

149374

Return Address:

Skamania County Auditor

FILED
SKAMANIA COUNTY
JUL 9 3 33 PM '03
J. H. [Signature]
J. H. [Signature]

Document Title(s) or transactions contained herein:	
Summons Cowlitz County Case No 03 2 01228 0	
GRANTOR(S) (Last name, first name, middle initial)	
Skamania County	<input checked="" type="checkbox"/> [Signature]
<input type="checkbox"/> Additional names on page _____ of document.	
GRANTEE(S) (Last name, first name, middle initial)	
Skamania OPCO LLC	<input checked="" type="checkbox"/> [Signature]
<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.	
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	
2-7-2-0-0-612	
<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.	

RECEIVED

JUL -9 2003

SKAMANIA COUNTY
AUDITOR

ENDORSED
FILED
SUPERIOR COURT

JUN 30 2003

COWLITZ COUNTY
TERI A. NIELSEN, Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

SKAMANIA OPCO LLC,

Plaintiff,

vs.

SKAMANIA COUNTY,

Defendant.

No. 03 2 01228 0

SUMMONS
[CR 4] [20 DAY]

TO DEFENDANT SKAMANIA COUNTY

A lawsuit has been started against you in the above entitled court by Skamania Opco LLC, 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 by serving a copy upon the person signing this summons within 20 days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice. A default judgment is one where plaintiff is entitled to what it asks for because you have not responded. If you serve a notice of appearance on the undersigned person, 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 person signing this summons. 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.

RECORDER'S NOTE:
NOT AN ORIGINAL DOCUMENT

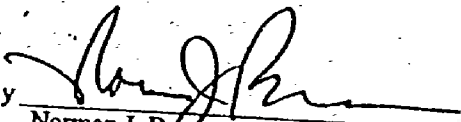
SUMMONS - 1

LAW OFFICES
GARVEY SCHUBERT BAKER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
EIGHTEENTH FLOOR
1101 SECOND AVENUE
SEATTLE, WASHINGTON 98101-2939
(206) 464-3839

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

3 DATED this 27th day of June, 2003.

4 GARVEY SCHUBERT BARER

5
6 By 
7 Norman J. Bruns, WSN 16234
8 Attorneys for Plaintiff
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SUMMONS - 2

LAW OFFICES
GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
EIGHTEENTH FLOOR
1191 SECOND AVENUE
SEATTLE, WASHINGTON 98101-2039
(206) 464-3939

ENDORSED
FILED
SUPERIOR COURT
JUN 30 2003
COWLITZ COUNTY
TERI A. NIELSEN, Clerk

Court Use only above this line.

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF COWLITZ

SKAMANIA OPCO LLC,

Plaintiff,

vs.

SKAMANIA COUNTY,

Defendant.

No. 03 2 01228 0
COMPLAINT FOR REFUND
OF PROPERTY TAXES

1. This is an action pursuant to RCW 84.68.020 for the refund of unlawful and excessive property taxes paid in 2002 and 2003 and based on assessed values determined in 2001 and 2002.

2. The plaintiff is Skamania Opco LLC, a corporation duly authorized and existing under the laws of the State of Delaware, and which has paid all fees due the State of Washington.

3. The defendant is Skamania County, a political subdivision and municipal corporation of the State of Washington.

4. Plaintiff owns real property in Skamania County, Washington, identified as tax account 02070200061200, the assessment of which is the subject of this action.

RECORDER'S NOTE:
NOT AN ORIGINAL DOCUMENT

GARVEY SCHUBERT BARER
A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
Eighteenth Floor
1101 Second Avenue
Seattle, Washington 98101-2939
206 464 3539

COMPLAINT FOR REFUND OF PROPERTY TAXES - 1

1 5. The total amount of taxes levied against the subject property for payment in
2 2002 and 2003 is as follows:

3 Tax Year 2002 \$ 337,682.66
4 Tax Year 2003 \$ 426,609.30
5 Total \$ 764,291.96

6 6. Plaintiff has paid the second half of the 2002 taxes and the first half of the 2003
7 taxes on the subject property under written protest setting forth the grounds upon which the
8 taxes are claimed to be unlawful and excessive. The first-half 2003 protest states that it
9 constitutes a protest of all 2003 taxes on the subject property, including the remainder due and
10 payable on or before October 31, 2003.

11 7. The value of the property as determined by the Assessor in 2001 and 2002 is as
12 follows:

13

14			
15	Land	8,440,500	8,440,500
16	Improvements	29,998,400	39,527,300
17	Total	38,438,900	47,967,800

18 8. The subject property was assessed by the Skamania County Assessor in 2001
19 and 2002 on a fundamentally wrong basis, resulting in assessed values that greatly exceeded
20 the property's true and fair value and the assessed values of other property of the same class.

21 9. Plaintiff contends that the true and fair value of the property in 2001 and 2002
22 does not exceed the following:

23

24	Land	8,440,500	8,440,500
25	Improvements	24,359,500	24,359,500
26	Total	32,800,000	32,800,000

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1 10. Taxes payable in 2002 were levied on the subject property at the rate of
2 \$8.78492 per \$1,000 of assessed value. At that levy rate, the correct amount of tax payable in
3 2002 is \$288,145.38.

4 11. Taxes payable in 2003 were levied on the subject property at the rate of
5 \$8.89366 per \$1,000 of assessed value. At that levy rate, the correct amount of tax payable in
6 2003 is \$291,712.05.

7 12. Plaintiff requests judgment against the defendant for a refund of unlawful and
8 excessive taxes in the amount of \$116,985.91, if judgment is entered on or before October 31,
9 2003, or \$184,434.54, if judgment is entered after October 31, 2003, or such other amount as
10 shall be proven at trial to have been levied contrary to law, together with interest, costs and
11 such other and further relief as is allowed by law.

12 DATED this 27th day of June, 2003.

13 GARVEY SCHUBERT BARER
14

15 By 
16 Norman J. Bruns, WSBA #16234
17 Attorneys for Plaintiff
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