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SUPREME COURT  
STATE OF WASHINGTON  
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Nov 23, 2016, 8:22 am

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Supreme Court No. 93777-0-

Appeal Cause No. 73336-2-1

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SUPREME COURT OF THE STATE OF WASHINGTON

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Byron Barton and Jean Barton

Appellants

v.

JP MORGAN CHASE BANK, N.A., FIRST AMERICAN TITLE,

QUALITY LOAN SERVICE CORPORATION OF WASHINGTON,

AND TRIANGLE PROPERTY DEVELOPMENT, INC., A Washington Corporation

Respondents

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Appeal from the Court of Appeals Division 1

The Honorable Becker, J.

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RAP RULE 9.6 Exhibits

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Byron and Jean Barton

3119 S.E. 18ST

Renton, WA. 98058

(206) 355-8300

[byronandjean@comcast.net](mailto:byronandjean@comcast.net)

Pro Se

 ORIGINAL

## Required Exhibits Information

As required by the RAP 9.6 requirement of the court. In "(a) Generally. The party seeking review should, within 30 days after the notice of appeal is filed or discretionary review is granted, serve on all parties and file with the trial court clerk a designation of those clerk's papers and exhibits the party wants the trial court to transmit to the appellate court." "(c) the summons and complaint, or case initiating petition in a civil case."

The first exhibit (1) shows the Barton's home was sold on 11/15/2016 by Triangle Property LLC for 1.1 million dollars. The title passes as void by QLS (Trustee) for non-compliance of WA Deed Of Trust Act to Triangle that then pass a void title to a new buyer while all along Triangle knew the property had a clouded title from the two delisting by the Northwest Multiple Listing Service (NMLS). The new owner will not have a clean title as seen exhibit 3. Until this honorable court rules, the ownership of the Barton's property remains questionable.

Exhibit (2) by the letter from Chase Bank dated September 30, 2011 "We have updated our records to show First America no longer has power of Attorney for this account." Therefore J.P. Morgan/Chase Bank has no legal claim to this action. This letter clearly shows fraud by Chase Bank which shows they had no legal right to foreclose upon the Barton's property.

Exhibits (3) is the King County Record of *11/20/2011 Affidavit & Public Notice Reference Fraudulent Activity To This Property* Clearly warns the Public including Triangle Property LLC That fraudulent activity took place upon on the Barton's property. On page two " (3) If the Bank or the Bank's continue to attempt to collect on a NULLY and VOID contract or attempt to foreclose on this property after this declaration, then they do so knowing they have no standing or right of enforcement." This clearly a warning to anybody that takes a trustee title has a clouded title with no right of transfer the Barton's property to any party.

Exhibit (4) proof that THE GRANTOR(S), Triangle Property Development, LLC and Wendy Adams as acting real estate broker knowingly transfer a clouded title to Shui Yu and Xiaodan Wang. Stewart title will grant a STATUTORY WARRANTY subject to: This conveyance is subject to covenants, conditions and easements, If any affecting *title which may appear in the public record*; including those shown on any recorded plat or survey. Wendy Adams, as acting broker for Triangle property owed a specific fiduciary duty of loyalty to tell buyer that 6548 41<sup>st</sup> Ave SW Seattle, WA property has a clouded title. Wendy Adams knowingly passed a void clouded trustee title.

Exhibit (5) is the proof of delisting by NWMLS #1002783 August 9, 2016. Triangle should of known that 6548 41<sup>st</sup> Ave SW Seattle, WA had a clouded title is why it was delisted by NWMLS.

Exhibit (6) is the complaint for injunctive and other relief filed by WA State Attorney General, Robert W. Ferguson against QLS that still has failed to follow the WA State Deed Of Trust Act. It was just seven days after the Attorney General sued QLS for not following WA State Deed Of Trust Act. That QLS trustee bang the hammer down 436 days after the original sale without reissuing a new default as required by the WA State Deed Of Trust Act.

Exhibits (7) The Seller's Agent and Prospective buyer owes a due diligence and the facts on the listed property are disclosed to prospective buyers before the seller into a purchase agreement.

