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RECEIVED  
COURT OF APPEALS  
DIVISION ONE

FEB 16 2012

FEB 16 2012

King County Prosecutor  
Appellate Unit

NO. 67647-4-1

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE

FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2012 FEB 16 PM 4:10

STATE OF WASHINGTON,

Respondent,

v.

TERRY FLETCHER,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF THE  
STATE OF WASHINGTON FOR KING COUNTY

The Honorable Susan Craighead, Judge

~~FILED~~  
~~COURT OF APPEALS DIV 1~~  
~~STATE OF WASHINGTON~~  
2012 FEB 16 PM 4:10

BRIEF OF APPELLANT

CHRISTOPHER H. GIBSON  
Attorney for Appellant

NIELSEN, BROMAN & KOCH, PLLC  
1908 E Madison Street  
Seattle, WA 98122  
(206) 623-2373

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A. ASSIGNMENT OF ERROR

The trial court erred by ordering \$149,502.35 in restitution.

Issue Pertaining to Assignment of Error

Did the trial court err by imposing restitution for losses the State failed to prove were causally connected to the conduct for which appellant agreed to pay restitution?

B. STATEMENT OF THE CASE

On June 30, 2010, appellant Terry Fletcher pled guilty to two counts of first degree theft. CP 9-31. As part of the plea agreement Fletcher agreed to pay restitution "to Southside Church of Christ for all losses related to unfinished + inadequate construction work[.]" CP 27. The church was one of the theft victims. CP 18.

The Certification for Determination of Probable Cause attached to Fletcher's plea statement alleges "Fletcher represented himself as the sole owner of" Northwest Construction & HVAC, and by that deception entered into a contract with the church "to perform over \$400,000 worth of HVAC construction work[.]" CP 22. The certificate also alleges the church provided a State investigator "cancelled checks made out to Northwest Construction & HVAC Co. in the total amount of \$197,183.26

and joint checks made out to Northwest Construction & HVAC Co. and various suppliers in the amount of \$201,739.58." CP 23.

Fletcher was sentenced July 16, 2010. CP 33-38. The court imposed concurrent 12-month sentences. CP 36. Determination of the amount of restitution, however, was postponed. CP 35.

There were several post-sentencing hearings. 1RP-6RP.<sup>1</sup> The first substantive restitution hearing was March 3, 2011, in conjunction with another matter involving Fletcher. 3RP. The State requested approximately \$235,000 based on the church's cost "to bring the work [performed by Fletcher] up to code." 3RP 4. The request was supported by documentation prepared by the "Victim Assistance Unit." Ex. 1.<sup>2</sup>

Fletcher's counsel complained the documentation failed to show the amounts requested were for losses associated with construction work for which Fletcher was responsible. 3RP 8, 11-13. Counsel argued Fletcher "should only be liable for what he was contracted to do and paid for. In terms of any damage, any replacement, anything like that." 3RP 16. Over defense objection the State was allowed more time to gather evidence for restitution. 3RP 17-18, 42.

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<sup>1</sup> There are six volumes of verbatim report of proceedings: 1RP - 8/19/10; 2RP - 1/20/11; 3RP - 3/4/11; 4RP - 4/27/11; 5RP - 4/27/11 & 8/3/11; and 6RP - 6/1/11 & 7/27/11.

At an April 27 hearing, the State acknowledged a discrepancy between the restitution sought by the church (\$235,984.20), and the amount the new contractor charged for the work, which was \$138,009.00. 4RP 3-4; Appendix A at 7-8; Ex. 2.<sup>3</sup> The State could not explain the difference. 4RP 4. Defense counsel again asserted the State failed to prove the amounts requested were for losses Fletcher caused. 4RP 5.

Fletcher addressed the court directly, explaining that as part of the contract, the church had agreed to installation of undersized ducts to allow for ceiling clearance in certain areas, and that the fan size was increased to compensate. 4RP 6. Fletcher said it was unclear from the evidence whether the church was seeking restitution for replacement of the undersized duct it knowingly had Fletcher install. 4RP 6. Further, there was no way to tell if the church sought restitution for work he was not paid for or contracted to perform. 4RP 8.

The matter was postponed several more times to gather additional information. 4RP 13; 5RP 2-3; 6RP 5-8, 11-13. The final restitution hearing was held August 3. 4RP 4-25.

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<sup>2</sup> A copy of Exhibit 1 is attached as Appendix A.

<sup>3</sup> Exhibit 2 is a letter from the contractor stating it cost \$138,009 to complete the work. A copy of Exhibit 2 is attached as Appendix B.

The only additional evidence submitted was a notarized letter from Fletcher's foreman, Danny Nanez. Ex. 3.<sup>4</sup> The letter states he worked at the church for Fletcher and recalled "[t]he 1st and 2nd floors were complete, but the roof still had work done." Id.

The State argued its original submissions, Exhibit 1 (Appendix A), coupled with the letter from the successor contractor, Exhibit 2 (Appendix B), was sufficient to allow the Court to order restitution despite the significant discrepancy between those documents. 4RP 8-9.

Fletcher stated no liens had been placed on the church for unpaid work because he paid the subcontractors as required. 4RP 11. Fletcher acknowledged not completing the job, but asserted "we were at least between 60 and 80 percent completed for what we were paid; otherwise, they would never pay us." 4RP 12.

The court noted it did not question whether Fletcher paid various bills associated with the project. Instead, the court's concern focused on the State's claim that some of Fletcher's work required repairs.<sup>5</sup> 4RP 15.

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<sup>4</sup> A copy of Exhibit 3 is attached as Appendix C.

<sup>5</sup> Presumably this statement refers to the letter from the successor contractor, which states it replaced undersized duct work, repaired equipment that had been left outside over the winter, and repaired improperly installed "refrigeration piping. Appendix B.

Defense counsel again contended the State failed to provide sufficient documentation for the expenses listed in the church's restitution claim, and urged the court to refuse to grant restitution for these claims. 4RP 15-16. Counsel again pointed out the significant discrepancy between the successor contractor's cost estimate and the amount the church claimed it paid.<sup>6</sup> 4RP 16; Appendix A at 8; Appendix B.

The State again admitted it could not explain the discrepancy. 4RP 16. It requested the court order restitution for the successor contractor's amount, two documented<sup>7</sup> expenses for "Quick Tin" (\$2,673 and \$1,951),<sup>8</sup> two documented expenses for "Thrifty Supply" (\$347.05 & \$522.30), and one documented expense for "Johnson-Barrow Inc." (\$6,000). 4RP 16-18.

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<sup>6</sup> It appears the prosecutor erroneously believed the amount the church claimed it paid Merit was \$184,446.86, \$350 more than was actually claimed. 4RP 16; Appendix A at 8 (hand written notation lists wrong amount).

<sup>7</sup> Used here, this term is intended only to mean that there were invoices, order confirmations, or similar documents from the vendor setting forth the amount billed.

<sup>8</sup> There is a discrepancy in the documentation for this claimed expense. An "Invoice" list the amounts as \$1950.01 Appendix A at 20. A letter from Quick Tin to the church, however, states the amount is \$1951.00. Appendix A at 21. The church's claim sheet also lists the amount as \$1951.00. Appendix A at 8. It appears the higher figure was used for purposes of the restitution order.

