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COURT OF APPEALS  
DIVISION III  
STATE OF WASHINGTON  
By \_\_\_\_\_

No. 283348

COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION III

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STATE OF WASHINGTON.

Respondent,

v.

LANA T. FRAZIER-TURNER and JAMES R. LEE JR.

Appellants

v.

JAMES R. LEE SR., and MICHAEL J. LONGYEAR, COURT  
APPOINTED GUARDIAN FOR MITZI L.H. LEE

Respondent

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YAKIMA COUNTY SUPERIOR COURT CAUSE NO. 082038687  
THE HONORABLE BLAINE G. GIBSON  
Presiding at the Trial Court.

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APPELLANT'S (SUPPLEMENTAL REPLY BRIEF) TO MICHAEL  
LONGYEAR COURT APPOINTED GUARDIAN FOR MITZI LEE

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## **I. INTRODUCTORY STATEMENT**

Appellants entered into and completed a legal and binding Settlement Agreement contract with the Washington State Attorney General and the Washington State Department of Transportation May 15, 2009. This was an eminent action initiated upon Petition for Appropriation under State Statute RCW 8.04.010 by authority granted by The United States Constitution and the 5<sup>th</sup> Amendment which guarantees that private property will not be taken without first payment of fair and just compensation to the owners.

## **II. ARGUMENT**

Appellants James R. Lee Jr and Lana T. Frazier-Turner Appellant's are adjudicated legal owners ruled as such under the Condemnation Petition and acknowledged as such at all stages of negotiation throughout the proceeding legally adjudicated by the Yakima Superior Court. From the order and hearing adjudicating public use and necessity pursuant to RCW 8.04.070 relating to all parties having interest in the properties, adjudicated according to law and also in the same Yakima Superior Court before the same judge who also adjudicated the condemnation final actions pursuant to RCW 8.25.290, and the Decree of

Appropriation and recording under RCW 8.04.120. The basis of the Appellants record ownership and party status at all stages was the legal transfer of property through quitclaim deeds by Mitzi Lee, appellants mother completely independent of the condemnation action January 15, 2008 and recorded June 16, 2008. There were no legal issues. The Condemnation proceeding was initiated with full knowledge of all parties to that fact. It is clearly stated in the WSDOT letter to the parties including appellants as owners and in all initiating paperwork. Neither WSDOT nor The Attorney General intended to list the previous owner Mitzi Lee as a party pursuant to RCW 8.04.010. (This is evidenced in the June 23, 2008 WSDOT letter listed as Exhibit E in Appellants Opposition to Respondent Longyear leave to File a Response Brief). Mitzi Lee did not intend to be a party. A hearing pursuant to RCW 8.04.010 to amend the Condemnation petition was held as well presided over by the judge in the Yakima Superior Court. Mitzi Lee was not added by adjudication of the court. She never intended to be.

At the end of the months and months of court appearances, proceedings and negotiations including mediation, involving appellants and all other parties appellants were illegally “voided” as parties to the action and deprived of their property and their compensation in spite of the Settlement Agreement contract signed with The State Attorney General representing WSDOT and appellants as legal adjudicated parties. This was after the voluntary signing of the Settlement Agreement by all

parties and adjudicated by the judge upon a Decree of Appropriation. The terms of the legal and binding contract was missing the essential element of performance.

The reason was voiding of appellants deeds in an after the fact “trial” on issues that did not need to be decided. Appellants believe this action to be an error along with many of the others appellants have identified in their Opening Brief.

Appellants believe that the integrity of the contract and the entire action following the signing of the contract was illegal and in violation of the terms of the contract according to law. By voiding of the deed the judge would actually prevent title from being able to be legally transferred to WSDOT by appellants pursuant to RCW 8.04.120. (Finding of Fact 3) Which stated, “On May 15, 2009, all parties stipulated to settlement of the condemnation action whereby the State of Washington was granted title to a portion of the above realty in exchange for the sum of One Hundred Seventy Thousand dollars (\$170,000). (Error 13) The trial court could not rule that Mitzi Lee was not a party then distribute a settlement (Error 14) Appellants believe their contract was illegally breached depriving Appellants of fair and just compensation pursuant to the 5<sup>th</sup> amendment. By doing so the judge could not legally distribute the settlement because the signers of the contract being the record owners had been removed. Further Appellants had signed a contract agreed upon by all of the other

parties. Respondents were estopped pursuant to RCW 8.04.094 by signing the settlement agreement of bringing up issues for a trial.

