

RECEIVED & FILED  
MASON CO. CLERK

2022 FEB 17 AM 10:18

SUPERIOR COURT OF WA.  
SHARON K. FOGO

BY BP 24 DEPUTY

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR MASON COUNTY

22-2-00076-23  
CMP  
Complaint  
11863364



JOSEPH A. SHELTON and SHAWNA SHELTON, )  
a married couple, and SHAWNA SHELTON )  
as her separate property, )  
Plaintiffs, )

NO. 22-2-00076-23

vs. )

COMPLAINT TO QUIET TITLE,  
for EJECTMENT, DAMAGES,  
and INJUNCTIVE RELIEF

BRIAN NULL, and JANE DOE NULL, and )  
any other occupants, )  
Defendant(s). )

COME NOW the Plaintiffs herein, JOSEPH A. SHELTON and SHAWNA SHELTON, a married couple, and SHAWNA SHELTON, as her separate property, by and through their attorneys, STEPHEN WHITEHOUSE and JULIE NICHOLS of WHITEHOUSE & NICHOLS, LLP, and for their Complaint herein allege as follows:

I. PARTIES

1.1. Plaintiffs JOSEPH A. SHELTON and SHAWNA SHELTON, a married couple, and SHAWNA SHELTON, as her separate property, hold record title in and to the subject property described herein, located in Mason County, Washington. Plaintiffs are currently permanent residents of the state of Florida.

1.2. Defendant BRIAN NULL, on information and belief, is not an active member of the

3

1 military service of the United States and is a resident of the State of Washington. JANE DOE  
2 NULL is named as his spouse in the event he is married.

3  
4 **II. JURISDICTION & VENUE**

5 2.1. The action herein affects real property located in Mason County, Washington.  
6 Therefore, jurisdiction and venue are proper herein.

7 **III. FACTS & BACKGROUND**

8 3.1. Plaintiffs hold title to the following real property which is subject of this Complaint,  
9 located in Mason County, Washington, to wit:

10 First parcel  
11 Lot 3, Block 1, Shorecrest Beach Estates First Addition, Volume 5 of Plats,  
12 page 117, records of Mason County, Washington.

13 Mason County Tax Parcel No. 32021-58-01003  
14 Commonly known as: 61 E. Soundview Drive  
15 Shelton, Mason County, Washington

16 Second parcel  
17 Lot 2, Block 1, Shorecrest Beach Estates First Addition, Volume 5 of Plats,  
18 page 117, records of Mason County, Washington.

19 Mason County Tax Parcel No. 32021-58-01002  
20 Commonly known as: 81 E. Soundview Drive  
21 Shelton, Mason County, Washington

22 3.2. On/around March 26, 2021, Plaintiffs JOSEPH SHELTON and SHAWNA SHELTON,  
23 husband and wife, took title to Lot 2 described above by way of Statutory Warranty Deed  
24 recorded under Mason County Auditor's File No. 2153254.

25 3.3. On or around June 10, 2021, Plaintiff SHAWNA SHELTON, as her sole and separate  
26 property took title to Lot 3 described above, by way of Statutory Warranty Deed recorded

1 under Mason County Auditor's File No. 2159063.

2 3.4. Attached as Exhibit A are true and correct copies of the vesting deeds for both parcels  
3 described herein, which is incorporated by reference herein.  
4

5 3.5. Plaintiffs took title to the property without physically visiting the property and it was  
6 discovered after purchase that the listing broker posted photos of the wrong property on the  
7 Northwest Multiple Listing Service.

8 3.6. After purchasing Lot 2 described herein, Plaintiffs hired Holman & Associates to  
9 conduct a survey of the property. Attached as Exhibit B is a true and correct copy of said  
10 survey, which is incorporated by reference herein.  
11

12 3.7. After taking title to the property, and as a result of this survey, Plaintiffs discovered  
13 that Defendant(s) were occupying the property unlawfully.

14 3.8. Defendant(s) unlawful occupation includes a recreational vehicle, as well as various  
15 structures that he has built over the past several months.  
16

17 3.9. Specifically, Defendant began construction of a structure on the Plaintiffs' property  
18 in July of 2021, said structure being unauthorized and unpermitted, and exposing Plaintiff's  
19 to code enforcement liability as true owners of the property.

20 3.10. Defendant has also removed numerous trees and dug ditching and trenches on the  
21 Plaintiffs' property, causing damage to said property.