The court stated it would follow the State's recommendation and entered a restitution order for \$149,502.35. CP 39-40; 4RP 21-22. Fletcher appeals . CP 41-43.

C. ARGUMENT

THE TRIAL COURT ERRED BY ORDERING FLETCHER TO PAY \$149,502.35 IN RESTITUTION.

In pleading guilty, Fletcher agreed to pay restitution "to Southside Church of Christ for all losses related to unfinished + inadequate construction work[.]" CP 27. He did not, however, agree to pay a specified amount of restitution. As a result, the State bore the burden of presenting substantial credible evidence that established a causal connection between the church's claimed loss and Fletcher's misconduct. The State failed to meet its burden. This Court should therefore vacate the restitution order.

A person may not be deprived of property without due process of law. U.S. Const. amend. XIV; Const. art. I, § 3. Defendants have a due process right to have restitution determined based on reliable evidence. State v. Kisor, 68 Wn. App. 610, 619-20, 844 P.2d 1038 (1993). In determining restitution, the court can rely on no more facts than are admitted in the plea agreement or proved at the time of the hearing. State v. Dedonado, 99 Wn. App. 251, 256, 991 P.2d 1216 (2000).

"Restitution is an integral part of sentencing, and it is the State's obligation to establish the amount of restitution." Dedonado, 99 Wn. App. at 257. A restitution order must be based on "easily ascertainable damages." RCW 9.94A.753(3).<sup>9</sup> While the claimed loss need not be established with specific accuracy, it must be supported by substantial credible evidence. State v. Griffith, 164 Wn.2d 960, 965, 195 P.3d 506 (2008). This Court should reverse an unsupported restitution order. State v. Mark, 36 Wn. App. 428, 434, 675 P.2d 1250, 1253 (1984).

If the defendant disputes facts relevant to determining restitution, the State must prove the damages by a preponderance of the evidence. State v. Kinneman, 155 Wn.2d 272, 285, 119 P.3d 350 (2005); State v. Hunsicker, 129 Wn.2d 554, 559, 919 P.2d 79 (1996). This Court reviews a restitution order for an abuse of discretion, which occurs upon

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<sup>9</sup> RCW 9.94A.753(3) provides:

Restitution ordered by a court pursuant to a criminal conviction shall be based on easily ascertainable damages for injury to or loss of property, actual expenses incurred for treatment for injury to persons, and lost wages resulting from injury. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses, but may include the costs of counseling reasonably related to the offense. The amount of restitution shall not exceed double the amount of the offender's gain or the victim's loss from the commission of the crime.

application of an incorrect legal analysis or other error of law. State v. Tobin, 161 Wn.2d 517, 523, 166 P.3d 1167 (2007).

Restitution is proper only when a causal connection exists between the crime and the injuries for which compensation is sought. Dedonado, 99 Wn. App. at 256. Restitution is limited to victims who have been injured “as a direct result of the crime charged.” State v. Davison, 116 Wn.2d 917, 809 P.2d 1374 (1991). Causation is evaluated using a “but-for” test. Tobin, 162 Wn.2d at 524. Restitution is permitted only if, but for the crime, the victim would not have suffered the loss described. Id. at 524-25.

The mere existence of a list of expenses is insufficient to establish the necessary causal connection. State v. Dennis, 101 Wn. App. 223, 227, 6 P.3d 1173 (2000). Dennis is instructive on this point. The defendant was convicted of assaulting three police officers. Id. The medical bills did not indicate why the officers received treatment. Id. at 228. The certification of probable cause stated only that the officers were treated for their injuries. Id. For one officer, the only other evidence showed that on an unknown date, the officer was treated and incurred \$180.90 in expenses. Id. No evidence tied these expenses to the assaults. The court

accepted the State's concession the evidence failed to establish a causal nexus and vacated the restitution order. Id.

Similarly, in State v. Bunner, 86 Wn. App. 158, 936 P.2d 419 (1997), the sole evidence presented at the restitution hearing was a medical recovery report listing amounts paid for medical services. Although the report did not indicate why the services were provided, the sentencing court determined the evidence was sufficient. 86 Wn. App. at 159-60. On appeal, this Court held the report failed to establish a causal connection between the losses and the crime. Id. at 160; see also Dedonado, 99 Wn. App. at 255, 257 (expenses for "fill all fluids" and "align front suspension" not sufficiently connected to ignition switch damage during theft).

The evidence in Fletcher's case is similarly insufficient to establish the link between the church expenses and Fletcher's incomplete or inadequate construction work. While Fletcher failed to complete the job, he was paid only for what he had completed and left the church with no outstanding bills or liens. 4RP 11-12.

The State failed to counter Fletcher's claim the church was seeking reimbursement for expenses unrelated, or at least not causally connected to, construction work for which Fletcher was responsible. For example,

the State did not provide a copy of the contract between the church and Fletcher, which presumably would have shed light on the parties' agreement, and whether the undersized duct work had been agreed to by the church..

Fletcher did not dispute he could be held liable for repair costs for damage resulting from his failure to complete the job. But the State failed to establish what those repairs cost were. The State's list of vendor expenses, without an explanation of what they were for, preclude a finding they were linked to losses from Fletcher's incomplete or inadequate construction work.

The State failed to present "substantial credible evidence" in support of the restitution amount ordered. Griffith, 164 Wn.2d at 965. This Court should therefore remand for vacation of the restitution order.

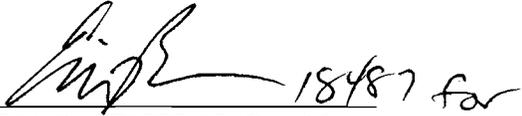
D. CONCLUSION

This Court should vacate the restitution order.

DATED this 15<sup>th</sup> day of February 2012.

Respectfully submitted,

NIELSEN, BROMAN & KOCH

 18487 for

CHRISTOPHER H. GIBSON

WSBA No. 25097

Office ID No. 91051

Attorneys for Appellant

Appendix A

DANIEL T. SATTERBERG  
PROSECUTING ATTORNEY



King County

Office of the Prosecuting Attorney  
CRIMINAL DIVISION  
W554 King County Courthouse  
516 Third Avenue  
Seattle, Washington 98104  
(206) 296-9552  
Hours: 8:30 AM to 4:30 PM

22 October 2010

MEMORANDUM

TO: Matthew Pang / SCRAP  
Or Supervising Attorney / SCRAP

FROM: Anthony V. May *AVM*  
Victim Assistance Unit - Courthouse  
206-205-3358

SUBJECT: **STATE OF WASHINGTON vs. TERRY JOE FLETCHER**  
**CAUSE #: 09-1-04416-0 SEA**

*A. I*

---

A hearing has not been schedule on the above subject. I am hopeful that we can resolve this matter without setting a restitution hearing.

Attached you will find an Order Setting Restitution and documentation supporting claims of losses. **Special Agent Frank Fulton of Washington State Department of Revenue** is requesting restitution in the amount of **\$48,988.37** for unpaid taxes. **Herman Snoddy of Southside Church of Christ** is requesting restitution in the amount of **\$235,984.20** for losses the church incurred as a result of thefts on June 30, 2007 through August 30, 2008.