The court had already adjudicated upon the recognition of the appellants as parties and the recognition of the legality of the deeds. The judge was estopped as well by his prior rulings from making later contradictory rulings. The only necessity was to distribute funds according to property ownership. The judge contradicted his own finding of fact rulings in the first sentence of Finding of Fact 2 and 3 with regard to the unnecessary "trial" held 6/23/09-6/29/09 and the removal of Appellants as record owners and parties to the Condemnation petition and Settlement Agreement:

**Finding of Fact numbered 2 and 3 clearly state those facts as they refer to appellants. In 2, The first sentence, "The issue before the court is the distribution of money proceeds from the State of Washington's condemnation of a portion of the following real property."**

**Finding of Fact numbered 3, states "All parties to this proceeding were named Respondents in the condemnation action commenced by the State of Washington. "**

The judge, in doing so "voided" legal deeds? How is that possible when you have already adjudicated upon their legality? Appellants argue the judge is legally estopped from doing so. If permitted it would have the affect of invalidating the contract and again be in contradiction with previous rulings and the court would be authorizing a breach of contract. Appellants believe legal deeds remain legal deeds and legal contracts remain legal contracts which is why appellants have appealed. Illegal acts

cannot be ruled legal. Several Findings of Fact and Conclusions of Law which appellants listed as error were used to validate the taking of appellant's property in violation of their Constitutional rights. Where there was once a contract there was "legally" none or there was one but appellants were not included on it. Appellants argue that there were no valid legal grounds for making the findings of fact and conclusions of law appellants have listed as error. By contradiction, the judge distributed Settlement funds by his own ruling, he could not legally distribute. If the deeds were truly void, wasn't the contract?

The judge contradicted himself ruling Mitzi Lee was not a party then awarded a settlement of \$85,000 which he would not permit to be removed from the registry but done so in order to illegally divide "a community property award" on property that was not community another listed error by appellants. The judge honored the Settlement Agreement and decree of appropriation with regard to all other parties and excluded the appellants. He confiscated appellant's property and deeded Appellant's property to the state without compensation to the legally adjudicated owners being the appellants. Appellant's house was destroyed as well. The judge added Mitzi Lee, the grantor of the deeds to appellants against her wishes, then distributed a "community award" on property that was not community. Appellants would have had to deed the property to mother for this to be legal.

If appellants were indeed not parties the judge should not have recognized appellants as such from the beginning. All facts were known to the court and all other parties to the Condemnation Petition. The deeds were legal documents under seal written as required by the Statute of Frauds, acknowledged delivered and never brought into issue.

At all stages of the proceedings the court recognized and acknowledged them. The proceedings were dependent upon appellants as owners pursuant to 8.04.010.

The deed transactions were completed months prior to the condemnation petition and were never related to this court proceeding. There was no guardian in January 15, 2008 nor was there ever an expressed necessity for one. The judge authenticated the deeds by his acts and adjudicated the legal and binding rulings based upon them.

For example, the Condemnation Petition was adjudicated upon ruling public use and necessity involving the legal owners James R. Lee Jr and Lana T. Frazier-Turner January 8, 2009. This was a year after the deeds had been delivered. The deeds could not be void or illegal for this to be legally adjudicated. They were recognized by all parties as such and the appellants were recognized as legal owners of record because of them. The proceedings were commenced and authorized under Federal Law and the 5<sup>th</sup> Amendment. If the deeds were not valid appellants would not have been identified as the legal record owners pursuant to RCW 8.04.010. The judge would not have permitted the proceedings to advance or make

binding rulings. The court acknowledged the validity of the deeds and having done so it did not need to be determined further.

To arrive at a conclusion to the Eminent Domain case after the adjudication of Public Use and Necessity by the court by either 8.04.092 or pursuant to RCW 8.04.094. After orders of immediate possession and use. Both are guided by provisions under RCW 8.04.090 where a court action is pending and a continuing tender offer is deposited with the court constituting the state's offer for the property. A warrant in that amount is deposited payable to the clerk of the court into the registry where the action is pending. A copy having been filed with the office of financial management. After which and without further notice to the respondents the court enters an order granting to the state immediate possession and use of the property. The order binds the state to pay the full amount of any final judgment of compensation and damages which might later be awarded for the taking of the property and the damage. The moneys paid into court can be removed by the respondents to the petition at any time after the entry of immediate possession and use by order of the court.

