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**IN THE SUPERIOR COURT OF WASHINGTON  
FOR SNOHOMISH COUNTY**

JEFFREY LEWIS and NANCY LEWIS,  
husband and wife,

Plaintiffs,

vs.

HILTON LAKE HOMEOWNER'S  
ASSOCIATION, a Washington nonprofit  
corporation.

Defendant.

NO. 13-2-06808-5

**DECLARATION OF MARTIN  
BURNS IN SUPPORT OF  
ATTORNEY FEES**

I, Martin Burns, hereby declare the following is true and accurate under the penalty of perjury in the state of Washington:

1. I am an attorney in the State of Washington duly licensed to practice in the State of Washington since December of 1993.

2. I have litigated cases through the Washington State Court of Appeals Divisions 1 and 2, argued before the Washington State Supreme Court, and have taken cases successfully through the Ninth Circuit Court of Appeals.

3. I am the owner of Burns Law, PLLC, and am practicing as a sole practitioner since August 2014 focusing on real estate, civil litigation and estate/probate matters.

4. I was the managing shareholder of the law office of McFerran & Burns, P.S. f/k/a McFerran, Burns & Stovall, P.S where I practiced in one capacity or another since April 2000 until leaving to open my own practice.

1           5.     I have previously held an inactive CPA certificate.

2           6.     My billable hourly rate on this case was \$225 an hour while at McFerran  
3     & Burns. The case was originally opened in 2012 and while my rate increased over the  
4     next several years to \$295 (as my \$225 rate was considerably below market) I kept my  
5     lower rate with the Lewis's until I left. When I opened my own firm I lowered my then  
6     rate to \$275 an hour, reflecting passing along lower overhead to my clients. However, I  
7     did raise my rates for older clients who followed me to \$275. My paralegal, Sheila  
8     Gerlach's, billable rate was \$157.50 an hour while at McFerran & Burns, P.S on this case,  
9     and now is at \$140.00 for all my clients including the Plaintiffs for similar reasons.

10          7.     The above rates are consistent with the rates charged in the community  
11     and are reasonable given the complexity of this case.

12          8.     Attached hereto as **Exhibit A** are redacted billings from my prior firm,  
13     McFerran & Burns, P.S. Attached as **Exhibit B** is a copy of the billing ledger  
14     summarizing Exhibit A. Attached hereto as **Exhibit C** are redacted billing entries related  
15     to this case from Burns Law, PLLC. Attached as **Exhibit D** is a ledger statement from  
16     Burns Law, PLLC summarizing Exhibit D. I have redacted minimally. I have redacted  
17     portions that relate to strategy provisions and attorney-client communications. I have also  
18     taken out issues related to payments made and outstanding balances. I will have an  
19     unredacted version for the court to review, in camera, if the court so requires. However, I  
20     have kept the redactions to a minimum.

21          9.     My last completed billing cycle ended on January 25, 2016 and I have listed  
22     my additional time since then for preparing findings of facts and a judgment as well as  
23     working to arrange a survey. I have anticipated 6 more hours in reply and argument of  
24     this motion and presentation of the findings/conclusion/judgment. Given that, the  
25     combined billings were as follows:

1	Attorney Fees (M&B)(17.1 hrs)	\$3,847.50
	Paralegal Fees (M&B)(10.0 hrs.)	\$1,570.00
2	Attorney's fees (Burns Law) (76.0)	\$20,900.00
	Paralegal fees (Burns Law (31.1)	\$ 4,354.00
3	Attorney fees to filing (8)	\$ 2,200.00
	Paralegal fees to filing (4.0)	\$ 560.00
4	Expected additional fees (6 hours)	\$ 1,650.00
5	(Less credit and adjustments) <sup>1</sup>	
	Expenses:	
6	Filing Fee	\$ 240.00
	Ct. Filing Fee	\$ 11.00
7	Ct. Filing Fee	\$ 58.00
	Ct. Fax Fee	\$ 7.00
8	Dep. Transcript (Kania)	\$ 324.10
	Ct. Dec. Transcript	\$ 66.00
9	Courier Fees	\$ 320.00
10	Survey Cost:	\$ 1,450.00
	Mediator fee	\$ 775.00
11		<b>\$ 37,557.60</b>

12           9. I would ask the court award the \$35,081.50 in fees requested, plus costs  
13 and advances in the amount of \$2,476.10. Such \$1,450 is the amount quoted and will be  
14 or has been paid to the surveyor to draw up the legal description of the adversely  
15 possessed property. It is the undersigned's position that the survey expense is a  
16 recoverable court cost as it was authorized by the court after its decision and can be done  
17 even more formally under RCW 7.28.210. Additionally, in actions not specifically listed  
18 in RCW 4.84 – then the costs are left to the discretion of the court. RCW 4.84.190.  
19 Obviously such cost was necessary to legally describe the adversely described property.  
20 It was not a discretionary expense any more than a filing fee or service fee might be.  
21 Additionally, the mediator fee was incurred as a result of Judge Bruce Weiss requiring  
22 the parties to mediate before he would issue his summary judgment ruling.

23  
24  
25 <sup>1</sup> There is \$800.35 in credits and some of the hours do not match exactly the rate multiplied by the hour as  
26 an initial letter was done on a fixed fee. The \$835.35 credit reconciles the hourly calculations in this memo  
to the actual amount billed as shown in the "Fee amount" line in the ledgers, Exhibits B and D.

1           10. Many of the factors laid forth in the motion are subjective determinations  
2 of the court as to the difficulty of the case, the skill of the attorney, the quality of the  
3 work presented to the court. In assessing the reasonableness of the fees, the court should  
4 consider the possibility that had normal litigation processes of doing interrogatories and  
5 requests for production and taking depositions taken place, the costs would have been  
6 increased. As such, the court should also consider the efforts to contain and avoid costs  
7 while considering such costs incurred. As set forth in the accompanying motion, I point  
8 out how the Plaintiffs took no discovery as Mr. Kania and the Plaintiffs' testimony  
9 established the then and still ongoing conditions that we deemed dispositive in this  
10 action. When Defendants took Mr. Kania's deposition, the undersigned attended by  
11 phone to cut down costs.