Please review, sign, and return the Order Setting Restitution to me by **November 11, 2010**. If I have not heard from you by that date, I will automatically set a restitution hearing. Should you have any questions or concerns, I can be reached at (206) 205-3358.

Thank you.

Cc: File

Cc: Judge Laura G. Middaugh

# SOUTHSIDE CHURCH OF CHRIST

---

July 30, 2010

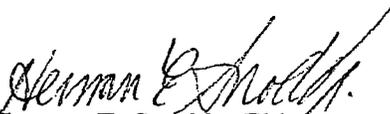
King County Prosecuting Attorney  
Attn: Anthony V. May, Restitution Investigator  
Victim Assistance Unit/Restitution/AVM  
King County Courthouse  
516 3<sup>rd</sup> Ave., Room W554  
Seattle, WA 98104-2312

STATE V. TERRY JOE FLETCHER  
CAUSE # 09-1-04416-0 SEA

After receiving several proposals Merit Mechanical of Redmond, Washington was chosen to make the necessary corrections and repairs to our air conditioning system.. After a comprehensive inspection by Merit and King County it was determined that all the units on the roof needed to be lifted, relocated and tied down and all of the gas piping had to be replaced to meet code requirements.

It is our hope to receive restitution in the amount of \$235,984.20. Please find enclosed detail listing of monies spent on making necessary correction to the HVAC System installed by Northwest HVAC (Terry Joe Fletcher) Cause #09-1-04416-0 SEA. The total above represents labor, materials and equipment required to make the system useable by replacing the undersized ductwork, completing the installation of HVAC roof top units, installing and testing control systems, repairing and replacing missing components for (\$201,967.20). In addition the remainder of the HVAC work necessary for the church to have total uses of the building will require the HVAC system in fellowship hall to be installed for (\$21,874.00) and kitchen exhaust system and fire suppression system installed for (\$12,143.00).

Please feel free to call me at (253) 740-7996 if you have any questions. You can also contact me by e-mail at [hsnoddy11@msn.com](mailto:hsnoddy11@msn.com) or by fax (253) 631-7545.

  
Herman E. Snoddy, Elder  
Southside Church of Christ

12200 59th Ave S  
Seattle, WA 98178  
Phone: 206-725-2780  
Fax: 206-723-4599  
Email: [scoc@scocseattle.org](mailto:scoc@scocseattle.org)  
Web: [www.scocseattle.org](http://www.scocseattle.org)

*Southside*  
**CHURCH OF CHRIST**  
*Experience Life Designed by God*

## MINISTER

William H. Harper  
(206) 772-5064

## ELDERS

Kenneth McCoy  
(206) 722-7488

Herman Snoddy  
(253) 631-6446

## DEACONS

Odell Gilbreath  
(425) 235-1268

Olabamiji Idowu  
(206) 721-0587

**PROPERTY RESTITUTION ESTIMATE**

King County Cause Number 091044160

Form must be returned by 7/26/2009 or restitution may not be ordered.

RE: State vs. Terrey Joe Fletcher CCN: 894456 PLEASE COMPLETE & RETURN TO:

CCN: \_\_\_\_\_ KING COUNTY VICTIM ASSISTANCE UNIT  
Date of Crime: 6/30/2007 Referral: 2090608103 King County Courthouse  
Charge: Theft 1° 516 Third Avenue, Room W554  
Seattle, WA 98104-2312  
(206) 296-9552 FAX (206) 205-6104

PRINT LEGIBLY OR TYPE (Use Additional Sheets If Necessary)

**1. UNRECOVERED PROPERTY:** List property NOT recovered or destroyed and Actual Cash Value (Attach proof of value)

- 1a. TAX WARRANT 107140A, plus daily interest \$ ~~52,045.11~~ 48,988.37 AM
- 1b. \_\_\_\_\_ \$ \_\_\_\_\_
- 1c. \_\_\_\_\_ \$ \_\_\_\_\_
- 1d. \_\_\_\_\_ \$ \_\_\_\_\_
- 1e. \_\_\_\_\_ \$ \_\_\_\_\_

**2. PROPERTY DAMAGE:** List damage and associated costs and cost of repair (Attach copies of bills or estimates)

- 2a. \_\_\_\_\_ \$ \_\_\_\_\_
- 2b. \_\_\_\_\_ \$ \_\_\_\_\_
- 2c. \_\_\_\_\_ \$ \_\_\_\_\_
- 2d. \_\_\_\_\_ \$ \_\_\_\_\_
- 2e. \_\_\_\_\_ \$ \_\_\_\_\_

**3. RECOVERED PROPERTY (NOT DAMAGED):** \_\_\_\_\_

**4. PROPERTY INSURANCE INFORMATION:**

- 4a. Insurance Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
Adjuster: \_\_\_\_\_ Phone: \_\_\_\_\_  
Claim #: \_\_\_\_\_ Deductible: \$ \_\_\_\_\_
- 4b. Amount Insurance has paid/will pay: \$ \_\_\_\_\_

**5. NO RESTITUTION IS REQUESTED:**

- 5a. I do not wish to pursue restitution.....
- 5b. I have no losses to claim.....

**Sign Here:** I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is a true and correct summary of the losses I incurred as a result of the crime investigated under the above cause number

Frank J. Fulton FRANK J. FULTON DEPT. OF REVENUE PLEASE MAKE  
 Signature 20819 72nd AVE SOUTH Print Name KENT Company Name (if applicable) WA 98058 A COPY FOR  
 Address 253-437-3456 City 7-14-09 State WA Zip 98058 YOUR RECORDS  
 Home Phone \_\_\_\_\_ Work Phone \_\_\_\_\_ Date \_\_\_\_\_

**May, Anthony**

---

**From:** Fulton, Frank (DOR) [FrankF@DOR.WA.GOV]

**Sent:** Tuesday, July 13, 2010 3:14 PM

**To:** May, Anthony

**Cc:** Fulton, Frank (DOR)

**Subject:** Terry Fletcher

Anthony,

The amount due at this time on the tax warrant for Terry Fletcher is \$48,988.37. The amount changed because we obtained wage garnishment and one other payment from the sale of his boat at public auction prior to the plea agreement. The daily interest is \$3.09 per day until paid in full, however that amount is a moving target and subject to change because each time a payment is made it lowers the total amount thereby lowering the daily interest.

Thank you

Frank J. Fulton  
253 380 8699 cell.

RECEIVED

2009 MAY 14 AM 10:31

KING COUNTY  
SUPERIOR COURT CLERK  
KENT, WA



STATE OF WASHINGTON  
DEPARTMENT OF REVENUE  
COMPLIANCE  
ADMINISTRATION  
OLYMPIA, WASHINGTON  
98501-1267

BEFORE THE DEPARTMENT OF REVENUE THE STATE OF  
WASHINGTON  
WARRANT FOR UNPAID TAXES

WARRANT NO.	INVOICE NO.	POSTING PERIOD	DATE OF ISSUE	DISTRICT OFFICE	REGISTRATION NO.
107140A	004	Q3-2008	12/31/2008	Everett 6-1-2	600 591 820

TAXPAYER

AMENDED COPY:

FLETCHER TERRY J (a sole proprietor)  
NORTHWEST CONSTRUCTION & HVAC COMPANY  
12335 SE 199TH STREET  
RENTON WA 98058

KING  
09-2-03657-8KNT  
01/16/2009

AKA: Pacific Fabrication

SUMMARY OF LIABILITY:

The liability of this warrant includes the period(s): Quarter-3-2007, Quarter-2-2008, Quarter-3-2008





STATE OF WASHINGTON  
DEPARTMENT OF REVENUE  
COMPLIANCE  
ADMINISTRATION  
OLYMPIA, WASHINGTON  
98501-1267

BEFORE THE DEPARTMENT OF REVENUE THE STATE OF  
WASHINGTON  
WARRANT FOR UNPAID TAXES

WARRANT NO.	INVOICE NO.	POSTING PERIOD	DATE OF ISSUE	DISTRICT OFFICE	REGISTRATION NO.
107140A	004	Q3-2008	12/31/2008	Everett 6 -1 -2	600 591 820

STATE OF  
WASHINGTON VS.

