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7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
8 IN AND FOR THE COUNTY OF KITSAP

9 STEPHEN COMSTOCK CRAMPTON, an  
10 unmarried individual,

11 Plaintiff,

12 vs.

13 WALLACE COTTAGES, LLC, a Washington  
14 Limited Liability Company,

15 Defendants.  
16

NO.

COMPLAINT TO QUIET TITLE

17 COMES NOW Plaintiff STEPHEN COMSTOCK CRAMPTON, an unmarried  
18 individual, and in his Complaint against the above-named Defendants states and alleges as  
19 follows:

20  
21 **I. PARTIES**

22 1. Plaintiff STEPHEN COMSTOCK CRAMPTON is an unmarried individual  
23 who owns real property commonly known as 205 Clayton Place NW, Bainbridge Island,  
24 Washington 98110, and legally described in Exhibit “A”, attached hereto and incorporated  
25 herein by reference (Kitsap County Assessor’s Parcel No. 272502-1-115-2004) (“Plaintiff’s

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Property”).

2. Defendant WALLACE COTTAGES, LLC (“Defendant”) is upon information and belief a limited liability company in good standing in the State of Washington.

3. Defendant owns adjacent property located in Bainbridge Island, Washington 98110, and legally described in Exhibit “B”, attached hereto and incorporated herein. (Kitsap County Parcel No. 272502-1-023-2005) (“Parcel 23”).

4. Defendant also owns adjacent property located in Bainbridge Island, Washington 98110, and legally described in Exhibit “C”, attached hereto and incorporated herein. (Kitsap County Parcel No. 272502-1-155-2005) (“Parcel 155”).

5. This action involves the title to portions of Defendant’s property and other matters related thereto.

## II. JURISDICTION AND VENUE

6. This Court has original jurisdiction over the subject matter of this action pursuant to RCW 2.08.010 because the subject properties are located in Kitsap County, Washington.

7. Venue is proper in Kitsap County, Washington pursuant to RCW 4.12.010(1) because this action concerns the determination of questions affecting the title to real property situated in Kitsap County, Washington.

## III. FACTS

8. From July 1, 2005 through October 14, 2013, Plaintiff’s Property was owned by Elaine Marie White of Bainbridge Island, Washington.

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1           9.       From October 14, 2013 through the present, Plaintiff's Property has been  
2 owned by the Plaintiff.

3           10.      For more than 10 years, there has existed a metal boundary fence enclosing  
4 Plaintiff's Property to the East (the "East Fence").

5           11.      The East Fence encroaches on Defendant's Parcel 23 by as much as  
6 approximately 10 feet.

7           12.      For more than 10 years, there has also existed a wooden fence enclosing  
8 Plaintiff's Property to the South (the "South Fence").

9           13.      The South Fence encroaches on Defendant's Parcel 155 by as much as  
10 approximately 3 feet.

11           14.      Exhibit "D" shows the approximate positions of the properties and fences.  
12 On Exhibit "D", Plaintiff's property is labeled "C", Parcel 23 is labeled "A", and Parcel 155  
13 is labeled "D". The East Fence is indicated by a blue line to the right of Plaintiff's Property  
14 and the South Fence is indicated by a red line below Plaintiff's Property.

15           15.      The East and South Fences, and the property up to and including them (the  
16 "disputed areas"), have been possessed and maintained by the Plaintiff and Plaintiff's  
17 predecessors in a manner that is; 1) hostile against the rights of the true owner; 2) actual; 3)  
18 exclusive; 4) open and notorious; and 5) continuous for at least 10 years.

19           16.      The line denoted by the East and South Fences has been certain, well defined  
20 and physically designated upon the ground for a period of time exceeding 10 years, there is  
21 no express agreement establishing the designated line as the boundary line and the Parties  
22 and their respective predecessor have in good faith manifested, by their acts, occupancy and  
23  
24  
25

1 improvements with respect to their respective properties, a mutual recognition and  
2 acceptance of the designated line as the true boundary line.

3 17. A portion of the Defendant's property is encumbered by the "North  
4 Interceptor" sewer easement dated August 25, 1976 and recorded under Kitsap  
5 County Auditor's File No. 1142864. The stated purpose of this easement is "for  
6 Sanitary Sewers with the necessary appurtenances, over, through across and  
7 upon" that portion of the Defendant's property. A true and correct copy of this  
8 easement is attached as Exhibit "E".  
9

### 10 **III. CAUSES OF ACTION**

#### 11 **FIRST CAUSE OF ACTION** 12 **ADVERSE POSSESSION**

13  
14 18. Plaintiff incorporates and restates each of the above paragraphs as if fully set  
15 forth herein.

16 19. The actions and inactions of the parties as described herein constitute adverse  
17 possession of the disputed areas by the Plaintiff and the Plaintiff's predecessors.  
18

#### 19 **SECOND CAUSE OF ACTION** 20 **MUTUAL RECOGNITION AND ACQUIESCENCE**

21 20. Plaintiff incorporates and restates each of the above paragraphs as if fully set  
22 forth herein.

