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DEC - 9 2022

WASHINGTON STATE SUPREME COURT

Washington State Supreme Court

Town Center East, Building 3 – First Floor

243 Israel Road SE, Tumwater, WA 98501

David Muresan, Appellant Vs.	Superior Court #101532-1 Court of Appeal div1 # <u>838784</u> Sup Court. # <u>21 2 00471 15</u>
State of Washington Respondent	Petition for review of the Court of Appea div1 decision denying to modify.

Appellant <u>David Muresan</u>, Pro Se, asks the Supreme Court to review the Court of Appeal div1 the decision to deny to modify, as presented. The facts of this case are: I violated zoning by housing homeless people on my property. Island County in Washington state put me in jail for 4 Months, forced me homeless, cut all my income and in danger of losing my house in foreclosure. They took away my right to use my toilet and to work on my inventions on my property. Court of Appeal Div.1 from Seattle, Commissioner Masako Kanazawa denied my requests to prevent my arrest and homelessness. In his decision he wrote "David Muresan is safer as homeless or arrested than to live on his property.

The reason for review is based on Rule 13.4 as:

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

This case violated 6 Constitutional amendments. 4, 5, 6, 7, 8, 9

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

Notice. Page 9 of 11 David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Ph. 206-712-0463 email davidmuresan@live.com

1	The questions I ask the Supreme Court to address are: Is nousing for nomeless
2	people on private properties a criminal activity? May the Island County arrest
3	homeowners because thsy are housing homeless people on their properties?.
4	May Island County use laws written before the homelessness were present in
	USA? Shall the Island County approve a homeowner to house homeless people,
5	and undocumented people, with rent 100-600/Mo?
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10 11	
	Manual Contract of the contrac
12	Presented today bec 5-82 by David Muresan David Muresan David Muresan David Muresan
13	Dec. 5 th 2022
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Notice.

Page 10 of 11

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David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Ph. 206-712-0463 email davidmuresan@live.com

1	
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3	
4	<u>(2) Tables</u>
5	Table of Content contains:
8	1) Notice of Appeal to Supreme Court.
7	2) Warrant of abatement, Superior Court, dated Mar 29 th 2022
8	3) Amended Warrant of Abatement, Superior Court, dated Apr 27 th 2022
9	4) Second Amended Warrant of Abatement, Sup. C, dated Apr, 6 th 2022
	5) Court of Appeal div 1 decision, denying the motion to modify,
10	dated Dec2, 2022.
11	6) Commissioner ruling denying the 4 th motion. (David to live in his house)
12	dated Nov. 28, 2022.
13	7) Commissioner ruling declaring David's case abandoned,
14	dated Oct. 21, 2022
15	8) Commissioner ruling that my Designation of Clerk papers was not sent with a
16	"Amended Designation of clerk papers" (I just sent them without a note)
17	dated Sep 20, 2022.
	9) Ruling to deny the 1st, 2nd 3rd emergencies motions, to prevent my
18	homelessness and arrest.
19	<u>Dated May 3, 2022</u>
28	(2) Identify of Potitioner
21	(3) Identity of Petitioner.
22	The Petitioner is David Muresan resides at his house at: 1578 S. Crestview Dr.
23	Camano Island WA 98282.
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29	Notice. David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Page 1 of 11 Ph. 206-712-0463 email davidmuresan@live.com

1	(4) Citation to Court of Appeals Decision.
2	1) Court of Appeal div 1 decision, denying the motion to modify,
3	dated Dec2, 2022.
4	2) Commissioner ruling denying the 4 th motion. (David to live in his house)
	<u>dated Nov. 28, 2022</u> .
5	 Commissioner ruling declaring David's case abandoned,
6	<u>dated Oct. 21, 2022</u>
7	 Commissioner ruling that my Designation of Clerk papers was not sent with a
8	"Amended Designation of clerk papers" (I just sent them without a note)
9	<u>dated Sep 20, 2022.</u>
10	5) Ruling to deny the 1st, 2nd 3rd emergencies motions, to prevent my
11	homelessness and arrest.
	<u>Dated May 3, 2022</u>
12 13	(5) Issues Presented for Review.
14	Housing homeless people on private properties.
15	The reason for review is based on Rule 13.4 as:
16	(3) If a significant question of law under the Constitution of the State of Washington or
	of the United States is involved; or
17	This case violated 6 Constitutional amendments. 4, 5, 6, 7, 8, 9
18	(4) If the petition involves an issue of substantial public interest that should be
19	determined by the Supreme Court.
20	The questions I ask the Supreme Court to address are: Is housing for
21	homeless people on private properties a criminal activity? May the Island
22	County arrest homeowners because they are housing homeless people on their
23	properties?. May Island County use laws written before the homelessness were
24	present in USA? Shall the Island County approve a homeowner to house
25	homeless people, and undocumented people, with rent 100-600/Mo?
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29	Notice. David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Page 2 of 11 Ph. 206-712-0463 email davidmuresan@live.com

(6) Statement of the Case.

(Brief)

In 2013, after I lost in foreclosure 5 houses, I moved to my last house at: 1578 S Crestview dr. Camano Island WA 98282, The property has a house and a shop. The house was rented with 1200 and I had my income 620 ssa, and I had to pay 1400 mortgage. I used my shop for my manufacturing of my invention named Parallel Guided Power Saw. I divide the shop into rooms for specific work, such as electric, mechanic, woodwork. Before I asked the building Dpt. if I need permit. A lady from that Dpt. told me that I do not need permit if I do not run permanent heating. I did not need heat because I do not live in those rooms.

A couple of homeless people asked me if I can rent one room, before even to be painted, I gave a room to that couple. Soon I rented all my 5 rooms in that shop to homeless people. Those rooms have just portable heat, not permanent. I run the water and I built a kitchen table with burner in each room.

Soon after that, the Island County visited my property and asked me to evict those people.

Here is the email from city authority John Brazier j.brazier@co.island.wa.us email "Mr. Muresan, The day that you & your tenants vacate your garage and you file for your permit to demolish the structure, it would be in your best interest to contact me immediately!!! When you show me voluntary compliance I will stop the fine time-frame, I can then request an Administrative meeting to address your current fee accrual & if needed a payment schedule. Only at that time can an amount owed be discussed. Fine is 500/Day

I told them that I cannot evict them because they do not have a place where to live. Here is the declaration of one tenant and his 10 years daughter.