AMENDED COPY

FLETCHER TERRY J (a sole proprietor)  
NORTHWEST CONSTRUCTION & HVAC COMPANY  
12335 SE 199TH STREET  
RENTON WA 98058

KING  
09-2-03657-8KNT  
01/16/2009

AKA: Pacific Fabrication

**SUMMARY OF LIABILITY:** The liability of this warrant includes the period(s): Quarter-3-2007, Quarter-2-2008, Quarter-3-2008

TAX DUE:	\$37,636.60
DELINQUENT PENALTY:	\$3,410.00
WARRANT PENALTY (10% of Tax):	\$3,763.66
AUDIT INTEREST:	\$1,447.07
ADDITIONAL INTEREST:	\$215.94
ADDITIONAL PENALTY:	\$5,126.47
<b>TOTAL DUE</b>	<b>\$51,599.74</b>

The State of Washington, through the Department of Revenue, to Jeff Engelhart, or any other agent of the Department of Revenue:

WHEREAS, the taxpayer is indebted to the State of Washington in the amount of \$51,599.74 for taxes, increases and penalties imposed under and by virtue of Chapters 82.04 through 82.32 RCW, for the period(s) shown above, together with interest thereon at the rate allowed by law from and after the date of this warrant; and

WHEREAS, the amount specified above became due more than fifteen days prior to the date of this warrant, or is hereby declared to be immediately due and payable for the reason that the Director of the Department of Revenue does believe that the tax or penalty specified above will not be paid when due;

NOW, THEREFORE, in the name of the State of Washington, you are commanded (1) to file a copy of this warrant with the Clerk of the Superior Court of a county in which you may find property of the taxpayer, and (2) to levy upon the personal property of said taxpayer to the total amount specified above, together with interest at the rate allowed by law to the date of said levy, and together with cost of executing this warrant, and make sale thereof according to law, and to levy upon and seize any surety bond or other security conditioned upon payment by the taxpayer of taxes due the State of Washington, and if sufficient personal property and bonds or other security cannot be found, to satisfy said amount due out of the real property of said taxpayer.

WITNESS, the Department of Revenue of the State of Washington and the Seal of said Department, affixed on December 31, 2008.



*E. O. King*

Program Manager, Compliance Division

**PROPERTY RESTITUTION ESTIMATE**

King County Cause Number 07-1-07976-0 SED

Form must be returned by 7/29/10 or restitution may not be ordered.

RE: State vs. Terry J. Fletcher CCN: 0894456 PLEASE COMPLETE & RETURN TO:

CCN: \_\_\_\_\_

KING COUNTY VICTIM ASSISTANCE UNIT

King County Courthouse

Date of Crime: 6/30/07 Referral: 2-090608/03

516 Third Avenue, Room W554

Seattle, WA 98104-2312

Charge: 8/30/08 Theft 1

(206) 296-9552 FAX (206) 205-6104

PRINT LEGIBLY OR TYPE (Use Additional Sheets If Necessary)

**1. UNRECOVERED PROPERTY:** List property NOT recovered or destroyed and Actual Cash Value (Attach proof of value)

- 1a. 506 ATTACHED SPRAWN STEEL \$ 235,984.20
- 1b. \_\_\_\_\_ \$ \_\_\_\_\_
- 1c. FOR DETAIL \$ \_\_\_\_\_
- 1d. \_\_\_\_\_ \$ \_\_\_\_\_
- 1e. \_\_\_\_\_ \$ \_\_\_\_\_

**2. PROPERTY DAMAGE:** List damage and associated costs and cost of repair (Attach copies of bills or estimates)

- 2a. \_\_\_\_\_ \$ \_\_\_\_\_
- 2b. \_\_\_\_\_ \$ \_\_\_\_\_
- 2c. \_\_\_\_\_ \$ \_\_\_\_\_
- 2d. \_\_\_\_\_ \$ \_\_\_\_\_
- 2e. \_\_\_\_\_ \$ \_\_\_\_\_

**3. RECOVERED PROPERTY (NOT DAMAGED):** \_\_\_\_\_

**4. PROPERTY INSURANCE INFORMATION:**

4a. Insurance Company: \_\_\_\_\_

Address: \_\_\_\_\_

Adjuster: \_\_\_\_\_ Phone: \_\_\_\_\_

Claim #: \_\_\_\_\_ Deductible: \$ \_\_\_\_\_

4b. Amount Insurance has paid/will pay: \$ \_\_\_\_\_

**5. NO RESTITUTION IS REQUESTED:**

5a. I do not wish to pursue restitution.....

5b. I have no losses to claim.....

**Sign Here:** I declare under penalty of perjury under the laws of the State of Washington, that the foregoing is a true and correct summary of the losses I incurred as a result of the crime investigated under the above cause number.

Heriman E. Snoddy HERIMAN E. SNODDY SOUTHSIDE CHURCH OF CHRIST  
 Signature Print Name Company Name (if applicable)  
12200-59th AVE SOUTH SEATTLE WA 98178  
 Address City State Zip

