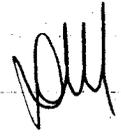


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NOV 17 2015



Court of Appeals No. 34882-9-II

WM. DICKSON CO., a Washington Corporation

Appellant

v.

THOMAS and JOANNE URQUHART,
Husband and Wife,

Respondents

APPEAL FROM THE SUPERIOR COURT
FOR PIERCE COUNTY
HONORABLE VICKI L. HOGAN

BRIEF OF RESPONDENTS

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I. ISSUE PERTAINING TO ASSIGNMENTS OF ERROR

The issue in this case is whether the trial court erred in finding and concluding that the appellant Wm. Dickson Co. (hereinafter “Dickson”), may not use the private road known as 46th Street East for access to approximately fifty acres of industrial property that Dickson owns east of Swan Creek and west of Waller Road in unincorporated Pierce County.

II. STATEMENT OF THE CASE

For many years, Wm. Dickson Co. (hereinafter “Dickson”), Tucci and Sons, Woodworth & Company (hereinafter “Woodworth”) and Pierce County have mined gravel and other rock on lands lying east of Swan Creek, south of the Puyallup River, and west of Waller Road in unincorporated Pierce County. The Dickson, Tucci and Sons, Woodworth and Pierce County lands are generally located as shown on Exhibit 38. The Dickson, Tucci and Sons, Woodworth and Pierce County lands, together with the lands owned by the Respondents, Thomas and Joanne Urquhart (hereinafter “Urquhart”), and the private roadway at issue in this case are located as shown on the topographical map that was admitted into evidence as Exhibit 13. A copy of that topographical map, with color coding added,

is attached to this brief as Appendix A.

Access to the Dickson, Woodworth and Pierce County quarries from Waller Road has, over the years, been by way of a public street, 48th Street East. The entrance to the Dickson quarry from 48th Street East is shown in photographs admitted into evidence as Exhibit 34. R.P. Vol. 2, page 157, lines 10-14. The roadway at issue in this case is shown in the photographs admitted into evidence as Exhibits 1,2,3 and 36.

In the 1960s, Dickson and Woodworth each owned twenty acres of property at the site. R.P. Vol. 1, page 7, line 11. In about 1977, Dickson acquired the southwesterly five acres of Woodworth property. R.P. Vol. 1, page 7, lines 15-17. That five acre parcel is outlined in orange on Appendix A. In 1995, Dickson acquired the balance of the Woodworth property. Ex. 42; R.P. Vol. 1, page 10, lines 16-25. That fifteen acre property is outlined in blue on Appendix A. In 2004, Dickson acquired the last piece of Woodworth property at the site – a 20 foot wide strip of land that provided access to the Woodworth quarry from 48th Street East. Exhibit 43. The location of that 20 foot wide strip of land is highlighted in green on Appendix A.

The private roadway that is at issue in this case is located entirely

upon a parcel of property, approximately six acres in size that Dickson purchased in 1978. That property lies south of the View Rim Estates residential subdivision and east of what was at that time the Woodworth gravel pit. That property (hereinafter "the subject property") is outlined in pink on Appendix A. There were two homes on the subject property. After purchasing the property Dickson recorded a deed in which it named itself both the grantor and the grantee. Exhibit 14. A copy of that deed is attached hereto as Appendix B. The deed legally describes the roadway that is at issue in this case.

In 1979, Dickson subdivided the subject property into four lots, now known as Lots 1, 2, 3 and 4 of Short Plat #79-563. Exhibits 15, 22 and 23. A copy of the filed short plat is attached hereto as Appendix C. In 1979 and 1980, Dickson sold Lots 2 and 3 to a third party and sold Lot 1 to Urquhart. Exhibit 16. Urquhart has lived in the home on Lot 1 continuously since 1979. R.P. Vol. 2, page 132, lines 22-25. In 1986, Urquhart purchased Lot 2 from the person who had purchased that lot from Dickson. Exhibit 18. Lot 2 is unimproved. Dickson retained ownership of Lot 4, which has remained vacant over the years.