23 21. The actions and inactions of the Parties and their predecessors as described  
24 herein constitute mutual recognition and acquiescence of the fence lines as described herein  
25

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as the actual and permanent boundary between the Parties' properties.

THIRD CAUSE OF ACTION  
QUIET TITLE

22. Plaintiff incorporates and restates each of the above paragraphs as if fully set forth herein.

23. The Plaintiff seeks to quiet title against any claim of the Defendant regarding ownership or the right to otherwise use the disputed areas.

**IV. RELIEF REQUESTED**

WHEREFORE, Plaintiff prays for the following relief:

1. An order of the Court granting fee simple title to the portion of Parcel 23 from Plaintiff's Property up to and including the East Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence.
2. An order of the Court granting fee simple title to the portion of Parcel 155 from Plaintiff's Property up to and including the South Fence through the doctrines of adverse possession and/or mutual recognition and acquiescence, subject to the "North Interceptor" sewer easement.
3. An Order of the Court awarding Plaintiff its attorneys' fees and costs as provided for in RCW 7.28.083(3) et. seq.
4. Any and all other relief the Court deems just and equitable in this matter.

RESPECTFULLY SUBMITTED this \_\_\_\_\_ day of March, 2018.

HELSELL FETTERMAN LLP

Michael Spence, WSBA No. 15885  
Emma Kazaryan, WSBA No. 49885  
Attorneys for Plaintiff

**EXHIBIT A**

Parcel #: 272502-1-115-2004

205 CLAYTON PL NW  
BAINBRIDGE ISLAND, WA 98110

(LOT C OF CITY OF WINSLOW SHORT PLAT RECORDED UNDER AUDITOR'S  
FILE NO. 8002080100 W-25 ) THAT PORTION OF THE NORTHEAST QUARTER OF  
THE NORTHEAST QUARTER, SECTION 27, TOWNSHIP 25 NORTH, RANGE 2  
EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
BEGINNING 396 FEET WEST OF THE SOUTHEAST CORNER OF THE NORTHEAST  
QUARTER OF THE NORTHEAST QUARTER; THENCE WEST 130 FEET; THENCE  
NORTH 85 FEET; THENCE EAST 130 FEET; THENCE SOUTH 85 FEET TO THE  
POINT OF BEGINNING; TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS  
AND UTILITIES OVER, ACROSS AND UNDER THE SOUTH 10 FEET OF LOT A  
AND THE NORTH 10 FEET OF LOT D AS SAID LOTS ARE DESCRIBED IN CITY OF  
WINSLOW SHORT PLAT NO. 7791, RECORDED UNDER AUDITORS' FILE NO.  
8002080100.

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**EXHIBIT B**

Parcel #: 272502-1-023-2005

**\*\*NO SITUS ADDRESS \*\***

RESULTANT PARCEL A OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NO. 3013969, DESCRIBED AS FOLLOWS: THAT PORTION OF THE NORTHEAST QUARTER, SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 264 FEET WEST OF THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27; THENCE WEST 132 FEET; THENCE NORTH 165 FEET; THENCE EAST 132 FEET; THENCE SOUTH 165 FEET TO THE POINT OF BEGINNING; AND ALSO THE SOUTH 15 FEET OF THE FOLLOWING DESCRIBED PROPERTY: THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., IN KITSAP COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE WEST 264 FEET (16 RODS); THENCE NORTH 165 FEET (10 RODS); THENCE EAST 264 FEET (16 RODS); THENCE SOUTH 165 FEET (10 RODS) TO THE POINT OF BEGINNING; EXCEPT THAT PORTION ON THE EAST FOR MADISON AVENUE; AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WINSLOW IN QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NO. 8003270082.

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1 **EXHIBIT C**

2 Parcel #: 272502-1-155-2005

3 351 WALLACE WAY NW  
4 BAINBRIDGE ISLAND, WA 98110

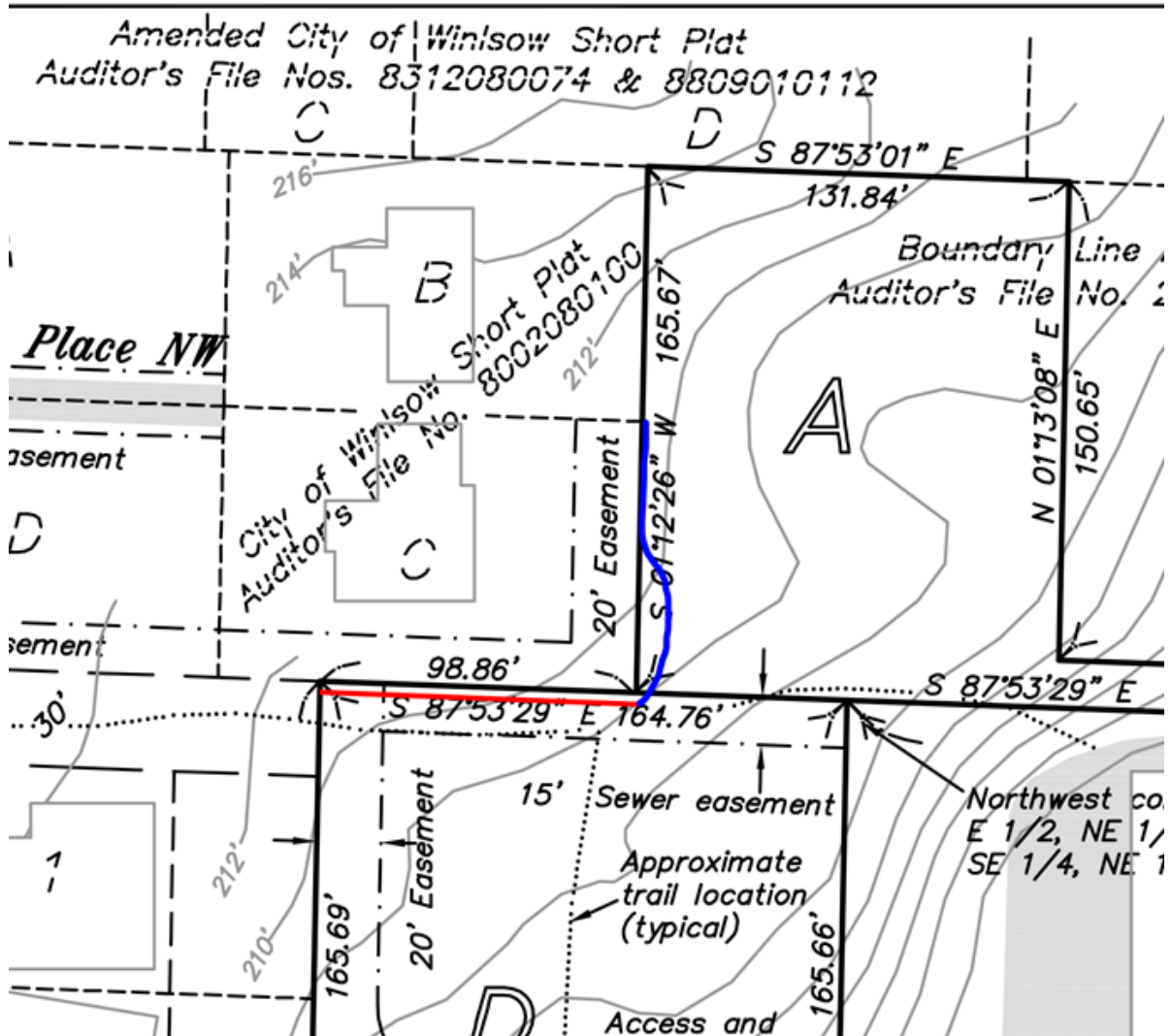
5  
6 LOT D CITY OF BAINBRIDGE ISLAND SHORT PLAT W-78 RECORDED UNDER  
7 AUDITOR'S FILE NO. 9204280006; BEING THE NORTH ONE-QUARTER OF THE  
8 EAST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF  
9 THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27,  
10 TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON.  
11 CONTAINING 27,288 SQUARE FEET (0.63 ACRES). SUBJECT TO AND TOGETHER  
12 WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, UNDER  
13 AND ACROSS THE FOLLOWING DESCRIBED PROPERTY: BEGINNING AT THE  
14 SOUTHWEST CORNER OF THE ABOVE DESCRIBED PROPERTY; THENCE ALONG  
15 THE WEST LINE OF THE EAST ONE-HALF OF THE WEST ONE-HALF OF THE  
16 NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE NORTHEAST  
17 QUARTER OF SAID SECTION 27, S1\*11'50 W 165.68 FEET TO THE NORTH LINE OF  
18 THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION  
19 27; THENCE ALONG SAID NORTH LINE, S87\*53'43 E 20.00 FEET; THENCE  
20 S1\*11'50 W 101.19 FEET; THENCE ON A 25.00 FOOT RADIUS CURVE TO THE  
21 LEFT THROUGH A CENTRAL ANGLE OF 85\*35'02 AN ARC DISTANCE OF 37.34  
22 FEET; THENCE ON A 40.00 FOOT RADIUS REVERSE CURVE TO THE RIGHT  
23 THROUGH A CENTRAL ANGLE OF 266\*29'00 AN ARC DISTANCE OF 186.04 FEET  
24 TO THE POINT OF BEGINNING. SUBJECT TO AN EASEMENT FOR INGRESS,  
25 EGRESS AND UTILITIES OVER, UNDER AND ACROSS THE WEST 20 FEET  
THEREOF. SUBJECT TO AND TOGETHER WITH EASEMENTS, RESTRICTIONS  
AND RESERVATIONS OF RECORD.

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EXHIBIT D

Map showing approximate locations of a metal fence (in blue) and a wooden fence (in red) that encroach onto Parcel 23 and Parcel 155 as described in this Complaint:



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