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SKAMANIA COUNTY  
ORIGINAL FILED

AUG 10 1990

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
FOR SKAMANIA COUNTY

ERIK A MARLENE KALLAS,  
a single woman,

Plaintiff,

vs.

JAMES A. KALLAS and JENIFER  
KALLAS, husband and wife;  
GLENDA J. (KALLAS) WYCKOFF,  
a married woman; and SKAMANIA  
COUNTY, a municipal corp-  
oration of the State of  
Washington,

Defendants.

NO. 90-2-00108-5

SUMMONS

FILED FOR RECORD  
SKAMANIA COUNTY  
BY *Kielpinski & Lourne*

AUG 14 3 42 PM '90

GARY H. OLSON

TO THE DEFENDANTS: A lawsuit has been started against you in the above-entitled Court by the above-named Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with 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 twenty (20) days after the service of this summons, excluding the day of service, if served within the State of Washington, or within sixty (60) days after the service of this summons, excluding the day of service, if served outside 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 she 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 files this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the person signing this summons. Within fourteen (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,

Kallas vs. Kallas, et ux., et al.  
Summons  
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A PROFESSIONAL SERVICE CORPORATION  
ATTORNEYS AT LAW  
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Stevenson, Washington 98648  
Telephone (509) 427-5665

1  
2 you should do so promptly so that your written response, if any,  
3 may be served on time.

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

6 Dated this 9th day of August, 1990.

7 KIELPINSKI & LOURNE, P.C.

8 By Susan K. Lorne  
9 Susan K. Lorne of  
10 Attorneys for Plaintiff

11 **FILE A COPY OF YOUR ANSWER:**  
12 Clerk of the Superior Court  
13 Skamania County Courthouse  
14 PO Box 790  
15 Stevenson, WA 98648

16 **SERVE A COPY OF YOUR ANSWER:**  
17 Susan K. Lorne  
18 Kielpinski & Lorne, P.C.  
19 Attorneys at Law  
20 27 Russell Street  
21 PO Box 510  
22 Stevenson, WA 98648  
23 (509) 427-5665

SKAMANIA COUNTY  
ORIGINAL FILED

AUG 10 1990

Lorena E. Hollis, Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR SKAMANIA COUNTY

ERIKA MARLENE KALLAS,  
a single woman

Plaintiff,

v.

JAMES A. KALLAS and JENIFER  
KALLAS, husband and wife,  
GLEND A. J. (KALLAS) WYCKOFF, a  
married woman, and SKAMANIA  
COUNTY, a municipal corporation  
of the State of Washington,

Defendants.

NO. 90-2-00108-5

COMPLAINT FOR MONEY  
DAMAGES, FORECLOSURE  
OF A MORTGAGE OF REAL  
PROPERTY AND NEGLIGENCE

Comes now ERIKA MARLENE KALLAS, a single woman, Plaintiff,  
complaining of JAMES A. KALLAS and JENIFER KALLAS, husband and  
wife, GLEND A. J. (KALLAS) WYCKOFF, a married woman, and SKAMANIA  
COUNTY, a municipal corporation of the State of Washington,  
Defendants, and respectfully shows:

Parties and Jurisdiction

I.

Plaintiff, ERIKA MARLENE KALLAS, a single woman, resides in  
Skamania County, State of Washington.

II.

Defendants, JAMES A. KALLAS and JENIFER KALLAS, husband and  
wife, are residents of Klickitat County, State of Washington.

III.

Defendant GLEND A. J. (KALLAS) WYCKOFF, a married woman, is a

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1 resident of Skamania County, State of Washington.

2  
3 IV.

4 Defendant SKAMANIA COUNTY, is a municipal corporation of the  
5 State of Washington.

6 V.

7 This action is brought to foreclose upon a mortgage of real  
8 property located in Skamania County, Washington, more particularly,  
9 described in said mortgage (hereinafter "the Mortgage"), a copy of  
10 which is attached hereto as Exhibit A and incorporated herein by  
11 reference as though fully set forth hereat.

12 VI.

13 This action is further brought for damages arising from a  
14 negligent act of Defendant Skamania County which occurred in  
15 Skamania County, Washington.