22 3.11. Attached as Exhibit C are true and correct copies of photos taken by Plaintiffs of the  
23 subject property on April 27, 2021, May 17, 2021, and August 26, 2021, as indicated, which  
24 photos shall be incorporated by reference herein.  
25

26 3.12. Defendant(s) have posted No Trespassing signs, effectively excluding Plaintiffs from

1 their own property.

2 3.13. Plaintiffs caused to be delivered to Defendant(s) a written notice on/around October  
3 13, 2021, notifying Defendant(s) that he/they had no permission to remain on the property  
4 and needed to vacate by October 28, 2021.  
5

6 3.14. Defendant(s) failed to do so.

7 3.15. On/around January 10, 2022, Plaintiffs, through their attorneys, caused to be  
8 delivered (posted/mailed) a second written notice that the property needed to be vacated  
9 by January 25, 2022. Attached as Exhibit D is a true and correct copy of said written notice,  
10 which shall be incorporated by reference herein.  
11

12 3.16. Defendant(s) remain on the property.

13 3.17. On information and belief, Defendants entered the property without permission of  
14 any person(s) holding record title to the property.

15 3.18. Defendant(s) have failed to vacate despite reasonable and repeated notice provided  
16 by the Plaintiffs.  
17

18 3.19. Defendant(s) have no legal claim to the property.

19 3.20. Defendant(s) have no legal right to remain on the property.  
20

#### 21 **IV. CAUSES OF ACTION**

22 4.1. EJECTMENT. Defendant(s) have no legal right to remain in possession of the  
23 property, and therefore Plaintiffs are entitled to immediate possession thereof, through a  
24 preliminary and permanent injunction, and/or a Writ of Assistance, directing the Mason  
25 County Sheriff to restore possession of the premises to Plaintiffs.

26 4.2. QUIET TITLE. Plaintiffs are entitled to an order quieting title to the subject property

1 free and clear from any claim of Defendant(s).

2 4.3. TRESPASS-WASTE. Defendant(s) have intentionally and unreasonably remained on  
3 the property without authorization, have conducted unauthorized and illegal construction  
4 activities (fences, trenching) therefore Plaintiffs are entitled to treble damages, costs and  
5 attorney's fees under RCW 4.24.630.  
6

7 4.4. TIMBER TRESPASS. Defendant(s) have removed several trees from Plaintiffs'  
8 property, and therefore Plaintiffs are entitled to treble damages under RCW 64.12.030.

9 4.5. NUISANCE. Defendants' continuing actions constitute waste and public and private  
10 nuisance under RCW 7.48 as these actions injure or endanger the comfort, repose, health  
11 or safety of Plaintiff and/or renders Plaintiff insecure in life, or in the use of property, and  
12 Plaintiff is entitled to damages and/or preliminary/permanent injunctive relief ordering  
13 the nuisance to be abated.  
14

15 **V. PRAYER FOR RELIEF**

16 WHEREFORE, the Plaintiffs pray that the Court restore Plaintiffs' possession of the  
17 foregoing property as set forth above including a writ of assistance; for injunctive relief; for  
18 title to be quieted in Plaintiffs as set forth above; and for an award of damages, statutory  
19 costs, and attorney's fees as set forth above, and for such other and further relief as the court  
20 deems fit.  
21

22 DATED this 17<sup>th</sup> day of February, 2022.

23 

24 \_\_\_\_\_  
25 STEPHEN WHITEHOUSE, WSBA #6818  
26 JULIE NICHOLS, WSBA #37685  
WHITEHOUSE & NICHOLS, LLP  
Attorneys for Plaintiffs

**WHITEHOUSE & NICHOLS, LLP**  
Attorneys at Law

P.O. BOX 1273  
601 W. RAILROAD AVE., SUITE 300  
SHELTON, WASHINGTON 98584

(360) 426-5885 • FAX (360) 426-6429

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STATE OF Florida )  
                                  )      ss.  
COUNTY OF Flagler    )

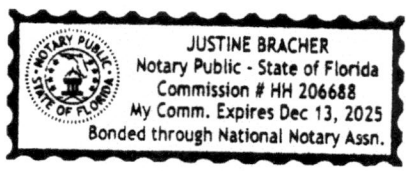
I, JOSEPH A. SHELTON, and I, SHAWNA SHELTON, being duly sworn upon oath, do hereby depose and state as follows:

That we are the Plaintiffs in the above-entitled action. That each of us have read the foregoing Complaint, which is six (6) pages long including this page and believe the same to be true and correct.