12           11 The Plaintiffs moved slowly in this case to try to get the HOA to be  
13 reasonable. The undersigned explicitly warned the Defendant in writing of the relevant  
14 cases and likely outcome early on – yet Defendant persisted. See **Exhibit E**. The  
15 situation on the ground has remained unchanged for decades. The only new twist is that  
16 there was going to be a fence on where the longstanding line had been. The Plaintiffs  
17 tried to negotiate with the HOA through their prior counsel. When progress was being  
18 made, a change of attorneys was made as it appears the HOA did not like where that was  
19 going. The plaintiffs were deliberative in filing this action as such cases are not  
20 inexpensive and that they were suing their own HOA which is composed of their friends  
21 and neighbors. They never asked for an inch beyond their historic use. We tried to get  
22 the case decided at summary judgment that did allow the trial to be streamlined. At trial  
23 we kept the testimony tailored on the remaining issues.

24           11. The fees incurred are significant but they are reasonable. I have had my  
25 rate approved in numerous of the various departments of Pierce County, including Judge  
26 Stanley Rumbaugh, Judge Bryan Chuschoff, Judge

1 Stephanie Arend, Judge Ronald Culpepper to name a few – some at the higher rate.  
2 Judge Mariane Spearman of the King County Superior Court similarly approved such  
3 \$275 rate.

4 DATED this 2 day of March, 2016 at Tacoma, Washington.

5  
6 By 

7 Martin Burns, WSBA No. 23412  
8 Attorney for Plaintiffs

9 M:\28513 Lewis\Pldgs\Motion for Attorney fees\Dec MB.doc  
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***EXHIBIT A***

**McFerran Law, P.S.**  
ATTORNEYS AT LAW

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www.mcferranlaw.com

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Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett WA 98208

Page: 1  
10/04/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

Your Trust Account #5 balance is

09/30/2014    OPENING BALANCE  
                  Disburse to Client per Attorney  
                  PAYEE: Jeffrey and Nancy Lewis  
                  CLOSING BALANCE

██████████  
██████████  
██████████

**WE THANK YOU FOR THE OPPORTUNITY TO SERVE YOU. YOUR PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE AND IS LATE IF NOT RECEIVED BY THE 11TH OF THE MONTH FOLLOWING THE LAST BILLING PERIOD. WE ACCEPT VISA, MASTERCARD AND DISCOVER BY TELEPHONE. REMIT PAYMENTS TO: P.O. BOX 110426, TACOMA WA 98411-0426. PLEASE ADDRESS ANY BILLING INQUIRIES TO ACCOUNTING AT (253) 284-3831 OR CONTACT OUR CREDIT MANAGER, SHEREE TONIOLI AT (253) 284-3803.**



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Page: 1  
09/03/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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08/03/2014  
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Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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07/03/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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06/02/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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05/02/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

04/10/2014 Payment received. Thank you.

**BALANCE DUE**

\$0.00

Your Trust Account #5 balance is

04/10/2014 OPENING BALANCE  
Legal Fees  
PAYEE: McFerran & Burns, P.S.  
CLOSING BALANCE

Jeffrey & Nancy Lewis

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05/02/2014

ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

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04/01/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**FEES THROUGH 03/25/2014**

		HOURS	
02/27/2014			
MB	Draft motion to place fence and declaration of Nancy Lewis. Research related thereto.	1.70	382.50
03/04/2014			
SG	Receive email from client with revisions to HOA letter. Forward to Attorney Burns for revision. Note file for followup.	0.20	31.50
	<b>FOR CURRENT SERVICES RENDERED</b>	1.90	414.00

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Sheila Gerlach	0.20
Martin Burns	1.70

03/25/2014	Copy costs incurred during current billing period - Number of copies at .15 each: 16	2.40
	<b>TOTAL EXPENSES</b>	2.40

Boundary Line Issue w/HOA

<b>TOTAL CURRENT WORK</b>	416.40
<b>BALANCE DUE</b>	<u>\$416.40</u>

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE

[REDACTED]  
[REDACTED]

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03/01/2014  
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Boundary Line Issue w/HOA

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OPENING BALANCE  
CLOSING BALANCE



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02/06/2014  
ACCOUNT NO: 28513-000M

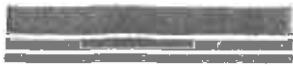
Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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Page: 1  
01/06/2014  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

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OPENING BALANCE  
CLOSING BALANCE



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Page: 1  
12/06/2013  
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Boundary Line Issue w/HOA

Your Trust Account #5 balance is

OPENING BALANCE  
CLOSING BALANCE



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Page: 1  
11/05/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

[REDACTED]

**FEES THROUGH 10/25/2013**

		HOURS	
10/25/2013			
MB	Administrative adjustment.	-0.01	-0.35
	<b>TOTAL CREDITS FOR FEES</b>	-0.01	-0.35
	<b>TOTAL CURRENT WORK</b>		-0.35

10/10/2013 Payment received. Thank you.

[REDACTED]

**BALANCE DUE**

[REDACTED]

Your Trust Account #5 balance is

10/10/2013 **OPENING BALANCE**  
Legal Fees  
PAYEE: McFerran & Burns, P.S.

[REDACTED]

[REDACTED]

Jeffrey & Nancy Lewis

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11/05/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

CLOSING BALANCE



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Page: 1  
10/05/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**PREVIOUS BALANCE**



**FEES THROUGH 09/25/2013**

		HOURS	
09/03/2013			
SG	Draft Answer to Counterclaim due. Go over with attorney Burns. <b>(No charge for Mr. Burns' time to avoid double billing)</b>	0.80	126.00
09/04/2013			
SG	Complete Answer to Counterclaim.	0.80	126.00
09/05/2013			
SG	Open litigation file and update filing and organize into file and all pleadings, updating pleadings index. <b>(No charge as accommodation to client)</b>	0.50	
MB	Go over issues regarding fences. Attempt to call opposing counsel. Work on alternate resolution to interim issue.	0.70	112.50
09/06/2013			
SG	Obtain attorney signature on Answer to Counterclaim. Prepare letter and return envelopes to court for filing, copying opposing counsel, copy and mail, scan and email Attorney Froehling, and prepare fax and fax		

Boundary Line Issue w/HOA

		HOURS	
	copy to opposing counsel. File copy into client's file noting file for followup for conformed copy.	0.80	126.00
09/10/2013	MB Come up with plan for fence in email client after review of covenants.	0.60	135.00
09/12/2013	SG Receive and review conformed copies of filed Plaintiff's Answer to Defendant's Counterclaims and Affirmative Defenses. File into client's pleadings file and update index.	0.40	63.00
09/18/2013	MB Begin drafting stipulation regarding fence.	0.60	135.00
	<b>FOR CURRENT SERVICES RENDERED</b>	<u>5.20</u>	<u>823.50</u>

**RECAPITULATION**




<u>TIMEKEEPER</u>	<u>HOURS</u>
Sheila Gerlach	3.30
Martin Burns	1.90

**TOTAL CURRENT WORK** 823.50

09/10/2013 Payment received. Thank you. 

