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SUPERIOR COURT, STATE OF WASHINGTON, COUNTY OF SPOKANE

*****, a single man,
Plaintiff,
v.
***** husband and wife, and the marital
community composed thereof,
Defendants.

NO.
COMPLAINT FOR EJECTMENT,
TRESPASS, WASTE AND NUISANCE

BEFORE THIS COURT is the Plaintiff, by and through his attorney, PAMELA H. ROHR of TRUNKENBOLZ | ROHR PLLC, and brings suit against the Defendants as follows:

I. PARTIES

I.1 *** (hereinafter "PLAINTIFF") is a single man with an interest in real property located in Spokane County, Washington.

I.2 ***** (hereinafter "DEFENDANTS") are husband and wife and own real property in Spokane County, Washington.

II. JURISDICTION AND VENUE

II.1 Jurisdiction and venue are properly within this Court as the subject matter of this suit is the use of real property located in Spokane, Washington.

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III. FACTUAL ALLEGATIONS

III.1 PLAINTIFF owns real property located at *****, Otis Orchards, Washington.

III.2 In 2005 DEFENDANTS purchased real property which has a common boundary line with the PLAINTIFF'S property described above.

III.3 The common boundary line had a fence on it, which had been in place for 54 years.

III.4 Upon taking possession of their property, DEFENDANTS tore down the original fence and built an enclosure for their pony out of horse fencing and t-posts.

III.5 This enclosure was 20-30 feet on PLAINTIFF'S side of the boundary line.

III.6 PLAINTIFF rents out a portion of his property, including that portion taken by DEFENDANTS for farming purposes.

III.7 DEFENDANTS informed PLAINTIFF'S tenant that they owned a portion of the area that was previously farmed.

III.8 As a result of DEFENDANTS false representations to PLAINTIFF'S tenant, significantly less area was planted. This resulted in PLAINTIFF being paid less than what would be expected had the entire area owned by PLAINTIFF been planted.

III.9 After receiving a notice of their trespass, DEFENDANTS hired a surveyor.

III.10 The surveyor confirmed that the DEFENDANTS' pony enclosure was on PLAINTIFF'S property.

III.11 DEFENDANTS responded by firing the surveyor and removing survey markers.

III.12 Despite the results of the survey and repeated demands to remove the pony enclosure, DEFENDANTS have refused to do so.

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IV. CAUSE OF ACTION

IV.1 The factual allegations support a claim for ejectment.

1 IV.2 The factual allegations support a claim of trespass or, in the alternative, a
2 claim for nuisance.

3 IV.3 The factual allegations support a claim of waste.
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5 **V. PRAYER FOR RELIEF**

6 WHEREFORE, PLAINTIFF prays for the following relief:

7 V.1 For an order of this Court ejecting DEFENDANTS from his real property.

8 V.2 For an order requiring the DEFENDANTS to remove any and all matter they
9 have caused to be placed on PLAINTIFF'S property.

10 V.3 For treble damages.

11 V.4 For all damages naturally occurring from the DEFENDANTS' acts and
12 representations.

13 V.5 For reasonable attorney's fees and costs of litigation, including the cost of the
14 survey, and as provided by law.

15 V.6 For such further equitable relief as may be determined by this Court.

16 DATED this _____ day of November, 20**.

17 TRUNKENBOLZ | ROHR PLLC

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19 By: _____

20 PAMELA H. ROHR, WSBA #19584

21 Attorneys for Plaintiff
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