*[Signature]*  
JOSEPH A. SHELTON  
*[Signature]*  
SHAWNA SHELTON

SUBSCRIBED AND SWORN to before me this 12 day of Feb, 2022.

*[Signature]*  
NOTARY PUBLIC in and for State of Florida  
Print Name JUSTINE BRACHER  
Residing at 4601 E MOODY BLVD, BUNNELL, FL 32110  
My commission expires 12/13/2025



# **EXHIBIT**

# **A**

When recorded return to:  
Shawna M. Shelton and Joseph A. Shelton  
1021 East Benson Loop Road  
Shelton, WA 98584

AFFIDAVIT  
No 48738  
WA R.E./EXCISE TAX  
Mar 26 2021  
PAID \$240.00  
LISA FRAZIER  
Treasurer Mason County

Escrow Number: 2021-25133-SH  
Filed for Record at the request of: Aegis Land Title Group

**STATUTORY WARRANTY DEED**

THE GRANTOR(S), Bonnie Edwards, an unmarried woman, for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys, and warrants to Shawna M. Shelton and Joseph A. Shelton, a married couple the following described real estate, situated in Mason County, State of Washington:

Lot two (2), Block one (1), Shorecrest Beach Estates First Addition, Volume 5 of Plats, page 117, records of Mason County, Washington.

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, and including the attached Exhibit "B"

Abbreviated Legal: Lot 2, BLK 1, Shorecrest Beach Estates 1st Addn.  
Tax Parcel Number: 32021-58-01002

Dated: March 26, 2021

UNOFFICIAL



Bonnie M. Edwards  
Bonnie M. Edwards

STATE OF WASHINGTON  
COUNTY OF Tuolumne

I certify that I know or have satisfactory evidence that Bonnie M. Edwards is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 26 day of March, 2021

Dixie K. Womble  
Signature

Notary Public  
Title

My appointment expires: 11-09-23

This notarial act involved the use of communication technology (check box if applicable).



LPB 10-05(I)  
Page 2 of 4

**EXHIBIT B**

**1. DECLARATION OF PROTECTIVE COVENANTS FOR SHORECREST BEACH ESTATES, recorded August 2, 1965, Auditor's File No. 212877.**

Provisions set forth on the plat, including DEDICATION.

BYLAWS of Shorecrest Water Company, Inc. These are not of record.

ARTICLES OF INCORPORATION of Shorecrest Beach Club, Inc., recorded under Auditor's File No. 599886, BYLAWS recorded under Auditor's File Nos. 622318, 1880668, 1961005, 2026183, 2041228, and 2066386;

RULES AND REGULATIONS recorded under Auditor's File Nos. 604857, 630620, 1792523, 1856125, 1866277, 1896167, 1987563, 2046081, 2062571, 2077457, and 2112178;

RESOLUTIONS recorded under Auditor's File Nos. 612841, 612842, 648232, 1692177, 1692178 (rerecorded under Auditor's File No. 1762292), 1749211, 1749529 and 1753759;

POLICIES AND PROCEDURES recorded under Auditor's File Nos. 1749212, 1749213, 1965323, 2061897, and 2112179.

Refer to instruments for a more particular statement.

**2. MINERAL RESERVATION.**

Reserved By: Norman E. Impett.

Dated: October 13, 1965.

Recorded: October 27, 1965.

Auditor's File No.: 214781.

Reserving all oil and mineral rights; rights shall not apply to rock, sand, gravel, fill material or other similar solid materials found upon the property; providing compensation be paid for damages caused by such entry and/or removal and for rights of way or easements, pipe lines, etc., which may be required as a result of such entry and/or removal.

**3. RESERVATION.**

Reserved By: Carl T. Madsen and Kathleen M. Madsen, husband and wife.

Dated: October 22, 1965

Recorded: March 4, 1975

Auditor's File No.: 297729

"EXCEPT all oil and mineral rights."

**4. NOTICE OF OPERATION AND MAINTENANCE OF ON-SITE SEWAGE SYSTEM recorded August 16, 2007, Auditor's File No. 1903423.**

5. General taxes: First half due on or before April 30; Second half due on or before October 31:

Year: 2021

Amount Billed: \$88.90

Amount Paid: \$88.90

Amount Due: \$0.00, plus interest and penalty if delinquent

Tax Account No.: 32021-58-01002

Property Code: 91

Total Assessed Value: \$8,350.00

6. Potential lien in favor of Shorecrest Beach Club, Inc., for any unpaid community dues and assessments, as provided in Bylaws recorded October 18, 2006, Auditor's File No. 1880668, and as may thereafter be amended.

