

Appellant's Exhibit 25

(as referenced in June 30, 2017

Appellant WPDC Cleveland LLC's Witness and Exhibit List)

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FILED
KING COUNTY, WASHINGTON
AUG 21 2009
SUPERIOR COURT CLERK
BY: Jaya Ghahale
DEPUTY

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

RAIN CITY DEVELOPMENT, LLC, a
Washington limited liability company,

Plaintiff,

vs.

SHILLA INCORPORATED, a Washington
corporation, PACIFIC UNION BANK,
HANMI BANK,

Defendant.

NO. 09-2-03962-3SEA

FINDINGS OF FACT AND
CONCLUSIONS OF LAW

THIS MATTER, having come on regularly for hearing for entry of judgment after default; the plaintiff limited liability company appearing personally through Eric Hanson, one of its managers, and being represented by its attorney, Thomas G. Krilich; and defendant Shilla Incorporated, a Washington corporation, appearing after default and being represented by its attorney, Scott Scher; and the parties having agreed to the following findings of fact and conclusions of law; the Court, being fully advised in the premises; now, therefore, makes the following

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 1

Krilich, La Porte,
West & Lockner, P.S.
524 Tacoma Avenue South
Tacoma, Washington 98402
(253) 383-4734

1 **FINDINGS OF FACT**

2 **I.**

3 Plaintiff Rain City Development, LLC is a Washington limited liability
4 company having paid all licenses and fees due the state of Washington.

5 **II.**

6 Defendant Shilla Incorporated is a Washington corporation which does
7 business in King County, Washington.

8 **III.**

9 Plaintiff is the legal owner and fee title holder of certain real property in
10 King County legally described as:

11 The south 60 feet of Lot 1, Block 6, as measured along the westerly line of
12 said lot, Town of Redmond, according to the plat thereof recorded in
13 Volume 7 of plats, page 74, records of King County, Washington.

14 King County Tax Parcel No. 719880-0085-08.

15 **IV.**

16 Defendant Shilla Incorporated is the owner of property in King County
17 legally described as:

18 Lots 1, 2, and 3, Block 6, Town of Redmond, according to the plat
19 recorded in Volume 7 of plats, page 74, in King County, Washington,
20 except the south 60 feet of Lot 1, records of King County, Washington.

21 King County Tax Parcel No. 719880-0086-07.

22 **V.**

23 Plaintiff's above described property is improved with a concrete
24 commercial building which encroaches upon defendant's Lot 1 on the north and
25

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 2

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1 defendant's Lot 2 on the south. The said concrete building has encroached onto
2 defendant's legally described property for more than 50 years.

3 VI.

4 The encroachment of said building has been open, notorious, and hostile.

5 VII.

6 Plaintiff is entitled to have title to that portion of defendant's property
7 covered by the encroaching portion of the building quieted in favor of plaintiff
8 against the interest of defendant SHILLA INCORPORATED or anyone claiming
9 by, through or under it.

10 VIII.

11 Plaintiff is also entitled to have a non-exclusive, perpetual for a reasonable
12 area around the north and west side of the building 5 feet in width, for access for
13 maintenance and repair of its building. When not used by plaintiff for the limited
14 purpose of maintaining and/or repairing plaintiff's building, defendant may use
15 the easement for any legal purpose allowed by law.

16 IX.

17 Defendant Pacific Union Bank has an interest in defendant's real property
18 as a result of a deed of trust dated November 16, 2000 and recorded under King
19 County Recording No. 20001127000101. Defendant Pacific Union Bank has
20 been acquired by defendant Hanmi Bank.
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FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 3

Knich, La Porte,
West & Lockner, P S
524 Tacoma Avenue South
Tacoma, Washington 98402
(253) 363 4704

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X.

Defendant Hanmi Bank has an interest in defendant's real property as a result of a deed of trust dated August 6, 2004 and recorded September 2, 2004 under King County Recording No. 20040902000954.

XI.

A copy of a surveyor's drawing showing the property of the two parties, and the location of plaintiff's building (16390 Cleveland Street) is attached hereto as Exhibit A.

A new legal description for plaintiff's property, which would include the encroaching portions of the building, is attached hereto as Exhibit B.

The 5 foot easement area around plaintiff's building is fully described on Exhibit B.

A new legal description for defendant's property is attached hereto as Exhibit C.

FROM THE FOREGOING FINDINGS OF FACT, THE COURT NOW
MAKES THE FOLLOWING

CONCLUSIONS OF LAW

I.

The Court has jurisdiction over the parties and the subject matter of this action.

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II.

Plaintiff is the owner of a building which has encroached upon defendants' property for more than 50 years in a manner that has been open, notorious and hostile.