PLEASE MAKE

A COPY FOR

YOUR RECORDS

Home Phone \_\_\_\_\_

Work Phone \_\_\_\_\_

Date \_\_\_\_\_

**Southside Church of Christ  
Victim Restitution Estimate**

<u>Company</u>	<u>Description</u>	<u>Date</u>	<u>Check #</u>	<u>Paid by Church</u>
Air Commodities	Diffusers For Air Distribution	10/27/2009	1263	\$ 4,846.59
Nanez and Delgado	Wrapping Ductwork and Labor	12/30/2008	17723	\$ 730.60
Frank Murphy & Sons	Bolts and Hardware For HVAC Tie Downs	8/12/2009	1232	\$ 370.23
J. B. Scott Construction	Repair and Replace HVAC System	12/23/2008	1192	\$ 3,435.00
J. B. Scott Construction	Repair and Replace HVAC System	12/30/2008	1021	\$ 2,610.00
Johnson Barrow, Inc.	HVAC System Specialties Dustwork Silencers	11/18/2008	1187	\$ 6,000.00 ✓
K&S Select Homes	Boom Truck For Lifting HVAC Units On Roof	10/13/2009	1252	\$ 640.00
King County	Gas Piping Permit	2/3/2009	17793	\$ 410.00
Merit Mechanical	Repair and Replace HVAC System	8/12/2009	1228	\$ 23,198.67
Merit Mechanical	Complete Ductwork and Control Wiring for RTU 9, 12 & 13	none	none	\$ 20,024.00
Merit Mechanical	Repair and Replace HVAC System	9/10/2009	1234	\$ 33,208.62
Merit Mechanical	Repair and Replace HVAC System	10/13/2009	1253	\$ 28,093.04
Merit Mechanical	Repair and Replace HVAC System	11/19/2009	1274	\$ 40,320.91
Merit Mechanical	Repair and Replace HVAC System	12/9/2009	1282	\$ 26,298.62
Merit Mechanical	Purchase and Install Diffusers Fellowship Hall and Kitchen	none	none	\$ 1,850.00
Merit Mechanical	Kitchen Hood, Exhaust Fan and Fire Suppression System Purchase and Install	none	none	\$ 12,143.00
Morrison Plumbing	Gas Piping Repair and Replace Undersized and Non Spec.	1/29/2009	17788	\$ 2,000.00
Morrison Plumbing	Gas Piping Repair and Replace Undersized and Non Spec.	2/3/2009	17792	\$ 3,252.80
Morrison Plumbing	Gas Piping Repair and Replace Undersized and Non Spec.	9/16/2009	1238	\$ 8,313.79
Pacific Plumbing Supply	Gas Piping Material	7/16/2008	1133	\$ 214.63
Puget Sound Energy	Natural Gas Proofing and Testing System	12/29/2009	18211	\$ 1,203.21
Quick Tin	HVAC System Ductwork Special Fabrication	11/5/2009	1181	\$ 2,673.00
Quick Tin	HVAC System Ductwork Special Fabrication	11/7/2008	1182	\$ 1,951.00
Roderick Degardo	Labor Wrapping Ductwork and Labor	11/6/2009	1270	\$ 60.00
Thermal Supply	HVAC Equipment Outstanding Invoices Northwest HVAC	9/4/2008	1163	\$ 9,288.24
Thermal Supply	HVAC Equipment Outstanding Invoices Northwest HVAC	3/12/2009	1024	\$ 2,278.90
Thrifty Supply	HVAC Elbows, Couplings, Pipe and Connectors	11/4/2008	cash	\$ 347.05
Thrifty Supply	HVAC Elbows, Couplings, Pipe and Connectors	11/14/2008	cash	\$ 522.30
	Total Owed to Southside Church of Christ to Complete HVAC System			\$ 235,984.20

**Note: Items in red will complete HVAC System Fellowship Hall and Kitchen (\$34,017) see Merit Proposal.**

  
 Herman E. Snoddy, Elder

# Thrifty Supply

Distributors of Indoor Air Quality Systems

## Kent Branch

## Order Confirmation

Remit To:  
 PO BOX 4148  
 Bellevue, WA 98009  
 (800) 735-2123

Page	L
Order #	372372-000
Date	11/04/08

**Bill To:**  
 MISC CASH-KENT  
 \*\*DO NOT MAIL\*\*

**Ship To:**  
 MISC CASH-KENT  
 \*\*DO NOT MAIL\*\*

KENT, WA 98031  
 United States of America

KENT, WA 98031  
 United States of America

Customer PO #	Account #	Terms	Sales Rep
southside church	99922	Cash	999 House Account
Ship VIA	F.O.B.		Ship Date
	Will Call		11/04/08

Qty Ord	Qty Ship	Qty B/O	U/M	Item Number/Description	Price	Total
8	8		EA	26GA90-10 ELBOW 90DEG 10" 26GA INTERSTATE MFG	4.1300	33.04
6	6		EA	26GA90-12 ELBOW 90DEG 12" 26GA INTERSTATE MFG	5.9100	35.46
75	75		FT	PR8X25-BX 8" X 25' R4.0 FLEX DUCT JP LAMBORN	.8100	60.75
3	3		EA	CATT-12 COMMERCIAL FLAT TAKE-OFF INTERSTATE MFG	6.7600	20.28
1	1		EA	CATT-14 COMMERCIAL FLAT TAKE-OFF INTERSTATE MFG	7.9300	7.93
1	1		EA	26GA90-14 ELBOW 90DEG 14" 26GA INTERSTATE MFG	7.9300	7.93
6	6		EA	710-004 DUCT STRAP 26GA 1.12"X100' MET DIVERSITECH	17.0000	102.00
50	50		FT	PR10X25-BX 10" X 25' R4.0 FLEX DUCT JP LAMBORN	1.0200	51.00
Material Total:					318.39	
Tax:					28.66	
Balance Due:					347.05	

JOHNSON - BARROW

INVOICE

Johnson-Barrow, Inc

1414 - 31st Avenue S, Suite 201  
Seattle, WA 98144  
Phone: (206) 284 1476  
Fax: (206) 284 7836

Invoice Number: 8761

Invoice Date: 09/15/08

Page: 1

Bill  
To: PAC-WEST HEATING & COOLING, IN  
950 ANDOVER PARK E  
TUKWILA, WA-98188

Ship  
To: SOUTH SEATTLE CHURCH  
C/O: PAC-WEST HEATING & COOLIN  
12200 59TH AVE S  
SEATTLE, WA-98178

Ship Via BEST WAY  
Ship Date 09/05/08  
Due Date 09/15/08  
Terms NET 10 / 1% 10 Days

Customer ID PACWEH  
P.O. Number 2006-1003-SSC  
P.O. Date 09/15/08  
Our Order No. 9796  
SalesPerson Larry Bonwell

Item/Description	Unit	Order Qty	Quantity	Unit Price	Total Price
(1) Lot IAC Q-Duct Silencers Per Quote.		1	1	8,530.00	8,530.00
Less company discount per conversation with Herman		-1	-1	2,530.00	4,530.00

Per conversation with Herman on 11/10/2008,  
payment of remaining balance will be  
\$1,000.00 per month starting November 14, 2008  
and ending in April, 2009.

11-10-08  
*[Signature]*

New Remit to Address:  
2203 - 23<sup>rd</sup> Ave S  
Seattle, WA 98144

Amount Subject to Sales Tax 0.00  
Amount Exempt from Sales Tax 8,530.00

Subtotal: 8,530.00  
Invoice Discount: 0.00  
Sales Tax: 0.00  
Total: 8,530.00  
76,000.00

IAC ORDER- South Seattle Church		
Model	Tag	Size 'wxh'
5LFM	AC-01A Supply	48x24
3LFM	AC-01A Return	24x24
3LFM	AC-01A Return	24x24
5LFM	AC-01B Supply	48x24
3LFM	AC-01B Return	24x24
3LFM	AC-01B Return	24x24
3LFM	AC-2 Supply	24x24
3LFM	AC-2 Return	24x24
3LFM	AC-3 Supply	24x12
3LFM	AC-3 Return	24x12
3LFM	AC-4 Supply	24x24
3LFM	AC-4 Return	24x24
3LFM	AC-5 Supply	24x12
3LFM	AC-5 Return	24x12
3LFM	AC-6 Supply	24x18
3LFM	AC-6 Return	24x18
3LFM	AC-7 Supply	24x18
3LFM	AC-7 Return	24x18
3LFM	AC-8 Supply	30x24
3LFM	AC-8 Return	30x24
3LFM	AC-9 Supply	30x24
3LFM	AC-9 Return	30x24
3LFM	AC-10 Supply	30x24
3LFM	AC-10 Return	30x24
3LFM	AC-11 Supply	30x24
3LFM	AC-11 Return	30x24
3LFM	AC-13 Supply	48x30
3LFM	AC-13 Return	48x30

