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LEWIS COUNTY

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SUPERIOR COURT  
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**SUPERIOR COURT OF WASHINGTON  
COUNTY OF LEWIS**

**KATHLEEN HUESTIS, a single person,**  
  
**Plaintiff,**  
  
vs.  
  
**TAD STUCK, a single person,**  
  
**Defendant.**

**CASE NO. 21 - 2 - 00 709 - 21**  
  
**COMPLAINT FOR UNEQUAL  
PARTITION OR QUIET TITLE**

**I. PRELIMINARY STATEMENT**

1. Plaintiff, Kathleen Huestis, brings this Complaint seeking an Order for an equal partition of real property in proportion to her contribution towards the purchase price of said property, or alternatively, an Order quieting title to real property in her name in fee simple.

**II. PARTIES**

2. Plaintiff Kathleen Huestis purchased real property located at 295 Meade Hill Road, Glenoma, WA 98336 in the County of Lewis, State of Washington, identified as Tax Parcel No. 030518001001, Section 13 Township 12N Range, 05E PT SE4 SW 4 Mead Hill Rd. (hereafter, MEADE HILL), See Exhibit A, a true and accurate Quit Claim Deed and Excise Tax Affidavit with full legal description.

1 3. Defendant Tad Stuck is listed as a tenant in common on the Quit Claim Deed for  
2 MEADE HILL.

3 **III. JURISDICTION/VENUE**

4 4. This Court has jurisdiction over this action pursuant to RCW 2.08.010 and venue  
5 is properly laid in Lewis County, Washington because Plaintiff and Defendant reside in Lewis  
6 County, Washington and this action pertains to title to real property located in Lewis County,  
7 Washington.

8 **IV. FACTS**

9 5. Plaintiff and Defendant made unequal contributions to the purchase price of the  
10 MEADE HILL property, described above.

11 6. Plaintiff secured the sale price for MEADE HILL from Carmen Gleason, her  
12 relative and former owner of the property, for \$6,000.00.

13 7. While Plaintiff waited for settlement proceeds to purchase MEADE HILL,  
14 Defendant's parents, James and Carol Ashmore (the Ashmores), offered to purchase the property  
15 pursuant to a Letter of Agreement, attached as Exhibit B.

16 8. The Ashmores purchased MEADE HILL from Carmen Gleason on August 24,  
17 2018 for \$6,000.00. See Exhibit C, a true and accurate copy of the Lewis County Tax Assessor  
18 record.

19 9. On January 4, 2019, pursuant to the Letter of Agreement, Plaintiff purchased  
20 MEADE HLL from the Ashmores in full for \$11,265.65 by issuing Check No. 1010, a true and  
21 accurate copy of which is attached as Exhibit D.

22 10. Defendant did not contribute to the purchase price of MEADE HILL.  
23  
24

1 11. On June 26, 2019, the Ashmores executed a Quit Claim Deed, conveying the  
2 MEADE HILL property to Plaintiff and Defendant. See Exhibit A.

3 12. Plaintiff and Defendant resided at MEADE HILL in a trailer Defendant had in his  
4 possession between August 24, 2018 and July 2, 2019, approximately 10 months.

5 13. Defendant ceased to reside at MEADE HILL on July 2, 2019, when in Lewis  
6 County Case No. 19-2-0071021, Defendant was restrained from going on the property by court  
7 order, which has since been extended to exclude Defendant from MEADE HILL until October  
8 30, 2024.

9 14. During the period after August 24, 2018, the date the Ashmores purchased the  
10 property from Carmen Gleason, Plaintiff spent over \$4,000.00 at Arrow Lumber & Hardware,  
11 LLC in Randle, Washington for building materials intended to make MEADE HILL habitable.

12 15. Plaintiff also spent thousands of dollars purchasing items ordered by Defendant  
13 for the MEADE HILL property from Amazon.com, Home Depot, and VDS Auto Dismantler.