Access to the four lots in Short Plat #79-563 is by way of a 60 foot

wide private road easement from Waller Road. The easement is 375 feet long. The easement extends from Waller Road to the east side of Lot 4. There is a roadway on the easement. The roadway is approximately 12 feet wide. Approximately 250 feet of roadway is paved. The roadway ends on the east side of Lot 4. Finding of Fact No. 8. The roadway is known as 46th Street East. Exhibit 13.

At this time, the primary use of the Dickson industrial property is for inert storage. On an average day, 60 to 200 heavy trucks come and go to the Dickson property over East 48th Street. R.P. Vol. 2, page 201, line 24, to page 202, line 8. About ninety percent of this traffic is trucks and trailers dumping dirt, concrete, glass and brick at the site. About ten percent of this traffic represents trucks and trailers hauling gravel, crushed concrete or crushed rock from the site. R.P. Vol. 2, page 202, lines 9 to 17. Eventually, when the property is filled, it will be put to some other use. That is why Dickson would like to be able to use 46th Street East as additional access to its industrial property. R.P. Vol. 2, page 204, lines 4-16.

In 2004, Dickson brought suit against Urquhart alleging, among other things, that Urquhart was wrongfully obstructing the easement. C.P.

1; C.P. 35. Urquhart counterclaimed for declaratory and injunctive relief. C.P. 28. The case went to trial without a jury on March 6 and 7, 2006. The court heard testimony from five witnesses and considered forty four exhibits. The court rendered a decision on March 14, 2006. The court found and concluded that the private road easement shown on the short plat is for the exclusive use and enjoyment of owners of Lots 1-4 and cannot be used for access to the Dickson gravel pit properties. C.P. 58. This appeal followed. C.P. 61.

III. ARGUMENT

A. Findings of Fact 6 and 10 Are Supported By Substantial Evidence.

Findings of fact supported by substantial evidence will not be disturbed on appeal. Thorndike v. Hesperian Orchards, Inc., 54 Wn.2d 570, 575, 343 P.2d 183 (1959). Substantial evidence is present if the record contains evidence sufficient to persuade a fair minded, rational person of the truth of the finding. Bering v. Share, 106 Wn.2d 212, 220, 721 P.2d 918 (1986).

At issue in this case is whether substantial evidence supports the trial court's findings of fact 6 and 10. Findings of Fact 6 and 10 read as

follows:

“The property that is now Lots 1 through 4 of Short Plat No. 79-563 was not intended at the time of purchase to provide access to the gravel pit. On the contrary, the property was acquired as a buffer to separate residential development in the area from the noise and dust of the gravel pit.”

“The private road easement shown on Short Plat 79-563 is for the exclusive use and enjoyment of owners of lots within the short plat.”

The substantial evidence that supports Findings of Fact 6 and 10 is summarized below.

1. The Deed (Exhibit 14) and Short Plat No. 79-653 (Exhibit 15) Are Consistent With The Court's Findings.

Dickson argues at pages 10, 11 and 12 of its brief that the deed dated September 14, 1979 (Appendix B to this brief) and the filed short plat (Appendix C to this brief) give it the right to access the industrial lands that it now owns, including the 15 acres of gravel pit that it acquired from Woodworth in 1995, from Waller Road over 46th Street East. There is no merit to that argument.

a. The Dickson Deed (Appendix B hereto)

The grantor and the grantee of the Dickson deed are identical. One

cannot have an easement in his own property. *See* Coast Storage Co. v. Schwartz, 55 Wn. 2d 848, 853, 351 P.2d 520 (1960); Radovich v. Nuzhat, 104 Wn. App. 800, 805, 16 P.3d 687 (2001); Schlager v. Bellport, 118 Wn. App. 536, 542, 76 P.3d 778 (2003). For that reason, the deed is probably a nullity. Notwithstanding its probable invalidity as a conveyance of an interest in land, the Dickson deed provides no basis for saying that there is access to the industrial lands over 46th Street East. If you trace the “private road” legally described in the Dickson deed it extends only about 390 feet west of Waller Road. It stops some 390 feet east of the east line of what was at that time Woodworth property. If the private road described in the Dickson deed had been intended to provide access across Lot 4 to the gravel pit then owned by Woodworth it would have extended approximately 780 feet from Waller Road to the east edge of the Woodworth property.

b. Short Plat. No. 79-563 (Appendix C hereto)

As appears on the face of Short Plat No. 79-563 access to its four lots is by way of a 60 foot wide private road easement from Waller Road East. The easement is 375 feet long. The easement extends from Waller Road East to the east side of Lot 4. The easement shown on the short plat does not extend across Lot 4. There is nothing on the face of the short plat

to suggest that the private road easement created by the short plat provides access from Waller Road to any property other than the four properties in the short plat, much less that it provides access to an additional fifty acres of industrial property.

