

101222

SUPERIOR COURT OF WASHINGTON FOR SKAMANIA COUNTY

LONGVIEW FIBRE COMPANY, a  
corporation,

Plaintiff,

vs.

THE COUNTY OF SKAMANIA; JOHN  
TOL, individually and as Per-  
sonal Representative of the  
Estate of LaRena Tol,

Defendants.

NO.

SUMMONS

FILED FOR RECORD  
SKAMANIA CO. WASH  
BY WAYNE D. PURCELL  
ATTORNEY  
JUN 2 9 39 AM '86  
S. New, Ap.

A lawsuit has been started against you in the above entitled court by LONGVIEW FIBRE COMPANY plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you by this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned attorney for the plaintiff within 20 days after service of this summons, excluding the day of service if served within the State of Washington and within 60 days if served out of the State of Washington, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what he asks for because you have not responded. If you serve a notice of appearance on the undersigned attorney, you are entitled to notice before a default judgment may be entered.

You may demand that the plaintiff file this lawsuit with the court. If you do so, the demand must be in writing and must be served upon the plaintiff. Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court, or the service on you of this summons and complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.

Dated: May 19, 1986

By

WAYNE D. PURCELL

Of Attorneys for Plaintiff

Law Offices

STUDLEY, PURCELL, FRIY, SPENCER & KENNY

1335 Commerce Avenue, Suite 301 - P.O. Box 1846

Longview, Washington 98632

Telephone (206) 577-6700

CERTIFIED TO BE A TRUE COPY

BY

ATTORNEY FOR

Registered

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SUPERIOR COURT FOR WASHINGTON OF SKAMANIA COUNTY

LONGVIEW FIBRE COMPANY,  
a corporation,  
  
Plaintiff,  
  
vs.  
  
THE COUNTY OF SKAMANIA; JOHN  
TOL, individually and as  
Personal Representative of the  
Estate of LaRena Tol,  
  
Defendants.

No.

COMPLAINT FOR DECLARATORY  
JUDGMENT TO DECLARE STATUS  
OF COUNTY ROAD

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COMES NOW the plaintiff and in filing this complaint  
for a declaratory judgment alleges and represents as follows:

1. That the plaintiff herein is a corporation duly  
organized and existing under and by virtue of the laws of  
the State of Delaware with its principal offices in the State  
of Washington and said corporation has paid all fees due by  
law to said State.

2. Plaintiff further alleges that it is the owner  
of real property in the County of Skamania and that the  
access to said real property is by an existing road known as  
the Moffett Springs Road which lies in part in the Northeast  
Quarter of the Northwest Quarter (NE 1/4 NW 1/4) of Section  
20, Township 2 North, Range 7 East, Willamette Meridian,  
Skamania County, Washington.

3. That said Moffett Springs Road in the area herein  
involved has at various times been designated as a portion

1 Skamania County Road No. 10220; and Skamania County Road No. 22.

2 4. That John Tol, individually, and as personal representative  
3 of the Estate of LaRena Tol (Skamania County Probate File No. 2564),  
4 is the owner of property in the Northeast Quarter of the Northwest  
5 Quarter (NE 1/4 NW 1/4) Section 20, Township 2 North, Range 7 East,  
6 Willamette Meridian, Skamania County, Washington and that some  
7 portion of the Moffett Springs Road herein involved traverses the  
8 property owned by John Tol and said estate and that said John Tol  
9 has barricaded said road and denied the plaintiff and the public  
10 the use of said road.

11 5. This action for declaratory judgment is brought on the  
12 ground and for the reason that the public officials of the County  
13 of Skamania are uncertain as to the status of that portion of the  
14 Moffett Springs Road here involved in the light of County Road  
15 Resolution No. 43A entitled "Resolution of Intent to Vacate Certain  
16 County Roads" dated November 21, 1975 by which said resolution  
17 certain county roads located in the Skamania County were purported to  
18 be vacated. The County Commissioners and other public officials of  
19 said County charged with the responsibility of the upkeep and the  
20 maintenance of county roads have indicated their uncertainty as to  
21 whether that portion of the Moffett Springs Road here involved was  
22 vacated by said Resolution No. 43A.

23 6. Plaintiff alleges that the portion of the existing Moffett  
24 Springs Road which is herein involved is from the point where said  
25 road is presently maintained by the County of Skamania proceeding  
26 Westerly over and across a waterway known as Carpenter Creek and/or  
27 Hamilton Creek by a bridge constructed by the County of Skamania and  
28 thence Westerly from said bridge to the intersection of the

Complaint - 2

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1 presently existing road with the Easterly right-of-way of the  
2 Bonneville Power Administration's Bonneville-Vancouver Transmission  
3 line right-of-way. Plaintiff further alleges that said road  
4 is located in the Northeast Quarter of the Northwest Quarter  
5 (NE 1/4 NW 1/4) of Section 20, Township 2 North, Range 7 East,  
6 Willamette Meridian, Skamania County, Washington. Plaintiff further  
7 alleges that the portion of said road here involved is, and  
8 has always been, a county road and that said county road was not  
9 vacated by County Road Resolution No. 43A and is available for  
10 public use. (The exact legal description of said road will be  
11 provided at the time of the trial of this action.)

12 WHEREFORE, plaintiff prays that the Court herein enter  
13 a declaratory judgment declaring that the existing road known as  
14 Moffett Springs Road from the point where it is presently maintained  
15 by the County of Skamania proceeding Westerly to the intersection  
16 of the existing road with the Easterly line of the Bonneville  
17 Power Administration's Bonneville-Vancouver Transmission line  
18 right-of-way, all in the Northeast Quarter of the Northwest Quarter  
19 (NE 1/4 NW 1/4) of Section 20, Township 2 North, Range 7 East,  
20 Willamette Meridian, Skamania County, Washington, be declared to  
21 be a county road of the County of Skamania.

22 Dated this 19<sup>th</sup> day of May, 1986.

23  
24 Wayne D. Purcell  
25 WAYNE D. PURCELL  
26 of Attorneys for Plaintiff  
27  
28

Complaint - 3

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