14 16. Upon information and belief, Defendant charged building materials to James  
15 Ashmore's account at Arrow Lumber & Hardware but did not personally pay those bills.

16 17. Upon information and belief, some, if not all, of the payments Plaintiff made to  
17 Arrow Lumber & Hardware were applied to charges made by Defendant on James Ashmore's  
18 Arrow Lumber & Hardware account.

19 18. Plaintiff is the sole co-tenant to have paid property taxes for MEADE HILL since  
20 the conveyance from the Ashmores.

21 **V. CAUSE OF ACTION – UNEQUAL PARTITION**

22 19. Plaintiff is entitled to a decree for an unequal partition of MEADE HILL pursuant  
23 to RCW 7.52.010 and RCW 7.52.440.

1           20. Plaintiff paid for MEADE HILL in full and is entitled to an interest in that real  
2 property proportionate to her contribution to the purchase price.

3           21. Defendant did not contribute any money towards the purchase price of MEADE  
4 HILL and is entitled to an interest proportionate to his contribution to the purchase price. That is  
5 to say, Defendant has a *de minimus* interest in the real property, if any at all.

6           22. A partition cannot be made equal between the parties according to their  
7 respective rights without prejudicing the rights and interests of Plaintiff in MEADE HILL.

8           23. Plaintiff is entitled to have Defendant's relative interest in MEADE HILL  
9 determined, if any, and an equitable compensation determined in accordance with that interest.

10          24. There are no liens or encumbrances of record affecting the MEADE HILL, and  
11 Plaintiff has no knowledge of any parties who may claim an interest in the property or  
12 who will be affected by this action other than Defendant.

13                                   **VI. CAUSE OF ACTION (ALT) - QUIET TITLE**

14          25. Plaintiff has a valid, subsisting interest in MEADE HILL and alternatively asserts  
15 a right to the exclusive possession thereof.

16          26. Plaintiff brings this action to quiet title against Defendant, who claims some  
17 interest in this real property by virtue of being named on the Quit Claim Deed by his parents, the  
18 Ashmores.

19          27. Defendant did not contribute to the purchase price of the MEADE HILL, has not  
20 acquired any interest for cost of repairs or improvements, payment of property taxes, or any  
21 other interests in equity.

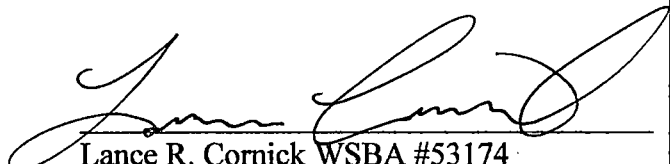
22          28. Plaintiff is unable to make necessary investments and improvements to the  
23 property with the clouded title and Defendant's claims of an interest therein.

1           29.    There are no liens or encumbrances of record affecting MEADE HILL, and  
2 Plaintiff has no knowledge of any parties who may claim an interest in the property or  
3 who will be affected by this action other than Defendant.

4           **WHEREFORE**, Plaintiff requests the following relief:

- 5           1.    The Court to enter an Order determining Plaintiff and Defendant's relative  
6 interest in the property according to Washington law;
- 7           2.    If the Court determines Plaintiff is the sole party with interest in MEADE HILL,  
8 then for an Order quieting title to MEADE HILL in fee simple in Plaintiff's name,  
9 against the Defendant's claim or anyone else claiming an interest in MEADE  
10 HILL by, through, or under Defendant.
- 11           3.    If the Court determines Plaintiff is not the sole party with interest in MEADE  
12 HILL, then an Order:
- 13           a.    Determining an unequal partition is necessary because partition cannot be  
14 made equal between the parties according to their respective rights without  
15 prejudicing the rights and interests of Plaintiff;
- 16           b.    Determining Defendant's relative interest and the respective compensation to  
17 be paid by Plaintiff to Defendant to compensate Defendant for his interest in  
18 MEADE HILL; and
- 19           c.    Requiring title in MEADE HILL to be transferred to Plaintiff in fee simple  
20 after such compensation is paid;
- 21           4.    For any costs associated with the partition action, including reasonable attorney  
22 fees; and
- 23           5.    Any other relief as may be deemed proper by the Court.
- 24