**BALANCE DUE** 

Your Trust Account #5 balance is

09/09/2013	OPENING BALANCE	
	Legal Fees	
	PAYEE: McFerran & Burns, P.S.	
	CLOSING BALANCE	

Jeffrey & Nancy Lewis

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10/05/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

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09/04/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**PREVIOUS BALANCE**



**FEES THROUGH 08/25/2013**

		HOURS	
07/29/2013			
SG	Receive email from Betty Hendricks forwarding Word version of Interrogatories. Save into client's e-file for response. Email Accounting to request status on retainer due--not paid to date. Schedule reminder for followup.	0.20	31.50
08/05/2013			
MB	Emails with client. Correspondence and calls to opposing counsel. Draft letter to paralegal with regards intent of the fence.	0.45	101.25
08/06/2013			
SG	Check with Susy Heatherly in accounting to confirm if \$3,000 retainer received-confirmed received today. Note file. <b>((No charge for meeting with accounting))</b> Prepare letter to Toni Froehling and Betty Hendricks. Meet with Attorney Burns for review. Scan and email to client for review and approval.	0.40	63.00

## Boundary Line Issue w/HOA

		HOURS	
08/07/2013			
MB	Review emails. Go over preliminary injunction standards. Draft letter. Revise and provide client.	0.70	157.50
08/09/2013			
SG	Call clients for approval of letter to Attorney Froehling. Final letter for attorney signature. Email Attorney Burns noting retainer paid and funds into trust should be available today or Monday to file lawsuit and request approval to cut filing fee check and approve filing of lawsuit (or hold off per letter going out to Attorney Froehling today). Receive email approval for check request for filing fee and to file lawsuit. Receive call from Mrs. Lewis with minor revisions to letter to Froehling. Meet with Attorney Burns to review revisions and for stronger drafting on issue of all to leave client's alone and sprinkler will be fixed and fence put up. Make revisions to letter and obtain attorney signature. Copy and mail to Mr. Froehling, copying client. File copy into client's file. Prepare check request for filing fee.	0.50	78.75
MB	Attempt to follow up with opposing counsel. Check in with client as to issues involving fencing.	0.20	45.00
08/12/2013			
SG	Obtain check for filing fee for filing of lawsuit. Make copies of letter to court enclosing initial pleadings. Prepare return envelope. Mail to Snohomish County Superior Court. File copies into client's file noting file for followup for receipt of filed pleadings and to obtain case scheduling order and for attorney to agree/Acceptance of Defendant's Answers and Counterclaim. Prepare pleadings index. Draft letter to clients enclosing Defendant's Interrogatories & Requests for Production. Copy and mail to clients, filing copy into client's file. Scan and email to client's the Interrogatories & Requests for Production for response. Schedule reminder/note file for response due. Call Betty Hendricks at Attorney Froehling's office to updated that Summons and Complaint went out in the mail today for filing with Snohomish County Superior Court, that per Mr. Froehling's letter		

Boundary Line Issue w/HOA

		HOURS	
	requesting if we would accept service of counterclaim on client's behalf that the attorney is out this week and if they email me an Acceptance to sign that will help expedite matters. She will reissue their response docs with an Acceptance to reset timelines and will file their Answer upon receipt of filed lawsuit. Note file for followup. Email status to Attorney Burns.	0.40	63.00
08/16/2013	SG Receive conformed copies of initial pleadings filed with court. File into pleadings binder. <b>(No charge as accommodation to client)</b>	0.20	
08/19/2013	SG Receive email from client requesting extension on answers to Interrogatories for completion. Receive email from client's attaching article "[REDACTED]". Print and file into client's file. Receive response email from Mrs. Lewis discussing [REDACTED]. Forward email to Attorney Burns for response and approval to request extension of interrogatory responses due.	0.20	31.50
	SG Review file for status and email Attorney Burns reminder to email Attorney Froehling to agree and sign Acceptance of Defendant's Answers & Counterclaim.	0.20	31.50
	SG Receive letter Toni Antoni Froehling enclosing Acceptance of Service and copy of Answer and Counterclaim. Meet with Attorney Burns to review counterclaim. Scan and email copy of Answer and Counterclaim to clients and request approval to sign Acceptance of Service. Note file for followup for approval.	0.20	31.50
	MB Review of article provided by client regarding [REDACTED]. Call to opposing counsel's office. Speak to paralegal and provide all contact information for return call.	0.20	45.00
08/20/2013	SG Receive, print, and review email from Nancy Lewis		

## Boundary Line Issue w/HOA

		HOURS	
	attaching drafted interrogatory responses. Type of answers and forward to Attorney Burns for review and request if extension granted for responses to production. Email drafted responses to Nancy Lewis for review and completion, copying Attorney Burns for further discussion and completion.	0.50	78.75
SG	Receive email approval from client approving for attorney to sign Acceptance of Service. Obtain attorney signature/notarize on Acceptance of Service of Counterclaims and forward Counterclaims to Attorney Burns for response (due 20 days from today's signed Acceptance). Schedule reminder for response due. Schedule phone appointment this afternoon with clients for attorney review and completion of Answers to Interrogatories. Scan signed Acceptance of Service and conformed copies of initial pleadings filed with court, and email to Attorney Froehling. Prepare Pleadings Index and file all pleadings into client's file.	0.40	63.00
SG	Receive email from client attaching additional drafted answers to interrogatories. Revise Answers to Interrogatories to continue drafting responses. Scan and email draft to client, for further completion. Print and provide copy to Attorney Burns for afternoon phone meeting.	0.20	31.50
SG	Receive emails from client further answering interrogatories and providing documents for Requests for Production #1. Revise Answers to Interrogatories to include client's responses to Interrogatories 10 and 11 and Requests for Production #1. Print out email from client addressing RFPs 1-3 and providing questions and concerns on responses due. Print and forward to attorney for afternoon client phone meeting.	0.30	47.25
MB	Work on interrogatory answers.	0.80	180.00
08/21/2013			
MB	Review counterclaim asserted by opposing counsel. Drafting of answer and affirmative defenses.	0.30	67.50