Status: Not of record; contact claimant directly for current status (This exception is for the purpose of disclosing that a lien may be claimed for any amounts now or hereafter unpaid, NOT to indicate whether or not there are any presently unpaid amounts constituting such a lien)

To insure the priority of any forthcoming security instrument over this lien, or to issue an ALTA Form 5-06 (P.U.D.) endorsement, the Title Company will require a SUBORDINATION AGREEMENT from the above referenced community club. ALTA endorsement for 5.1-06 (P.U.D.) will be available upon request without the requirement for a subordination agreement.

UNOFFICIAL

LPB 10-05(I)  
Page 4 of 4

When recorded return to:  
Shawna M. Shelton  
1021 East Benson Loop Road  
Shelton, WA 98584

AFFIDAVIT  
No 49835  
WA R.E. EXCISE TAX  
Jun 10 2021  
PAID \$24.00  
LISA FRAZIER  
Treasurer Mason County

---

Escrow Number: 2021-27805-SH  
Filed for Record at the request of: Aegis Land Title Group

**STATUTORY WARRANTY DEED**

THE GRANTOR(S), Kelli M. Gibson, an unmarried woman on July 15, 2020, and all times since, for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys, and warrants to Shawna M. Shelton, a married woman as her separate property, the following described real estate, situated in Mason County, State of Washington:

Lot 3, Block 1, Shorecrest Beach Estates First Addition, Volume 5 of Plats, page 117, records of Mason County, Washington.

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, and including the attached Exhibit "B"

Abbreviated Legal: Lot 3, Blk 1, Shorecrest Beach Estates 1st Addn  
Tax Parcel Number: 32021-58-01003

Dated: June 3, 2021

UNOFFICIAL

Kelli M. Gibson  
Kelli M. Gibson

STATE OF California  
COUNTY OF Yuba

I certify that I know or have satisfactory evidence that Kelli M. Gibson is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 3 day of June, 2021

Marjorie Daley  
Signature  
Notary Public  
Title



My appointment expires: March 26, 2023

This notarial act involved the use of communication technology (check box if applicable).



**EXHIBIT B**

1. DECLARATION OF PROTECTIVE COVENANTS FOR SHORECREST BEACH ESTATES, recorded August 2, 1965, Auditor's File No. 212877.

Provisions set forth on the plat, including DEDICATION.

BYLAWS of Shorecrest Water Company, Inc. These are not of record.

ARTICLES OF INCORPORATION of Shorecrest Beach Club, Inc., recorded under Auditor's File No. 599886, BYLAWS recorded under Auditor's File Nos. 622318, 1880668, 1961005, 2026183, 2041228, and 2066386;

RULES AND REGULATIONS recorded under Auditor's File Nos. 604857, 630620, 1792523, 1856125, 1866277, 1896167, 1987563, 2046081, 2062571, 2077457, and 2112178;

RESOLUTIONS recorded under Auditor's File Nos. 612841, 612842, 648232, 1692177, 1692178 (rerecorded under Auditor's File No. 1762292), 1749211, 1749529 and 1753759;

POLICIES AND PROCEDURES recorded under Auditor's File Nos. 1749212, 1749213, 1965323, 2061897, and 2112179.

Refer to instruments for a more particular statement.

2. MINERAL RESERVATIONS

Reserved By: Norman E. Impett.

Recorded on October 27, 1965 as Instrument #214781 in the official records of Mason County, Washington.

Reserving all oil and mineral rights; rights shall not apply to rock, sand, gravel, fill material or other similar solid materials found upon the property; providing compensation be paid for damages caused by such entry and/or removal and for rights of way or easements, pipe lines, etc., which may be required as a result of such entry and/or removal.

NOTE: No examination has been made to determine the present record owner of the above minerals, or mineral lands and appurtenant rights thereto, or to determine matters which may affect the lands or rights so reserved.

3. RESERVATIONS

Reserved By: Carl T. Madsen and Kathleen M. Madsen, husband and wife.

Recorded on October 22, 1976 as Instrument #320692 in the official records of Mason County, Washington.

Reservations As Follows: "EXCEPT all oil and mineral rights."