DATED this 22<sup>nd</sup> day of December, 2021

  
Lance R. Cornick WSBA #53174  
Attorney for Plaintiff Kathleen Huestis

EXHIBIT, A

319954

10-7-19

DWA

When recorded return to:

Tad C. Stuck and Kathleen M Huestis  
295 Meade Hill Road  
Glenoma, WA 98336

**QUIT CLAIM DEED**

THE GRANTOR(S)

James E Ashmore and Carol Lynn Ashmore, husband and wife, for love and affection conveys and quit claims to

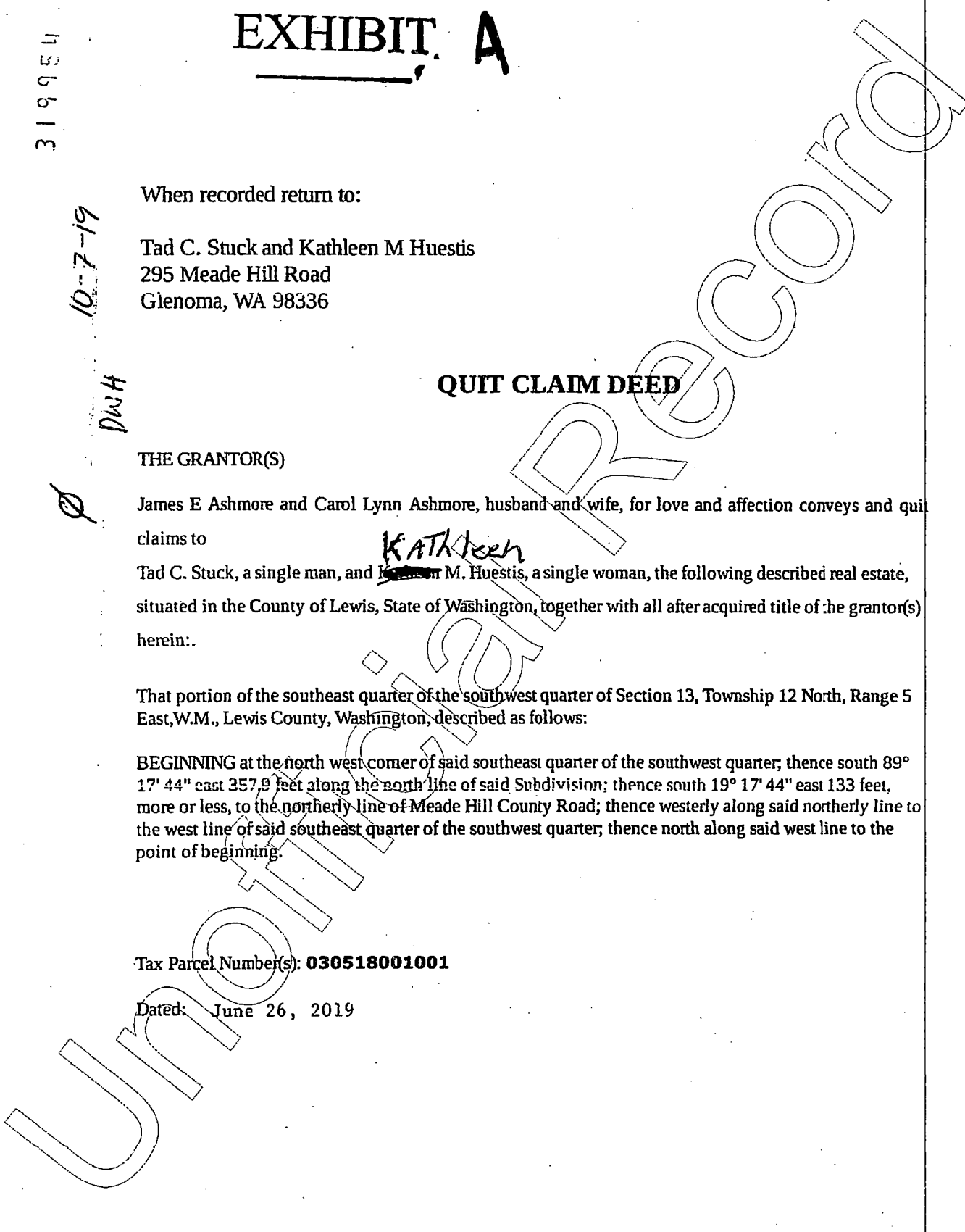
Tad C. Stuck, a single man, and ~~Kathleen~~ <sup>KATHleen</sup> M. Huestis, a single woman, the following described real estate, situated in the County of Lewis, State of Washington, together with all after acquired title of the grantor(s) herein:

That portion of the southeast quarter of the southwest quarter of Section 13, Township 12 North, Range 5 East, W.M., Lewis County, Washington, described as follows:

BEGINNING at the north west corner of said southeast quarter of the southwest quarter; thence south 89° 17' 44" east 357.9 feet along the north line of said Subdivision; thence south 19° 17' 44" east 133 feet, more or less, to the northerly line of Meade Hill County Road; thence westerly along said northerly line to the west line of said southeast quarter of the southwest quarter; thence north along said west line to the point of beginning.

Tax Parcel Number(s): **030518001001**

Dated: June 26, 2019



*James E Ashmore*  
James E. Ashmore  
*Carol L Ashmore*  
Carol Lynn Ashmore

STATE OF MICHIGAN  
COUNTY OF LEELANAU

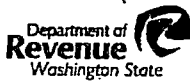
ss.

I certify that I know or have satisfactory evidence that James E. Ashmore and Carol Lynn Ashmore, husband and wife, (is/are) the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: June 26, 2019

*James R. Williams*  
Notary name printed or typed: James R. Williams  
Notary Public in and for the State of Michigan  
Residing at 5311 S. Elm Valley Rd, Suttons Bay, MI  
My appointment expires: 07/18/2023 49682

Unofficial RECORDED



REAL ESTATE EXCISE TAX AFFIDAVIT

PLEASE TYPE OR PRINT

CHAPTER 82.45 RCW - CHAPTER 458-61A WAC

This form is your receipt when stamped by cashier.

THIS AFFIDAVIT WILL NOT BE ACCEPTED UNLESS ALL AREAS ON ALL PAGES ARE FULLY COMPLETED

Check box if partial sale, indicate % sold.

(See back of last page for instructions)

List percentage of ownership acquired next to each name.

Form with sections 1 and 2. Section 1: SELLER GRANTOR Name: James E. Ashmore and Carol Lynn Ashmore, Mailing Address: 500 S. Lake Shore Drive, City/State/Zip: Lake Leelanau, MI 49653. Section 2: BUYER GRANTEE Name: Tad C. Stuck and Kathleen M. Huestis, Mailing Address: PO Box 32, City/State/Zip: Glenoma WA 98336, Phone No.: (360) 304-8502.

Section 3: Send all property tax correspondence to: [ ] Same as Buyer/Grantee. List all real and personal property tax parcel account numbers - check box if personal property. List assessed value(s). Name: 030518-001-001, Value: 26,200.00.

Section 4: Street address of property: 295 Meade Hill Road, White Pass, Washington. This property is located in Lewis County. Legal description of property (if more space is needed, you may attach a separate sheet to each page of the affidavit). See Exhibit A for full legal description.