Boundary Line Issue w/HOA

		HOURS
08/22/2013		
SG	Receive, print, and review email from Mrs. Lewis providing additional information for responses due. File into client's file. <b>(No charge as accommodation to client)</b>	0.20
MB	Work on interrogatory answers. Telephone conference with opposing counsel's office. Provide alternate numbers for return calls.	0.40
		<u>90.00</u>
	<b>FOR CURRENT SERVICES RENDERED</b>	<u>6.95</u> <u>1,237.50</u>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Sheila Gerlach	3.90
Martin Burns	3.05

08/25/2013	Postage costs incurred during current billing period.	2.72
08/25/2013	Postage costs incurred during current billing period.	0.86
08/25/2013	Copy costs incurred during current billing period - Number of copies at .15 each: 46	<u>6.90</u>
	<b>TOTAL EXPENSES</b>	<b>10.48</b>
	<b>TOTAL CURRENT WORK</b>	<b>1,247.98</b>

08/14/2013	Payment received. Thank you.	
	<b>BALANCE DUE</b>	

Your Trust Account #5 balance is

	OPENING BALANCE	
08/06/2013	Deposit By Client (Ck #6040)	

Jeffrey & Nancy Lewis

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09/04/2013  
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Boundary Line Issue w/HOA

08/09/2013 Filing Fees  
PAYEE: Snohomish County Superior Court  
CLOSING BALANCE



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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**



**FEES THROUGH 07/25/2013**

		HOURS	
06/27/2013			
SG	Receive email from Mrs. Lewis with approval from Jeff Lewis on letter to include additions mentioned earlier. Print and file email into client's file and provide drafted letter to attorney for review and client revisions.	0.20	31.50
MB	Deal with final changes to complaint and instructions to staff.	0.30	67.50
06/28/2013			
MB	Instructions to staff as to service issues with regards to opposing attorney accepting service. Instructions to staff with regards case scheduling order.	0.40	90.00
07/01/2013			
SG	Per attorney review, revise letter to Attorney Froehling, and Complaint. Obtain attorney signature in initial pleadings and letter. Scan and email to Attorney Froeling, copy and mail. File copies into client's file noting file for followup for receipt of Acceptance of Service from Attorney Froeling to file with our initial pleadings.	0.40	63.00

Boundary Line Issue w/HOA

		HOURS		
07/02/2013	SG	Receive email from Antoni Froehling confirming receipt of Acceptance of Service and initial pleadings and requesting until next week for client approval. Relay email to Attorney Burns providing status. Print and file into client's file noting file for followup.	0.20	31.50
07/15/2013	SG	Receive from Attorney Froehling the Acceptance of Service. Pull file to include with initial pleadings for filing with court.	0.20	31.50
07/16/2013	SG	Receive Acceptance of Service on behalf of of Hilton Lake HOA. Pull file and include with initial pleadings for filing with court. Prepare letter to Snohomish County Superior Court to file initial pleadings. Prepare case cover sheet. Prepare Check request for filing fee. Check court website and print out Snohomish County Superior Court fees/forms/procedures, and file into client's file. Save Fax filing forms to client's e-file.	0.40	63.00
07/25/2013	SG	Receive Notice of Appearance, Answer, and Counterclaim and Interrogatories & Requests for Production for our client's response, and requesting Scheduling order if lawsuit is filed. Provide working copies to Attorney Burns. Update pleadings index and file into pleadings. Email Attorney Froehling to request word version of Interrogatories for our response. Schedule reminder/note file for our Answers due to Counterclaims. Save copies of Interrogatories & Requests for Production into client's e-file.	0.30	47.25
<b>FOR CURRENT SERVICES RENDERED</b>			<u>2.40</u>	<u>425.25</u>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Sheila Gerlach	1.70
Martin Burns	0.70



Boundary Line Issue w/HOA

**TOTAL CURRENT WORK**

425.25

07/16/2013 Payment received. Thank you.

[REDACTED]

**BALANCE DUE**

[REDACTED]

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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**



**FEES THROUGH 06/25/2013**

		HOURS	
05/31/2013			
MB	Work on drafting of complaint to quiet title over adversely possessed property against homeowners association.	1.20	270.00
06/01/2013			
MB	Continued work on complaint and call to client as to minor details.	0.40	90.00
06/11/2013			
MB	Further research into issues raised by opposing counsel. Look into issues regarding hostility involved in adversely possessed in common area to see if there's been any changes in the law. Update complaint with regards to request for attorneys fees based on recently enacted legislation. Instructions to staff on finalizing complaint.	1.90	427.50
06/20/2013			
SG	Complete Summons, Complaint Quieting Title, Acceptance of Service, and Letter to Mr. Froeling.	1.50	236.25

Boundary Line Issue w/HOA

		HOURS	
SG	Receive from Attorney's Title the Warranty Deed. Check legal description and revise Complaint. Forward all pleadings to attorney for review.	0.30	47.25
 06/21/2013			
SG	Per attorney review, revise Letter to Mr. Forehling, Summons, Complaint, and Acceptance. Scan all and email to client for review and approval. <b>(No charge as accommodation to client)</b>	0.40	
MB	Go over the complaint. Final revisions. Instructions to staff.	0.40	90.00
 06/24/2013			
SG	Receive, print and review email from Nancy Lewis approving drafting of Complaint and with minor revisions. <b>(No charge as accommodation to client)</b>	0.20	
<b>FOR CURRENT SERVICES RENDERED</b>		<u>6.30</u>	<u>1,161.00</u>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Sheila Gerlach	2.40
Martin Burns	3.90

**TOTAL CURRENT WORK** 1,161.00

06/13/2013 Payment received. Thank you.