**6548 41st Ave SW**  
Seattle, WA 98136

Status: Sold

**\$1,100,000**

Sold Nov 15, 2016

**4**

Beds

**3**

Baths

**3,420**

Sq. Ft.

Built: 1928 Lot Size: 9,224 Sq. Ft. Sold On: Nov 15, 2016



Listing provided courtesy of Elite Northwest Realty LLC. Sold by Homelink International-Seattle.

Redfin Agent in  
West Seattle

1 of 3 Redfin Agents in this area



**Klaus Gosma**

Redfin Real Estate Agent



352 client reviews

**Talk to Klaus About Selling**

**(206) 557-3633**

Questions? Call Klaus's Team

**Track This Home's Estimate**

I'm the Owner

Track this home's value in our Home Report email and on your mobile device.

*Exhibit 1*

Chase (OH4-7302)  
3415 Vision Drive  
Columbus, OH 43219-6009



ORIGINAL

September 30, 2011

02980-01 #1A 273-000000000000  
Jean Barton  
6548 4 1st Ave SW  
Seattle, WA 98136-1814



Re: Account Number: \*\*\*\*\*0077  
Jean Barton

**Authorization Revoked**

Dear Jean Barton:

We are writing in response to the inquiry Chase received about the Power of Attorney for this account.

We have updated our records to show First American no longer has Power of Attorney for this account.

We appreciate your business. If you have questions, please call us at the telephone number below.

Sincerely,

Chase  
(800) 848-9136  
(800) 582-0542 TDD / Text Telephone  
[www.chase.com](http://www.chase.com)

CC650

Sent from my iPad

Exhibit 2

Prepared by: Jean Marie Barton

After recording return to:

Jean Marie Barton  
6548 41<sup>st</sup> Ave SW  
Seattle, WA 98136  
206 935 9384



2011229001774

CASH/BARTON N 76.00  
PAGE-001 OF 015  
12/29/2011 12:23  
KING COUNTY, WA

ORIGINAL

—Above This Line Reserved For Official Use Only—

**Affidavit & Public Notice Reference**  
**Fraudulent Activity Related To This Property**

I, Jean Marie Barton, of 6548 41<sup>st</sup> Ave SW, city of Seattle, county of King, state of Washington, the undersign Affidavit having been duly sworn, depose and states truthfully, for the record regarding the below property, the following information.

The legal description of this property to the best of my knowledge based on public records is:

Abbreviated Legal; Lt. 3-4 BLK.3 GATEWOOD-GARDENS V.25 P. 15

Tax Parcel Number: 2719100105

Also known as 6548 41<sup>st</sup> Ave SW Seattle, WA 98136

Regarding the following recording information on King County Public Records

**Mortgage Allegedly Signed:**

On August 06, 2007 and record on August 14, 2007 DEED OF TRUST loan # 3014060077-068 (security Instrument) recorded in the King County of Records # 20070814001628 and loan # 0772783908 recorded in the King County 20070814001629 between BYRON L. BARTON AND JEAN BARTON, HUSBAND AND WIFE dated August 06, 2007 given to, and empowering First American, a California corporation, located at 1567 Meridian Ave #800 Seattle, WA 98121 to act as "Trustee" is hereby replace for "default of proof of claim and fraudulent signatures of Jean M Barton, upon the recorded Mortgage, Deed of Trust or Security Instrument are forgery(s) by unknown Washington Mutual agent(s). J.P. Morgan; Chase Bank the unrecorded Beneficiary and Successors or assigns allegedly claims the mortgage has not been fully paid off, satisfied, nor discharged, but instead continues to exist in attempts to collected on a VIOD or NULLY contract even though Chase knowingly knew that a Breach of Contract and/or fraudulent signatures are present in the recorded mortgage or Deed of Trust in violation of law.