Under 8.04.092 the amount paid constituting fair and just compensation is determined upon request of the respondents for a jury trial for the purpose of assessing the amount of compensation and damages. Under RCW 8.04.094 a respondent may demand a trial for the purpose of assessing just compensation and damages but it must be moved for within sixty days from the date of the entry of the order of immediate

possession and use and shall be brought to trial within one year from the date of the order “unless good and sufficient proof shall be offered and it shall appear to the court that the hearing could not have been held within said year.” In the event no such demand is made during that time frame made, the case cannot be brought to trial within the limiting period. At that point, the court, upon application of the state, shall enter a Decree of Appropriation for the amount paid into the court under the provision of RCW 8.04.090. In Appellants case, there was no jury trial requested pursuant to 8.04.092. Appellants requested no trial pursuant to 8.04.094 nor were there any requests for a trial by appellants after the Stipulated Judgment for Immediate Possession and Use and the Settlement Agreement which was signed by all of the parties. No party contested the award, all agreed and acquiesced. All are estopped by acquiescence At this point Pursuant to RCW 8.04.090 due to the state’s application for a Decree of Appropriation for the amount paid into the court under the provisions of RCW 8.04.090 being the total sum to which respondents are entitled, “such decree shall be final and non-appealable.”

The case with the state and other respondents was concluded after the voluntary signing of the Settlement Agreement being a legal and binding contract among all parties. The voluntary agreement and entered Decree of Appropriation according to RCW 8.04.090 was final and the case was concluded. The court acknowledged that fact with respect to the

contract and appellants 6/23/09 RP 3 line 18-19 and 6/23/09 RP 6 line 23-24 and 6/23/09 RP 10 line 20-23.

In addition the court was estopped by rulings previously made involving appellants and other parties the prior to and during court appearances due to the Condemnation Petition ,Public Use Necessity ruling and due to the Settlement Agreement and Decree of Appropriation. The judge by his prior adjudications, acts and rulings is collaterally estopped from making opposite rulings from the ones he previously made.

The judge cannot legally adjudicate upon the deeds throughout the proceedings then rule them void at the end. This is a completely opposite ruling. Further there was a legal contract and due to the above. The Settlement Agreement appellants concluded with the State is a legal binding contract.

The Settlement Agreement in appellant's view is unchanged as far as its legality being a legal binding contract with appellants. The judge's after the fact ruling in the "trial" on facts not in issue during the proceedings, being the Condemnation Petition and after the Settlement Agreement had already been signed.

If the legal requirement of performance under the contract with appellants had been met, there would be no problems. Because that did not happen by actions of the judge, the door to the dire consequences suffered by appellants and Mitzi Lee was opened. The finding of fact and conclusions of law with regard to the deed issues is a ruling the judge

is legally barred from making as he presided and adjudicated the previous rulings both the Condemnation Petition and the Settlement Agreement upon the legality of the deeds and the appellants as parties. By making the collaterally estopped judgments the judge abused his authority and discretion as appellants have argued.

Respondent's Opening brief at Page 1 factually states that the parties to the condemnation petition were listed on the Amended Condemnation Petition on October 31, 2008. Mitzi Lee was not identified as such. May 28, 2009 Mitzi Lee granted James R. Lee Jr and Lana t. Frazier-Turner power of attorney. On April 7, 2009 Respondent Brief at 2, acknowledges in his Motion for Summary Judgment, that his claim was in separate property (being 1414) which was inherited property. Respondent Brief at 2, further identifies (1414) as "previously owned" separate property by his wife.

On January 8, 2009, the order in the first phase of the condemnation Petition Adjudicating Public Use and necessity was entered. All parties recognized and accepted the Settlement Agreement as a legal contract. This included The Attorney General as the advisor to the government agency being Washington State Department of Transportation referred to as WSDOT.