2. Dickson Did Not Acquire the Industrial Property Adjacent To Lot 4 Until 1995

In 1978 and 1979, when Dickson acquired, subdivided and then resold portions of the subject property, Woodworth, not Dickson, owned the land to the west of the subject property. R.P. Vol. 2, page 68, lines 16-22. Dickson did not acquire that land from Woodworth until 1995. Exhibit 43. In 1979, the Dickson gravel pit properties could not have been accessed over the subject property.

3. 46th Street is a “Dead End.”

William Dickson, the President of Dickson, testified on cross examination as follows:

“Q. (Continuing by Mr. Larson) Mr. Dickson, let me show you a drawing. I guess it’s a topographical map that was introduced into evidence yesterday as Plaintiff’s Exhibit No. 13. Do you recognize that?

A. Yes.

Q. And where did that map come from?

A. I think that it was made by me.

Q. Okay. There is handwriting on this map. Is some of it yours?

A. Yes.

Q. Is this something that you kept in your office over the years?

A. Yes.

Q. And you have identified various parcels of property that have been acquired at various times?

A. Uh-huh.

Q. And then at some more recent point in time, was this all shaded to show the extent of the ownership?

A. Yes.

Q. And the various things that are written in on this exhibit, the notes that have been made, were they made many years ago?

A. Some of them, and some of them later.

Q. Okay. Now, for example, over here it says 46th Street East, just along the right-hand side down here. It says 46th Street East. Is that your handwriting?

A. Yes.

Q. And when would that entry have been made?

A. I don't remember. Years ago, I guess.

Q. Okay. And then do you see what is written right next to it?

A. Dead-end, yes, uh-huh.

Q. And so it shows on this exhibit in your handwriting that that road called 46th Street East dead-ends east of Lot 4 of the short plat?

A. Well, that is on the map that I drew this off from, and photographed it and the road is not dead-end. It went right up into our property, and we purchased the Carlton property here in 1976, and the other, I think, the Urquharts in '78. and so we didn't need to get clear to the Woodworth property. Our property was right here, almost at the end of this road that we graveled up here.

Q. Okay.

A. So we could turn right here and we are on our property.

Q. But there is where the gravel portion of the road stops, isn't it?

A. No, it isn't. It always extended more farther,

and it only needed to come to this corner and we are on our property. We did not need to go clear to Woodworth.” R.P. Vol. II, page 105, line 17, to page 107, line 15.

The fact that Dickson, over the years, characterized 46th Street East as a “dead end” is compelling evidence that Dickson never intended to use 46th Street East for access to its industrial property.

4. Lot 4 Is A Buffer.

Thomas Urquhart testified on direct examination as follows:

“Q. Now, at any point in time, did you make an effort to purchase some of Lot 4 from the Dickson Company?”

A. Yes, on at least three different occasions, probably right around the time that we purchased Lot 2, in those years, the middle ‘80s, I made a phone call to Bill Dickson asking if he would be interested in selling any portion of his lot behind us, and I also did it on two other occasions, probably every ten years or so, because we were using it already and I really wanted it. But whenever I talked to bill about it, he immediately said no, that that property was purchased as a buffer and that his sons would never let him sell any of it, and the conversation never got very far. I mean, we never got to discuss were you interested in buying and how much or anything like that. It was no, not at all, and we were – it was cordial and polite, and I simply said, well, if you ever change your mind, we’re interested. And every ten years or so, I’d call back and see if he changed his mind, and he never did, ant that’s the way it was.” R. P. Vol. 2, page 147, line 7, to page 148, line 2.

This testimony was not contradicted. If Lot 4 was acquired as a buffer,

then it is unlikely that it was acquired as an alternative access to lands that Dickson did not own in 1979. Using land for heavy truck and trailer hauling would seem to be inconsistent with using it as a buffer.