Personal Declaration

This declaration is required by the landlord, David Muresan due to Island County court case # 21 2 00471 15 requiring to evict all14 of you and me from my property 1578 without a court day. Please answer the following:

Name: Aaron Smith, age: 43

1) Describe your housing, financial, and health situation before you moved here: <u>We were homeless. Me and my daughter have been living in and out of a hotel and cannot afford to live like that, we found this place here at David Muresan home and can hardly afford to live even here. My income can't pay to live any place other than here.</u>

Notice. Page 3 of 11 David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Ph. 206-712-0463 email <u>davidmuresan@live.com</u>

1	2) What is the rent you pay for your place here? 500/Mo
2	3) Do you feel safe here? Yes very.4) Do you have an affordable place to move if county will evict us. No, I am poor and
3	can't afford much.
4	5) Did any official ever offer you a place to live based on your financial situation?
5	? <u>No. and can't even get on a list to do so:</u> 6) Will you testify in court for your situation? <u>Yes</u>
	7) Would you want a Judge trial or Jury trial? <u>Jury</u>
6	Personal Declaration
7	This declaration is required by the landlord, David Muresan due to Island County court case # 21 2 00471 15 requiring to evict all14 of you and me from my
8	property 1578 without a court day. Please answer the following:
9	Name: <u>Ava Smith</u> , age: <u>10</u> 1) Describe your housing, financial, and health situation before you moved here:
10	Live with my dad in and out of hotel. We can't find a cheaper place to go. This is
11	the only place we have to go. 2) What is the rent you pay for your place here? 500 with dad
12	3) Do you feel safe here? <u>Yes</u>
13	 4) Do you have an affordable place to move if county will evict us? No 5) Did any official ever offer you a place to live based on your financial situation? Bad
	6) Will you testify in court for your situation? Yes
14	7) Would you want a Judge trial or Jury trial? <u>Jury</u>
15	Island County asked for Hearing with the examiner Paul Hunter. During
16	hearings the examiner appreciated my rental to homeless people and did not allow the
17	Island County to sue me to evict those tenants. For years Island county threatened me
18	often to sue me to end my rental, but they did not sue me, until Dec 2021 when they
19	filed this case, without examiner approval, and without my demand, as rues say.
20	I realized that I do something different, which is not yet addressed by
21	lawmakers. I put together my Needy-People Initiative and I sent it to Governor Inslee.
22	I got the following response from Governor, email: <u>Jim.Baumgart@gov.wa.gov</u>
	Policy Office Desk: 360.902.0559 Cell: 360.480.9782, wrote " At this time, we are
23	not able to support your Needy-People Initiative as it conflicts with the Growth
24	Management Act, does not adhere to existing building codes, and creates an
25	unfunded mandate to local government with respect to permitting and
26	inspections."
27	
28	
	N.C.

During the Superior Court Hearings, they did not pay attention that Examiner did not approve to sue me, nor that I did not demand to file, not that Health Dpt. was not following their rules, with a citation and hearings.

Appel to Court of appeal.

On Apr,4th, 2022 I filed <u>Notice of Appeal to the Court of Appeals Division1.</u>
My case **Facts.** David Muresan rented space on his property at 1578 S. Crestview dr. Camano Island WA 98282 to 14 homeless people. This case is due to Island County equating my rental as *illegal and criminal* in a Search Warrant.

Reason for review in Court of Appeal are:

- 1) Island County does not have Examiner Teodore Paul Hunter permission to file this case. I did not demand to file as the summons requires.
- 2) The Warrant of Abatement say that in 7 days all my tenants shall move out of my property and Island County may provide housing. The Warrant of Abatement says on #6 "Health officials to act according to laws" The Island County Health issues shall be solved legally, which means that any finding about my septic system shall follow with a citation and a hearing form. If hearing is requested, then the health director shall conduct hearing and the conclusion of those hearings, are legally the conclusion of those findings.

In this case the judge based her judgment on a worker from Health department digging a hole, with a stick, into drainage field to reach the liquid and took a sample, and the Island County refusal to give me a permit to rent to homeless people. **No citation and no hearing took place in my case.**

- 3) The Amended Order says on #1 "<u>Mr. Muresan shall not rent any</u> <u>building"</u> (to homeless people). I do not rent to people who can afford to pay for an apartment. Five families came here as homeless and after a while they restored their income and moved out to a normal life.
- 4) The Amended Order says on #1 "<u>Mr. Muresan shall not collect rent "</u>
 The rent I ask is as low as 140/Mo, which is affordable even for people on welfare.
 The city officer John Brazier threats my tenants "<u>If you pay rent you may go to jail"</u>.

Later Superior Court signed 3 other orders,

1) Warrant of Abatement saying; on page 2: "This order does not apply to 3 bed-rooms house" (Later they eliminated this exemption, and place on the house a poster saying; Do not occupy, Danger of death)n Never my house killed someone.

2) Amended Warrant of Abetment, saying: on page 2, "Mr. Muresan may reside in a personal vehicle on the property. Mr. Muresan shall not enter or reside in any ... building on the property" "Island County may shut off the power supply" and

3)Second Amended Warrant of Abatement, saying: "Island County...to
remove/arrest David Muresan and to remove is personal effects" "island County
may shut off the electricity" Electricity was disconnected.

I was arrested on May 7th 2022. I wanted Jury trial and I was forced to have bench trial which took place on Sep 8 2022. and released. Total 124 days.

Court of Appeal decisions.

Court of Appeal requested the Designation Clerk papers. The Clerk sent those papers to my house, while I was in jail, and were returned. This was used for Court of Appeal denial in their last denial on Dec 2, 2022, saying: "October 21, 2022 dismissing his appeal as abandoned"

I appealed that dismissal, based on their rule RAP 17.7, and I sent them all the designations papers,

Beside the Dec. 2, 2022, and Oct, 21, 2022 denials, I got Court of Appeal 3 denial, on May 13th 2022 for my 3 emergency motions, "Ruling Denying 2nd and 3rd Emergency Motions" asking to prevent my homelessness, and my arrest. Court of Appeal Div.1 from Seattle, Commissioner Masako Kanazawa denied my requests to prevent my arrest and homelessness. In his decision, on page 4, he wrote that David Muresan is safer as homeless or arrested than to live on his property.