### **III A. Reply to respondent Factual Background**

Mitzi Lee, mother of Appellants James R. Lee Jr and Lana T. Frazier-Turner is 83 Mitzi Lee has experienced emotional issues and recognizes herself that she has had them. Mitzi Lee has been hospitalized once in the past 14years she has resided in her home with Lana T. Frazier-Turner where she still resides. Mitzi Lee has never been judged to be incompetent ever. The Guardian ad litem has never argued she was. The present guardian who has visited and spoken to her has not argued that she is nor have any of her health care providers. They all know she is not. Guardian on April 30, 2010 states that he was appointed Guardian of the Estate of Mitzi Lee, a year ago. Mother was alleged as an incapacitated person. RCW 11.88.090 involves the various procedures and presumptions under that code; including Appointment, Registry Duties etc,. Under RCW 11.88.090 Section 3(b) paragraph two "The appointment of a guardian ad litem shall have no effect on the legal competency of the alleged incapacitated person and shall not overcome the presumption of competency or full legal and civil rights of the alleged incapacitated person." Mother through an unnecessary Guardianship Petition was found to be incapacitated has never been ruled to be incompetent. Mother was against the appointment of an unnecessary guardian as she had already selected appellants as her attorneys-in-fact May 28, 2009 prior to any Guardianship petition or ruling which came into effect on August 30, 2010. Also two years after and during the Appeal and nearly 3.5 years after the property was legally deeded to appellants by their mother Mitzi

Lee. Mother has never left her home with appellant Lana T. Frazier-Turner.

The “finding of fact and conclusions of law” from the Yakima Superior Court that are in appeal upon errors were relied upon in order to substantiate the guardianship petition. There was never a need nor is there a need to clear title as there were no title issues in question prior to the judge’s ruling. Itself based upon unfounded opining without any legal grounds, personal knowledge, or testimony. The judge “voided” legal deeds without cause and contradictory to his rulings in the condemnation proceeding. The judge knew or should have known that he could not legally and arbitrarily substitute, add or subtract parties to a contract at his leisure and add and subtract legal ownership as he pleased and maintain the integrity of the contract..

#### **1. Acquisition of the Subject Property by Mitzi L.H. Lee**

Appellants do not contest that Mitzi Lee acquired properties. Properties related to this ruling referenced are: “1412” and “1414” of which Mitzi Lee quit claimed her interest in “1412” and her full interest in “1414” as separate inherited property on January 15, 2008 independent of any other proceeding and in a separate independent agreement among parties: Mitzi Lee, James R. Lee Jr, and Lana t. Frazier-Turner. The deed were legally delivered, acknowledged, and under seal meeting all legal requirements. They were recorded with Mitzi Lee on June 16, 2008 prior

to any proceedings involving eminent domain and are valid, legal self authenticating documents. It is a matter of public record that the deeds were legally recorded in the Yakima County Recorder's Office in which Mitzi Lee, James R. Lee and Lana T. Frazier-Turner were parties swearing under oath.

**2. Quitclaim deeds to Lana T. Frazier-Turner and James R. Lee Jr.**

The recorder's authorizing seal appears on the front of the deeds, also under seal, and evidence of their authenticity. RCW 5.44.040 The deed were made pursuant to the guideline of the Statute of Frauds. The deeds on California property were not a part of the Yakima Eminent Domain proceedings and were never in issue. Mitzi Lee recorded the deeds with James R. Lee Jr and Lana T. Frazier-Turner evidencing intent to transfer now. The deeds were not meant to be recorded until after her death as she was a living party in the Yakima County Recorder's office June 16, 2008 recording them. They were a private separate agreement. The statements of Respondent Longyear are all arguments for the legality of the transaction. The attempt to advance the obviously false statements in light of the facts above being legal documentation and public record is absurd. Appellants have identified these statements as errors and argued them as the hearsay they are. Mitzi Lee was a non party adjudicated as such by The Yakima Superior Court. Mitzi Lee never participated in the "trial" between 6/23/09-6/29/09.

**B. Appellant's Reply to Proceedings Below.**

Respondent Longyear Simply recites findings of fact and Conclusions of Law, Appellants have listed as error, without arguing errors. He argues for the Finding of Fact and Conclusions of Law ignoring the issues in error. Pursuant to RCW 8.04.010 all legal owners of record were identified. Mitzi Lee was not listed as stated in the WSDOT letter dated June 23, 2008 as (exhibit E) because the property was formerly owned by Mitzi Lee due to legally deeding her interest in the properties to James R. Lee Jr and Lana T. Frazier-Turner.. On May 15, 2009. A settlement agreement was signed by all legal owner of record. The State entered a Decree of Appropriation pursuant to RCW 8.04.090 settling the case. Due to this fact the decree was "final and non appealable."

Respondent Longyear recites the opinings of either the judge or Respondent Gano without any testimony of Mitzi Lee who was not present during the 6/23/09-6/29/09 trial. They are clearly nothing more than hearsay that have no evidentiary value. Yet they either are or support the Findings of Fact and Conclusions of Law appellants have listed as error and arrived at in an unnecessary proceeding. They did not involve any one else. Further this written finding of fact and conclusion of law is clearly not factual. It is an opining expressed by the judge and written as a finding of fact and conclusion of law stated by the Respondent attorney. obvious falsity and it lack of evidentiary value as it is also hearsay. All excluded as evidence under Federal Rules of Evidence the hearsay rule

801 (c) and under the rules of court ER 801 (c ) “Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.” proceedings between 6/23/09-6/29/09. She did not need to desire to or intend to. The judge cannot witness or testify, ER 605, The judge is permitted to express an opinion but not when he knows factually to the contrary. The Respondent Gano cannot represent that Mitzi Lee said anything as he did not and could not represent her interests. This statement was made by respondent attorney Gano upon opening of the judge. It is hearsay. In addition it is of no relevance as evidence to support Findings of Fact or Conclusions of Law.

#### **IV. ARGUMENT**

##### **A. Reply to Voiding of Quitclaim deed did Not Affect The Validity of The Order Adjudicating Public Use and Necessity.**

Appellant argues this point on pages 3-12

##### **B. Reply to The Trial Court’s determination the Quitclaim Deed Was Void Did not Affect the Validity of the Stipulated Judgment And Decree of Appropriation.**

Appellant Argues this point on pages 3-12

The Respondent Longyear has incorrectly cited CR 25 (c ) as a grounds for transfer of interest in order to justify the Trial courts transfer of interest

and “voiding” Quitclaim deeds and distribution of condemnation proceeds. RCW 8.25.290 provides procedures for Condemnation final actions, notice required and final action defined. RCW 8.25.290 (3) provides procedures concerning insufficient notice. According to RCW 8.04.090 the case was concluded. Further in relation to CR 25(c ) a court proceeding is necessary prior to an order and an order would have to be made during a proper legal court action. The intent of the civil rule cited, concerns transfer of interest when a party has a legal interest. No interest in a contract by a person who is not an original party, by the wording of the rule, can legally be granted. No parties could be simply substituted any more than a person could be arbitrarily removed. The Eminent Domain case was settled legally acknowledged adjudicated and entered prior to the unnecessary “trial.” The judge was legally estopped from making contradictory rulings and also pursuant to RCW 8.04.090.

**C.Appellants Reply in Opposition to Mitzi Lee has a Private cause of Action**

Webster v. Romano Engineering Corp., 178 Wash. 118, 34 P.2d 428 (1934) The Supreme court outlined nine elements necessary to support a finding of fraud. None are present with regard to appellants. The appointed Guardian Michael Longyear is seeking authorization to commence a legal action against someone mother loves with all her heart upon non issues argued in and ruled upon in a “trial” on issues that did not need to be decided. Respondent Longyear has not argued how it would

help mother emotionally or monetarily to harm her caretaker, in her name, upsetting her own security in the home where she once felt safe and secure. Mother should not be feeling fearful and guilty because of all that has happened. Appellants were removed without legal cause and in protest by Mitzi Lee all due to the Yakima Superior Court Rulings which appellants have found error and which subsequently permitted a voracious Guardianship intent to devour everything in sight in mother's name causing her nothing but worry and anguish. Mitzi Lee did not remove appellants as her attorneys-in-fact. It occurred due to an abuse of authority and discretion where the judge rejected wishes of a grantor without her knowledge or wish and inserted his own. Instead her right to deed her property was taken away from her and the persons she deeded it to. The judge's rulings permitted a "community award" on property that was not community and deprived appellants as owners, which Mitzi Lee protested. This was a violation of civil rights and contracts, in contradiction of legal property transfers, and the legally adjudicated Settlement agreement occurring in an unnecessary "trial" after the fact. Mitzi Lee, the grantor to James R. Lee Jr and Lana T. Frazier-Turner never intended to change her mind or reverse her wishes. The validity of the deeds was never in issue at any stage of the legal proceedings involving appellants, all parties agreed to this among themselves as well. That being, The Washington State Department of Transportation, The Attorney General, the other parties and legally adjudicated by the Judge.

**D Reply to Lana T. Frazier- Turner and James R. Lee Jr. Have failed to show the trial court Erred in Concluding Mitzi L. H. Lee Did Not Deliver the Deeds and Lacked Present intent to Transfer the Property.**

This question has been answered in both 1 and 2 above. The court adjudicated appellants as owners during the condemnation petition. The deeds were never in issue. The deeds were independent contracts wrongly ruled upon during an unnecessary “trial” on issues that did not need to be decided.