III.

Plaintiff is entitled to have title to the encroaching portion of the building quieted against the interest of defendants or anyone claiming by, through or under defendants.

IV.

Plaintiff is also entitled to have a non-exclusive, perpetual for a reasonable area around the north and west side of the building 5 feet in width, for access for maintenance and repair of its building. When not used by plaintiff for the limited purpose of maintaining and/or repairing plaintiff's building, defendant may use the easement for any legal purpose allowed by law.

V.

A new legal description for plaintiff's parcel, which includes the encroaching portion of the building, is attached hereto as Exhibit B. Exhibit B also contains a description of the 5 foot easement area around the building for the benefit of plaintiff for access for maintenance and repair of the building.

VI.

Title to the property described on Exhibit B, exclusive of the 5' easement area, is hereby quieted in favor of plaintiff against the interest of all of the named

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defendants, and anyone claiming by, through or under them.

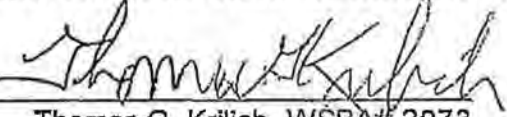
DONE IN OPEN COURT this 19th day of August, 2009.



JUDGE/COMMISSIONER

PRESENTED BY:

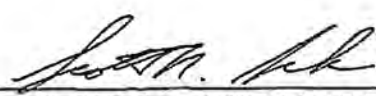
KRILICH LA PORTE WEST & LOCKNER, PS

By 

Thomas G. Krilich, WSBA# 2973
Attorney for Plaintiff

APPROVED AS TO FORM AND NOTICE
OF PRESENTMENT WAIVED BY:

STERNBERG, THOMPSON, OKRENT & SCHER PLLC

By 

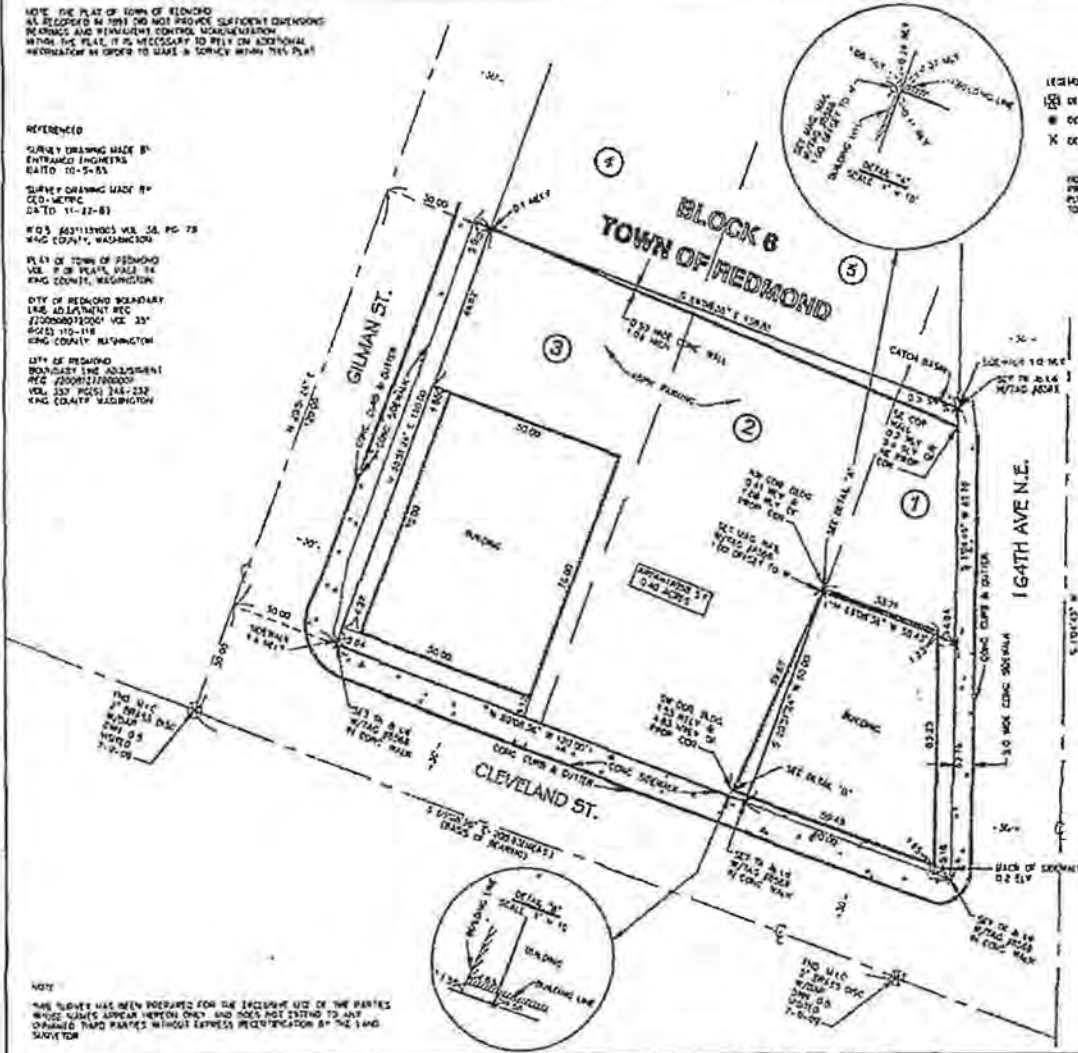
Scott Scher, WSBA# 18168
Attorney for Defendant Shilla Incorporated