Notice. 29 Page 8 of 11

I seek The Supreme Court <u>to allow me to live on my property</u>, to allow me to rent the house, to allow me to rent the shop to homeless people, and to approve my Needy-People Initiative, to house more homeless, undocumented, and jail people after release.

Needy-People Initiative,
This Initiative is designed to help poor/homeless
people to live in a decent place.

- 1) Land and homeowners are allowed to build small houses up to 400 sq. ft. and to place on their property any structure such as trailer, RV, motorhome with better insulation than a tent and to rent to poor people with a low rent. The number of structures placed on a land depends on the land, regardless of zoning. The small house, septic system, water well, and electric installation may be built, by the owner, without permit. If property is connected to city water, the owner may drill water wells for non-drinking use, to supplement and save the city water. No additional property taxes will be required for houses less than 500 sq. ft.
- 2) Small buildings shall be connected to a septic/sewer system and to have electric power. Owner may do all the work on his property. Owner may build any septic system in use in that state. The drainage field may provide also evaporation, by providing the surface drainage fields. The gray and black water may be separated and send to different fields. Buildings, sewer/septic, water well, and electric may be inspected, for code compliance, by authority with no charge. No annual inspection of septic is required. The owner is responsible to have the septic tank pumped every 5 years or sooner. City authorities shall provide to homeowners all the code requirements asked for.
- 3) Owners engaged in such activity shall get a city permit/certificate of land use, with a \$200 fee, without any discrimination, and city recommends the bank to give a loan with low interest rate based on the monthly income/statements.
- 4) The owner also may use any existing structure, legal or not legal built on the property to make rooms and to rent to poor people. If a building was built without permit it would become legal.
- 5) The owner is responsible for the safety of the buildings placed on the property.
- 6) Any participation in any association such as the Homeowner Association shall be volunteer. The provision of this Initiative will have priority for any other regulations on the book, state or federal.

This Initiative is designed by David Muresan David Muresan

Presented today	Shur
Dec. 5 th 2022	

David Muresan, 1578 S. Crestview Dr. Camano Island, WA, 98282 Ph. 206-712-0463 email <u>davidmuresan@live.com</u>

1	9) Appendix.	
2	1) Court of Appeal div 1 decision, denying the motion to	o modify,
3	<u>dated Dec2, 2022.</u> 1 page,	page 1
4	2) Commissioner ruling denying the 4 th motion. (David	to live in his house)
5	dated Nov. 28, 2022. 5 pages	page 2 - 6
6	3) Commissioner ruling declaring David's case abando	ned,
7	<u>dated Oct. 21, 2022</u> 1 page	page 7
8	4) Commissioner ruling that my Designation of Clerk pa	
	"Amended Designation of clerk papers" (I just sent ther	
9	dated Sep 20, 2022. pages 2	Page 8,9
10	5) Ruling to deny the 1st, 2nd 3rd emergencies motions	s, to prevent my
11	homelessness and arrest.	nagos 10 14
12	dated May 3, 2022 pages 4	pages 10-14
13	6) Warrant of abatement, Superior Court,	
14	dated Mar 29 th 2022 page1	page 15,16
15	7) Amended Warrant of Abatement, Superior Court,	
16	dated Apr 27 th 2022 pages 3	page 17-19
17	8) Second Amended Warrant of Abatement, Superior C	
	dated Apr, 6 th 2022 pages 3	page 19-21
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28	Notice. David Muresan, 1578 S. Crestview Dr. C	
29	Page 11 of 11 Ph. 206-712-0463 email <u>davidmur</u>	esan@live.com

9) Appendex

FILED 12/2/2022 Court of Appeals Division I State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

ISLAND COUNTY, a political subdivision of the State of Washington,

Respondent,

٧.

DAVID MURESAN and MARIA MURESAN,

Appellants.

DIVISION ONE

No. 83878-4-1

ORDER DENYING MOTION TO MODIFY

Appellant David Muresan has filed a motion to modify the commissioner's October 21, 2022 notation ruling dismissing his appeal as abandoned.

Respondent Island County did not file a response. We have considered the motion under RAP 17.7 and have determined that it should be denied. Now, therefore, it is hereby

ORDERED that the motion to modify is denied.

LEA ENNIS Court Administrator/Clerk

The Court of Appeals of the State of Washington

DIVISION I One Union Square 600 University Street Seattle, WA 98101-4170 (206) 464-7750

November 28, 2022

Gregory Marshall Banks Island County Prosecuting Attorney PO Box 5000 Coupeville, WA 98239-5000 gregb@islandcountywa.gov

David Muresan 1578 S. Crestview Dr. Camano Island, WA 98282 davidmuresan@live.com Prosecuting Attorney Island County Island County Pros. Atty 7th & Main Sts P O Box 5000 Coupeville, WA 98239-5000 ICPAO Webmaster@islandcountywa.gov

Peter H. Smiley Island County Prosecuting Atty's Office PO Box 5000 Coupeville, WA 98239-5000 P.Smiley@islandcountywa.gov

Case #: 838784 Island County, Respondent v. David Muresan, Appellant Island County Superior Court No. 21-2-00471-8

Counsel:

Enclosed is the ruling of the Commissioner entered today in the above case.

In the event counsel wishes to object, RAP 17.7 provides for review of a ruling of the Commissioner. Please note that a "motion to modify the ruling must be served . . . and filed in the appellate court not later than 30 days after the ruling is filed."

Sincerely,

Lea Ennis

Court Administrator/Clerk

La Em

law

FILED 11/28/2022 Court of Appeals Division I State of Washington

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON DIVISION ONE

ISLAND COUNTY, a political subdivision of the State of Washington,

Respondent,

٧.

DAVID MURESAN and MARIA MURESAN,

Appellant.

No. 83878-4-I

COMMISSIONER'S RULING DENYING FOURTH EMERGENCY MOTION

Appellant David Muresan has filed his fourth emergency motion in this case. He seeks an injunction allowing him "to live and work" on certain real property. For the reasons below, the emergency motion is denied.