NOTE: No examination has been made to determine the present record owner of the above minerals, or mineral lands and appurtenant rights thereto, or to determine matters which may affect the lands or rights so reserved.

**4. General taxes Unpaid and Delinquent:**

Year: 2021  
Amount Billed: \$88.90  
Amount Paid: \$0.00  
Amount Due: \$88.90, plus interest and penalty  
Tax Account No.: 32021-58-01003  
Levy Code: 0191  
Property Code: 91  
Total Assessed Value : \$8,350.00

5. Potential lien in favor of Shorecrest Beach Club, Inc., for any unpaid community dues and assessments, as provided in Bylaws recorded October 18, 2006, Auditor's File No. 1880668, and as may thereafter be amended.

Status: Not of record; contact claimant directly for current status (This exception is for the purpose of disclosing that a lien may be claimed for any amounts now or hereafter unpaid, NOT to indicate whether or not there are any presently unpaid amounts constituting such a lien)

To insure the priority of any forthcoming security instrument over this lien, or to issue an ALTA Form 5-06 (P.U.D.) endorsement, the Title Company will require a SUBORDINATION AGREEMENT from the above referenced community club. ALTA endorsement for 5.1-06 (P.U.D.) will be available upon request without the requirement for a subordination agreement.

UNOFFICIAL COPY

LPB 10-05(i)  
Page 4 of 4

**EXHIBIT**

**B**



AF#2160464 v1 49 PG.241

2160464 MASON CO WA



### DESCRIPTION

SEE STATUTORY WARRANTY DEED  
AUDITORS FILE NO. 2153254

RECORDS OF MASON COUNTY, WASHINGTON

TOGETHER WITH AND SUBJECT TO EASEMENTS,  
RESTRICTIONS, RESERVATIONS AND COVENANTS OF  
RECORD

### REFERENCE SURVEYS

SHORECREST BEACH ESTATES FIRST  
ADDITION  
VOLUME 5 OF PLATS, PAGE 117

VOLUME 15 OF SURVEYS, PAGE 188  
VOLUME 18 OF SURVEYS, PAGE 25  
VOLUME 35 OF SURVEYS, PAGE 237

### NOTE

LAND IS CURRENTLY  
OCCUPIED BY BRIAN NULL  
WHO CLAIMS OWNERSHIP  
OF LOT 3 AND PREVIOUS  
OWNERSHIP OF LOT 2. NO  
INSTRUMENTS OF  
CONVEYANCE OR OF  
RECORD.

EQUIPMENT AND PROCEDURES  
SOKKIA IX 505  
PROCEDURE: FIELD TRAVERSE

FOUND STONE  
MONUMENT  
(MAY, 2021)

FOUND STONE  
MONUMENT  
(MAY, 2021)

FOUND STONE  
MONUMENT (LAST  
VISITED JULY, 2009)

FOUND STONE  
MONUMENT (LAST  
VISITED JULY, 2009)

BASIS OF BEARING  
ACCEPT: 1168.43 (P) 1168.06 (M)

E LYNWOOD DR

E EARLL DR.

SOUNDVIEW DR.

FOUND 3/4" IRON PIPE LEANING, TIED  
POINT OF VERTICAL ENTRY SOUTH 0.28',  
0.32' EAST OF CALCULATED POSITION

FOUND 3/4" IRON PIPE LEANING, TIED POINT OF  
VERTICAL ENTRY SOUTH 0.54',  
WEST 0.06' OF CALCULATED  
POSITION

SHORECREST BEACH ESTATES FIRST ADDITION

OWNER OF RECORD:  
KELLI M. GIBSON  
2725 E FIR ST #3  
MT. VERNON, WA 98723

FOUND 1/2" IRON PIPE  
SOUTH 0.18', EAST  
0.09' OF CALCULATED  
POSITION

LOGS AND  
TREE  
DEBRIS  
N 89°12'57" E 130.00 (P)  
N 89°17'51" E 130.06 (M)

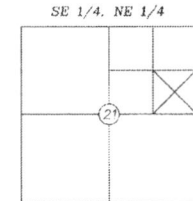
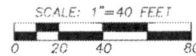
TOOL  
SHED  
SOLAR  
PANEL

LOGS AND  
TREE DEBRIS  
N 88°12'57" E 130.00 (P)  
N 89°14'40" E 129.99 (M)