3510822 ExciseTaxAffidavit D 10/07/2019 03:51:13 PM Total Pages: 1 Fees: 104.50 Larry E. Grove, CPA, Lewis County Auditor, Chehalis, Washington

Section 5: Select Land Use Code(s): 91. All other residential not elsewhere coded. Was the seller receiving a property tax exemption or deferral under chapters 84.36, 84.37, or 84.38 RCW (nonprofit organization, senior citizen, or disabled person, homeowner with limited income)? YES [ ] NO [X]

Section 6: Is this property designated as forest land per chapter 84.33 RCW? YES [ ] NO [X]. Is this property classified as current use (open space, farm and agricultural, or timber) land per chapter 84.34 RCW? YES [ ] NO [X]. Is this property receiving special valuation as historical property per chapter 84.26 RCW? YES [ ] NO [X].

(1) NOTICE OF CONTINUANCE (FOREST LAND OR CURRENT USE) NEW OWNER(S): To continue the current designation as forest land or classification as current use (open space, farm and agriculture, or timber) land, you must sign on (3) below. This land [ ] does [ ] does not qualify for continuance.

(2) NOTICE OF COMPLIANCE (HISTORIC PROPERTY) NEW OWNER(S): To continue special valuation as historic property, sign (3) below. (3) OWNER(S) SIGNATURE PRINT NAME

List all personal property (tangible and intangible) included in selling price. If claiming an exemption, list WAC number and reason for exemption: WAC No. (Section/Subsection) 458-61A-201(b)(1) Reason for exemption Gift, for love and affection. Type of Document Quit Claim Deed Date of Document 6/26/19. Tax summary table with Total Due \$ 10.00.

Section 8: I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT. Signature of Grantor or Grantor's Agent James E. Ashmore, Name (print) James E. Ashmore, Date & city of signing: 9/18/19 - Lake Leelanau, MI. Signature of Grantee or Grantee's Agent Kathleen M. Huestis, Name (print) Kathleen M. Huestis, Date & city of signing: 9/17/19 Chehalis.

Perjury: Perjury is a class C felony which is punishable by imprisonment in the state correctional institution for a maximum term of not more than five years, or by a fine in an amount fixed by the court of not more than five thousand dollars (\$5,000.00), or by both imprisonment and fine (RCW 9A.20.020 (1C)).



**EXHIBIT A**

**LEGAL DESCRIPTION**

That portion of the southeast quarter of the southwest quarter of Section 13, Township 12 North, Range 5 East, W.M., Lewis County, Washington, described as follows:

BEGINNING at the northwest corner of said southeast quarter of the southwest quarter; thence south  $89^{\circ}17'44''$  east 357.9 feet along the north line of said Subdivision; thence south  $19^{\circ}17'44''$  east 133 feet, more or less, to the northerly line of Meade Hill County Road; thence westerly along said northerly line to the west line of said southeast quarter of the southwest quarter; thence north along said west line the point of beginning.

Unofficial Record

# EXHIBIT

# B

## LETTER OF AGREEMENT

### BETWEEN PARENTS AND TAD AND KATHY

1. Tad Stuck and Kathy Heustis can purchase 295 Meade Hill Rd. from Jim and Carol Lynn Ashmore (parents) when Kathy's settlement comes in for the price outlined in item 2 below and detailed in the shared spreadsheet "295 Meade Hill Rd". Tad and Kathy's names will be put on the deed.
2. Purchase Price = amount paid by parents for the property + any costs parents incurred buying and holding on to the property (i.e., lawyer fees, closing costs, title, back taxes, interest).
3. While parents own the property - parents will not be paying for improvements - septic, water or electric. Any improvements on the property must be cleared with parents before being started.
4. In the event that either Tad or Kathy no longer want to purchase the property, then the parents will sell the property.
5. Parents agree to not resell the property on the open market for at least 12 months.