FACTS

In this public nuisance case, Muresan appeals from a March 29, 2022 amended order and injunction regarding public nuisance and a warrant of abatement. Muresan filed three previous emergency motions to prevent his arrest, "to prevent [his] homelessness," and to prevent Island County's attempts "to force [him] out from [his] property." By rulings entered April 29 and May 13, 2022, Commissioner Masako Kanazawa denied his requests for relief.

Muresan filed the present motion on November 21, 2022, stating, among other things, that (1) his monthly income limits his ability to rent housing; (2) the District Court

denied his request for a jury trial; (3) the Superior Court has unfairly delayed his RALJ appeal; (4) his action of housing homeless people is not a crime; and (5) having served his jail term, he should be allowed to live on his property.

Island County has filed a response outlining, among other things, the following circumstances: (1) the March 29, 2022 order, which did not prohibit Muresan from residing on this property, is not yet final and the County's request for a judgment to enforce the civil penalties remains pending before the superior court; (2) the superior court issued amended warrants of abatement on April 27 and May 6, 2022, such that Muresan's access and use of the property is limited; (3) Muresan was convicted of criminal trespass in district court in September 2022, his sentence includes limitations on access to the property consistent with the abatement warrant, and his RALJ appeal of that conviction is still pending in superior court; (4) there are no current orders staying or superseding the abatement warrant; and (5) Muresan has not posted any bond or alternate security to stay the effect of the trial court's orders.

ANALYSIS

RAP 8.1(b) provides that any party has the right to stay enforcement of a decision affecting real property. Under RAP 8.1(b)(2), "a party may obtain a stay of enforcement of a decision affecting rights to possession ... or use of real property ... by filling in the trial court a supersedeas bond or cash, or by alternate security approved by the trial court[.]" Generally, RAP 8.1(b)(4) and (c)(2) indicate that the trial court will determine the amount of the bond in the first instance, while this Court is available to review such decisions for abuse of discretion. See RAP 8.1(h).



Under RAP 8.3, an appellate court may issue orders and grant injunctive relief or other relief to ensure effective and equitable review. "The purpose of [these rules] is to permit appellate courts to grant preliminary relief in aid of their appellate jurisdiction so as to prevent the destruction of the fruits of a successful appeal." Wash. Fed'n of State Emps. v. State, 99 Wn.2d 878, 883, 665 P.2d 1337 (1983). The exercise of discretion in such circumstances "is in no way meant to resolve the merits of the underlying" litigation. Id. Such relief generally requires a showing (1) that the appeal raises a debatable issue and (2) that the harm without a stay outweighs the harm that would result from it. In balancing the parties' relative harm, this Court considers whether the requested relief is necessary to maintain the status quo and preserve the fruits of a successful appeal in light of the equities of the situation. See Purser v. Rahm, 104 Wn.2d 159, 177, 702 P.2d 1196 (1985).

Muresan does not claim that he has posted a bond or requested a trial court decision on alternate security. Accordingly, the trial court maintains its authority to enforce its decisions regarding limitations on Muresan's access to and use of the real property involved in the underlying litigation while any appellate matter is pending. RAP 7.1(c).

As for a debatable issue for appeal, Muresan has identified nothing to suggest a factually or legally supported basis to challenge the March 29, 2022 order identified under this case number, whether it should be properly considered a discretionary review matter or a direct appeal. His statements suggesting impropriety as to a jury waiver and/or unjustified procedural delay by the courts appear to pertain to his RALJ appeal of



his district court criminal conviction – a matter still pending before the superior court and not properly before this Court in the present appellate case number.

As for the equities, as Commissioner Kanazawa noted in her May 13, 2022 ruling, "[b]ecoming homeless is a significant harm." But, the County's efforts to address the "grave threat to human health" that apparently persists at the property at issue weighs against any kind of stay or injunction not conditioned on a supersedeas bond or other security approved by the superior court.

CONCLUSION

Muresan has failed to identify a debatable issue for appeal or show that the harm without the injunction he requests outweighs the harm that would result from it. As he has failed to show that emergency relief is necessary to maintain the status quo and/or preserve the fruits of a successful appeal, his fourth emergency motion is denied.





The Court of Appeals
of the
State of Washington

LEA ENNIS
Court Administrator/Clerk

DIVISION I One Union Square 600 University Street Seattle, WA 98101-4170 (206) 464-7750

October 21, 2022

Gregory Marshall Banks Island County Prosecuting Attorney PO Box 5000 Coupeville, WA 98239-5000 gregb@islandcountywa.gov

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Case #: 838784
Island County, Respondent v. David Muresan, Appellant Island County Superior Court No. 21-2-00471-8

Counsel:

The following notation ruling by Commissioner Jennifer Koh of the Court was entered on October 20, 2022:

Appellant David Muresan has not filed an amended designation of clerk's papers or otherwise responded to Commissioner Masako Kanazawa's September 20, 2022 ruling warning him that the case would be dismissed if he does not file the documents required to prepare the record on review for this case. Accordingly, this matter is hereby dismissed as abandoned.

In the event counsel wishes to object, RAP 17.7 provides for review of a ruling of the Commissioner. Please note that a "motion to modify the ruling must be served . . . and filed in the appellate court not later than 30 days after the ruling is filed."

Sincerely,

Lea Ennis

Court Administrator/Clerk

law



LEA ENNIS Court Administrator/Clerk

The Court of Appeals of the State of Washington

DIVISION I One Union Square 600 University Street Seattle, WA 98101-4170 (206) 464-7750

September 20, 2022

Gregory Marshall Banks Island County Prosecuting Attorney PO Box 5000 Coupeville, WA 98239-5000 gregb@islandcountywa.gov

David Muresan Island County Jail Pob 5000 Coupville, WA 98239 davidmuresan@live.com Prosecuting Attorney Island County
Island County Pros. Atty
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Peter H. Smiley Island County Prosecuting Atty's Office PO Box 5000 Coupeville, WA 98239-5000 P.Smiley@islandcountywa.gov

Case #: 838784
Island County, Respondent v. David Muresan, Appellant Island County Superior Court No. 21-2-00471-8

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on September 20, 2022:

This case has been pending since April 2022. Appellant David Muresan has not filed the designation of clerk's papers to have the record on review transmitted from the trial court to this Court, despite multiple rulings from this Court directing him to do so. By ruling of June 16, 2022, Commissioner Jennifer Koh noted that this appeal has no record on review. Commissioner Koh rejected Muresan's suggestion that this Court could treat documents he had filed as his "brief." Commissioner Koh explained that this Court cannot review an appeal without a proper record and brief and that to provide a proper record, Muresan must file an amended designation of clerk's papers in the trial court in compliance with RAP 9.6 and file a copy in this Court. In her later ruling dated September 6, 2022, Commissioner Koh addressed Muresan's letter requesting that any communication on this matter be postponed until he is out of jail. The Commissioner again directed Muresan to file an amended designation of clerk's papers that complies with RAP 9.6 in the trial court and file a copy in this Court.

