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Return Address:

Skamania County Auditor

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SEP 10 2 03 PM '01
Olson
AUDITOR
GARY H. OLSON

Document Title(s) or transactions contained herein:	
Claim for Damages	
GRANTOR(S) (Last name, first name, middle initial)	
Skamania County State of Washington	
<input type="checkbox"/> Additional names on page _____ of document.	
GRANTEE(S) (Last name, first name, middle initial)	
Garren, Danny Kester, Julie	
<input type="checkbox"/> Additional names on page _____ of document.	
LEGAL DESCRIPTION (Abbreviated, i.e., Lot, Block, Plat or Section, Township, Range, Quarter/Quarter)	
<input type="checkbox"/> Complete legal on page _____ of document.	
REFERENCE NUMBER(S) of Documents assigned or released:	
<input type="checkbox"/> Additional numbers on page _____ of document.	<div>Assigned <input checked="" type="checkbox"/></div> <div>Released <input checked="" type="checkbox"/></div> <div>Filed <input checked="" type="checkbox"/></div> <div>Valued <input checked="" type="checkbox"/></div>
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	
<input type="checkbox"/> Property Tax Parcel ID is not yet assigned	
<input type="checkbox"/> Additional parcel numbers on page _____ of document.	
The Auditor/Recorder will rely on the information provided on the form. The Staff will not read the document to verify the accuracy or completeness of the indexing information.	

WILLIAM V. BAUMGARTNER

WILLIAM F. NELSON

GREGORY E. PRICE

BEAU D. HARLAN

* Also admitted in Oregon

BAUMGARTNER, NELSON & PRICE, PLLC
Attorneys at Law

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ARCKEY K. THOMPSON
PARALEGAL

LYNN PRASMAN
PARALEGAL

DENISE ANDERSEN
PARALEGAL

JANET TAYLOR
PARALEGAL

RECEIVED

SEP 10 2001

SKAMANIA COUNTY
CLERK

CLAIM FOR DAMAGES AGAINST LOCAL GOVERNMENTAL ENTITY:

TO WIT: COUNTY OF SKAMANIA AND THE

STATE OF WASHINGTON

Danny Garren and Julie Kester (hereinafter referred to as Garren and Kester), by and through their attorney, Beau D. Harlan, respectfully make the following claim for damages in accordance with RCW 4.96.010 and 020.

I. DESCRIPTION OF CONDUCT AND CIRCUMSTANCES:

On May 31, 1999, at 17:51 hours, it was reported to the Washington State Patrol that a trail of either fuel or diesel was present in the middle of the westbound lane of State Route 14. More specifically, the fuel leak ran from mile post 44 to mile post 16 in the west bound lane. According to the Washington State Patrol Cadlog, at 1755 hours, it was determined that the rainy conditions had diluted the fuel, that the fuel may have resolved itself, and that it was not a hazard. At 1816 hours, the Department of Transportation was requested to respond to the area and spread sand over the effected area.

On May 31, 1999, at approximately 1800 hours, Kester was driving westbound on State Route 14 in her 1989 Pontiac Sunbird. In the passenger seat sat Garren. In the back seat sat Garren's child. As they were driving west, they were behind a slow moving vehicle that had its hazard lights on. As they came to a wide spot in the road, the slow moving vehicle pulled to the side to allow Kester to pass. After completing the pass, Garren and Kester noticed an oily sheen to the road. At mile post 23.43, Kester lost control of her vehicle, the vehicle left the right side of the roadway, slid up an embankment, and tipped on its side. A third vehicle, a large pickup truck that had been following Garren and Kester, and driven by Richard W. Liddle, left the roadway, and struck the vehicle driven by Kester and occupied by Garren and his infant son. Liddle's vehicle made dramatic intrusion into Kester's vehicle causing injury to Garren and Kester.

Ultimately, the County of Skamania and the state of Washington knew or should have known of the dangerous conditions that existed in the westbound lane of SR 14 between mile posts 16 and 44. Although such entities had such knowledge, they negligently failed to take any measures to rectify the dangerous condition. Such failure proximately resulted in injury to both Garren and Kester.

CIVIL CLAIM AGAINST GOVERNMENTAL ENTITY - 1

II. DESCRIPTION OF INJURY OR DAMAGE:

Danny Garren's injuries include the following: Fractured ribs, perforated lung, arterial fibrillation, injury to left scapular area, abrasions to the face and shoulder area, left clavicle fracture. Garren's medical bills total \$12,594.90 to date. Garren was out of work for six and ½ months.

Julie Kester's injuries include the following: Bumps and bruises to the head and torso areas. Kester experienced sever neck pain and body soreness as a result of such accident. Kester was unable to work for 3 days after accident.

III. TIME AND PLACE THE INJURY OR DAMAGE OCCURRED:

On or about May 31, 1999, at approximately 1800 hours. The injury/damage occurred in the westbound lane of State Route 14 at mile post 23.43 in Skamania County, Washington

IV. NAMES OF ALL PERSONS INVOLVED:

See No. 1

V. AMOUNT OF DAMAGES CLAIMED:

Garren: \$90,000.00

Kester: \$20,000.00

VI. RESIDENCE OF CLAIMANT AT TIME OF FILING CLAIM:

Danny Garren: 12901 NE 28th St., Vancouver, WA 98682

Julie Kester: 800 SE Columbia Ridge Dr., Vancouver, WA 98664

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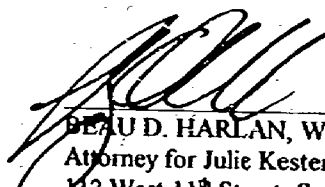
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VII. RESIDENCE OF CLAIMANT SIX MONTHS PRIOR TO FILING CLAIM:

Danny Garren: 2895 Mack Rd., Fairbanks, AK, 98601

Julie Kester: 800 SE Columbia Ridge Dr., Vancouver, WA 98664

DATED this 21st of AUGUST, 2001.


BEAU D. HARLAN, WSBA# 23924
Attorney for Julie Kester and Danny Garren
112 West 11th Street, Suite 150
Vancouver, WA 98660


DANNY GARREN


STATE OF WASHINGTON)
County of Clark) ss

Danny Garren, Being first duly sworn on oath, deposes and says:

That he is the claimant herein; that he has read the foregoing Claim for Damages Against Local Governmental Entity, knows the contents thereof, and acknowledges that the allegations contained therein are true and correct according to his best knowledge and belief.

SUBSCRIBED AND SWORN to before me this 21 day of August, 2001.




NOTARY PUBLIC in and for the State of Washington.
My Commission expires: 07-01-02

WILLIAM V. BAUMGARTNER

WILLIAM F. NELSON

GREGORY E. PRICE

BEAU D. HARLAN

* Also admitted in Oregon

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SKAMANIA COUNTY
AUDITOR

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CIVIL CLAIM AGAINST GOVERNMENTAL ENTITY - 1

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VI. RESIDENCE OF CLAIMANT AT TIME OF FILING CLAIM:

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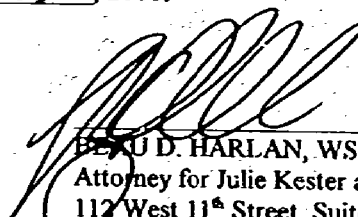
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VII. RESIDENCE OF CLAIMANT SIX MONTHS PRIOR TO FILING CLAIM:

Danny Garren: 2895 Mack Rd., Fairbanks, AK, 98601

Julie Kester: 800 SE Columbia Ridge Dr., Vancouver, WA 98664

DATED this 29th of August, 2001.


BEAU D. HARLAN, WSBA# 23924
Attorney for Julie Kester and Danny Garren
112 West 11th Street, Suite 150
Vancouver, WA 98660

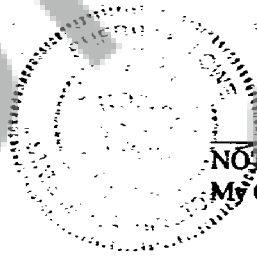

JULIE KESTER


STATE OF WASHINGTON)
County of Clark) ss

Julie Kester, Being first duly sworn on oath, deposes and says:

That he is the claimant herein; that he has read the foregoing Claim for Damages Against Local Governmental Entity, knows the contents thereof, and acknowledges that the allegations contained therein are true and correct according to his best knowledge and belief.

SUBSCRIBED AND SWORN to before me this 4 day of April, 2001.




NOTARY PUBLIC in and for the State of Washington.
My Commission expires: 07-01-02