**BALANCE DUE**

Jeffrey & Nancy Lewis

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Boundary Line Issue w/HOA

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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**



**FEES THROUGH 05/25/2013**

		HOURS	
05/01/2013			
MB	Telephone call with client, email, follow up research, and email to Patrick Vail.	0.50	112.50
05/23/2013			
MB	Review of letter and scan to client.	<u>0.20</u>	<u>45.00</u>
	<b>FOR CURRENT SERVICES RENDERED</b>	<b>0.70</b>	<b>157.50</b>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	0.70

**TOTAL CURRENT WORK** 157.50

05/14/2013 Payment received. Thank you.



**BALANCE DUE**

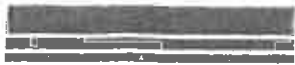


Jeffrey & Nancy Lewis

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Boundary Line Issue w/HOA

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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

**FEES THROUGH 04/25/2013**

	HOURS	
03/28/2013		
MB Telephone conference and drafting of email related to ongoing boundary line issue.	0.45	101.25
<b>FOR CURRENT SERVICES RENDERED</b>	<b>0.45</b>	<b>101.25</b>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	0.45

**TOTAL CURRENT WORK** 101.25

04/17/2013 Payment received (MASTERCARD). Thank you.

**BALANCE DUE**

Jeffrey & Nancy Lewis

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Boundary Line Issue w/HOA

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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

[REDACTED]

**FEES THROUGH 03/25/2013**

		HOURS	
03/18/2013			
MB	Telephone call with Patrick Vail and email client.	0.40	90.00
	<b>FOR CURRENT SERVICES RENDERED</b>	0.40	90.00

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	0.40

**TOTAL CURRENT WORK** 90.00

03/15/2013 Payment received. Thank you.

[REDACTED]

**BALANCE DUE**

[REDACTED]

Boundary Line Issue w/HOA

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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

[REDACTED]

**FEES THROUGH 02/25/2013**

		HOURS	
01/28/2013			
MB	Telephone call with client and responsive letter.	0.90	202.50
	<b>FOR CURRENT SERVICES RENDERED</b>	0.90	202.50

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	0.90

**TOTAL CURRENT WORK** 202.50

02/12/2013 Payment received. Thank you.

[REDACTED]

**BALANCE DUE**

[REDACTED]

Jeffrey & Nancy Lewis

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03/01/2013  
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Boundary Line Issue w/HOA

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02/06/2013  
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Boundary Line Issue w/HOA

**PREVIOUS BALANCE**

**[REDACTED]**

**FEES THROUGH 01/25/2013**

		HOURS	
01/07/2013			
MB	Review of letter from opposition and instructions to staff to forward to client.	0.30	67.50
01/08/2013			
MB	Review response of client to offer plus try to call client.	<u>0.30</u>	<u>67.50</u>
	<b>FOR CURRENT SERVICES RENDERED</b>	<b>0.60</b>	<b>135.00</b>

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	0.60

**TOTAL CURRENT WORK** 135.00

01/08/2013 Payment received. Thank you.

**[REDACTED]**

**BALANCE DUE**

**[REDACTED]**

Jeffrey & Nancy Lewis

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Boundary Line Issue w/HOA

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Boundary Line Issue w/HOA

**FEES THROUGH 12/25/2012**

		HOURS	
12/11/2012			
MB	Telephone call with Patrick Vail, call to client, and notes to file.	0.60	135.00
	<b>FOR CURRENT SERVICES RENDERED</b>	<b>0.60</b>	<b>135.00</b>
<b>RECAPITULATION</b>			
	<u>TIMEKEEPER</u>	<u>HOURS</u>	
	Martin Burns	0.60	
	<b>TOTAL CURRENT WORK</b>		<b>135.00</b>
	<b>BALANCE DUE</b>		<b><u>\$135.00</u></b>

Jeffrey & Nancy Lewis

Page: 2  
01/06/2013  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**WE THANK YOU FOR THE OPPORTUNITY TO SERVE YOU. YOUR PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE AND IS LATE IF NOT RECEIVED BY THE 11TH OF THE MONTH FOLLOWING THE LAST BILLING PERIOD. WE ACCEPT VISA, MASTERCARD AND DISCOVER BY TELEPHONE. REMIT PAYMENTS TO: P.O. BOX 110426, TACOMA WA 98411-0426. PLEASE ADDRESS ANY BILLING INQUIRIES TO ACCOUNTING AT (253) 284-3831 OR CONTACT OUR CREDIT MANAGER, SHEREE TONIOLI AT (253) 284-3803.**





**McFerran Law, P.S.**  
ATTORNEYS AT LAW

Ph: (253) 471-1200  
Fax: (253) 471-1243  
www.mcferranlaw.com

McFerran Law Office  
3906 So. 74<sup>th</sup> Street  
Tacoma, WA 98409

Remittance Address  
P.O. Box 110426  
Tacoma, WA 98411-0426

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett WA 98208

Page: 1  
10/05/2012  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**FEES THROUGH 09/25/2012**

		HOURS	
09/20/2012			
PT	Open new file. <b>(No charge as accommodation to client.)</b>	0.50	
MB	Draft letter to homeowners association regarding boundary lines; Multiple telephone conferences with client; Review of emails <b>((Time adjusted to reflect fixed fee of \$500.00))</b>	2.20	500.00
	<b>FOR CURRENT SERVICES RENDERED</b>	2.70	500.00

**RECAPITULATION**

<u>TIMEKEEPER</u>	<u>HOURS</u>
Martin Burns	2.20
Prior Timekeepers	0.50

**TOTAL CURRENT WORK** 500.00

09/21/2012 Payment received (VISA). Thank you.