Instead of filing an amended designation of clerk's papers, Muresan filed a "declaration" stating that he was released on September 8, 2022 and is now homeless. He states he does not have an address and cannot communicate with the trial court for designation of clerk's papers. Muresan asks this Court to "review my case on the merit" without the record on review, based on the

Page 2 of 2 September 20, 2022 Case #: 838784

documents he has filed with this Court. As explained by Commissioner Koh in her June 16 ruling, this Court may not do so. Muresan has been able to file documents in this Court. He fails to explain why he may not file a designation of clerk's papers in the trial court and a copy of that document in this Court.

By October 3, 2022, Muresan shall file an amended designation of clerk's papers. If he fails to do so, this case may be dismissed without further notice of this Court.

Sincerely,

Lea Ennis

Court Administrator/Clerk

law

The Court of Appeals
of the
State of Washington

LEA ENNIS
Court Administrator/Clerk

DIVISION I One Union Square 600 University Street Seattle, WA 98101-4170 (206) 464-7750

May 13, 2022

Gregory Marshall Banks Island County Prosecuting Attorney PO Box 5000 Coupeville, WA 98239-5000 gregb@islandcountywa.gov

David Mursean 1578 Crestview Dr. Camano Island, WA 98282 davidmuresan@live.com Prosecuting Attorney Island County Island County Pros. Atty 7th & Main Sts P O Box 5000 Coupeville, WA 98239-5000 ICPAO Webmaster@islandcountywa.gov

Peter H. Smiley Island County Prosecuting Atty's Office PO Box 5000 Coupeville, WA 98239-5000 P.Smiley@islandcountywa.gov

Case #: 838784 Island County, Respondent v. David Muresan, Appellant Island County Superior Court No. 21-2-00471-8

Counsel:

The following notation ruling by Commissioner Masako Kanazawa of the Court was entered on May 13, 2022:

RULING DENYING SECOND AND THIRD EMERGENCY MOTIONS Island County v. Muresan, No. 83878-4-I May 13, 2022

This is a public nuisance case. Defendant David Muresan appeals from an amended order and injunction regarding public nuisances and a warrant of abatement entered on March 29, 2022. After filing a notice of appeal on April 4, 2022, Muresan filed his first emergency motion on April 25, 2022, requesting "an emergency injunction to stop my arrest until the appeals are over." The reason for the motion was "the new action of the Island County to arrest [him] and to evict the tenants from the legal rental house." The trial court conducted a hearing on April 27, 2022 and declined to issue a warrant for his arrest and did not enter formal findings of contempt. By ruling of April 29, 2022, I denied the emergency motion as moot and otherwise not supported by any legal basis.

On May 9, 2022, Muresan filed his second emergency motion "to prevent [his] homelessness." He states the reason for this second emergency motion is "the new action of the Island County to sell my house, received today May 5th 2022." Like his first emergency motion, Muresan did not provide any supporting



Page 2 of 4 May 13, 2022 Case #: 838784

documentation. By ruling of May 9, 2022, I requested Island County to respond to the second emergency motion by May 12, 2022. On May 11, 2022, Muresan filed his third emergency motion to "prevent [his] arrest," stating that the reason for this motion is "the new action of the Island County to force me out from my property, signed today May 6th at 3:30 pm. and attached to this motion." By ruling of May 11, 2022, I requested the County to file a single response addressing both emergency motions by May 12, 2022. The County provided a response on one day's notice. As explained below, Muresan's second and third emergency motions are denied.

As explained in my April 29 ruling denying Muresan's first emergency motion, this public nuisance case arose from Muresan's operation of a rental business on his property located in Camano Island. The County alleged that Muresan overloaded and unlawfully modified the property's septic system, resulting in a septic failure, unlawfully rented out a garage and carport area as living units to ten to fifteen people without providing an appropriate septic system, and unlawfully rented out trailer space to numerous people in trailers, campers, and tents without required septic or water systems. The County's health officer had determined that Muresan's septic system failure was detrimental to the public health, safety, and welfare and constituted a public nuisance. On March 14, 2022, the trial court issued findings of fact, conclusions of law, and order finding that Muresan's operation of the rental business violated the County's health, zoning, and building codes. The court entered an injunction prohibiting Muresan from leasing or renting out any building, structure, room vehicle, recreational vehicle, tent, or other form of portable or permanent housing on the property.

The County later filed a motion for a warrant of abatement with evidence showing a complete failure of the property's septic system as a result of Muresan's unpermitted modifications. The County pointed out that recreational vehicles on the property were directly discharging human waste onto the ground, with the resulting running effluent reaching dangerously high levels of fecal coliform, 1,269 times higher than the level at which, swimming pools and lakes would have to be closed for public safety. On March 29, 2022, the trial court entered an amended order and injunction and a warrant of abatement allowing the removal by the Sheriff's deputies of the persons on the property, except for the current residents of the permitted three-bedroom single-family house on the property. The court concluded that the circumstances on the ground at the property were "hazardous and contrary to the health, welfare, and safety of, at a minimum, the property's inhabitants." The court also found the "numerous septic violations" currently occurring at the property posed a "grave threat to human health." The court found the county was making efforts to mitigate the impact on the property's inhabitants, who were not parties to the case. Muresan appeals from the March 29 amended order and injunction and warrant of abatement.

Page 3 of 4 May 13, 2022 Case #: 838784

In his second emergency motion "to prevent [his] homelessness," Muresan states his income is \$620 from social security and his rental business for homeless people was closed and no tenants are on the property, except for two people in the house who would be out in a week. He asserts "the danger presented by my garage and septic system is zero" and he "waive[s] such danger." He states he works on his invention on the yard and needed to be there with electric power. He states he hired a contractor to "fix everything the County will require." He states the County's settlement proposal would remove him out of the property.