**QuickTin, Inc.**

2515 South Holgate  
 Tacoma, WA 98402  
 Phone: (253) 779-8885  
 Fax: (253) 779-8998



**Invoice**

Date	Invoice #
11/7/2008	I-8719

Bill To
Southside Church ATTN: Herman Snody

Ship To
3518 South Edmunds Street Seattle, WA 98118

P.O. Number		Terms	Ship	Via	QuickTin Job No.	
David's Down Spouts		Due on receipt	11/7/2008	Will Call		
Quantity	Item Code	Description		Price Each	Amount	
1	900	Sheetmetal Fabrication Sales Tax		1,789.00 9.00%	1,789.00T 161.01	
				<b>Total</b>	<b>\$1,950.01</b>	

(706) <sup>Herman</sup> (253) 740 7996



November 5, 2008

Southside Church of Christ  
ATTN: Herman Snoddy  
3518 South Edmunds Street  
Seattle, WA 98118  
Fax #253-631-7545

Dear Mr. Snoddy,

I am faxing you a copy of the quote that we had given to you earlier for the ductwork you wanted. The total is \$1,789.90 plus tax of \$161.10 for a total of \$1,951.00. We will be able to deliver this to your address listed above late morning/early afternoon on Friday. We will need to pick up a check in the amount of \$1,951.00 made out to QuickTin, Inc. upon delivery on Friday.

If you have any questions, please give me a call at (253) 779-8885.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek Sorteberg", is written over a horizontal line.

Derek Sorteberg  
Shop Foreman

Enclosure

CUT SHEET

CUSTOMER NAME		JOB NAME/#	PO #	DATE
Church (Hermon Snoddy)		Seattle Church		10/21/08
QUAN 4		QUAN 2		
GA 26		GA 24		
SL 1"		SL 1"		
XB B10		XB B10		
PC# —		PC# —		
CUT SHEET		CUT SHEET		
QUAN 1		QUAN 1		
GA 26		GA 24		
SL —		SL <del>1"</del> 1 1/2"		
XB B10		XB B10		
PC# —		PC# —		
CUT SHEET		CUT SHEET		
QUAN 1		QUAN 1		
GA 24		GA 22		
SL 1 1/2"		SL 1"		
XB B10		XB B10		
PC# —		PC# —		
CUT SHEET		CUT SHEET		

QUICKTIN JOB # 4360-10-28

DUE DATE ASAP

RECEIVED BY: \_\_\_\_\_

WIC Del

DATE: \_\_\_\_\_

**CUT SHEET**

CUSTOMER NAME		JOB NAME/#		PO #	DATE
Church (Hermon Swally)		Seattle Church			10/28/06
QUAN	2	QUAN	1	QUAN	1
GA	24	GA	24	GA	24
SL	1"	SL	1"	SL	1"
XB	B10	XB	B10	XB	B10
PC#	—	PC#	—	PC#	—
CUT SHEET		CUT SHEET		CUT SHEET	
<p>12 x 36 D-5</p>		<p>12 x 30 D-5</p>		<p>10 x 30 D-5 10" set 14"</p>	
QUAN	1	QUAN	1	QUAN	1
GA	24	GA	24	GA	24
SL	1"	SL	1"	SL	1"
XB	B10	XB	B10	XB	B10
PC#	—	PC#	DN STRIPS	PC#	—
CUT SHEET		CUT SHEET		CUT SHEET	
<p>12 x 70 D-5</p>		<p>10 x 44 D-5 4" set 14"</p>		<p>30 x 12 D-5 5" offset 14"</p>	

QUICKTIN JOB # 4360-10-28

DUE DATE ASAP

RECEIVED BY: \_\_\_\_\_

W/C Del

DATE: \_\_\_\_\_



2515 So. Holgate, Tacoma, WA 98402  
 Phone 253-779-8885 Fax 253-779-8998

CUT SHEET

CUSTOMER NAME		JOB NAME/#		PO #	DATE
(Church (Heaman Snoddy))		Seattle Church			10/28/08
QUAN	1	QUAN	1		
GA	24	GA	24		
SL	1"	SL	1"		
XB	B10	XB	B10		
PC#	—	PC#	—		
CUT SHEET		CUT SHEET			
QUAN	1	QUAN	1		
GA	24	GA	24		
SL	1"	SL	1"		
XB	B10	XB	B10		
PC#	—	PC#	—		
CUT SHEET		CUT SHEET			
QUAN	1	QUAN	1		
GA	24	GA	24		
SL	1"	SL	1"		
XB	B10	XB	B10		
PC#	—	PC#	—		
CUT SHEET		CUT SHEET			
QUAN	1	QUAN	1		
GA	24	GA	24		
SL	1"	SL	1"		
XB	B10	XB	B10		
PC#	—	PC#	—		
CUT SHEET		CUT SHEET			

QUICKTIN JOB # 4360-10-28

DUE DATE 11/5/08

RECEIVED BY: \_\_\_\_\_

(W/C)

Del

DATE: \_\_\_\_\_



2515 So. Holgate, Tacoma, WA 98402  
 Phone 253-779-8885 Fax 253-779-8998

Page 1 of 1

CONTACT: \_\_\_\_\_

CUSTOMER NAME		JOB NAME/#		PO #	DATE
Chauhan (Hammann Security)		Seattle Chauhan			11/4/08
QUAN	1	QUAN	1		
GA	26	GA	26		18 x 8
SL	—	SL	—		S-D
XB	—	XB	B/D		
PC#	—	PC#	—		
CUT SHEET		CUT SHEET			
QUAN		QUAN			
GA		GA			
SL		SL			
XB		XB			
PC#		PC#			
CUT SHEET		CUT SHEET			
QUAN		QUAN			
GA		GA			
SL		SL			
XB		XB			
PC#		PC#			
CUT SHEET		CUT SHEET			

QUICKTIN JOB # 4360-11-6

DUE DATE \_\_\_\_\_

RECEIVED BY: \_\_\_\_\_

W/C Del

DATE: \_\_\_\_\_

RETURN TO:

QUICKTIN, INC.  
2515 SOUTH HOLGATE  
TACOMA, WA 98402

CONFORMED COPY

**20081022000825**

CONSTRUCTION C L 43.00  
PAGE 001 OF 002  
10/22/2008 13:41  
KING COUNTY, WA

QUICKTIN, INC.  
Claimant

VS.

PAC WEST HEATING & COOLING

**CLAIM OF LIEN**

Name of person indebted to claimant:

Notice is hereby given that the person named below claims a lien pursuant to chapter 60.04 RCW. In support of this lien, the following information is submitted.

Name of Lien QUICKTIN, INC.

Name of Owner CHURCH OF CHRIST SOUTHSIDE  
Or

1. Claimant: 2515 SOUTH HOLGATE

5. Reputed Owner: 3518 S EDMUNDS ST

Address: TACOMA, WA 98402

Address: SEATTLE, WA 98118

Telephone #: (253) 779-8885

Certified #: 7001 2510 0000 6573 4852

- 2. Date of which the claimant began to perform labor, provide professional services, supply or equipment or the date of which employee benefit contributions became due: AUGUST 11, 2008
- 3. Name of person indebted to the claimant: PAC WEST HEATING & COOLING
- 4. Description of the property against which a lien is claimed:

LOT 5-6, EAST RIVERTON GARDEN TRACTS, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 12 OF PLATS, PAGE 48, RECORDS OF KING COUNTY, STATE OF WASHINGTON.

TAX PARCEL #217140-0025

COMMONLY KNOWN AS:

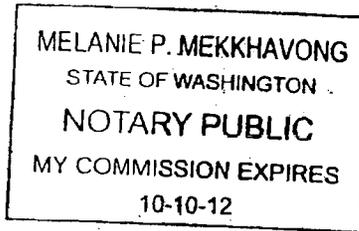
SOUTH SIDE CHURCH OF CHRIST  
12200 59<sup>TH</sup> AVE S  
SEATTLE, WA

6. This last date on which labor was performed; professional services were furnished; contributions to an employee benefit plan were due; or material or equipment was furnished:

AUGUST 27, 2008

7. Principal amount for which the lien is claimed is: \$2,473.00 + \$200.00 LIEN FEE = \$2,673.00

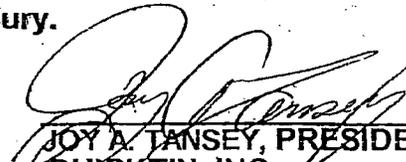
8. If the claimant is the assignee of this claim so state here: NONE



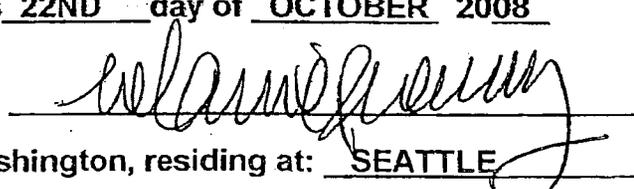
State of Washington, County of

KING, ss.

JOY A. TANSEY, (PRESIDENT OF CONSTRUCTION CREDIT CORP, AGENT FOR CLAIMANT) being sworn, says: I am the claimant (or attorney of the claimant or administrator, representative, or agent of the claimant or trustees of an employee benefit plan) above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

  
JOY A. TANSEY, PRESIDENT, AGENT FOR QUICKTIN, INC.  
2515 SOUTH HOLGATE  
TACOMA, WA 98402  
(253) 779-8885

Subscribed and sworn to before me this 22ND day of OCTOBER 2008

  
Notary Public in and for the State of Washington, residing at: SEATTLE

My Commission Expires: OCTOBER 10, 2012

**NOTICE TO OWNER**

**IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.  
PROTECT YOURSELF FROM PAYING TWICE.**

**TO: CHURCH OF CHRIST SOUTHSIDE**

3518 S EDMUNDS ST

SEATTLE, WA 98118

CERTIFIED NO. 7008 1140 0002 8527 3774

DATE: SEPTEMBER 12, 2008

**RE: SOUTH SIDE CHURCH OF CHRIST**

12200 59TH AVE S, SEATTLE, WA

FROM: QUICKTIN, INC

**COMMENCING ON: AUGUST 14, 2008**

**CC: SOUTHSIDE CHURCH OF SEATTLE**

**AT THE PAC WEST HEATING & COOLING**

12200 59<sup>TH</sup> AVE S

**REQUEST OF 950 ANDOVER PARK EAST**

SEATTLE, WA 98178

TUKWILA, WA 98188

CERTIFIED NO. 7008 1140 0002 8527 3798

**CERTIFIED NO. 7008 1140 0002 8527 3781**

**THIS IS NOT A LIEN:** This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Note that laborers on your project may claim a lien without sending you a notice.

**OWNER / OCCUPIER OF EXISTING RESIDENTIAL PROPERTY**

Under Washington law, those who furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. Claims may only be made against that portion of the contract you have not yet paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

**COMMERCIAL AND / OR NEW RESIDENTIAL PROPERTY**

We have or will be providing professional services, materials, or equipment for the improvement of your commercial or new residential project. In the event you or your contractor fails to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials, or equipment furnished after a date that is sixty days before this notice was given to you or mailed to you, unless the improvement to your property is the construction of a new single-family residence, then ten days before this notice was given to you or mailed to you.

Sender: QUICKTIN, INC

Address: 2515 S HOLGATE

TACOMA, WA 98402

Telephone: (253) 779-8885

**Brief description of professional services, materials, or equipment provided or to be provided:**

**SHEETMETAL DUCTWORK**

**IMPORTANT INFORMATION ON REVERSE SIDE**

**IMPORTANT INFORMATION FOR YOUR PROTECTION**

**This notice is sent to inform you that we have or will provide professional services, materials, or equipment for the improvement of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.**

**LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.**

**COMMON METHODS TO AVOID CONSTRUCTION LIENS:** There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

**DUAL PAYCHECKS (Joint Checks):** When paying your contractor for services or materials, you may make checks payable jointly to the contractor and the firms furnishing you this notice.

**LIEN RELEASES:** You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

**YOU SHOULD TAKE APPROPRIATE STEPS TO PROTECT YOUR PROPERTY FROM LIENS.**

**YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.**

\* \* \* \* \*

"MORRISON  
PLUMBING"

## PROPOSAL

9/15/2009

Southside Church of Christ  
192200 59<sup>th</sup> Ave S  
Seattle, WA 98178

Job: Southside Church of Christ

Ph: 253-740-7996

Attn: Herman

S.F. 38,000

Scope of work: To provide the material and labor to install the gas piping to the 4 units on the West end of the building.

Regulators and valves billed on prior invoice.

Run new pipe to units down to the 2" left right coupling.

Hook up meter to the gas stub at building

### Notes

1. Price does not include permit (permit already included)
2. All fixtures to be white unless otherwise specified.
3. Does not include fire stopping.
4. Bid quote valid for thirty days.
5. **Warranty valid for One Year from move in date or 14 months from plumbing completion whichever is less.**

**Bid Price \$1,750.00 (Seventeen Hundred Fifty and 00/100 Dollars)**

**Does not include WSST**

**Payments to be Due Now**

# Invoice

328 37th ST NW Suite H  
Auburn WA 98001  
PH: 253-735-2748  
FX: 253-735-8005

Date	Invoice #
9/15/2009	6242

Bill To
Southside Church of Christ 12200 59th Ave S Seattle, Wa 98178

P.O. No.
Misc. Repairs

Description	Qty	Rate	Class	Amount
Install gas piping to 4 West Units		1,750.00	Commercial	1,750.00T
				\$1,750.00
			(9.5%)	\$166.25
			<b>Total</b>	\$1,916.25

# Invoice

328 37th ST NW Suite H  
 Auburn WA 98001  
 PH: 253-735-2748  
 FX: 253-735-8005

Date	Invoice #
7/30/2009	6204

Bill To
SouthSide Church Of Christ 3518 Edmonds Street Seattle WA 98118

P.O. No.
Gas Piping

Description	Qty	Rate	Class	Amount
Balance of Gas Piping Labor (Excluding last four roof top units)		4,042.50	Commercial	4,042.50T
Regualtors for 15 roof top units		1,277.60	Commercial	1,277.60T
Flex Connectors and Misc hook-up materials for 15 roof top units		522.40	Commercial	522.40T
				\$5,842.50
				(9.5%) \$555.04
<b>Total</b>				\$6,397.54

MERIT completion PROPOSAL  
Fellowship Hall &  
KITCHEN

## Merit Mechanical Inc.

P.O. Box 2109 • 9630 153rd Ave. N.E., Space B1 • Redmond, Washington 98073-2109  
(425) 883-9224 • FAX (425) 867-0962 • WA Lic. # MERITMI163CM • OR Lic. # 0121242

[www.meritmechanical.com](http://www.meritmechanical.com)

December 30, 2009

Southside Church of Christ  
2200 59<sup>th</sup> Ave. South.  
Seattle, WA

Phone: 253-631-7545  
Fax:

ATTN: Herman Snoddy  
SUBJECT: SOUTHSIDE CHURCH OF CHRIST-SEATTLE, WA

The following is a proposal for the completion of the existing HVAC system for the above- mentioned project.

### HVAC

- Complete ductwork for RTU 9, 12, 13 and relief systems
- Duct insulation (Installation by owner)
- Finish the control wiring (Including thermostats)
- Supervision
- One year warranty on our work
- Permit

Total estimate to finish is \$18,221.00 plus \$1,804.00 in taxes = \$20,024.00 (Excluding kitchen hood, exhaust fan, fire suppression and diffusers)

Estimate for diffusers is \$1,684.00 plus \$167.00 tax= \$1,850.00 by direct purchase

Estimate for the kitchen hood, exhaust fan and fire suppression is \$11,049.00 plus \$1,094.00 tax =  
\$12,143.00 Installation in base price.

Total to Complete HVAC and Kitchen including diffusers is \$34,017.00

**NOTE: Due to the market fluctuations in the cost of copper, black pipe, and sheet metal, Merit will guarantee this proposal for no more than 30 days. The above prices do not include Washington State Sales Tax.**

### HVAC EXCLUSIONS:

Fire stopping; Electrical conduit, disconnects, starters, Concrete cutting, coring, patching, forming, rebar, breakout or replacement; Carpentry: framing, forming, cutting, sheeting, patching, penetrations of walls, floors or roofs; Structural or acoustical engineering; Structural reinforcement; Architectural access doors; Interlocks, tests, permits or fees associated with fire or life safety alarms; Temporary heating; Fire sprinklers; Control components; smoke detectors; Roofing;

PROPOSED BY: **Jerome E. Shaw – Senior Estimator**  
MERIT MECHANICAL



*Merit Mechanical has been nationally recognized by Associated Builders and Contractors as an Accredited Quality Contractor for its commitments to safety, training, employee benefits and community relations.*

Appendix B



ST. 2

## Merit Mechanical Inc.

P.O. Box 2109 • 9630 153rd Ave. N.E., Space B1 • Redmond, Washington 98073-2109  
(425) 883-9224 or 232-6560 • FAX (425) 867-0962 • WA Lic. # MERITMI163CM • OR Lic. #01242

March 21, 2011

Prosecutors Office  
516 3<sup>rd</sup> Ave, Suite W554  
Seattle, WA 98104

RE: Southside Church of Christ - 12200 59<sup>th</sup> Ave South-Seattle, WA

**ATTENTION: Anthony May**

Project description;

Merit Mechanical was contacted by Herman Snoddy (May of 2009) who was representing the church to price out the completion of the mechanical installation that had not been finished. We were given the original plans and asked to review the existing work to date and price the remainder of the work.

Upon our site visit, we noticed that all of the existing rectangular ductwork was undersized. The previous contractor had installed the sound liner without increasing the duct size. Note 10 on sheet M1.01 and the corresponding note under HVAC symbols, states that duct size is Clear inside dimension. We brought this to Herman's attention and we were asked to include the correction of this work in our proposal.

We also found sound lined ductwork on the roof had never been installed and was water damaged due to being left outdoors over the winter and needed to be replaced. This ductwork was also undersized as stated earlier.

There was also equipment that needed to be repaired as it was left open to the environment over the winter. There was also some refrigeration piping that also needed completion and repairs due to improper installation.

We provided a proposal for \$131,000.00 to finish the work on all systems other than units 9, 12 13 and the corresponding relief for the social hall. The proposal was for a Time and Material basis per their request to help keep the cost down. The budget for the work on 9, 12 13 and relief was another \$18,221.00 excluding any of the kitchen work inside of the building.

We performed the work on the original portion including repairs to the existing equipment and added refrigeration piping in the amount of \$138,009.00.

**If you need any further information please contact me.**

**Sincerely: Jerome E. Shaw – Senior Estimator**



att. 3

Dear Judge Craighead,

My name is Danny Nanez. I worked with Mr. Fletcher several years ago on the South Side Church of Christ job. I currently live in Texas and am unavailable for the hearing on Wednesday. I was present during one inspection of the Church. The 1<sup>st</sup> and 2<sup>nd</sup> floors were complete, but the roof still had work done. To my knowledge the 1<sup>st</sup> and 2<sup>nd</sup> floor work was completed. Please let me know if you have any other questions.

Sincerely,

Danny Nanez  
325-668-8958

## Notary

Before me, DANNY NANEZ Has appeared and has shown proper identification as to the signatory below.

As a notary for the state of Washington, DANNY NANEZ has come before me and has signed this document.

Danny Nanez / / 11  
(Signature)

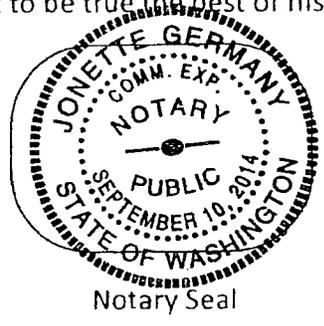
STATE OF: Washington

County Of: King

Forgoing affiant and subscribed the same and that he/she knows it to be true the best of his or her knowledge, information and belief.

My commission expires: 9-10-14

Jonette Germany  
Notary Public



**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON  
DIVISION ONE**

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STATE OF WASHINGTON	)	
	)	
Respondent,	)	
	)	
v.	)	COA NO. 67647-4-1
	)	
TERRY FLETCHER,	)	
	)	
Appellant.	)	

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**DECLARATION OF SERVICE**

I, PATRICK MAYOVSKY, DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOLLOWING IS TRUE AND CORRECT:

THAT ON THE 16<sup>TH</sup> DAY OF FEBRUARY, 2012, I CAUSED A TRUE AND CORRECT COPY OF THE **BRIEF OF APPELLANT** TO BE SERVED ON THE PARTY / PARTIES DESIGNATED BELOW BY DEPOSITING SAID DOCUMENT IN THE UNITED STATES MAIL.

[X] TERRY FLETCHER  
12235 SE 199<sup>TH</sup> STREET  
KENT, WA 98031

**SIGNED** IN SEATTLE WASHINGTON, THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2012.

x *Patrick Mayovsky*

**FILED  
COURT OF APPEALS DIV 1  
STATE OF WASHINGTON  
2012 FEB 16 PM 4:10**