

N. 48078-6-II

COURT OF APPEALS < DIVISION II  
OF THE STATE OF WASHINGTON

(Thurston County Superior  
Court No. 13-2-01585-9)

FILED  
COURT OF APPEALS  
DIVISION II  
2016 SEP 23 AM 11:33  
STATE OF WASHINGTON  
BY  DEPUTY

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MILO D. BURROUGHS, Appellant (Plaintiff)

v.

WESTERN AIRPARK ASSOCIATION, Respondent (Defendant)

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BRIEF OF APPELLANT

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Milo D. Burroughs  
Appellant  
11244 Aero Ln SE  
Yelm, WA 98597  
Bmb2002@fairpoint.net

## INTRODUCTION

We are in receipt of appeal from Leslie C. Clark No. 36164, Phillips Burgess PLLC. Who is having difficulty with our meritless appeal?

1. We do not know who Ms. Clark is? The record is absent any statement of fact that she represents the HOA involved. Under the federal rules absent a formal announcement you are not authorized to represent the HOA.

2. This appeal was filed under 13-2-0158-9 on 7/28/2015 in accordance with the federal standard for an appeal on the written record consisting of 3 copies plus one original.

3. Upon receipt of our appeal by the HOA and the Court of Appeals on 7/28/2015 the federal rules require an answer within 30 days.

4. Neither party responded within the 30 day timeframe and absent a showing of a good cause the HOA is without standing to continue now. 5 CFR 1202.22(b)

## CONCLUSION

For more than 3 years the appellant established an appeal on the written record under administrative federal rules with not one protest from the Court's (Superior/Appeal). Indeed, there is absolutely **NO MENTION** in the record established by the HOA or the Courts of that fact.

## RELIEF SOUGHT

Per Substitute brief #3 pages 5 & 6.

## SUBSTITUTE BRIEF #3 WRITTEN RECORD ENCLOSED

The written record enclosed as referred herein must accompany this brief before the Court.

Respectfully Submitted,

*Milo D. Burroughs*  
7/5/11

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Certificate of mailing/FAX  
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Cc; As before