

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

10 JAN 11 PM 1:53

SUPREME COURT OF THE STATE OF WASHINGTON BY RONALD R. CARPENTER

CLERK *Rjh*

NOEL PROCTOR,

Petitioner,

vs.

ROBERT "FORD" HUNTINGTON
and CHRISTINA HUNTINGTON,
husband and wife, and the marital
community therein,

Respondents.

NO. 82326-0

STATEMENT OF
ADDITIONAL AUTHORITIES

COMES NOW petitioner Noel Proctor and submits the following
additional authority to the Court pursuant to RAP 10.8:

- *Peters v. Archambault*, 278 N.E.2d 729 (Mass. 1972) (landowner entitled to mandatory injunction to remove structure significantly encroaching on his land, even though encroachment was unintentional and the cost of removal was substantial in comparison to any injury suffered by the landowner);
- *Sheppard Envelope Co. v. Arcade Malleable Iron Co.*, 138 N.E.2d 777 (Mass. 1956) (where correct boundary could have been determined by sighting along stone monuments, equity court was justified in ordering removal of storage shed encroaching up to 3 feet over boundary line);

Statement of Additional Authorities - 1

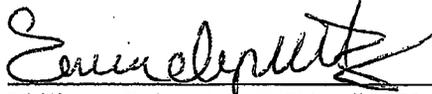
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, Washington 98188-4630
(206) 574-6661 (206) 575-1397 Fax

FILED AS
ATTACHMENT TO EMAIL

ORIGINAL

DATED this 11th day of January, 2010.

Respectfully submitted,



Philip A. Talmadge, WSBA #6973
Emmelyn Hart-Biberfeld, WSBA #28820
Talmadge/Fitzpatrick
18010 Southcenter Parkway
Tukwila, WA 98188-4630
(206) 574-6661

Kate Mathews, WSBA #20805, OSB #04181
Montgomery W. Cobb, LLC
16115 SW 1st Street, Ste. 201
Sherwood, OR 97140
(503) 625-5888
Attorneys for Petitioner Noel Proctor

DECLARATION OF SERVICE

On said day below I emailed and deposited in the U.S. Mail a true and correct copy of the following document: Statement of Additional Authorities in Supreme Court Cause No. 82326-0 to the following:

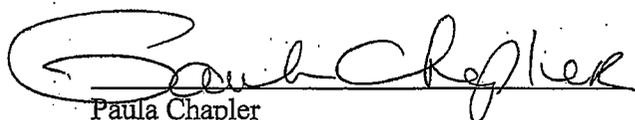
Bradley W. Andersen
Phillip J. Habberthur
Schwabe, Williamson & Wyatt, P.C.
700 Washington Street, Suite 701
Vancouver, WA 98660

Kate Mathews
Montgomery W. Cobb, LLC
16115 SW 1st Street, Suite 201
Sherwood, OR 97140

Original sent email for filing with:
Supreme Court Clerk's Office
415 12th Street W
PO Box 40929
Olympia, WA 98504

I declare under penalty of perjury under the laws of the State of Washington and the United States that the foregoing is true and correct.

DATED: January 11, 2010, at Tukwila, Washington.



Paula Chapler
Talmadge/Fitzpatrick