Jeffrey & Nancy Lewis

Page: 2  
10/05/2012  
ACCOUNT NO: 28513-000M

Boundary Line Issue w/HOA

**BALANCE DUE**



**WE THANK YOU FOR THE OPPORTUNITY TO SERVE YOU. YOUR PAYMENT IS DUE UPON RECEIPT OF THIS INVOICE AND IS LATE IF NOT RECEIVED BY THE 11TH OF THE MONTH FOLLOWING THE LAST BILLING PERIOD. WE ACCEPT VISA, MASTERCARD AND DISCOVER BY TELEPHONE. REMIT PAYMENTS TO: P.O. BOX 110426, TACOMA WA 98411-0426. PLEASE ADDRESS ANY BILLING INQUIRIES TO ACCOUNTING AT (253) 284-3831 OR CONTACT OUR CREDIT MANAGER, SHEREE TONIOLI AT (253) 284-3803.**

***EXHIBIT B***

**WORKING COPY**

Primary Attorney: 12 Martin Burns

Date	Ref #	Stmt #.	Fee Amount	Hours	Expense Amount	Advance Amount	Payment Amount	Apply to Stmt #	Bill Total	Balance Due
<b>28513.000M Lewis/Jeffrey &amp;</b>										
<b>RE: Boundary Line Issue w/HOA</b>										
09/21/2012	1	1								
10/05/2012	2	1	500.00	2.70					500.00	
01/06/2013	3	2	135.00	0.60					135.00	
01/08/2013	4	3								
02/06/2013	5	3	135.00	0.60					135.00	
02/12/2013	6	4								
03/01/2013	7	4	202.50	0.90					202.50	
03/15/2013	8	5								
04/01/2013	9	5	90.00	0.40					90.00	
04/17/2013	10	6								
05/02/2013	11	6	101.25	0.45					101.25	
05/14/2013	12	7								
06/02/2013	13	7	157.50	0.70					157.50	
06/13/2013	14	8								
07/03/2013	15	8	1,161.00	6.30					1,161.00	
07/16/2013	16	9								
08/04/2013	17	9	425.25	2.40					425.25	
08/14/2013	18	10								
09/04/2013	19	10	1,237.50	6.95	10.48				1,247.98	
09/10/2013	20	11								
10/05/2013	21	11	823.50	5.20					823.50	
10/10/2013	22	12								
11/05/2013	23	12	-0.35	-0.01					-0.35	0.00
12/06/2013	24	13								0.00
01/06/2014	25	14								0.00
02/06/2014	26	15								0.00
03/01/2014	27	16								0.00
04/01/2014	28	17	414.00	1.90	2.40				416.40	
04/10/2014	29	18								0.00
05/02/2014	30	18								0.00
06/02/2014	31	19								0.00
07/03/2014	32	20								0.00
08/03/2014	33	21								0.00
09/03/2014	34	22								0.00
10/04/2014	35	23								0.00
<b>Subtotal</b>			<b>5,382.15</b>	<b>29.09</b>	<b>12.88</b>		<b>5,395.03</b>		<b>5,395.03</b>	<b>0.00</b>
<b>Total for Primary Attorney 12</b>			<b>5,382.15</b>	<b>29.09</b>	<b>12.88</b>		<b>5,395.03</b>		<b>5,395.03</b>	<b>0.00</b>

***EXHIBIT C***

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

Phone: 253-507-5586 / Fax: 253-507-5713  
martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: October 31, 2014  
Statement No. 1  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 10/31/2014 are not included on this statement.*

## Fees

			Hours	
10/07/2014	SG	Update/revise two declarations and motion. Prepare Certificate of Service. Prepare Proposed Order. Prepare exhibit sheets. Call court clerk for motion date/judge assigned and Note for Hearing form. Prepare Note for Motion.	1.10	154.00
	MB	Do declaration of Bernard Kania. Do declaration of client. Drafting of summary judgment brief. Call to client. Calls to witness. Instructions to staff.	4.60	1,265.00
10/08/2014	SG	Prepare Status Report to court. Revise Declaration of Nancy Lewis, scan and email to client to review and approve/sign. Revise Declaration of Bernard Kania, revise Motion and Proposed Order.	0.70	98.00
	SG	Call court for instructions on filing Status Report today for tomorrow's Mandatory review hearing. Obtain fax filing forms. Prepare fax filing registration and obtain attorney signature. Prepare fax cover sheet and draft Certificate of Service. Fax all to Snohomish County Superior Court. Call court to confirm receipt. Email to Attorney Burns to cut filing fee check to court. Note file for followup for payment due. Receive email approval from client on her declaration - request to sign and return for filing with the court. Prepare fax slip and fax, and scan and email filing to opposing counsel.	0.60	84.00
	MB	Do status report per court order. Continue to work on summary judgment. Telephone conversations with Bernard Kania. Go over declaration with witness on the phone and explain situation to him. Follow-up with client.	1.60	440.00
10/09/2014	SG	Receive, print, and review email from client attaching signed declaration, attach to original for filing with court.	0.20	28.00
	SG	Obtain Check for \$11 filing fee to Snohomish County Superior Court Clerk, copy and mail to Court Clerk with copy of cover sheet. File copies into client's file noting file for followup for continuance of review hearing pending Motion for Summary Judgment outcome. <b>(No Charge)</b>	0.20	

		Hours		
	SG	Receive and review fax from Attorney Froehling requesting status to Answers to Interrogatories due. Forward letter to attorney for response, filing copies into client's file. Note file for followup. <b>(No Charge)</b>	0.20	
	SG	Call Bernard Kania for status on signing Declaration for filing of Motion for Summary Judgment--he will sign and provide it later today.	0.20	28.00
	SG	Receive letter from Attorney Froehling noting if no Answers to Interrogatories & RFP by Oct. 16, he will pursue a CR 26(i) Conference. Update attorney and file into client's file noting file for followup. Schedule reminders. <b>(No Charge)</b>	0.20	
10/14/2014	SG	Receive original signed Declaration of Kania. Attach to original MSJ pleadings and forward for attorney review and signature of motion pleadings.	0.20	28.00
	MB	Go over interrogatories and request for production in relationship to summary judgment. Make final changes in instructions to staff on getting signatures of clients.	0.90	247.50
10/15/2014	SG	Receive email from Attorney Burns to opposing counsel providing status on Answers to Interrogatories and availability for CR 26(i) Conference. Print and file email into client's file noting file for followup. <b>(No Charge)</b>	0.20	
	MB	Short telephone conversation with Nancy Lewis. Telephone conference with Tony Froeling regarding interrogatories.	0.25	68.75
10/16/2014	SG	Receive, print, and review emails from client attaching photos for Motion for Summary Judgment. Save copies to client's e-file.	0.30	42.00
10/17/2014	SG	Revise Note for Motion for Summary Judgment, and Motion for Summary Judgment, print out order and see Attorney Burns for attachments to Declaration of Nancy Lewis. Revise Answers to Interrogatories. Update all filing into client's file. Email client for response to Requests for Production #1 & 2 as to who took the photos and for receipts. Attach photos and Declaration of Kania to Answers to Interrogatories and forward to attorney for review and for additional documents to be attached. Update pleadings index and filing.	1.00	140.00
	MB	Final review and signature on interrogatories and request for production instructions to staff as to redaction.	0.10	27.50
10/20/2014	SG	Receive two email from Jeff Lewis in Response to Requests for Production and attaching utility bill. Print and review emails for completion of response to interrogatories.	0.20	28.00
	SG	Per attorney review, revise Answers to Interrogatories & Requests for Production. Search for Mr. Kania's Camano Island address and update answers. Per attorney review, make revisions and discuss photos and possible attachments to production. Email client for clarification on marked up photos. Revise answers to interrogatories to include photographs took the photo and date. number photos and prepare copies of photos to MSJ redacting print and make copy for Answers to Interrogatories.	1.00	140.00