FINDINGS OF FACT AND
CONCLUSIONS OF LAW - 8

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West & Lockner, PS
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Tacoma, Washington 98402
(253) 383-1704

NOTE: THE PLAT OF TOWN OF REDMOND AS RECORDED IN 1981 HAS NOT PROVIDED SUFFICIENT DIMENSIONS, MARKINGS AND PERMANENT CONTROL MEASUREMENTS WITHIN THE PLAT. IT IS NECESSARY TO RELY ON ADDITIONAL MEASUREMENTS IN ORDER TO MAKE A SURVEY WITHIN THE PLAT.

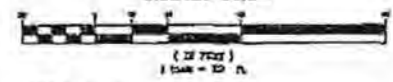
REFERENCE
 SURVEY DRAWING MADE BY ENTRANCE ENGINEERS DATED 10-5-83
 SURVEY DRAWING MADE BY C.S. METRIC DATED 11-27-83
 WGS 83(1118200) VOL. 34 PG. 78 KING COUNTY, WASHINGTON
 PLAT OF TOWN OF REDMOND VOL. 7 OF PLATS, PAGE 14 KING COUNTY, WASHINGTON
 CITY OF REDMOND BOUNDARY LINE ADJUSTMENT REC #20000072000 VOL. 23 KING COUNTY WASHINGTON
 CITY OF REDMOND BOUNDARY LINE ADJUSTMENT REC #2000012190000 VOL. 23 KING COUNTY WASHINGTON



LEGEND
 (S) DENOTES FOUND CALLED CONCRETE WORKMAN
 (X) DENOTES SET BY REBAR WITH LS CAP ABOVE
 (X) DENOTES SET BY FACE IN LEAD W/1/2" BUSH

NOTE: THE WHITE STAKES SET NEAR THE PROPERTY CORNERS ARE FOR LOCATION PURPOSES ONLY AND DO NOT PRESENT TO BE THE RECORD PROPERTY CORNERS.

GRAPHIC SCALE



LEGAL DESCRIPTION
 LOTS 1, 2 AND 3, BLOCK 6, TOWN OF REDMOND, ACCORDING TO THE PLAT HEREBY RECORDED IN VOLUME 23 OF PLATS, PAGE 14, KING COUNTY, WASHINGTON.
 EXCEPT THE SOUTH 50 FEET OF SAID LOT 1.
 DIVISION IN THE COUNTY OF KING STATE OF WASHINGTON.

MEASUREMENTS MADE BY SAID SURVEYOR ALONG CENTERLINE CLEVELAND ST AND CONDUCTED FIELD MEASUREMENTS.

- NOTES
- 1) NO COPY OF TITLE ABSTRACT REPORT HAS BEEN FURNISHED TO THE SURVEYOR. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THE SURVEYOR AND ATTORNEY HAS BEEN MADE BY THE SURVEYOR AS A PART OF THIS SURVEY TO SHOW DATA CONCERNING EASEMENTS, ETC. DEPT. ON LOCATION OF ANY UNDERGROUND UTILITIES OR ENCUMBRANCES. WORK OF ANY EASEMENTS, WHICH AN ACCURATE AND CURRENT TITLE SEARCH WOULD REVEAL, LEGAL DESCRIPTION WAS FURNISHED TO THE SURVEYOR BY THE CLIENT AND THE SURVEYOR ASSUMES NO LIABILITY OR RESPONSIBILITY FOR VERIFYING THE CORRECTNESS OR COMPLETENESS OF THAT LEGAL DESCRIPTION.
 - 2) WE HAVE SURVEYED THE PROPERTY DESCRIBED IN THE LEGAL DESCRIPTION PROVIDED BY THE CLIENT. WE HAVE NOT EXAMINED THE TITLE TO THE PROPERTY SURVEYED OR ITS ADJOINERS.
 - 3) FIELD SURVEY WAS CONDUCTED JAN 8, 2009.
 - 4) INSTRUMENTATION FOR THIS SURVEY WAS A TOPCON DIS-302 ELECTRONIC TOTAL STATION.
 - 5) PROCEDURES USED IN THIS SURVEY INCLUDE FIELD TRAVERSE SETTING OR EXISTING STAMENETS SET BY W.A.C. 33-100-060.
 - 6) THIS IS A COMPUTER AIDED DRAWING. DIMENSIONS AND COORDINATES CAN BE FOUND ON SEPARATE LAYERS.
 - 7) BUILDING LOCATION IS BASED ON MEASUREMENTS TO EXISTING CORNER TIE, UNLESS OTHERWISE NOTED.
 - 8) DIMENSIONS TO BUILDINGS ARE AT RIGHT ANGLES TO PROPERTY AND FRONT OF WAY LINES.

