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NO. 74563-8-I

**COURT OF APPEALS, DIVISION I  
OF THE STATE OF WASHINGTON**

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Lydia Lutaaya, an individual,

Appellant

v.

Boeing Employees' Credit Union,

Respondent.

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APPEAL FROM THE SUPERIOR COURT FOR KING  
COUNTY

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**RESPONDENT'S OPENING BRIEF**

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COURT OF APPEALS, DIVISION I  
STATE OF WASHINGTON

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## I. INTRODUCTION

An unlawful detainer suit is a limited action designed only to determine who is entitled to possess a property. The Superior Court found Ms. Lutaaya in unlawful detainer of a residence after BECU purchased it at a foreclosure sale and Ms. Lutaaya failed to vacate the premises. In this appeal, Ms. Lutaaya raises a range of complaints about BECU, court staff, Renton police officers, and local government officials. But she identifies no basis to reverse the Superior Court's order that she was in unlawful detainer.

This is not Ms. Lutaaya's only lawsuit.<sup>1</sup> She has repeatedly sued BECU and other parties related to her home and unpaid debts, and raised many of the complaints she identifies here in other proceedings. This case is not the forum to litigate those complaints, and the Court should affirm the Superior Court's writ.

## II. STATEMENT OF THE CASE

BECU is a Washington credit union that provides banking services, including home loans, to its members. Lydia Lutaaya is a BECU member who borrowed money secured by a deed of trust on her home. Ms. Lutaaya stopped making

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<sup>1</sup> *Lutaaya v. BECU et al.*, 15-2-22946-0 KNT; *Lutaaya v. BECU et al.*, 14-2-12606-9 SEA; *Lutaaya v. Suhrco, et al.*, 15-2-20814-4 KNT.

payments and BECU nonjudicially foreclosed. (RP 10-11.) Ms. Lutaaya did not sue to restrain the foreclosure, and BECU purchased the property at auction. (RP 11.)

Ms. Lutaaya refused to vacate, and on November 13, 2015, BECU sued Ms. Lutaaya for unlawful detainer. (CP 1-12.) The Superior Court issued an order to show cause and Ms. Lutaaya responded. (CP 27-28, 30-41.) On January 5, 2016, the Court issued a writ of restitution. (CP 27-28.) On May 25, 2016, the Sheriff executed the writ. (Sub. No. 32, Supp. CP \_\_\_\_.)

### III. ARGUMENT

#### A. Ms. Lutaaya cannot raise objections to the foreclosure in this unlawful detainer proceeding.

An unlawful detainer action is a “narrow one, limited to the question of possession and related issues such as restitution of the premises and rent.” *Munden v. Hazelrigg*, 105 Wn.2d 39, 45, 711 P.2d 295 (1985). Unlawful detainer “provides an expedited method for resolving the right to possession and hastening the recovery of real property.” *MacRae v. Way*, 64 Wn.2d 544, 546, 392 P.2d 827 (1964). In an unlawful detainer proceeding, the superior court “sits as a special statutory tribunal, limited to deciding the primary issue of right to possession together with the statutorily designated incidents thereto, i.e., restitution and rent or damages.” *FPA Crescent*

*Associates, LLC v. Jamie's, LLC*, 190 Wn. App. 666, 674–75, 360 P.3d 934, 938 (2015).

Ms. Lutaaya brings a broad range of challenges to the writ, including arguing that BECU “deleted” her mortgage payments, “added” the Renton Police Department to her mortgage, and that BECU misused her image in a promotional campaign. But in order to prevail in this case, Ms. Lutaaya must assert a claim of right to remain on the premises or her unlawful detainer challenge is moot. *Hous. Auth. of City of Pasco & Franklin Cty. v. Pleasant*, 126 Wn. App. 382, 387, 109 P.3d 422, 425 (2005).

Ms. Lutaaya objects to the foreclosure and claims that BECU and others altered her mortgage records. But RCW 61.24.127 provides that all claims other than statutory exceptions are waived if a motion to restrain judicial foreclosure is not filed during the pendency of that proceeding. Ms. Lutaaya does not allege any of the statutory exceptions. Accordingly, she cannot challenge BECU’s ownership of the property—and her unlawful detainer appeal is moot because she has no other claim of right to remain there.

**B. Ms. Lutaaya presents neither facts nor law justifying reversal.**

This Court reviews factual determinations for substantial evidence and the application of the facts to the law de novo.

*Crystal, China & Gold, Ltd. v. Factoria Ctr. Investments, Inc.*, 93 Wn. App. 606, 610, 969 P.2d 1093, 1096 (1999). Ms. Lutaaya bears the burden of identifying errors, supporting those alleged errors with facts from the record, and presenting argument. *Mavroudis v. Pittsburgh-Corning Corp.*, 86 Wn. App. 22, 39, 935 P.2d 684, 693 (1997). Ms. Lutaaya raises a range of complaints unrelated to the unlawful detainer action, but identifies no reason why the Superior Court erred in granting the writ of restitution.

RCW 59.12.030(6) governs unlawful detainer actions and provides:

A person who, without the permission of the owner and without having color of title thereto, enters upon land of another and who fails or refuses to remove therefrom after three days' notice, in writing and served upon him or her in the manner provided in RCW 59.12.040.

BECU owned the property and provided notice as required by RCW 59.12.040. (RP 10-13.)

**C. Ms. Lutaaya's other complaints are both unsupported by the record and irrelevant.**

Ms. Lutaaya raises a broad range of other complaints about BECU, court staff, attorneys, the Renton Police Department, and local elected officials—including alleging a murder plot to kill her. But these allegations are nothing more

than speculation, unsupported by any evidence. And, they have no bearing on this unlawful detainer action. Ms. Lutaaya has repeatedly sued BECU and other parties in other forums. If there is relief available to her for these other allegations, it is not here.

#### IV. CONCLUSION

An unlawful detainer action is a narrow proceeding limited to determining who is entitled to possess real property. Ms. Lutaaya alleges a convoluted series of complaints about the police, BECU, and the courts. But she does not identify any basis to reverse the superior court's determination that BECU was entitled to possess the property after BECU purchased it at a nonjudicial foreclosure sale. The appeal should be dismissed.

RESPECTFULLY SUBMITTED this 15th day of  
September 2016.



Keith Scully, WSBA No. 28677  
Attorney for Respondent  
Boeing Employees' Credit Union

**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2016, I caused the foregoing to be served via Messenger to:

Lydia Lutaaya  
3001 SE 10th Street, #1013  
Renton, WA 98058

I declare under penalty of perjury that the foregoing is true and correct.

Chy Eaton  
Chy Eaton

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