		Hours	
	SG	Receive email from client that [REDACTED]. Print and revise answers to interrogatories.	0.20      28.00
	SG	Revise Answers to Interrogatories per photos included in Motion for Summary Judgment. Print and forward to Attorney Burns for final review and approval and signature. <b>(No Charge)</b>	0.20
	MB	For instructions of client, revise interrogatories and request for production. Go over exhibits with client. Call to surveyor.	0.50      137.50
10/22/2014	SG	Per attorney review, revise Answers to Interrogatories, scan and email to client to review and approve/sign. Note file for followup for signature.	0.20      28.00
	MB	Final review. Alter summary judgment documents due to inability to get clear survey from David West.	0.30      82.50
10/23/2014	SG	Receive email from Jeff Lewis asking to sign Answers to Interrogatories as well. Revise signature page and email to client's for signature. <b>(No Charge)</b>	0.20
		For Current Services Rendered through 10/25/2014	15.35 <u>3,094.75</u>

Expenses

10/07/2014	Legal Research / Westlaw	14.78
10/08/2014	Photocopy charges	1.80
10/16/2014	Photocopy charges (9 color)	1.35
	Total Expenses through 10/25/2014	<u>17.93</u>
	Total Current Work	3,112.68
	Balance Due	<u>\$3,112.68</u>

We accept VISA, Mastercard and Discovery by telephone.  
 Payment for services is due on 11/10/2014.  
 A finance charge of 1% per month will be added on all past due balances.



# BURNS LAW, PLLC

524 Tacoma Ave S  
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[martin@mburnslaw.com](mailto:martin@mburnslaw.com)

Statement Date: November 30, 2014

Statement No. 2

Account No. 28513.000 M

Page: 1

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

RE: Boundary Line Issue w/HOA

*Payments received after 11/30/2014 are not included on this statement.*

Previous Balance ██████████

## Fees

			Hours	
11/04/2014	SG	Call Nancy Lewis for status on signed Answers to Interrogatories and email Attorney Burns with update.	0.20	28.00
11/05/2014	SG	Receive email from clients attaching signed Answers to Interrogatories, join to originals, scan and save to client's e-file and email to opposing counsel, print and file copy. Prepare letter and make copy of Answers and prepare courier slip and packet to deliver originals to opposing counsel noting original signatures to follow. Note file for followup.	0.40	56.00
11/06/2014	SG	Receive invoice from Greyhound Legal for delivery of Answers to Interrogatories & Requests for Production to Attorney Froehling. Process invoice and file copy into client's file. <b>[no charge]</b>	0.20	
11/07/2014	SG	Receive conformed copies of Answers to Interrogatories & Requests for Production delivered to Attorney Froehling on Nov. 4. File into client's file. <b>[no charge]</b>	0.20	
	SG	Receive mail from clients enclosing original signatures to Answers to Interrogatories. Prepare transmittal to opposing counsel, copy and mail. File copies into client's file. <b>[no charge]</b>	0.20	
11/11/2014	MB	Final review and changes due to surveyors issue. Double check for recent cases. Sign off and instruct staff.	0.50	137.50
		For Current Services Rendered through 11/25/2014	1.70	221.50

## Expenses

11/04/2014	Courier Fee Greyhound Legal Inv#:2596	25.00
	Total Expenses through 11/25/2014	25.00

Jeffrey & Nancy Lewis  
Account No. 28513.000  
RE: Boundary Line Issue w/HOA

Statement Date: 11/30/2014  
Statement No. 2  
Page No. 2

Advances

10/08/2014	Filing Fee Snohomish County Clerk	11.00
	Total Advances through 11/25/2014	11.00
	Total Current Work	257.50

Payments

11/11/2014	Payment received - thank you!	
	Balance Due	

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 12/10/2014.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

Phone: 253-507-5586 / Fax: 253-507-5713  
martin@mburnslaw.com

Statement Date: December 31, 2014  
Statement No. 3  
Account No. 28513.000 M  
Page: 1

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

RE: Boundary Line Issue w/HOA

*Payments received after 12/31/2014 are not included on this statement.*

Previous Balance 

## Fees

			Hours	
12/11/2014	SG	Receive Notice of Unavailability from Attorney Froehling for Jan 1-31. Calendar/note file/schedule reminder, and file notice into client's pleadings file.	0.20	28.00
12/15/2014	SG	Revise all Plaintiff's MSJ Pleadings and re-note for new motion date.	0.30	42.00
12/22/2014	MB	Finalize pleadings for court after obtaining possible summary judgment dates from Snohomish County. Deal with Opposing Counsel's extended absence. Directions to staff.	0.30	82.50
		For Current Services Rendered through 12/25/2014	0.80	152.50
		Total Current Work		152.50

## Payments

12/15/2014 Payment received - thank you! 