PORTION OF
 NE 1/4, SEC. 11, T25 N., R. 5 E., W.M.,
 KING COUNTY, WASHINGTON

RECORDERS CERTIFICATE
 Filed for record this ___ day of ___, 20___, of ___ M
 in Book ___ of ___ at page ___ at the request of
 _____ Surveyor's Name

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my direction in accordance with the requirements of the Survey Recording Act at the request of
 SHILLA, INC
 on ___ day of ___, 2009



CONTINENTAL SURVEYING CO.
 10007 GREENWOOD AVE. N.
 P.O. BOX #33725
 SEATTLE, WA 98133
 (206) 783-7177
 FAX: (206) 788-5568
 EMAIL: land@continental.net

PREPARED FOR SHILLA, INC		
DRAWN BY N.A.P.	DATE 7-15-09	JOB NO. 09073
PRINTED BY F.W.H. SCALE 1" = 20' DATE 7-15-09		

Exhibit A

BEST AVAILABLE IMAGE POSSIBLE

EXHIBIT B

RAIN CITY DEVELOPMENT, LLC PROPERTY INCLUDING
ENCROACHMENT AREA

THAT PORTION OF LOTS 1, 2, BLOCK 6, TOWN OF REDMOND, ACCORDING
TO THE PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 74, IN KING
COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N 01°
04'45" E 63.76 FEET; THENCE N 69°08'36" W 4.64 FEET; THENCE N 01°04'45" E
1.23 FEET; THENCE N 69°18'28" W 33.71 FEET; THENCE S 24°59'09" W 59.67
FEET; THENCE S 69°14'29" E 4.63 FEET; THENCE S 20°51'24" W 1.56 FEET;
THENCE S 69°08'36" E 60.00 FEET TO THE POINT OF BEGINNING.

5' EASEMENT AREA

AN EASEMENT OVER THAT PORTION OF LOTS 1 & 2, BLOCK 6, TOWN OF
REDMOND, ACCORDING TO THE PLAT RECORDED IN VOLUME 7 OF PLATS,
PAGE 74, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N 01°
04'45" E 63.76 FEET TO THE TRUE POINT OF BEGINNING; THENCE N 01°
04'45" E 6.56 FEET; THENCE N 69°18'28" W 41.20 FEET; THENCE S 24°59'09" W
66.22 FEET TO THE SOUTHLINE OF SAID LOT 2; THENCE S 69°08'36" E
9.76 FEET; THENCE N 20°51'24" E 1.56 FEET; THENCE N 69°14'29" W 4.63 FEET;
THENCE N 24°59'09" E 59.67 FEET; THENCE S 69°18'28" E 33.71 FEET; THENCE
S 01°02'20" W 1.23 FEET; THENCE S 69°08'36" E 4.64 FEET TO THE TRUE POINT
OF BEGINNING.

EXHIBIT C

SHILLA, INC. PARCEL, EXCEPT SOUTHEAST CORNER

THAT PORTION OF LOTS 1, 2 & 3, BLOCK 6, TOWN OF REDMOND,
ACCORDING TO THE PLAT RECORDED IN VOLUME 7 OF PLATS, PAGE 74, IN
KING COUNTY, WASHINGTON.

EXCEPT THEREFROM THAT PORTION DESCRIBED AS FOLLOWS;
BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE N 01°
04'45" E 63.76 FEET; THENCE N 69°08'36" W 4.64 FEET; THENCE N 01°04'45" E
1.23 FEET; THENCE N 69°18'28" W 33.71 FEET; THENCE S 24°59'09" W 59.67
FEET; THENCE S 69°14'29" E 4.63 FEET; THENCE S 20°51'24" W 1.56 FEET";
THENCE S 69°08'36" E 60.00 FEET TO THE POINT OF BEGINNING.