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9 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
10 IN AND FOR THE COUNTY OF KING

11 KATHRYN M. RICHMOND,
12 a married woman as to her separate estate,

13 Plaintiff,

14 vs.
15

16 TERESSA HERNANDEZ,
17 individually, and JOHN and JANE DOES,
18 1 - 4.

19 Defendants.
20

) NO.

) COMPLAINT FOR UNLAWFUL
) DETAINER (RCW 59.12)

21 THE PLAINTIFF, KATHRYN M. RICHMOND, as a cause of action for unlawful
22 detainer, alleges as follows:

23 I. PLAINTIFF.

24 1. Kathryn M. Richmond is a married woman making claim on behalf of her
25 separate estate (herein referred to as "Richmond").

26 2. Richmond is the owner of the residential real property commonly known as
27 3601 24th Avenue W, Unit 304, Seattle, Washington 98199 and legally described in Exhibit A
28 which is attached hereto and incorporated by this reference.

Complaint for Unlawful Detainer 1

Kasperson & Bittner, PLLC

1700 7th Avenue #2100

Seattle, WA 98101

206-682-0171

1 (herein referred to as the "Premises").

2
3 II. DEFENDANTS.

4 The Defendant Teresa Hernandez (hereinafter referred to as "Hernandez"), is a single
5 woman residing in the Premises. Defendants John and Jane Does 1- 4 (hereinafter referred to
6 as "Does") are also believed to be residing in the Premises.

7
8 III. LETTING OF PREMISES.

9 On the 1st day of September, 2016, Hernandez and Richmond entered into a lease
10 agreement to lease the Premises, a true and correct copy of which is attached hereto as Exhibit
11 B and incorporated by this reference (herein referred to as the "Lease"). Hernandez took
12 early possession of the Premises on ~~August 15, 2016~~

13
14 IV. THREE AND TEN DAY NOTICE.

15 1. Hernandez check of \$1350. for August rent and security deposit was returned
16 for "Insufficient Funds" on ~~August 17, 2016~~. (See Exhibit C attached hereto and incorporated
17 by this reference) Hernandez committed waste on the premises and maintained a nuisance as
18 more particularly described in the Declaration of Karyn Ann Geary attached hereto as Exhibit
19 D and incorporated by this reference. On the 30th day of August, 2016, a three day written
20 notice for waste, nuisance and unpaid rent in accordance with RCW 59.12.030-040 was
21 served on Hernandez (A copy of the Declaration of Service and mailing is attached hereto as
22 Exhibit E and incorporated by this reference). The notice advised of the waste and nuisance
23 and required payment of the rent within three days or to vacate the Premises, specifically
24 payment of \$1412 in back rent and late charges. To date said rent has not been paid nor has
25
26
27
28

1 the accrued September rent of \$1,700. and Hernandez remains in possession of the Premises.

2 Waste and nuisance are not curable.

3 2. Hernandez is violating conditions of the Lease. A ten day notice to comply or
4 vacated was served and mailed as evidenced by Exhibit F attached hereto and incorporated by
5 this reference. Hernandez remains in possession of the premises without curing the
6 violations.
7

8 V. FAILURE TO COMPLY WITH NOTICE.

9
10 Hernandez has failed to pay the delinquent rent, maintained a nuisance, committed
11 waste at the Premises, and failed to comply with the terms of the Lease

12 Hernandez failed to surrender possession of the Premises as required in the notices and
13 remains in possession of the Premises.
14

15 VI. DEFENDANT IN UNLAWFUL DETAINER

16 The Defendants are unlawfully detaining the Premises and Richmond is entitled to a
17 Writ of Restitution directing the County Sheriff to deliver possession of the Premises to her
18 from the Defendants. Richmond is entitled to unpaid rent and damages for waste and
19 nuisance and other damage to the Premises.
20

21 VII. ATTORNEY'S FEES

22
23 **Innisfree** is entitled to reasonable attorney's fees, costs and expenses in connection
24 with this action. Reasonable attorney's fees in the event this action is uncontested, are
25 \$2,500.00.
26

27 WHEREFORE, Plaintiff prays for judgment against the Defendants as follows:
28

1 A. For restitution of the Premises to Richmond including issuance of a Writ of
2 Restitution to the King County Sheriff directing him to deliver possession of the Premises
3 from the Defendants to Richmond and cancellation of the Lease;
4

5 B. For Richmond's reasonable attorney's fees in the amount of \$2,500.00 if this
6 action is uncontested and, in the event this action is contested, such amount as the court
7 deems reasonable;
8

9 C. For the amount of unpaid rent of \$2550., late and delinquent fees of \$112.,
10 ~~\$500.~~ security deposit if the Lease is not cancelled and for such additional damages to the
11 Premises as determined after retaking possession of the Premises.
12

13 D. For Plaintiff's reasonable costs and disbursements incurred in this action for a
14 sum not less than the following: (1) Service of 3 and 10 Day Notice - \$380; (2) Filing Fee -
15 \$240.00; and service of Summons & Complaint - \$149.50.
16

17 E. For interest on unpaid rent and on said judgment at 12% per annum; and

18 F. For such additional relief as the court may deem just and proper.

19 DATED this 6thth day of September, 2016.
20

21 
22

23 James J. Bittner, WSBA #8387
24 Kasperson & Bittner, PLLC
25 1700 - 7th Avenue #2100
26 Seattle, WA 98101
27 Telephone: (206) 682-0171
28 Fax: (206) 682-1197
E-mail: jbittner@bittnerlaw.com
Attorneys for Plaintiff

THREE DAY NOTICE TO PAY RENT OR SURRENDER PREMISES

RCW 59.12.030(3)

**THREE DAY NOTICE TO SURRENDER PREMISES FOR
PERMITTING AND COMMITTING WASTE AND NUISANCE**

RCW 59.12.030(5)

TO: TERESSA HERNANDEZ, (Tenant);
FROM: KATHRYN M. RICHMOND (Landlord)
**RE: LEASE DATED SEPTEMBER 1, 2016 by and between the above-described
parties for the premises commonly known as 3601 24th Ave W, Unit 304,
Seattle, WA 98199 (Premises)**

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that you have defaulted in the payment of rent for the Lease of the above described Premises. Rent in the amount of \$1412. is due and owing pursuant to said Lease. Unless said sum is paid in full or you have surrendered possession of the Premises to the Landlord within three (3) days of your receipt of this Notice, an Unlawful Detainer Action will be commenced to remove you from the Premises, and for a judgment for the amount of the past due rent, and for any and all relief allowed by the Lease or by law.

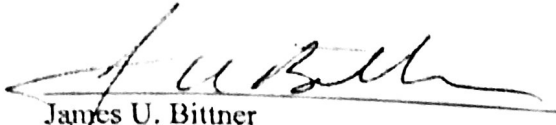
YOU AND EACH OF YOUR ARE HEREBY NOTIFIED that you have permitted and committed waste and a nuisance at the above described Premises and you shall surrender possession of the Premises to the Landlord within three (3) days of your receipt of this Notice or an Unlawful Detainer Action will be commenced to remove you from the Premises and for a judgment for the amount of damages to the Premises, for the costs of such action, and for any and all relief allowed by the Lease or by law.

DATED this 29th day of August, 2016.

KATHRYN M. RICHMOND:

E-5

By:

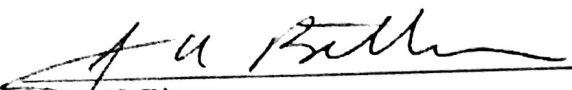

James U. Bittner
of Kasperson & Bittner, PLLC
1700 - 7th Avenue, #2100
Seattle, WA 98101
206-682-0171
jbittner@bittnerlaw.com
Attorneys for the Landlord

DECLARATION OF MAILING

I certify and declare under penalty of perjury under the laws of the State of Washington that I am over the age of majority and otherwise competent to make this Declaration and that on the 31st day of August, 2016 I deposited in the US Mail, postage prepaid, a copy of the above Notice mailed to:

Ms. Teressa Hernandez
3601 24th Ave. W #304
Seattle, WA 98199

Dated this 31st day August 2016 at Seattle, WA.


James U. Bittner

E-G

BANK OF AMERICA N.A.
WEST RETURN ITEMS

Page 001 of 002
Bank : 00353
Center :
Divisor: 14.892
Code : 1

Deposit account:xxxxxxxxxx4756
Charge account :xxxxxxxxxx4756
Store/Reference:00000000000000

0001278 1676836 0001 005239 102
KATHRYN M RICHMOND
10228 NE 52ND ST
KIRKLAND WA 98033-7605
US

Date of Notice: 08-17-2016

Dear Valued Customer:

We're writing to notify you that the item or items listed below, which were deposited into your account, have been returned unpaid. As a result, we've deducted them from your account. You will see the adjustment on your account statement.

Number of returned items:	1
Amount of returned item(s):	1,350.00
Return items fee:	12.00
Total:	1,362.00

Source/Dep Date	ABA Number/Dep Amount	Maker Name/Check Date	Return Reason/ Additional Data	Amount
2234103678 8/12/2016	3252-7202 1,350.00		Not Sufficient Funds	1,350.00

Please check your account activity and if your account is currently overdrawn, deposit money as soon as possible to bring your balance above \$0. If your account remains overdrawn for 5 or more consecutive days, a \$35 Extended Overdrawn Balance Charge may apply.

If you have any questions or need additional information, please contact one of our Customer Service Representatives at 1.800.432.1000. We appreciate your business and look forward to serving you in the future.

Sincerely,
Turns & Exceptions

EXH. C-1

RECEIVED

**10 DAY NOTICE TO COMPLY
WITH CONDITIONS OF LEASE**

TO: TERESSA HERNANDEZ, (Tenant);
FROM: KATHRYN M. RICHMOND (Landlord)
RE: 3601 - 24th Ave. W Unit 304, Seattle, WA 98199

YOU AND EACH OF YOU ARE HEREBY NOTIFIED that you are in violation of the rules, regulations, rental agreement and/or obligations or restrictions applicable to your tenancy of the above-described Premises. Your non-compliance is described as:

The Lease prohibits pets other than one cat; prohibits smoking; allows for only one occupant; and required maintenance of the premises. You have violated these sections by having other pets; smoking; allowing another occupant; and failing to maintain the premises.

In the event such conduct continues, you shall vacate the premises within ten (10) days of your receipt of this Notice or be subject to an Unlawful Detainer action and for any and all relief allowed by the Lease or Law.

DATED this 31st day of August, 2016.

Kathryn M. Richmond:

By: 

James V. Bittner
of Kasperson & Bittner, PLLC
1700 - 7th Ave. #2100
Seattle, WA 98101
206-682-0171
jbittner@bittnerlaw.com
Attorneys for the Landlord

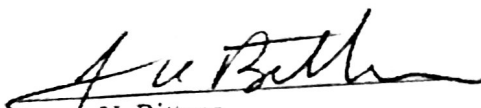
F-3

DECLARATION OF MAILING

I certify and declare under penalty of perjury under the laws of the State of Washington that I am over the age of majority and otherwise competent to make this Declaration and that on the 6th day of September, 2016 I deposited in the US Mail, postage prepaid, a copy of the above Notice mailed to:

Ms. Teressa Hernandez
3601 24th Ave. W. #304
Seattle, WA 98199.

Dated this 6th day of September, 2016 at Seattle, WA


James U. Bittner

K-4