1. The Forensic Document Examiner Report of Brain Forrest, is undisputed by WAMU, J.P. Morgan and Chase Bank. WAMU, J.P Morgan and Chase Bank "Failure Proof of Claim" is undisputed and have exhausted all administrative remedy. That the Respondent(s) removed their Trustee of record by written notice dated September 30, 2011 ref. 02960-

Exhibit 3a

# ORIGINAL

01 IF 1A 273-000000000000.

2. That, according to the Proof of Claim and Forensic Document Examiner Report, the Respondents are now in DEFAULT and WITHOUT RECOURSE and no evidence has been presented to the contrary. (See Exhibit C Forensic Document Examiner Report of Brain Forrest).
3. If the Bank or the Bank's continue to attempt to collected on a NULLY and VOID contract or attempt to foreclose on this property after this declaration, then they do so knowing they have no standing or right of enforcement. Therefore, doing so will make them guilty of extortion, theft and fraud. All Federal felonies punishable with prison time.
4. Should the Bank's take any form action of Public recording such as Affidavit of Correction, Affidavit of Erroneous Recording, Affidavit of Erroneous Release and/ or legal action upon the NULLY and VIOD contract and/ or proceed with foreclosure action, they do so at their full commercial liability and shall be named a co-defendant against them in a wrongful civil action 3 x damages.

Jean M Barton is knowledgeable makes this affidavit for the purpose of giving notice to correct the above-described instrument, mortgage and/ or Deed of Trust by Striking the Bank's mortgage contract 3014060077; 0772783908 in entirety for payment(s) is NULL and VIOD for Breach of Contract and fraudulent actions of the Banker's that impaired the mortgage.

Dated: December 27, 2011.

Jean Marie Barton  
Principal Jean Marie Barton  
State of Washington  
County of King

NOTARY

IN WITNESS WHEREOF, I, a notary Public of the State of Washington, duly commissioned and sworn, have hereunto set my hand and affixed my official seal in the King County at Seattle on this date of December 29, 2011

Barry L. Chastain  
Barry L. Chastain

Notary

My commission expires: 7 / 9 / 2015

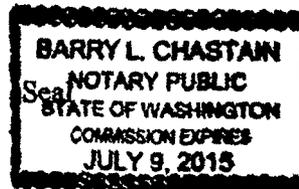


Exhibit 3b

WHEN RECORDED RETURN TO:

Shui Yu and Xiaodan Wang  
6548 41st Ave. SW  
Seattle, WA 98136



20161115000595

STEWART TITLE WD  
PAGE-001 OF 002  
11/15/2016 12:23  
KING COUNTY, WA

74.00

STEWART TITLE

E2833976

11/15/2016 12:22  
KING COUNTY, WA  
TRX \$19,585.00  
SALE \$1,100,000.00

PAGE-001 OF 001

Escrow Number: 01148-54294 (2)  
Filed for Record at Request of: Stewart Title Company

STATUTORY WARRANTY DEED

THE GRANTOR(S), Triangle Property Development, LLC, a Washington Limited Liability Company for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys and warrants to Shui Yu and Xiaodan Wang, husband and wife the following described real estate, situated in the County of King, State of Washington:

LEGAL DESCRIPTION ON EXHIBIT " A " ATTACHED HERETO AND MADE A PART HEREOF.

Subject to: This conveyance is subject to covenants, conditions, restrictions and easements, if any affecting title which may appear in the public record, including those shown on any recorded plat or survey.

Abbreviated Legal: (Required if full legal not inserted above.)

Lts. 3-4, Bk 3, Gatewood Gardens

Tax Parcel Number(s): 271910-0105

Dated: October 31, 2016

TRIANGLE PROPERTY DEVELOPMENT, LLC, A  
Washington Limited Liability Company

Wendy D. Adams, authorized signor

State of Washington

County of King

ss.

I certify that I know or have satisfactory evidence that Wendy D. Adams is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she is authorized to execute the instrument and acknowledge it as the authorized signor of Triangle Property Development, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 11/2/16

KEVLEEN N. ALLRED  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
12-09-16

Notary name printed or typed: Kevleen Allred  
Notary Public in and for the State of WA  
Residing at: Puyallup, WA  
My appointment expires: 12/31/16

Exhibit 4

From: Byron Barton byronandjean@comcast.net  
Subject: Proof of Delisting  
Date: Nov 20, 2016, 8:20:10 PM  
To: Byron Barton byronandjean@comcast.net

## Property History for 6548 41st Ave SW

Date	Event	Price	Appre- ciation	Source
Aug 9, 2016	Delisted	—	—	NWMLS #1002783
Jul 22, 2016	Listed (Active)	*	—	NWMLS #1002783
Apr 28, 2014	Sold (Public Records) This home was sold at a foreclosure auction.	\$646,000	—	Public Records