**E. Reply To The Trial Court Did not Err By Dismissing James R. Lee Jr.And Lana Frazier-Turner.**

Appellants claim no adverse interest as advanced by Respondent Longyear. Appellant’s claim is as the rightful legal owners upon no evidence to the contrary or any fraud, capricious conduct or any wrongdoing whatsoever. Appellants are not alleged, supposed or reputed owners but owners of record. As such, in order to institute a legal eminent domain proceeding pursuant to RCW 8.04.010 appellants as record owners were required by law to be noticed. Neither WSDOT or the Attorney General had any intent or legal responsibility to notice any person not determined to be a party. State Respondent brief 3-4. The Yakima Superior Court adjudicated the Condemnation Petition, Finding of Public Use and Necessity, Settlement Agreement. In doing so the Appellants have been legally adjudicated as the legal owners by the Yakima Superior Court. Having done so the court was legally estopped from contradicting his prior rulings in this matter.

It was appellants who were deprived of fair and just compensation receiving nothing as the legal owners.

**F. Reply to Request for attorney fees**

Respondents request for fees pursuant to RAP 18.9 alleges that Appellants appeal is frivolous and devoid of merit which authorizes a “party” attorney fees as sanctions, terms or compensatory damages when the opposing party files a frivolous appellate action. Appellants appeal was brought due to violation of: eminent domain law, the contract, law, due process, civil and constitutional rights guaranteed by the Bill of Rights as well as estoppels due to prior rulings. These are clearly not frivolous and appellants oppose. Respondent Longyear has been permitted to submit a response brief. Respondent Longyear has not as yet been determined by the appellate court to be a party as far as appellants know. The issue of whether the court should consider Respondent Longyear’s motion for dismissal has been resolved by the Commissioner’s ruling of the May 17<sup>th</sup> 2010. The ruling has already been made concerning the merit of appellant’s appeal. The Commissioner has ruled that there are debatable issues and that the appeal was not without merit or frivolous. No Respondent sought to modify the ruling under RAP 17.7 and it is now the law of the case. *State v. Roy* 147 Wn. App 309, 315, 195 P. 3d 967 (2008) rev. denied, 165 Wn.2d 1051(2009). Unchallenged appellate court commissioner’s rulings become the law of the case. Respondent Longyear states that appellants have not cited to the record. Appellants have listed

the errors Respondent Longyear has not provided argument against them. Appellant will select one for example, Conclusion of law 5, why only one deed recorded under file number 7615931 "1414" the previously owned separate inherited property deeded to appellants was ruled as "is void and of no effect" while "1412" the community property deed was not. He has not argued how one deed can be legal and the other not under the same ruling. In failing to oppose the Appellants' arguments they must be accepted in their entirety unopposed. The Longyear Respondent brief does not answer appellants brief. Respondent Longyear brief fails to conform to section (a) of RAP 10.3(b) to answer the brief of the appellants. The Respondent Longyear brief has not answered the numbered listed errors and are thus uncontested.

#### **V. APPELLANT REPLY TO CONCLUSION**

Appellants request that the court deny the requests of Respondent Longyear, to affirm the trial court's decision invalidating the quitclaim deeds of appellants. Appellants request the court overturn the ruling of the trial court, deny any and all requests for attorney fees to respondent

Longyear, as the appeal was ruled not without merit and contains numerous debatable and reversible errors. That the court rule that the quitclaim deeds are valid and legal instruments transferring properties from Mitzi Lee to James R. Lee Jr and Lana T. Frazier-Turner, that the

court affirm that Appellants James R. Lee Jr and Lana T. Frazier-Turner are the Rightful owners and legal signers and parties to the Condemnation Petition, Order Adjudicating Public Use and Necessity and Settlement Agreement and Decree of Appropriation; approve the legal contract that Appellant's entered into with the WSDOT and Attorney General and rule that Respondent Longyear has no legal claim to any attorney fees or costs, that Respondent Longyear is not entitled and has not been determined a legal party to the eminent Domain action pursuant to RCW 8.04.010 and is not entitled to any such fees and costs, as such, has not represented any record owner, having signed any contract related to Immediate Possession and Use or Stipulated, to an order of immediate possession and use as required by RCW 8.25.070(2) Respondent's request for fees are not the responsibility of Appellants as parties to the action. That any fees and costs incurred are wholly the responsibility of Respondent Longyear.

Respectfully submitted this \_\_\_\_ day of April , 2010

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