FOUND #4 IRON BAR  
WITH CAP "LOVITT, IS  
11133" NORTH 0.06',  
WEST 0.02' OF  
CALCULATED POSITION

### LEGEND

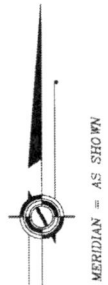
- = SET #5 IRON BAR W/ PLASTIC YELLOW CAP "HOLMAN IS 15653"
- = FOUND AS NOTED
- (P) = PLAT
- (M) = MEASURED
- ⊗ = FOUND STONE MONUMENT WITH X



SEC. 21, TWP. 20 N., R 3 W



21-044.DWG  
21-044.ASC



#### AUDITOR'S CERTIFICATE

FILED FOR RECORD THIS 28<sup>th</sup> DAY June 20 21

AT 1:24 P. M. IN BOOK 49 OF Surveys

PAGE 241 OF THE REQUEST OF DANIEL F. HOLMAN

COUNTY AUDITOR

#### SURVEYOR'S CERTIFICATE

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR  
UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS  
OF THE SURVEY RECORDING ACT AT THE REQUEST OF

SHAWNA SHELTON

IN MAY 20 21

DANIEL F. HOLMAN

CERTIFICATE NO 15653

*Daniel F. Holman*

### SURVEY

FOR

SHAWNA SHELTON

IN

SE 1/4, NE 1/4

SECTION 21, TOWNSHIP 20 NORTH, RANGE 3 WEST, W.M.

