18 of Recorded Documents, page 762, under  
 3 Skagit County Auditor's File No. 716023, authorize the recording of liens to secure  
 4 2.3 A lien encumbering Defendant's parcels was duly recorded on October 30<sup>th</sup>, 2006, under  
 5 Skagit County Auditor's File No. 200610300173, in the then-principal amount of  
 6 \$115.00.  
 7 2.4 As of October 17<sup>th</sup>, 2009, the amount owed for Defendant's parcels, inclusive of accrued  
 8 interest, was \$1,884.49. Pursuant to the CCR's, interest is charged at the rate of 10% per  
 9 annum. In addition, the Plaintiff is authorized to add to the amounts due its costs of  
 10 collection, including a reasonable attorney's fee.

11 **III. Prayer for Relief**

12 WHEREFORE, Plaintiff prays for relief as follows:

- 13 3.1 For judgment against Defendants in an amount to be proven at trial, but of at least  
 14 \$1,884.49, plus regular or special assessments coming due hereafter to the date of  
 15 judgment, plus prejudgment interest from the date hereof at the rate of 10% per annum.  
 16 3.2 For an order adjudging Plaintiff's lien as a first and prior lien upon the subject real  
 17 property superior to any right, title, claim, lien or interest on the part of the Defendant or  
 18 persons claiming by, through or under the Defendants, other than superior encumbrances.  
 19 3.3 That a Decree of Foreclosure issue, and the lien described herein be foreclosed and said  
 20 real property be sold in one or more parcels in accordance with and in the manner  
 21 provided by law; that Plaintiff be permitted to be a purchaser at the sale; that the net  
 22 proceeds of said sale be applied first toward the payment of the costs of said sale and then  
 23 towards the payment of Plaintiff's judgment.  
 24 3.4 That Plaintiff have and retain deficiency judgments against Defendants, in the event that  
 25 the bid(s) at the sale(s) are less than the sum of Plaintiff's entire judgments, plus the costs  
 26 of sale.  
 27 3.5 That the Decree of Foreclosure provide that after the sale of said properties, all right, title,  
 28 claim, lien or interest of the Defendants, and of every person (other than holders of  
 29 superior encumbrances) claiming by, through or under the Defendants, in or to the said  
 30 property, including the right of possession thereof from and after said sale, be forever  
 barred and foreclosed and that the purchaser(s) at said sale be entitled to immediate  
 possession of the premises as allowed by law, subject only to such statutory rights of  
 redemption as the Defendants may have by law.  
 3.6 That in the event Plaintiff is the purchaser at said sale and possession of said premises are  
 not immediately surrendered to the Plaintiff, a writ of assistance be issued directing the  
 Sheriff of Skagit County, Washington, to deliver possession of said premises to the  
 Plaintiff.  
 3.7 For a reasonable sum as attorney's fee, in the amount of \$1,500 if this matter is  
 uncontested and in an amount set by the Court if this matter is contested, including an  
 appropriate award in the event of trial or appeal.

**CRAIG D. SJOSTROM**

Attorney at Law WESA 621149  
 411 Main St., Mt. Vernon, Wash. 98273  
 (360) 848-0339 FAX (360) 336-3488  
 sjostrom@fidalgo.net

COMPLAINT

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Page 2 of 3

CP-47



ITEM 2

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA  
2009 DEC -7 AM 10:19

ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY CLUB,  
Inc., a Washington nonprofit corporation

Plaintiff

vs.

MELVIN STRUCK & MARY STRUCK,  
h/w; KAREN STRUCK, as her separate  
property if married

Defendants

No. 09 2 02466 I

COMPLAINT TO FORECLOSE  
LIEN FOR UNPAID ASSESSMENTS

COMES NOW PLAINTIFF, by and through its attorney, and by way of Complaint  
against defendants, alleges as follows:

*I. Parties, Jurisdiction & Venue*

- 1.1 Plaintiff is a duly-authorized Washington nonprofit corporation. It is the managing entity for a residential/recreational community located in Skagit County, Washington and known as Shangri-La on the Skagit.
- 1.2 Defendants Melvin Struck and Mary Struck are a married couple, residing in King County, Wash. Defendant Karen Struck is believed to be unmarried, and is believed to be a resident of the State of Michigan.
- 1.3 Defendants are the record owner of a lot in Shangri-La, particularly described as follows:  
Lot 16, "Shangri-La on the Skagit, Div. 1", as per plat recorded in Volume 9 of Plats, pages 52 and 53, records of Skagit County, Washington. (P69006)
- 1.4 This Court has jurisdiction over the parties and the subject matter hereof, and venue is proper.

*II. Factual Background & Cause of Action*

- 2.1 Shangri-La is served by a private water system. Plaintiff is empowered to assess charges

CRAIG D. SJOSTROM

Attorney at Law WSHA #11149

411 Main St., Mt. Vernon, Wash. 98273

(360) 848-0339 FAX (360) 336-3488

sjostrom@tidalgo.net

ORIGINAL  
Page 1 of 3

COMPLAINT

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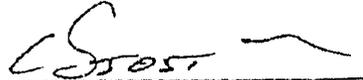
CP-49

MELVIN STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell



- 1 3.7 For a reasonable sum as attorney's fee, in the amount of \$1,500 if this matter is  
2 uncontested and in an amount set by the Court if this matter is contested, including an  
3 appropriate award in the event of trial or appeal.  
4 3.8 For Plaintiff's taxable costs and disbursements herein.  
5 3.9 For such other and further relief as may be just and equitable in the premises.

6 DATED this 3<sup>rd</sup> day of December, 2009.

  
CRAIG SJOSTROM #21149  
Attorney for Plaintiff

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COMPLAINT

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Page 3 of 3

CRAIG D. SJOSTROM  
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(360) 848-0339 FAX (360) 336-3488  
sjostrom@fidalgo.net

CP-51

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ITEM 3

When recorded return to:

Craig Sjoström  
411 Main Street  
Mount Vernon, Washington 98273

200610300173  
Skagit County Auditor  
10/30/2006 Page 1 of 2 2:24PM

Grantors: Melvin Struck & Mary Struck, h/w

Grantee: Shangri-La Community Club

Legal Description: SHANGRI-LA, DIV. 1, LOT 17

Additional Legal Description Located Below

Assessor's Property Tax Parcel or Account No.: P69007

Reference Nos of Documents Assigned or Released: N/A

Conveyance: Claim of Lien

SHANGRI-LA COMMUNITY CLUB

Claimant, ) CLAIM OF LIEN

vs.

MELVIN STRUCK & MARY STRUCK, h/w

Owner. )

NOTICE IS HEREBY GIVEN that a lien is claimed upon the real property legally described as follows:

Lot 17, "SHANGRI-LA ON THE SKAGIT, DIV. 1", as per the plat recorded in Volume 9 of Plats, pages 52 and 53, records of Skagit County, Washington.

The lien hereby claimed is pursuant to the terms of the Declaration of Covenants and Restrictions recorded with Skagit County under Auditor's File No. 716023. The amount here claimed is the sum of \$115.00, plus assessments coming due and unpaid following October 16<sup>th</sup>, 2006, plus interest and attorney fees.

DATED this 30<sup>th</sup> day of October, 2006.

CP-52

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SHANGRI-LA COMMUNITY CLUB, Claimant

By C. Sjostr  
Craig Sjoström #21149  
Attorney for Claimant

STATE OF WASHINGTON )  
COUNTY OF SKAGIT )

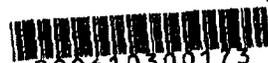
Craig Sjoström, being first duly sworn, on oath states: I am the attorney for the Shangri-La Community Club and am authorized to execute the foregoing on behalf of said claimant. I have read the foregoing Claim, know the contents thereof, and believe the same to be true and just.

C. Sjostr  
CRAIG SJOSTROM

SUBSCRIBED AND SWORN TO before me this 30<sup>th</sup> day of October, 2006.



T. Riedell  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Bellevue  
My commission expires: 8/19/10  
Name: Toni Riedell



200610300173  
Skagit County Auditor  
10/30/2006 Page 2 of 2 2:24PM

CP-53

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1 Shangrila v. Struck

5 Appellate Court: 66611-8-1  
6 Skagit Superior Court: 09-2-02464-5

7 CERTIFICATE OF SERVICE

8 The undersigned certifies under the penalty of perjury under the laws of the State of  
9 Washington that I am now and at all times herein mentioned, a citizen of the United States, a  
10 resident of the State of Washington and over the age of eighteen years.

11 On the date given below I caused to be served the foregoing NOVEMBER 7, 2011  
12 CORRECTED STRUCK REPLY TO SJOSTROM'S ANSWER TO STRUCK'S BRIEF on  
13 the following individuals in the manner indicated:

- 14  
15 ( ) Via U.S. Mail  
16 ( ) Via Facsimile  
17 ( X ) Via Hand Delivery  
18

19 TO: CRAIG SJOSTROM, (360) 848-0339  
20 1204 Cleveland Avenue  
21 Mt. Vernon, WA98273  
22 \_\_\_\_\_

23  
24 SIGNED this 7<sup>th</sup> day of November, 2011, at  
25  
26 Seattle, Washington.

27  
28  
29 x   
30 Signature:

31 Print Name: Melvin E. Struck, Pro Se  
32 and Address: 12024 8th Avenue, NW  
33 Seattle, WA 98177  
34 (206) 255-5379 Cell  
35

36 CERTIFICATE OF SERVICE

**MELVIN E. STRUCK, PRO SE**  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

FILED  
COURT OF APPEALS DIV I  
STATE OF WASHINGTON  
2011 NOV - 8 AM 9:39