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SUPERIOR COURT OF WA.
SHARON K. FOGO

BY BP le DEPUTY

**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR MASON COUNTY**

22-2-00076-23
PROR 5
Proposed Order Findings
11863424



**JOSEPH A. SHELTON and SHAWNA SHELTON,)
a married couple, and SHAWNA SHELTON)
as her separate property,)
Plaintiffs,)
vs.)
BRIAN NULL, and JANE DOE NULL, and)
any other occupants,)
Defendant(s).)**

NO. 22-2-00076-23

**ORDER GRANTING
PRELIMINARY INJUNCTIVE
RELIEF**

(PROPOSED)

This matter came before the Court on Monday, February 28, 2022, on Motion by Plaintiffs 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, for Order Granting a Preliminary Injunction against Defendants BRIAN NULL and JANE DOE NULL.

The Court heard oral argument of counsel for Plaintiffs, and Defendants [being represented / not being represented]. The Court considered the pleadings filed on this action and the following evidence:

5

- 1 1. Verified Complaint of Plaintiffs including exhibits attached to verified Complaint;
2 2. Motion for Preliminary Injunction & Memorandum of Law in Support of Motion; and

3 Based on the argument of counsel and the evidence presented, the Court finds:
4

5 FINDINGS OF FACT:

- 6 1. Plaintiffs hold title to the following real property which is subject of this Complaint,
7 located in Mason County, Washington, to wit:

8 First parcel

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

11 Mason County Tax Parcel No. 32021-58-01003

12 Commonly known as: 61 E. Soundview Drive
13 Shelton, Mason County, Washington

14 Second parcel

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

17 Mason County Tax Parcel No. 32021-58-01002

18 Commonly known as: 81 E. Soundview Drive
19 Shelton, Mason County, Washington

- 20 2. On/around March 26, 2021, Plaintiffs JOSEPH SHELTON and SHAWNA SHELTON,
21 husband and wife, took title to Lot 2 described above by way of Statutory Warranty
22 Deed recorded under Mason County Auditor's File No. 2153254.
23 3. On or around June 10, 2021, Plaintiff SHAWNA SHELTON, as her sole and separate
24 property took title to Lot 3 described above, by way of Statutory Warranty Deed
25 recorded under Mason County Auditor's File No. 2159063.
26

- 1 4. After taking title to the property, Plaintiffs caused a survey to be completed and
2 through this survey, Plaintiffs discovered that Defendant(s) were occupying the
3 property unlawfully.
- 4 5. Defendant(s) unlawful occupation includes a recreational vehicle, as well as various
5 structures that he has built over the past several months.
- 6 6. Specifically, Defendant began construction of a structure on the Plaintiffs' property
7 in July of 2021, said structure being unauthorized and unpermitted, and exposing
8 Plaintiffs to code enforcement liability as true owners of the property.
- 9 7. Defendant has also removed numerous trees and dug ditching and trenches on the
10 Plaintiffs' property, causing damage to said property.
- 11 8. Defendant(s) have posted No Trespassing signs, effectively excluding Plaintiffs from
12 their own property.
- 13 9. Plaintiffs caused to be delivered to Defendant(s) a written notice on/around October
14 13, 2021, notifying Defendant(s) that he/they had no permission to remain on the
15 property and needed to vacate by October 28, 2021.
- 16 10. Defendant(s) failed to do so.
- 17 11. On/around January 10, 2022, Plaintiffs, through their attorneys, caused to be
18 delivered (posted/mailed) a second written notice that the property needed to be
19 vacated by January 25, 2022.
- 20 12. Defendant(s) unlawfully remain on the property.
- 21 13. Defendant(s) have failed to vacate despite reasonable and repeated notice provided
22 by the Plaintiffs.
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1 14. Defendant(s) have no legal claim to the property.

2 15. Defendant(s) have no legal right to remain on the property.

3
4 Having heretofore, its Findings of Fact, the court does hereby enter its Conclusions of
5 Law:

6 **CONCLUSIONS OF LAW**

7 I.

8 The court has jurisdiction over the parties and the subject matter of this action.

9 II.

10 Title in and to in the following described real property situated in Mason County,
11 Washington, including any personal property or improvements thereon, shall be quieted
12 in Plaintiffs JOSEPH SHELTON and SHAWNA SHELTON, husband and wife, free and clear of
13 any claim of the Defendant(s), and all others claiming any right, title or interest through
14 them:
15

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

18 Mason County Tax Parcel No. 32021-58-01002

19 III.

20 Title in and to in the following described real property situated in Mason County,
21 Washington, including any personal property or improvements thereon, shall be quieted
22 in Plaintiff SHAWNA SHELTON, as her sole and separate property, free and clear of any
23 claim of the Defendant(s), and all others claiming any right, title or interest through them:
24

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

1 Mason County Tax Parcel No. 32021-58-01003

2 IV.

3 Defendant remains on the subject property unlawfully and Plaintiffs are entitled to
4 immediate possession thereto.

5 **ORDER**

6 IT IS HEREBY ORDERED:

7 Plaintiffs' Motion is Granted.

8 Defendants BRIAN NULL and JANE DOE NULL are hereby enjoined from remaining
9 on the subject property described herein.

10 Plaintiffs are entitled to a Writ of Assistance authorizing the Mason County Sheriff to
11 assist in restoring Plaintiffs' possession of the property known as 61 E Soundview Drive &
12 81 E Soundview Drive, Shelton, Mason County, Washington.

13 Any personal property remaining on the subject property following executing of the
14 Writ of Assistance shall be deemed abandoned and disposed of by Plaintiffs.

15 Plaintiffs shall file a bond, in the sum of \$200.00, for the payment of such costs and
16 damages as may be incurred or suffered by any party who is found to have been wrongfully
17 enjoined or restrained.

18 This order shall go into effect upon filing of the bond, and shall remain in effect until
19 further order of this Court.

20 IT IS FURTHER ORDERED that the Clerk shall issue a Writ of Assistance, directing the
21 Mason County Sheriff to restore to Plaintiff possession of the property described in the
22 Complaint and commonly known as 61 E Soundview Drive & 81 E Soundview Drive, Shelton,
23

1 Mason County, Washington.

2 All other issues involving remaining issues of liability, damages and costs & fees are
3 reserved.
4

5
6 Dated the _____ day of _____, 2022.

7
8
9 _____
10 JUDGE

11 Presented by:

12 
13 _____

14 STEPHEN WHITEHOUSE, WSBA #6818
15 JULIE NICHOLS, WSBA #37685
16 WHITEHOUSE & NICHOLS, LLP
17 Attorneys for Plaintiffs
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