5. 46th Street East Was Designed And Constructed And Has Been Used To Serve The Four Lots In The Short Plat.

Both William Dickson and his son, Richard Dickson, testified at trial that 46th Street extended across Lot 4 to the gravel pit property. R.P. Vol. 1, page 14, lines 20-25; R.P. Vol. 2, page 102, 12-23. They further testified that 46th Street had, on occasion been used for hauling. R.P. Vol. 2, page 86, lines 13-25.

With regard to the existence of a road across Lot 4, Thomas Urquhart testified regarding Exhibits 1 and 2 as follows:

“Q. And you were here in court this morning when Mr. Dickson was testifying about an existence of a road?

A. Yes.

Q. Has there ever been any road that extends to the west of this graveled area shown in the photograph?

A. I was never aware of a road that went beyond the – the road came up to the west and by the house on Lot 3 and in this area here. Mike had brought some crushed rock in and kind of created a big gravel driveway right there, and beyond that, I never recall any roadway nor do I see in this photograph what would appear to be a roadway heading further to the west.” R.P. Vol. 2, page 148, line 13, to page 149, line 1.

Mr. Urquhart and other members of his family testified that they had never seen or heard heavy trucks use the road. R.P. Vol. 2, page 186, lines 21-25; R.P. Vol. 2 page 192, line 14-18; R.P. Vol. 2 page 139, lines 13-16.

The trial court did not believe the Dickson testimony regarding the design and usage of the road. Finding of Fact 8 reads as follows:

“Access to the four lots in Short Plat #79-563 is by way of a 60 foot wide private road easement from Waller Road East. The easement is 375 feet long. The easement extends from Waller Road East to the east side of Lot 4. There is a roadway on the easement. The roadway is approximately 12 feet wide. Approximately 250 feet of roadway is paved. The easement and the roadway end on the east side of Lot 4. The easement was created for ingress, egress and utilities from Waller road to the four lots in the short plat.” (Emphasis added)

No error has been assigned to Finding of Fact No. 8. That finding is a verity on appeal.

B. The Dickson Testimony That The Easement Road Was Intended To Provide Access To The Dickson and Woodworth Industrial Properties Was Not Believed.

Richard Dickson testified on direct examination as follows:

“Q. Okay. Okay. So the – you refer to the Woempner parcel, right?

A. right.

Q. Let’s talk about that one in detail. When did you buy that and why?

A. 1979, give or take. Two reasons. Number one, it

gave us a second access to the pit. Being so big, at 50 acres, we wanted more than just one way to get in, and then the second reason was it was already – well, the second reason was three acres right adjacent to Carlton and the Woodworths, and so that way it was a buffer too and it made more area to mine, and also kept the neighbors farther away.” R.P. Vol. I, page 11, line 17, to page 12, line 4.

William Dickson testified on direct examination as follows:

“Q. And when you created that road, what did you intend that road would be used for?

A. For truck and trailer entrance and car entrance to get up to our fill site and into our gravel pit. And also in the future if we filled our property and decided to sell it, it would be another access for people to use without driving clear to 48th, and coming back. They would be able to go up there on what would be 46th Street and get into their property.” R.P. Vol. II, page 92, lines 2 through 10.”

The court addressed the credibility of the Dickson testimony quoted above in Finding of Fact 11. That Finding of Fact reads as follows:

“In making findings # 6 and #10 the court discerned the party’s intent from more than the in-court testimony about what Dickson wants the road or easement to be today. Dickson’s use since the road and easement were created does not support the proposition that the road and the creation of the easement were acquired as a secondary access for the gravel pit. Rather, the historical use to date is consistent with the testimony that Lot 4 was a buffer for the homeowners from the noise and dust of the gravel pit. This is also consistent with the use by Dickson of the 20-foot wide access to the gravel pit across parcel No. 0320144-024. It is also consistent

with the fact that only a portion of the easement road was paved in 1979 and with the fact that on the Dickson historical map/drawing of their land acquisitions over the years the 60 foot easement is identified as a 'dead end.'" Finding of Fact 11.

Finding of Fact 11 is unambiguous. The trial court found the testimony of Richard Dickson and William Dickson lacked credibility and gave it little weight.