In his third emergency motion "to prevent [his] arrest," Muresan states the trial court entered an order requiring his removal from the property and authorizing his arrest. He attached a May 6, 2022 trial court order, which prohibits him from entering or remaining on the property and authorizes the County Sheriff to remove any persons including Muresan from the property and, after making reasonable efforts to obtain voluntary compliance, use reasonable force to remove and/or arrest Muresan and others on the property and remove his or their personal effects.

In response to the second and third emergency motions, the County states it attempted to begin negotiations with Muresan after he listed the property for sale in a Craigslist. The County states Muresan's recitation of its settlement offer in his second emergency motion is "highly selective." The County argues Muresan's emergency motions fail to provide the necessary context and records for this Court's evaluate his assertions. The County argues Muresan's provides no legal basis for his requested injunctions. The County notes that after Muresan repeatedly refused to leave the building as ordered by the trial court, the Sheriff's Office arrested him and charged him with trespassing in Island County District Court. The County argues the trial court has authority to enforce its orders during an appeal unless the orders are superseded. The County argues the injunctions requested by Muresan would essentially reverse the trial court's injunction orders on a motion without any factual or legal basis.

"In a civil case, except to the extent enforcement of a judgment or decision has been stayed as provided in rules 8.1 or 8.3, the trial court has authority to enforce any decision of the trial court and a party may execute on any judgment of the trial court." RAP 7.1(c). Muresan does not cite RAP 8.1 or RAP 8.3.

RAP 8.1(b)(2) provides for a stay of a trial court decision affecting right to property by providing a supersedeas bond or cash or alternate security approved by the trial court. "The supersedeas amount shall be the amount of any money judgment, plus interest likely to accrue during the pendency of the appeal and attorney fees, costs and expenses likely to be awarded on appeal entered by the trial court plus the amount of the loss which the prevailing party in the trial court would incur as a result of the party's inability to enforce the judgment during

Page 4 of 4 May 13, 2022 Case #: 838784

review." RAP 8.1(c)(2) (emphasis added). Muresan has not provided a supersedeas bond or alternate security approved by the trial court to stay the trial court's decision affecting property under this rule.

Under RAP 8.1(b)(3) and RAP 8.3, this Court may stay a trial court decision or issue an order including an injunction to ensure effective and equitable relief. Relief under these rules generally requires a showing (1) that the appeal raises a debatable issue and (2) that the harm without a stay outweighs the harm resulting from it. In balancing the parties' harm, this Court considers whether the requested relief is necessary to maintain the status quo and preserve the fruits of a successful appeal in light of the equities of the situation. See Purser v. Rahm, 104 Wn.2d 159, 177, 702 P.2d 1196 (1985). In granting a stay, this Court ordinarily requires a supersedeas bond or other security. RAP 8.1(b)(3), RAP 8.3. Here, Muresan does not present a debatable issue supported by the record or legal authority.

Becoming homeless is a significant harm. But the trial court has found "hazardous" circumstances on his property that were "contrary to the health, welfare, and safety of, at a minimum, the property's inhabitants." The court found "numerous septic violations" currently occurring at the property posing a "grave threat to human health." The court found the County's mitigating efforts for the non-party inhabitants on the property. Muresan's assertions, without the necessary context, fail to present a legal basis for this Court to enjoin his removal from the property or his arrest.

Muresan's second and third emergency motions are denied.

Masako Kanazawa Commissioner

Sincerely,

Lea Ennis

Court Administrator/Clerk

Law

c: The Honorable Carolyn Cliff

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FILED DEBRA VAN PELT ISLAND COUNTY CLERK

2022 MAR 29 AM 11: 24

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR ISLAND COUNTY

ISLAND COUNTY, a political subdivision of the State of Washington,

Plaintiff,

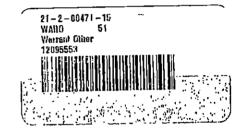
VS.

DAVID MURESAN and MARIA MURESAN,

Defendants.

CAUSE NO. 21-2-00471-15

WARRANT OF ABATEMENT



The Court has entered a partial judgment on the pleadings against Defendant David Muresan ("Mr. Muresan") by separate order, which is hereby incorporated by reference.

Therefore, being fully informed, and having found that Mr. Muresan has and is maintaining public nuisances in violation of Island County Code's ("ICC") 8.07D (Island County Health Code, On-Site Septic chapter), ICC 17.03 (Island County Zoning Code), and ICC 14.01.A (Island County Building Code), and as authorized by RCW 36.32.120(10) and RCW 7.48.200, and based on the files and records herein and on Appendix A, attached hereto, hereby approves and issues this WARRANT OF ABATEMENT, and authorizes Island County ("County") to abate nuisances found at 1578 Crestview Drive, Camano Island, Washington ("Property") as follows:

- 1. Island County shall promptly notify all persons and post notices, on the property to vacate the premises within seven (7) calendar days of the issuance of this Warrant. The notice shall include this Warrant and may include information regarding relocation assistance that may be provided by the County or its agents.
- 2. Any persons on the Property by the end of the seventh day from the date of this order may thereafter be removed by the Island County Sheriff or his deputies, along with any personal property of said persons.

Amended Order & Injunction Regarding Public Nuisances

- 3. Island County may post notices warning of the dangers present on the Property and/or prohibiting occupation of the outbuildings, recreational vehicles, and other structures other than the three-bedroom approved home, and may enforce such notices against any violators according to law.
- 4. Island County may record all expenses incurred in executing and enforcing this Warrant, which may be charged to the Defendant, David Muresan, if approved by the Court at a future hearing.
- 5. This order does not apply to the current residents of the permitted three-bedroom single-family house on the Property. However, no person may relocate from any other dwelling on the Property to said house without written approval of the Court.
- 6. Nothing in this Order shall be construed as limiting the authority of the <u>Island County Health Officer</u>, his designees, or others acting pursuant to his direction to act according to law.

Dated this \mathcal{F}' day of March, 2022.