**Signature Page for Letter of Agreement between Parents and  
Tad and Kathy**

10/14

**Date**

Jim Ashmore

**Jim Ashmore**

10-14-18

**Date**

Carol Lynn Ashmore

**Carol Lynn Ashmore**

**Date**

**Tad Stuck**

Kathy Huestis

**Date**

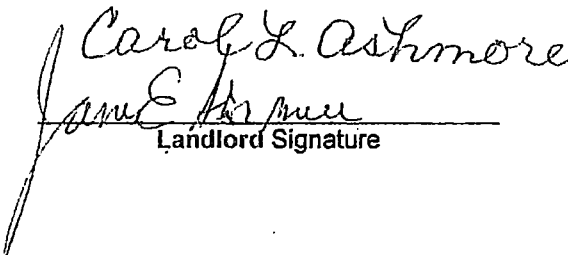
**Kathy Huestis**

**42. Counterparts.** This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and all of which together, shall constitute one and the same document.

**43. Headings.** The section heading herein are for reference purposes only and shall not otherwise affect the meaning, construction, or interpretation of any provision in this Agreement.

**44. Entire Agreement.** This Agreement constitutes the entire understanding between the Parties and supersedes and cancels all prior agreements of the Parties, whether oral or written, with respect to the Site.

IN WITNESS WHEREOF, the Parties hereto, individually or by their duly authorized representatives have executed this Agreement as of the Effective Date.

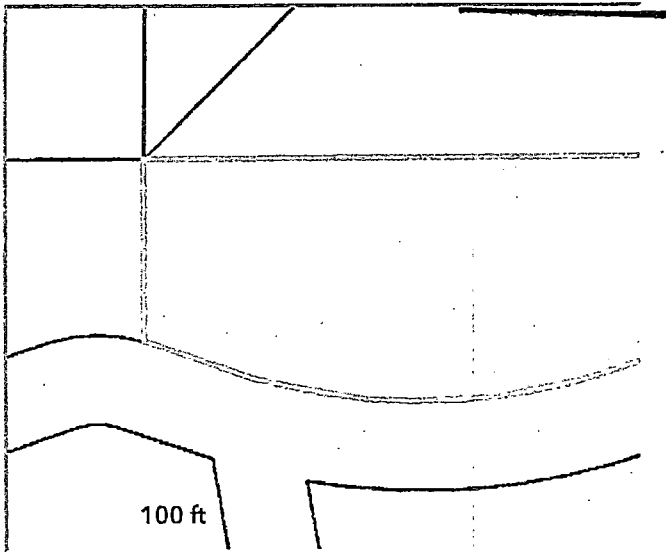
  
\_\_\_\_\_  
Landlord Signature

\_\_\_\_\_  
James E and Carol L Ashmore  
Landlord Full Name

\_\_\_\_\_  
Tenant Signature

\_\_\_\_\_  
Tad Stuck and Kathy Heustis  
Tenant Full Name

# EXHIBIT C



Address 295 Meade Hill Rd, White Pass

Parcel Number **030518001001**

Owner Stuck, Tad C & Huestis, Kathleen M

Account # 2212299

Assessed Value  
\$31,700

Taxes Owed  
Taxes Current

## Sales History

Date	Amount	Seller	Buyer	Auditor Filing Number
08/24/2018	\$6,000	GLEASON CARMEN	ASHMORE JAMES E & CAROL L	3489658

CBR	D BR	Run	Batch	Src Batch	Sequence	App	C/D	Serial	Transit	Account	Trancode	Amount
0	0	31	76	0	54150	11	D	0101	325181015	[REDACTED]	0	11,265.65
Pkt		Date										
0		03/12/2019										

# EXHIBIT D

KATHLEEN M HUESTIS  
 PO BOX 603  
 RANDLE WA 98377-0603  
 360-304-8502

0101

Date 1.4.19

98-8101/3251

TBACH  
18/

Pay to the  
Order of

Jim & Carol Ashmore \$ 11,265.65

Eleven Thousand Two Hundred Sixty Five and 65/100 Dollars



P.O. BOX 718 • OLYMPIA, WA 98507  
 (360) 357-9917  
 (800) 258-3115

Memo: Property (Hedge Hill Rd) Kathleen Huestis

© 1998 End, Clark 2008

*Carol Ashmore*