1. A Trial Court Judges the Credibility of Witnesses.

It is an established principle of appellate review that “ the trial court, having had the opportunity to see and hear the witnesses, is far more competent to evaluate their testimony and come to a correct conclusion than is an appellate court, which has only a printed record to consult.” Feak v. Lacamas Valley Ranch, 34 Wn.2d 798, 808, 210 P.2d 133 (1949). As the Washington Supreme court has said:

“The trial court expressly found Fisher’s witnesses credible and Arden’s witnesses not credible. The trial court was in a better position to evaluate the credibility of witnesses and we will not substitute our judgment for that of the trial court in reviewing findings of fact.” Fisher Properties v. Arden-Mayfair, 115 Wn. 2d 364, 369-70, 798 P.2d 799 (1990).

On pages 19 through 21 of the Brief of the Appellant, Dickson argues that there are alternative explanations for the evidence cited by the

court in Finding No. 11. That evidence may be interpreted differently is not conclusive that the trial court's findings are in error. Even if more than one reasonable interpretation of the evidence exists, the evidence is substantial if it reasonably supports the court's finding. See Rae v. Konopaski, 2 Wn. App. 92, 95, 467 P.2d 375 (1970).

Dickson argues at page 15 of its brief that because William Dickson was the only individual involved in acquiring the land that became Short Plat No. 79-563 the court must give his testimony great weight. There is no rule that the court must ever accept self-serving testimony as truthful. On the contrary, circumstantial evidence is entitled to as much weight as direct evidence. Rogers Potato Service, LLC v. Countrywide Potato, LLC, 152 Wn.2d 387, 391, 97 P.3d 745 (2004).

2. The Kingwell and Shultes Cases Are Not in Point.

At page 10 of the Brief of Appellant Dickson claims that "the appellate court has a duty of determining for itself the proper conclusions to be drawn from the evidence. Kingwell v. Hart, 45 Wn.2d 401, 404-05, 275 P.2d 431 (1954) (citing Shultes v. Halpin, 33 Wn.2d 294, 306, 205 P.2d 1201 (1949))." The process referred to in Kingwell and Shultes is inapplicable to the case at hand. As described in Schultes this duty only

arises “in a case where there is no substantial dispute as to the facts and no question as to the credibility of witnesses or the weight to be given to their testimony, [and] where the sole question on appeal concerns the proper conclusion to be drawn from practically undisputed evidence....” Schultes at 306. This case, as opposed to Kingwell and Schultes, involved two days of conflicting in court testimony for the trier of fact to interpret regarding the credibility of witnesses and the weight to be given to their respective testimony. *See also* Roeder Co. v. K&E Moving, 102 Wn. App. 49, 52, 4 P.3d 839 (2000).

C. The Court Should Disregard Footnote 3, Pages 11 and 12, Brief of Appellant.

In footnote 3 at pages 11 and 12 of its Brief, Dickson raises a new argument that it did not address to the trial court. The court should not consider that argument (and Urquhart does not respond to it in this brief). In the first place, the general rule is that issues not raised in the trial court may not be raised for the first time on appeal. See RAP 2.5(a). In the second place, an appellant court will only review a claimed error which is included in an assignment of error or clearly disclosed in the associated issue pertaining thereto. RAP 10.3(g). That is not the case here.

D. The Easement Of Record That Benefits Lot 4 Of Short Plat No. 79-563 Cannot, As A Matter of Law, Be Extended Across Lot 4 To
16

Serve The Industrial Property That Dickson Now Owns.

It is black letter law in Washington that an easement that benefits a given parcel of land may not be used to serve any other parcel. Brown v. Voss, 105 Wn.2d 366, 715 P.2d 514 (1986). The Brown case is discussed in Stoebuck and Weaver, Real Estate: Property Law (Second Edition; 2004 West) Volume 17 of the Washington Practice Series, pages 111-112 as follows:

“It is supposedly a flat rule that an easement that is appurtenant to a given parcel of land may not be used to serve any other parcel. Washington’s 1986 decision in *Brown v. Voss* is one of a small group of American decisions squarely on the issue. The owners of parcel B held a driveway easement across parcel A to reach a public way; so, the easement was appurtenant to parcel B. After they acquired parcel C, which abutted parcel B on the side opposite parcel A, they prepared to place a home astride the B-C boundary and to use the easement to serve that home. Thus, usage of the easement would serve parcel C as well as the dominant parcel, parcel B. The state supreme court announced the rule, that it was wrongful to use the easement in any part to serve parcel C.”

The easement shown on Short Plat No. 79-563 “was created for ingress, egress and utilities from Waller Road to the four lots in the short plat.” Finding of Fact No. 8. In accordance with Brown v. Voss, that easement cannot be used to serve other property.

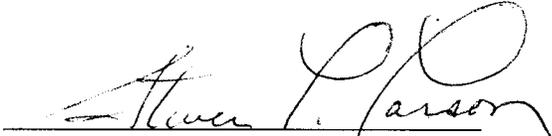
E. Injunctive Relief Was Appropriate.

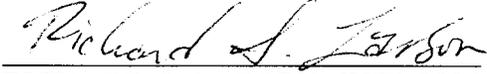
Dickson concedes in its brief at pages 21 and 22 that if the trial court's findings of fact are supported by substantial evidence the trial court's conclusions of law necessarily follow and its judgment and decree should be affirmed.

V. CONCLUSION

For the reasons set forth hereinabove, the Respondents submit that the trial court should be affirmed.

November 27, 2006.


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(253) 272-5101

2942447

Statutory Warranty Deed

2942447

RECORDED

79 SEP 14 PM 12:01

RECORDER & CLERK
PEIRCE COUNTY WASH.
DEPUTY

WASHINGTON
TITLE INSURANCE
COMPANY

SEATTLE, WASHINGTON

Mail to: Lige Dickson Co.
3215 1st St. S.
Seattle, WA 98109

Send Tax Statement to

3-

FORM L58

Statutory Warranty Deed

THE GRANTOR LIGE DICKSON COMPANY

for and in consideration of TEN (10) DOLLARS

in hand paid conveys and warrants to LIGE DICKSON COMPANY

the following described real estate, situated in the County of PEIRCE, State of Washington

A private road for ingress, egress and Utilities located in the Southwest quarter of Section 14, Twn. 20 N, Rng. 3E, W.M., more particularly described as follows:

Commencing at the center of Section 14, Twn. 20 N, Rng. 3E, W.M.; thence S 02°38'18"W, along said center of Section line, 1986.42 feet; thence S 89°44'40"E, 385.00 feet to the True Point of Beginning; thence continuing S 89°44'40"E, 399.45 feet to the Westerly right-of-way line of County road known as Waller Road; thence Northwesterly along said right-of-way line to Waller road 61.98 feet; thence N 89°44'40"W, 381.39 feet; thence S 02°38'18"W, 60.05 feet to the True Point of Beginning.

EXCISE TAX PAID \$ None
REC. NO. 003718 DATE 9-14-79
Lige Dickson Co. Treas.
Wm. B. Dickson DEPUTY

Dated this 14th day of SEPTEMBER 1979

Wm. B. Dickson (SEAL)
President, Lige Dickson Co.

.....(SEAL)

STATE OF WASHINGTON, }
County of THURSTON } ss.

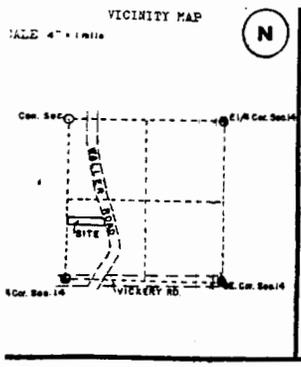
On this day personally appeared before me WILLIAM DICKSON

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that HE signed the same as HIS free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 14th day of SEPTEMBER 1979

Appendix B

Richard K. Larson
Notary Public in and for the State of Washington,
residing at OLYMPIA



This Short Plat is made with the free consent and approval with the desires of the Owner(s).
Use District 2
By Thomas J. ...
PA's.

ACKNOWLEDGMENT
 STATE OF WASHINGTON, ss
 COUNTY OF PIERCE, ss

Signed and sealed before me, the undersigned, this 27 day of March, 1979, as his free and voluntary act and deed for short plat purposes.

Witness my hand and seal to day and year first above written.

