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COURT OF APPEALS
DIVISION III
STATE OF WASHINGTON
By _____

IN THE COURT OF APPEALS
OF THE STATE OF WASHINGTON
Division III

Court of Appeals Case No. 315282

CITY OF KAHLOTUS et al. V. SHARON M. LIND
City of Kahlotus et al., Respondents/Plaintiff
Sharon M. Lind, Appellant/Defendant pro se

Appellant's Reply Brief

Sharon M. Lind
Appellant / Defendant pro se
P.O. Box 504 Kahlotus, WA 99335
(509) 282-3229

Table of Contents

Statutes et al.....	pg 1
Arguments.....	pg 2
Conclusion.....	pg 5
Appendix.....	pg 6
i. RCW 58.08.020	pg 6

Statutes et al.

Civil Rule 60.....	pg 3
AGO s 1996 Platting and Subdivisions	pg 4
RCW 58.08.020 Additions	
RCW 5.18.160 Requirement for each Plat filed for record CP 224	pg 4
RCW 5.18.190 5 years to correct	pg 4
RCW 5.18.170	pg 4
Title 64 and Title 65	pg 4
42 U.S.C. § 1983.	pg 5

Arguments

- A. The Court of Appeals Should See this Case for What It Is, a classic example of what can happen when a Plaintiff initiates a lawsuit with little more than unsubstantiated facts presented in such a way as to appear credible. What has happened is that the Respondents/ Plaintiffs relied on misinformation and court room tactics to delay and confuse the issues and draw attention away from the legitimacy of their evidence. As the Appellant/ Defendant I have been unwavering in my arguments that this is not a City Street from the very beginning, and have presented new pieces of the puzzle to Court as I have found them. Accusations by the Respondents that I have changed my story are unfounded, and meant to undermine my position. I have found it necessary to restate some facts to bring better clarification as things have evolved, but the facts are still the same.
- B. In July of 2011 I presented into the Court file two documents comprised of numerous other documents from the “public record” supporting my position as the Defendant that this was not a public street, and many of these documents, as I

suspected, conclusively showed that this area is and was outside of the City Limits and called into question the validity of the Gillocks plat. Some of these documents were not made available to me prior to the Summary Judgment of 2010.

- C. On October 10, 2011, in OPEN COURT and well attended by a number of people for the local legal community, I requested a hearing through an unnamed Motion. I presented the information I had discovered and at that hearing I stated for the Court, and heard by those in attendance, that the Gillocks plat was not a Final Plat, and should not be treated as one. I did most certainly imply that the City did not gain jurisdiction over the area in question, as supported by other documents, and anything on the plat was not recorded and moot.
- D. On that day I was sent away by the Judge with a lecture, not based on the merits of what I was presenting, but because I had not named the Motion. "It was not the duty of the Court to give a lesson in the law." To turn that around, it is also not my duty as the Defendant in a Civil Issue to give Attorneys who practice Property Law a reminder of said laws they were not familiar with. And have them dismiss them. In November 2011 I filed for the first CR60, with a hearing a few days later based

on the information I had already presented in Court. One of the verbal arguments presented by the Plaintiffs at the time was that the laws (such as RCW Additions et al.) I presented should be disregarded because “they are old laws, and the AGO is 14 years old.” Statements such as these were not what I was expecting to hear in Court. In my profession if we had used arguments such as these to support what we were presenting we would have had our Degrees taken away, been tossed out on our respective ears, and shunned. This case as well should have been tossed out/vacated at this time.

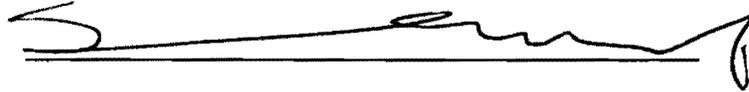
E. At the December 2011 CR60 hearing documents had already been placed into the Court File by the Defendant showing that the official City Limits for Kahlotus through my property in 2008 were just where they should be based on the descriptions from the Hardersburg and Gillocks plats, and the petition for Incorporation. All based on the quarter section line. The excerpt from the years old precinct map that I also submitted into the file showed, while not well marked, that the County did have some record on where the quarter section line was located. The City's attempt to push the City Limits south at this time should have raised some red flags for those examining the

records for the case, presumably from the Prosecutors Office as they are tasked under Titles 64/65 to police the County records. Someone else should have been able to put it together as well. This case has been beset with irregularities from the start. Any number of these could certainly satisfy the extraordinary circumstances for CR60(b) 11, and that certainly has been the Appellant's intent to show the Courts from the very beginning.

Conclusion

The Appellant Sharon Lind respectfully request that the Court of Appeals address the issues of the appeal in the best possible light, and returns this case back to Superior Court for resolution. As this was originally a Quiet Title case, I am still left with the task, following the numerous unfair actions of the Respondents/Plaintiffs, of reestablishing the boundaries of my parcel. I would also like to add my request for fees and expenses for this case, as well as for the Court to uphold my §1983 claim. The Court should give close scrutiny to the City's request for fees/costs because it was through their actions that this tenuous lawsuit got initiated.

Dated this 18th Day September, 2013

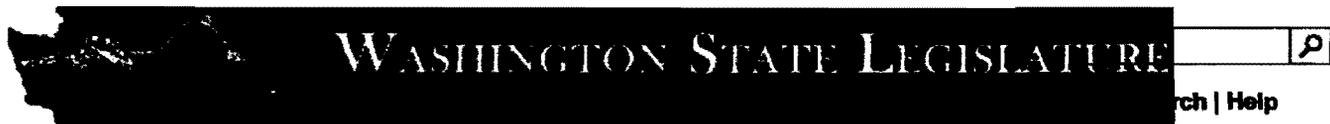
A handwritten signature in black ink, appearing to read 'Sharon M. Lind', is written over a solid horizontal line. The signature is cursive and extends to the right of the line.

Sharon M. Lind

Appellant pro se

Appendix

- i. RCW 58.08.020 .Additions



[RCWs](#) > [Title 58](#) > [Chapter 58.08](#) > [Section 58.08.020](#)

[58.08.015](#) << [58.08.020](#) >> [58.08.030](#)

RCW 58.08.020

Additions.

Every person hereinafter laying off any lots in addition to any town, shall, previous to the sale of such lots, have the same recorded under the like regulations as are provided for recording the original plat of said town, and thereafter the same shall be considered an addition thereto.

[Code 1881 § 2330; 1862 p 431 § 3; 1857 p 26 § 3; RRS § 9289.]

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