16 VII.

17 This court has jurisdiction over the subject matter hereof and  
18 the parties hereto.

19 **First Cause of Action**

20 **Money Damages**

21 VIII.

22 On January 2, 1981, for value received, Defendants James A.  
23 Kallas and Glenda J. (Kallas) Wyckoff executed and delivered to  
24 Plaintiff their promissory note, whereby Defendants promised to pay  
25 to Plaintiff the sum of \$4,200.00 with interest thereon from  
26 January 2, 1981 until Plaintiff reached the age of 18 years at the  
27 rate of eight percent (8%) per annum. A copy of said promissory

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1 note (hereinafter "the Promissory Note") is attached hereto as  
2 Exhibit B and incorporated herein by reference as though fully set  
3 forth hereat.  
4

5 IX.

6 Said Defendants further promised to pay interest at the rate  
7 of twelve percent (12%) per annum on the unpaid balance of the  
8 Promissory Note from the date of maturity until paid.

9 X.

10 The Promissory Note reached maturity on August 27, 1989, the  
11 Plaintiff's 18th birthday.

12 XI.

13 No part of the Promissory Note was paid prior to the date of  
14 its maturity, and upon the date of maturity there was due and owing  
15 from said Defendants to Plaintiff the sum of \$7,107.69, including  
16 principal and interest.

17 XII.

18 By the terms and provisions of the Promissory Note, said  
19 Defendants agreed, in case suit was instituted to collect the note  
20 or any portion thereof, to pay reasonable attorneys' fees. If this  
21 cause of action is uncontested, Plaintiff will incur attorneys'  
22 fees in the sum of not less than \$1,200 and a substantially larger  
23 sum if this cause of action is contested by said Defendants.

24 XIII.

25 Despite demand duly made by Plaintiff upon Defendants James  
26 A. Kallas and Jenifer Kallas, no portion of the debt evidenced by  
27 the Promissory Note has been paid from said Defendants to

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1  
2 Petitioner, and there is now due and owing to Plaintiff the sum of  
3 \$7,107.69, plus interest thereon at the rate of 12% per annum from  
4 August 28, 1989.

5  
6 **Second Cause of Action**  
7 **Foreclosure of Mortgage**

8 **XIV.**

9 Plaintiff reasserts the allegations made in Paragraphs VIII  
10 through XIII, inclusive, of her first cause of action.

11 **XV.**

12 On January 2, 1981, Defendants James A. Kallas and Glenda J.  
13 (Kallas) Wyckoff, executed and delivered to Plaintiff the Mortgage.

14 **XVI.**

15 The Mortgage was given to secure the debt acknowledged in the  
16 Promissory Note by said Defendants James A. Kallas and Glenda J.  
17 (Kallas) Wyckoff, then husband and wife, which debt is now due and  
18 owing.

19 **Third Cause of Action**  
20 **Negligence**

21 **XVII.**

22 On January 2, 1981, Defendant James A. Kallas, delivered two  
23 mortgages to the Skamania County Auditor's office for recordation  
24 in the mortgage records of said County.

25 **XVIII.**

26 One of said mortgages was the Mortgage to Plaintiff.

27  
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1  
2 XIX.

3 The other mortgage was identical to Exhibit A, except that  
4 the Grantee in said mortgage was MICHELLE LYNN KALLAS, Plaintiff's  
5 sister.

6 XX.

7 Employees of the Skamania County Auditor's office recorded the  
8 mortgage to Michelle Lynn Kallas, but instead of recording the  
9 Mortgage to Plaintiff as a separate and distinct document, said  
10 employees of Skamania County negligently conformed Plaintiff's  
11 Mortgage as though it were a copy of the aforesaid mortgage to  
12 Plaintiff's sister.

13 XXI.

14 As the direct result of the aforesaid negligent act by  
15 Defendant Skamania County, Plaintiff's Mortgage was not recorded  
16 in the real property records of Skamania County.

17 XXII.

18 As the direct result of the aforesaid negligent act by  
19 Defendant Skamania County, Plaintiff's Mortgage has lost its  
20 priority as a matter of public record.

21 XXIII.

22 Since January 2, 1981, the following encumbrances have been  
23 placed upon the property, each of which constitutes a lien against  
24 said mortgaged real property which is superior to Plaintiff's:

- 25 a) Deed of Trust to Trans America Title  
26 Company, as Trustee for Riverview Savings Bank,  
27 as beneficiary, dated July 2, 1986, recorded  
28 July 8, 1986, in Book 101, Page 790, Auditor's  
File No. 101427, Skamania County Mortgage

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1  
2 Records, given to secure the payment of  
\$42,000.00.

3 b) Deed of Trust, executed by James Kallas  
4 and Jenifer Kallas, as grantors, to Safeco  
5 Title Insurance Company, as trustee for  
6 Chrysler First Financial Services Corporation  
7 as beneficiary, dated February 24, 1988,  
8 recorded March 23, 1988, in Book 108, Page 897,  
9 Auditor's File No. 104884, Skamania County  
10 Mortgage Records, given to secure the payment  
11 of \$9,500.00.

12 c) Judgment in favor of Glenda Jean Kallas  
13 vs. James A. Kallas, entered December 15, 1986  
14 as Judgment No. 86-9-00122-8, in Dissolution  
15 Suit No. 86-3-0076-9.

16 XXIV.

17 Plaintiff is without funds with which to satisfy the aforesaid  
18 priority liens and is, therefore, unable to purchase the subject  
19 real property at any sale of the same which is ordered by the Court  
20 in this action.

21 XXV.

22 As the direct result of the aforesaid negligent act of  
23 Defendant Skamania County, Plaintiff has been damaged in a sum to  
24 be proved at trial of this cause of action.

25 WHEREFORE, the Plaintiff requests judgment as follows:

26 1. Against Defendants James A. Kallas and Jenifer Kallas,  
27 husband and wife, and Glenda J. (Kallas) Wyckoff, a married woman,  
28 for the sum of \$4,200.00, together with the interest thereon from  
January 2, 1981 until August 27, 1989, at eight (8%) percent per  
annum in the total amount of \$7,107.69.

2. Against Defendants James A. Kallas and Jenifer Kallas,  
husband and wife, and Glenda J. (Kallas) Wyckoff, a married woman,

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1  
2 for interest on \$7,107.69, at the rate of twelve (12%) percent per  
3 annum, from August 28, 1989.

4 3. Against Defendants James A. Kallas and Jenifer Kallas,  
5 husband and wife, and Glenda J. (Kallas) Wyckoff, a married woman,  
6 for the sum of not less than \$1,200.00 as a reasonable attorneys'  
7 fee in the event that this action is uncontested in any way and  
8 for a greater attorneys' fee in the event that this suit is  
9 contested by said Defendants, or any of them.

10 4. Against Defendants James A. Kallas and Jenifer Kallas,  
11 husband and wife, and Glenda J. (Kallas) Wyckoff, a married woman,  
12 for Plaintiff's costs of suit herein.

13 5. Against Defendant Skamania County for damages in a sum  
14 to be proved upon trial of this matter.

15 6. For such other and further relief as the Court deems  
16 proper.

17 KIELPINSKI & LOURNE, P.C.

18 By Susan K. Lorne  
19 SUSAN K. LOURNE, of Attorneys  
20 for Plaintiff

21 VERIFICATION

22 STATE OF WASHINGTON )  
23 ) ss.  
24 County of Skamania )

25 I, ERIKA MARLENE KALLAS, being first duly sworn on oath,  
26 depose and state that:

27 I am the Plaintiff herein. I have read the foregoing  
28 Complaint for Money Damages, Foreclosure of Mortgage of Real  
Property and Negligence, know the contents thereof and believe them

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1  
2 to be true and correct.

3 Erika Marlene Kallas  
4 ERIKA MARLENE KALLAS

5 SUBSCRIBED AND SWORN TO before me this 22 day of August, 1990.

6 Gay Ford  
7 Notary Public in and for the  
8 State of Washington, residing  
9 at Carson, WA.

10 Commission expires: 8-15-93

11  
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18  
19  
20  
21 RECORDER'S NOTE:  
22 NOT AN ORIGINAL DOCUMENT  
23  
24  
25  
26  
27

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