Judge Carolyn Cliff,

Island County Superior Court

Presented by:

Peté Smiley, WSBA 23047

Chief Civil Deputy Prosecuting Attorney

Copy received, agreed as to form:

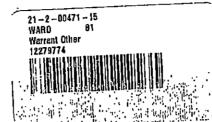
David Muresan, Pro Se

Amended Order & Injunction Regarding Public Nuisances

PROSECUTING ATTORNEY
OF ISLAND COUNTY
P.O. Box 5000
Coupeville, Washington 98239
360-679-7363
ICProsecutor@islandcountywa.gov

FILED
DEBRA VAN PELT
ISLAND COUNTY CLERK

2022 APR 27 PM 4: 09



IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

ISLAND COUNTY, a political subdivision of the State of Washington,

CAUSE NO. 21-2-00471-15

10 ||

VS.

AMENDED
WARRANT OF ABATEMENT

DAVID MURESAN and MARIA MURESAN,

Defendants.

Plaintiff.

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The Court has entered a partial judgment on the pleadings against Defendant David Muresan ("Mr. Muresan") by separate order, which is hereby incorporated by reference.

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Therefore, being fully informed, and having found that Mr. Muresan has and is maintaining public nuisances in violation of Island County Code's ("ICC") 8.07D (Island County Health Code, On-Site Septic chapter), ICC 17.03 (Island County Zoning Code), and ICC 14.01.A (Island County Building Code), and as authorized by RCW 36.32.120(10) and RCW 7.48.200, and pursuant to Findings of Fact, Conclusions of Law and Orders Re: Contempt of Court, the Court hereby approves and issues this Amended Warrant of Abatement, and authorizes Island County ("County") to abate nuisances found at 1578 Crestview Drive, Camano Island, Washington ("Property") as follows:

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1. All terms set forth in the Amended Order and Injunction and the first Warrant of Abatement remain in effect. To the extent those orders may conflict with this Amended Warrant of Abatement, however, this Amended Warrant shall take precedence.

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2. The County shall promptly notify all residents of the three-bedroom house on the Property to vacate the premises until further order of the Court within fourteen (14) days of the entry of this Order. Any further occupation of the house after that date is unlawful. After fourteen days, any persons remaining in the house may be removed as set forth in paragraph 3. Effective immediately, Island County may contact residents

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AMENDED WARRANT OF ABATEMENT

PROSECUTING ATTORNEY
OF ISLAND COUNTY
P.O. Box 5000
Coupeville, Washington 98239
360-679-7363
ICProsecutor@islandcountywa.gov

APPENDIX B

Amended Warrant of Abatement

Issued on April 27, 2022

of the house to advise them of the terms of this order, post notices on the house or the Property, and assist in relocating residents of the house as needed. Island County having previously been in communication with one or more representatives of the Northwest Justice Project regarding other occupants of the subject property and the Amended Order and Warrant of Abatement, Island County shall promptly advise the Northwest Justice Project of this expansion of the scope of the Warrant. In advising the occupants of the terms of the Amended Order and/or Amended Warrant of Abatement, Island County shall provide such residents with the toll-free telephone number for the Northwest Justice Project.

- 3. Mr. Muresan may reside in a personal vehicle on the Property if he desires. Mr. Muresan shall not enter or reside in any recreational vehicle of any kind or any building on the Property.
- 4. The Island County Sheriff or his deputies are authorized to remove any persons entering or remaining on the Property, effective immediately and subject only to provisions in paragraph 2 for the removal of tenants from the house and paragraph 3. In removing said persons, the Island County Sheriff or his deputies, may enter the Property and any buildings thereon without notice, and, after making reasonable efforts to obtain voluntary compliance, use reasonable force to remove and/or arrest said persons and remove the personal effects of said persons.
- 5. Island County may shut off power supply to the garage/carport building and any RVs, effective immediately. After fourteen (14) days from the date of this Order, Island County may shut off electricity to the house.
- 6. Effective immediately, Island County may physically secure the garage/carport building, RVs, and any and all other structures of any kind the subject property that have been used for human habitation to prevent further unlawful occupancy pending abatement of violations of health, safety, and zoning regulations and further order of the Court. After fourteen days from the date of this Order, Island County may obsorphysically secure the three-bedroom residence on the subject property to prevent any further unlawful occupancy pending abatement of violations of health, safety, and zoning regulations and further order of the Court.

Dated this <u>27</u> day of April, 2022.

Honorable Judge Carolyn Cliff Island County Superior Court

Presented by: GREGORY M. BANKS Island County Prosecuting Attorney Pete Smiley, WSBA 23047 Copy received, agreed as to form: Signed Telephonically David Muresan, Pro Se

AMENDED WARRANT OF ABATEMENT

PILED
DEBRA VAN PELT
ISLAND COUNTY CLERK

2022 HAY -6 PH 3: 12

IN THE SUPERIOR COURT FOR ISLAND COUNTY, WASHINGTON

ISLAND COUNTY, a political subdivision of the State of Washington,

CAUSE NO. 21-2-00471-15

Plaintiff,

VS.

DAVID MURESAN.

SECOND AMENDED
WARRANT OF ABATEMENT &
INJUNCTION



Defendant.

The Court has entered a partial judgment on the pleadings against Defendant David Muresan ("Mr. Muresan") by separate order, which is hereby incorporated by reference.

Therefore, being fully informed, and having found that Mr. Muresan has and is maintaining public nuisances in violation of Island County Code's ("ICC") 8.07D (Island County Health Code, On-Site Septic chapter), ICC 17.03 (Island County Zoning Code), and ICC 14.01.A (Island County Building Code), and as authorized by RCW 36.32.120(10) and RCW 7.48.200, the Court hereby approves and issues this Amended Warrant of Abatement authorizing Island County ("County") to abate nuisances found at 1578 Crestview Drive, Camano Island, Washington ("Property") and directing David Muresan to comply with the Court's Orders, as follows:

1. All terms set forth in the Amended Order and Injunction and the Amended Warrant of Abatement remain in effect. To the extent those orders may conflict with this Second Amended Warrant of Abatement, however, this Second Amended Warrant shall take precedence.