Amelia C. Green
 REALTY PUBLIC, IN AND FOR THE STATE OF WASHINGTON

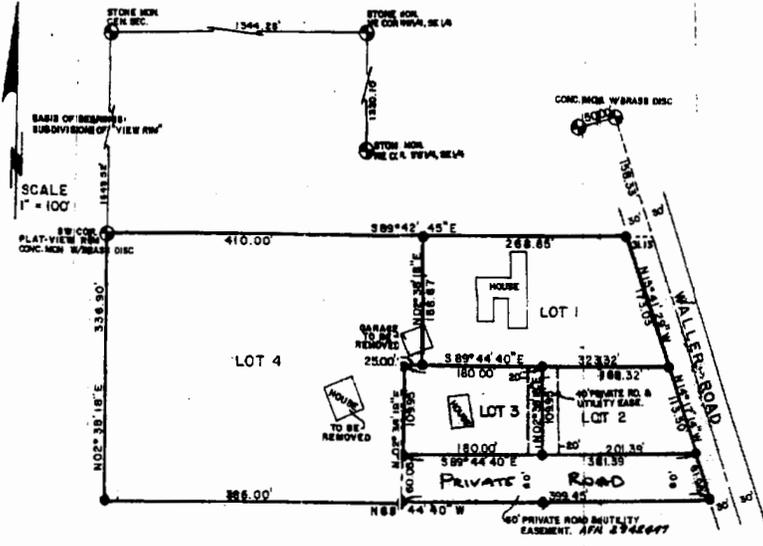
PIERCE CO. SHORT PLAT NO. 74863

A PORTION SECTION 14 TWP. 20 N RANGE 3 E

ORIGINAL TRACT
 ASSessor's PARCEL NO(S) 93-20-14-4-010
03-20-14-4-021

NOTICE
 IT IS ILLEGAL TO FURTHER DIVIDIS SHORT PLATTED LOT(S) NO. 1, 2, 3 & 4 DESCRIBED BELOW FOR A PERIOD OF FIVE (5) YEARS FROM THE DATE OF RECORDING OF THIS MAP WITH THE COUNTY AUDITOR.

FUTURE PERMITS
 THE APPROVAL OF THIS SHORT PLAT IS NOT A GUARANTEE THAT FUTURE PERMITS WILL BE GRANTED.



DESCRIPTION:
 THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3, TOGETHER WITH THE PART OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 20 NORTH, RANGE 3, LYING WEST OF THE WALLER COUNTY ROAD.

LEGEND:
 MONUMENT, AS SHOWN.
 CORNER SET, 12" X 2" BAR OR PLASTIC CAP.

- 1) ALL ROADS ARE PRIVATE EAST FROM WALLER ROAD.
- 2) ACCESS TO LOTS 1, 2, 3 & 4 SHALL BE BY WAY OF THE PRIVATE ROAD EXTENDING INTO THE ENTRANCE OF SIMONS DRIVE. THE PRIVATE ROAD EXTENSION INTO THE ENTRANCE OF SIMONS DRIVE IS BEING CONSTRUCTED IN ACCORDANCE WITH PIERCE COUNTY APPROACH CONTROL REGULATIONS.
- 3) ALL LOT OWNERSHIPS SHALL INCLUDE THEIR ADJOINING PORT OF PROPERTY FOR THE PRIVATE ROAD EASEMENT AS SHOWN ON PLAT. SAID DEVELOPER AND/OR ADJOINING LANDOWNERS AND SUCCESSORS SHALL BEAR THE EXPENSE OF CONSTRUCTING AND IMPROVING ALL PRIVATE ROADS AND EASEMENTS ON THIS PLAT. BE CONSIDERATION OF ANY PROPOSAL TO DEDICATE SUCH ROADS PIERCE COUNTY SUCH ROADS MUST MEET THE STANDARDS OF PIERCE COUNTY.

Surveyor's Certificate
 I, the undersigned, being duly sworn, do hereby certify that the foregoing plat was prepared by me or under my direct supervision and that the same is a true and correct copy of the original plat on file in my office.

Alan J. ...
 Surveyor

ALAN J. ...
 Registered Professional Land Surveyor
 License No. 10570

Appendix C