Exhibit 5





# The seller's agent and the prospective buyer

## Chapter 22



After reading this chapter, you will be able to:

- distinguish an agent's specific agency duty owed to their client from the limited general duty they owe to others in a transaction;
- conduct a due diligence investigation to observe property conditions adversely affecting value for disclosure to prospective buyers;
- protect your seller by ensuring all readily known material facts on the listed property are disclosed to prospective buyers before the seller enters into a purchase agreement; and
- understand the need to qualify your representations in a transaction when they are opinions and not based on the results of an investigation into the facts.

**fiduciary duty**

**general duty**

**marketing package**

**material fact**

**multiple listing service (MLS)**

**preliminary title report (prelim)**

**title conditions**

**Transfer Disclosure Statement (TDS)**

### Learning Objectives

### Key Terms

A seller's broker and their agents have a special **fiduciary agency duty**, owed solely to a seller who has employed the broker, to diligently market the listed property for sale. The objective of this employment is to locate a prospective buyer who is ready, willing and able to acquire the property on the listed terms.

On locating a prospective buyer, either directly or through a buyer's agent, the seller's agent owes the prospective buyer, and thus also the buyer's

### General duty to voluntarily disclose

Exhibit 7

Declaration of Service

I, Byron L. Barton, Pro Se. certify under penalty of perjury under the laws of the State of Washington, that on the date of Nov. 22, 2016 I signed this declaration of service. I signed this declaration of service. To the following and mail via first class, postage prepaid, to the following counsel listed below:

David James Lawyer

Inslee Best Doezie & Ryder PS

PO Box 90016

Bellevue, WA 98009-9016

Joseph Ward McIntosh

McCarthy & Holthus LLP

108 1<sup>st</sup> Ave S Ste 300

Seattle, WA 98104-2104

Zana Zahra Bugaighis

Davis Wright Tremaine LLP

1201 3<sup>rd</sup> Ave Ste 2200

Seattle, WA 98101-3045

Fred B Burnside

Davis Wright Tremaine LLP

1201 3<sup>rd</sup> Ave Ste 2200

Seattle, WA 98101-3045

Byron Barton

Byron Barton

Nov. 22, 2016

Date

7016 1370 0001 7905 1127

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SEATTLE, WA 98101

Certified Mail Fee	\$3.30
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Postage	\$1.15
Total Postage and Fees	\$4.45

Sent to **Fred B. Burnside**  
 Street and Apt. No., or PO Box No. **1201 3rd Ave Ste 2200**  
 City, State, ZIP+4® **Seattle, WA 98101-3045**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7016 1370 0001 7905 1097

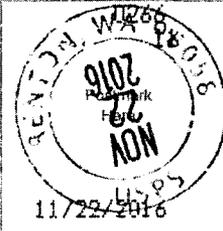
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BELLEVUE, WA 98009

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<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Postage	\$1.15
Total Postage and Fees	\$4.45

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 Street and Apt. No., or PO Box No. **P.O. Box 90016**  
 City, State, ZIP+4® **Bellevue, WA 98009-9016**

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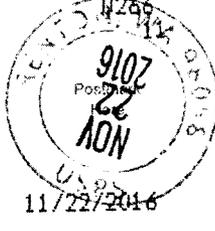
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<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Postage	\$1.15
Total Postage and Fees	\$4.45

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 Street and Apt. No., or PO Box No. **108 1st Ave S Ste 300**  
 City, State, ZIP+4® **Seattle, WA 98104-2104**

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7016 1370 0001 7905 1107

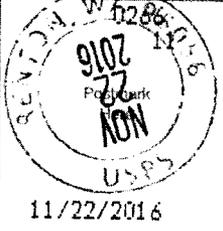
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Certified Mail Fee	\$3.30
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Postage	\$1.15
Total Postage and Fees	\$4.45

Sent to **Zana Zabra Bugaighni's**  
 Street and Apt. No., or PO Box No. **1201 3rd Ave Ste 2200**  
 City, State, ZIP+4® **Seattle, WA 98101-3045**

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions