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Return Address:

Skamania County
PO Box 790
Stevenson, WA 98648

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| Document Title(s) or transactions contained herein: | |
| Summons Case No 03 2 03 465 1 | |
| GRANTOR(S) (Last name, first name, middle initial) | |
| Skamania County | |
| <input type="checkbox"/> Additional names on page _____ of document. | |
| GRANTEE(S) (Last name, first name, middle initial) | |
| Van Kellems, II | |
| <input type="checkbox"/> Additional names on page _____ of document. | |
| LEGAL DESCRIPTION (Abbreviated: i.e., Lot, Block, Plat or Section, Township, Range, Quarter, Quarter) | |
| n/a | |
| <input type="checkbox"/> Complete legal on page _____ of document. | |
| REFERENCE NUMBER(S) of Documents assigned or released: | |
| n/a | |
| <input type="checkbox"/> Additional numbers on page _____ of document. | |
| ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER | |
| n/a | |
| <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. | |

RECORDER'S NOTE: No "Exhibit A" attached

COPY
ORIGINAL FILED
JUL 01 2003
JoAnne McBride, Clerk, Clark Co.

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

VAN KELLEMS, II,

Plaintiff(s),

v.

SKAMANIA COUNTY,

Defendant(s).

Case No 03 2 03 465 1

SUMMONS

THE STATE OF WASHINGTON, to SKAMANIA COUNTY:

A lawsuit has been started against you in the above-entitled Court by Plaintiff. Plaintiff 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 attorneys for the Plaintiff within twenty (20) days after the service of this Summons if served upon you within this state, and within sixty (60) days after service of this Summons if served upon you outside of Washington, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one in which the Plaintiff entitled to what ask 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.

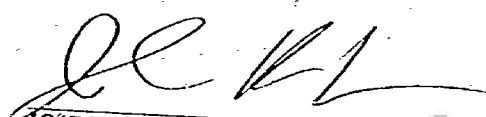
You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon Plaintiff attorneys. Within fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be void.

Page 1 - SUMMONS
Summons.doc

LAW OFFICES OF
LANDERHOLM, MEMOVICH, LANGVERK & WHITESIDES, P.S.
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Vancouver, WA 98666-1086
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2 If you wish to seek the advice of an attorney in this matter, you should do so
3 promptly so that your written response, if any, may be served on time.

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

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7 

8 JOHN R. BRISCOE, WSBA #23807
9 Of Landerholm, Memovich, Lansverk & Whitesides, P.S.
10 Attorneys for Plaintiff
11 915 Broadway
12 P.O. Box 1086
13 Vancouver, WA 98666-1086
14 Tel. Vancouver. (360) 696-3312
15 Tel. Portland (503) 283-3393

16 DATED: 7-1-03
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR THE COUNTY OF CLARK

VAN KELLEMS, II,

Plaintiff(s),

v.

SKAMANIA COUNTY,

Defendant(s).

Case No. 03 2 03 465 1
COMPLAINT FOR QUIET TITLE

I. JURISDICTION AND VENUE

1.1 Plaintiff Van Kellems is a resident of White Salmon, Washington, and owns real property located in Klickitat County, Washington. The legal description of the property is attached as Exhibit "A".

1.2 Defendant Skamania County is a county of the State of Washington.

1.3 Venue is proper in this action because pursuant to RCW 36.01.050, an action against a county is required to be brought in one of two specified adjacent counties. Clark County is one of the statutorily specified counties appropriate as a venue for an action against Skamania County.

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Page 1 - COMPLAINT FOR QUIET TITLE

Complaint.doc

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II. CAUSE OF ACTION

2.1 Plaintiff is the owner in fee simple and in possession of the real property described in Exhibit "A".

2.2 A private roadway commonly known as Little Buck Creek Road traverses Plaintiff's property.

2.3 The Klickitat County Road Department agrees that Little Buck Creek Road is not and has never been a public roadway of that county.

2.4 Plaintiff maintains Little Buck Creek Road at his private expense and from time to time allows others to make permissive use of the private road.

2.5 At no time has the public used the private road in a continuous and open manner without the permission of Plaintiff or his predecessors in interest.

2.6 Defendant has not worked or kept up the private roadway on Plaintiff's property in any significant or regularly occurring manner.

2.7 No evidence exists that Little Buck Creek Road was ever dedicated for use as a public roadway pursuant to Washington law.

2.8 No evidence exists that any condemnation proceeding pursuant to the power of eminent domain was ever initiated in accordance with the laws of Washington State.

2.9 Defendant's claim that the portion of Little Buck Creek Road on Plaintiff's property is a county road is unsupported by the facts and without merit under the laws of Washington State.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a judgment as follows:

3.1 *Quiet Title.* That Plaintiff's title to the portion of Little Buck Creek Road located on his property be quieted in Plaintiff in fee simple, against the Defendant.

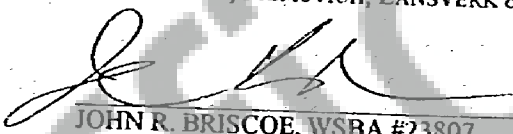
1 3.2 *Barring of Defendant's Claims.* That the Defendant be forever barred
2 from having or asserting any right, title, estate, lien or interest in or to the property and
3 roadway herein described adverse to Plaintiff;

4 3.3 *Injunction.* That the Defendant be permanently enjoined from entering
5 onto Plaintiff's property and roadway as herein described for any purpose whatsoever,
6 in accordance with Washington law.

7 3.4 *Additional Relief.* That the Plaintiff have such other and further relief as
8 may be just and equitable.

9 DATED this 15th day of July, 2003.

10
11 LANDERHOLM, MEMOVICH, LANSVERK & WHITESIDES, P.S.

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13 
14 JOHN R. BRISCOE, WSBA #23807
15 Of Attorneys for Plaintiff
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