### HOLMAN & ASSOCIATES

PROFESSIONAL LAND SURVEYORS

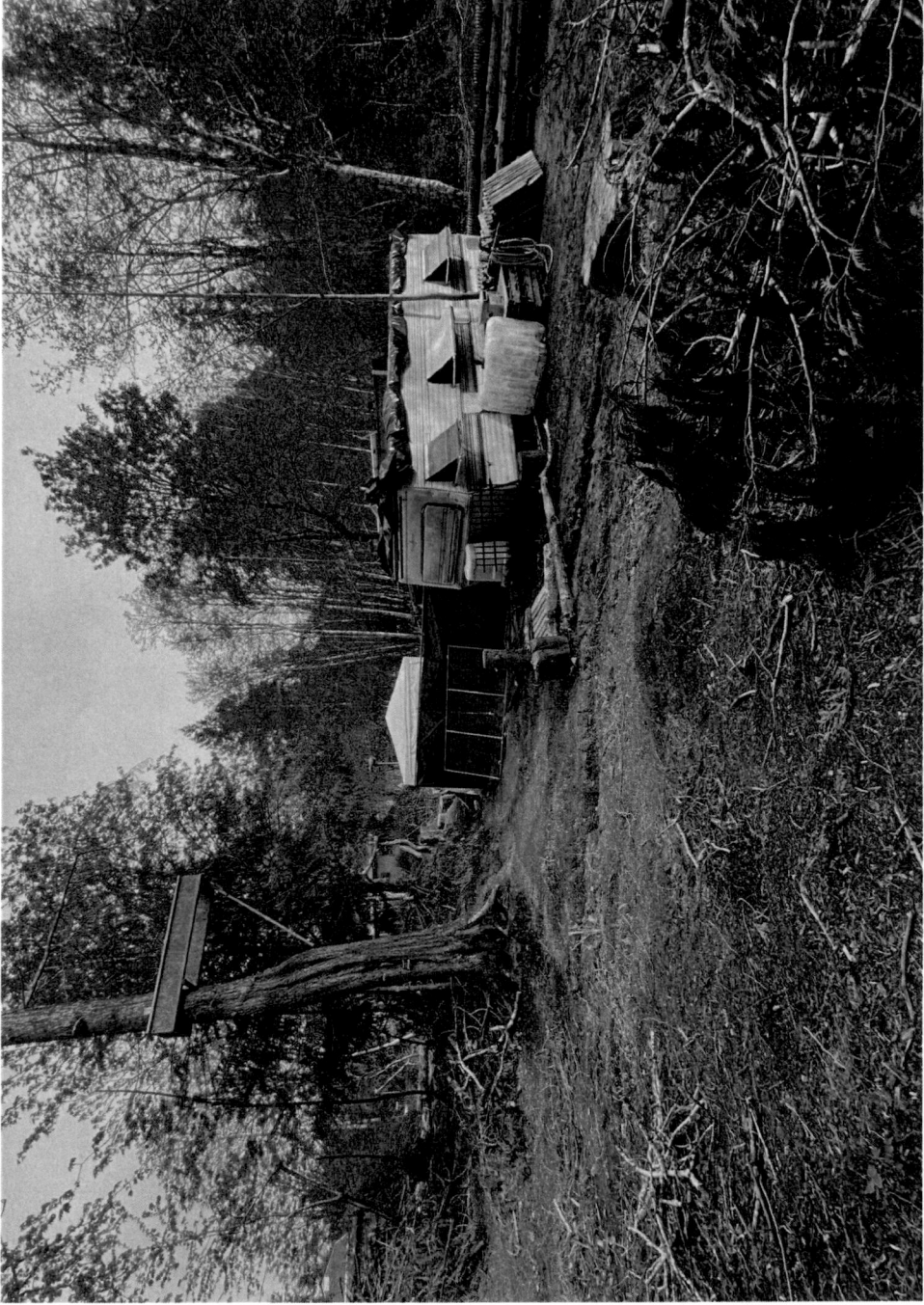
P.O. BOX 2379

SHELTON, WA 98584

(300) 426-2990 PHONE holman@hetc.com

|         |     |       |           |         |        |
|---------|-----|-------|-----------|---------|--------|
| DWN BY  | CMF | DATE  | MAY, 2021 | JOB NO. | 21-044 |
| CHKD BY | DFH | SCALE | 1" = 40'  | SHEET   | 1 OF 1 |

**EXHIBIT**  
**C**



4/27/21



12/21/5



8/24/21

**EXHIBIT**  
**D**

WHITEHOUSE & NICHOLS, LLP  
Attorneys at Law  
P.O. BOX 1273  
601 W. RAILROAD AVE., SUITE 300  
SHELTON, WASHINGTON 98584

STEPHEN T. WHITEHOUSE  
JULIE SUND NICHOLS

TELEPHONE (360) 426-5885  
FAX (360) 426-6429

January 10, 2022

Brian Null  
And any other occupant(s)  
61 E Soundview Drive  
81 E Soundview Drive  
Shelton, WA 98584

**VIA POSTING & MAILING**

**RE: Shorecrest Beach Estates #1 Block 1 Lots 2 & 3**

Dear Mr. Null and any other occupants,

By way of introduction, our firm represents Joseph A. & Shawna Shelton, who purchased Lot 2 on/around March 26, 2021 and Lot 3 on around June 10, 2021.

We are aware that you have been residing on portion(s) of the property in a recreational vehicle for several months. We have also been made aware of unauthorized logging on the property as well as other damage, including the digging of trenches.

Our review of the records reveals that you have been given written notice at least once, on/around October 13, 2021, that you have no permission to be on the property and that you needed to vacate by October 28, 2021.

**We are hereby providing final notice that you have until midnight on Tuesday, January 25, 2021, to vacate the property** and remove your personal property, including the RV, and restore the property to its previous condition. Failure to do so will result in immediate legal action in Mason County Superior Court.

While the circumstances surrounding your original entry onto the property are unknown, you currently do not have permission to occupy the premises, and have been occupying the property for some time without any authorization. Courts in our state either view these situations as trespassing, a tenancy at sufferance, or a tenancy at will that can be ended at any time. (A tenancy at will is not one of the statutory types of tenancies established in Washington, but rather is found at common law and is a tenancy (a) of indefinite duration, (b) with no monthly or other periodic rent reserved, (c) terminable at the will of either landlord or tenant, without advance notice. *Najewitz v. City of Seattle*, 21 Wn.2d 656, 659, 152 P.2d 722 (1944); *accord, Turner v. White*, 20 Wn.App. 290, 292, 579

P.2d 410 (1978); see also *Washington Real Property Deskbook*, Vols. 1&2, Ch. 17.3(4) (WSBA 4th ed. updated 2014).)

You have been notified that you need to vacate the property, as we have outlined above. Under RCW 9A.52.010, RCW 59.04.050, 59.12.030, and/or the common law outlined above, our clients are entitled to immediate possession of their property.

In addition, your activities on the property constitute trespass/waste under RCW 4.24.630 and timber trespass. Our clients need to secure the property immediately; time is of the essence in this matter.

If you have questions, do not hesitate to call our office.

Sincerely,



WHITEHOUSE & NICHOLS, LLP

STEPHEN WHITEHOUSE

JULIE NICHOLS

Attorneys for Joseph A. & Shawna Shelton