2. The County shall promptly notify all residents of the three-bedroom house on the Property to vacate the premises until further order of the Court no later than May 11, 2022. Any further occupation of the house after that date is unlawful. After May 11, 2022, any persons remaining in the house may be removed as set forth in paragraph 3. Effective immediately, Island County may contact residents of the house to advise them of the terms of this order, post notices on the house or the Property, and assist in

SECOND AMENDED WARRANT OF ABATEMENT

PROSECUTING ATTORNEY
OF ISLAND COUNTY
P.O. Box 5000
Coupeville, Washington 98239
360-679-7363
ICProsecutor@islandcountywa.gov

APPENDIX C

Second Amended Warrant of Abatement

Issued on May 6, 2022

relocating residents of the house as needed. Island County having previously been in communication with one or more representatives of the Northwest Justice Project regarding other occupants of the subject property and the Amended Order and Warrant of Abatement, Island County shall promptly advise the Northwest Justice Project of this expansion of the scope of the Warrant. In advising the occupants of the terms of the Amended Order and/or Amended Warrant of Abatement, Island County shall provide such residents with the toll-free telephone number for the Northwest Justice Project.

- 3. Effective 24 hours after the Court's entry of this Order, Mr. Muresan shall not enter or remain on the Property until further order of the Court. If Mr. Muresan or his agents request to enter the Property to conduct abatement activities, they shall first obtain written authorization, including authorization via email, from the Island County Planning Director or her designee, shall obtain all required permits before conducting abatement activity, shall comply with any limitations placed by the Island County Planning Director or her designee, shall not reside on the Property, nor shall they utilize the plumbing or bathroom facilities on the Property until the septic system is fully repaired to the satisfaction of the Island County Health Department. Mr. Muresan and his agents shall not interfere in any way with Island County's employees as they enforce this Court's orders, conduct abatement activities, or conduct enforcement efforts relating to the Property.
- 4. The Island County Sheriff or his deputies are authorized to remove any persons, including Mr. Muresan, entering or remaining on the Property, effective immediately and subject only to provisions in paragraph 2 and 3. In removing said persons, the Island County Sheriff or his deputies, may enter the Property without notice, making forced entry if needed, and, after making reasonable efforts to obtain voluntary compliance, use reasonable force to remove and/or arrest David Muresan and remove personal effects. If the Island County Sheriff or his deputies encounters difficulty voluntarily removing the current tenants of the three-bedroom house as set forth in paragraph 2 of this order, Island County may return to Court. To seek
 - 5. Island County may shut off power supply to the garage/carport building and any RVs, effective immediately. After May 11, 2022, Island County may shut off electricity to the house.

SECOND AMENDED WARRANT OF ABATEMENT

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6. Effective immediately, Island County may physically secure the garage/carport building, RVs, and any and all other structures of any kind of the subject property that have been used for human habitation (other than the three-bedroom residence) to prevent further unlawful occupancy pending abatement of violations of health, safety, and zoning regulations and further order of the Court. After the current tenants of the three-bedroom home depart from the Property, Island County may physically secure the three-bedroom residence on the subject property to prevent any further unlawful occupancy pending abatement of violations of health, safety, and zoning regulations and further order of the Court. "Physically secure," as used in this order includes the erection or installation of physical barriers on doors and other entry points as needed, such as hasps and padlocks, plywood, or other means not easily breached.

7. David Muresan shall not interfere with Island County representatives or employees carrying out activities authorized in this order or the Amended Order & Injunction.

Dated this 67 day of May, 2022 at 3:20 p.m.

Judge Cargiyn Cliff

Island County Superior Court

Presented by:

GREGORY M. BANKS

Island County Prosecuting Attorney

Pete Snuley, WSBA 23047

SECOND AMENDED WARRANT OF ABATEMENT

1		
2	Washington State Supreme Court	
3	Town Center East, Building 3 – First Floor 243 Israel Road SE, Tumwater, WA 98501	
4	David Muresan.	1
5	Appellant	Supreme Court #
6	Vs.	l Court of Appeal div1 # <u>838784</u> l Superior Court. # <u>21 2 00471 15</u>
7		t - Table 1
8	State of Washington Respondent	Declaration of Service
9		I
10	The undersianed certifie	es under penalty of perjury under the laws of
11	the State of Washington that on the date of <u>Dec. – 6th - 2022,</u> I served by:	
12	· · ·	c mail, [] Facsimile Transmission , [x] First , [] Overnight Delivery, in the manner
13	indicated above by "x" true and correct copies of the following	
14	documents: 1. Petition for review of the Court of Appeal div1	
15	decision DENYING to modify	
16	2. (1) Cover. 3. (2) Tables	
17	4. (3) Identity of Petitioner.	
18	5. (4) Citation to Court of Appeals Decision.6. (5) Issues Presented for Review.	
19	7. (6) Statement of the Case. (B8. (7) Argument.	riet)
20	9. (8) Conclusion. 10. (9) Appendix.	
21	11. Declaration of Service	
22	To: 1) Washington State Supr	
23	Gregory Marshall Banks <u>gregb@islandcountywa.gov</u> Prosecuting Attorney Island County, ICPAO Webmaster@islandcountywa.gov	
24	Peter H. Smiley P.Smiley@islandcountywa.gov gregb@islandcountywa.gov; CPAO_Webmaster@islandcountywa.gov;	
25	P.Smiley@islandcountywa.gov	vveninaster@isianocountywa.gov,
26	Mailed as D. Oll 0000 I. Marrie	and can can and
27	ivialled on Dec 6th 2022 by Maria	Muresan Maria Muresan
28	David Mur	resan, 1578 S. Crestview Dr. Camano Island, WA, 98282
29		h. 206-712-0463 email davidmuresan@live.com

Washington State Supreme Court Town Center East, Building 3 - First Floor 243 Israel Road SE, Tumwater, WA 98501 (1) Cover. This case is about a law suit in Island County Superior Court, about David Muresan rental to homeless people, and undocumented people in his shop, and regular people rented in his house, on his property at: 1578 S. Crestview Dr. Camano Island WA 98282, called as Criminal. Dunc Presented today Dec 5-22 by David Muresan David Muresan

From: David Muresax 2100 N. 53rd St. Ap. A Seattle, WA 98103



To: W.A. Supreme Coust.
Town Center East
Town Center East
Building 3- 1st floor.
Building 3- 1st floor.
243 Israel Road, 3E
243 Israel WA 98501.
Tumwater, WA 98501.