Balance Due 

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 01/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

Phone: 253-507-5586 / Fax: 253-507-5713

[martin@mburnslaw.com](mailto:martin@mburnslaw.com)

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: January 31, 2015  
Statement No. 4  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

**Payments received after 01/31/2015 are not included on this statement.**

Previous Balance



## Fees

			Hours	
12/30/2014	SG	Revise Note for Motion for Summary Judgment and Order (per opposing counsel's Notice of Unavailability for month of January. Prepare Fax Filing slip and courier slip for service. Prepare pleadings for fax filing (document count and costs per page). Call court to confirm amount due for fax filing. Prepare letter to court enclosing working copies to judge. Prepare letter to Administration enclosing check for filing. Prepare check request for fax filing. Fax file all pleadings with Snohomish County Superior Court. Obtain transmittal and file with originals. Make copies. Prepare fax slip and fax copies, prepare courier slip and prepare courier packet, and scan and email copies to Attorney Froehling,	1.20	168.00
	SG	Obtain check, copy and mail letter to Snohomish County Superior Court enclosing fee for fax filing. File copy into client's file. <b>(no charge)</b>	0.20	
12/31/2014	SG	Calendar/schedule reminder/note file of MSJ deadlines and to confirm hearing. <b>(no charge)</b>	0.20	
	SG	Call court for instructions on continuing MSJ. Prepare Re-Note for MSJ and prepare fax filing form. Fax to court for filing. Prepare check request for e-filing fee. Scan and email re-note to opposing counsel. Prepare letter to court enclosing check and prepare letter to judge enclosing working copy. Prepare letter to opposing counsel and and mail copy to attorney. Print all and file all into client's file. Calendar/note file/schedule reminders for new hearing date and all response deadlines.	0.60	84.00
	SG	Receive email from opposing counsel requesting continuance of MSJ and Attorney Burns granting 2-week continuance. <b>(no charge)</b>	0.20	
01/05/2015	SG	Obtain check, copy and mail to Snohomish County Superior Court Clerk for fax filing of Re-Note of MSJ. File copies into client's file. <b>(no charge)</b>	0.20	

Jeffrey & Nancy Lewis  
 Account No. 28513.000  
 RE: Boundary Line Issue w/HOA

Statement Date: 01/31/2015  
 Statement No. 4  
 Page No. 2

		Hours	
	SG	Receive email from courier attaching invoice and confirmation for delivery of Note for MSJ to Attorney Froehling. File into client's file and process invoice. (no charge)	0.20
01/06/2015	SG	Receive conformed copies of delivered MSJ pleadings delivered to opposing counsel. File into pleadings binder. (no charge)	0.20
		For Current Services Rendered through 01/25/2015	3.00
			252.00

Expenses

12/30/2014	Photocopy charges	23.40
12/31/2014	Photocopy charges	1.80
01/02/2015	Greyhound Legal Courier Fee Inv#2774	25.00
	Total Expenses through 01/25/2015	50.20

Advances

12/30/2014	Snohomish County Clerk Filing Fee	58.00
12/31/2014	Snohomish County Clerk Fax Filing Fee	7.00
	Total Advances through 01/25/2015	65.00
	Total Current Work	367.20

Payments

01/16/2015	Payment received - thank you!	██████████
	Balance Due	██████████

We accept VISA, Mastercard and Discovery by telephone.  
 Payment for services is due on 02/10/2015.  
 A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

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martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: February 28, 2015  
Statement No. 5  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 02/28/2015 are not included on this statement.*

Previous Balance

## Fees

			Hours	
01/30/2015	SG	Receive call from Kathy at Froehling's office to confirm MSJ reschedule to February 26 - Check court docket and confirm reschedule. <b>(no charge)</b>	0.20	
02/17/2015	SG	Receive email from opposing counsel attaching response pleadings. Save copies to client's e-file. Print email and attachments, make copies, and forward to Attorney Burns for reply, filing copies into client's pleadings file and updating index. Check court docket to confirm Motion for Summary Judgment - note file for followup on Monday to confirm Motion per court rules to confirm 3 days prior.	0.30	42.00
02/18/2015	SG	Receive hard copies of Defendant's Opposition to Plaintiffs' MSJ pleadings. File into pleadings file and update index.	0.30	42.00
	SG	Receive response email from Attorney Burns to client providing [REDACTED]. Print and file into client's file. <b>(no charge)</b>	0.20	
	MB	Review response. Read declarations. Read cited cases. Review Snohomish County code as to open space issues and begin response.	2.20	605.00
02/19/2015	SG	Scan and email Note for Motion to client to [REDACTED]. Receive and review client's email response [REDACTED]. File into client's file. <b>(no charge)</b>	0.20	
	MB	Continued review of responsive pleadings and research and draft related to reply in support of summary judgment.	3.30	907.50
02/20/2015	SG	Call court for processing of Motion to Strike. Prepare Certificate of Service. Prepare Note for Motion to Strike. Prepare courier slip for filing and judge's working copies to opposing counsel. Make copies of all pleadings and prepare filing and delivery packets. Save copies		

		Hours	
	of pleadings into client's file and email to opposing counsel. Prepare fax slip and fax copies to Attorney Froehling. Obtain fax transmittal and file all into client's file and pleadings into pleadings file and update index. Scan and email copies of reply and motion to strike pleadings to client for review. Print and file email into client's file.	1.10	154.00
SG	Receive email response from Attorney Burns to client providing answers to her questions upon review of response and noting the request for attorney fees will come after the decision. <b>(no charge)</b>	0.20	
MB	Finish reply. Draft motion to strike. Draft proposed orders. Research and instructions to staff.	3.60	990.00
02/23/2015	SG Complete Hearing Confirmations form and submit with court to confirm Motion for Summary Judgment. Print and file into client's file and email update to Attorney Burns. Call court to confirm receipt.	0.20	28.00
02/24/2015	SG Make copies of all motion pleadings and prepare motion binder and index. Update pleadings filed to date and file into pleadings file and update index. File general filing to date and and organize filing into client's file.	1.50	210.00
	MB Revise proposed orders. Go over documents provided. Pull important cases and prepare for summary judgment.	2.10	577.50
02/25/2015	SG Finish Motions binder and filing into general file and provide to attorney to prepare for MSJ. Prepare Proposed Order. Print instructions to hearing and provide to Attorney Burns.	0.60	84.00
	For Current Services Rendered through 02/25/2015	<u>16.00</u>	<u>3,640.00</u>

Expenses

02/20/2015	Photocopy charges	49.50
02/21/2015	Courier Fee; Greyhound Inv. #2913	90.00
02/24/2015	Legal Research / Westlaw	78.60
02/25/2015	Photocopy charges	21.15
	Total Expenses through 02/25/2015	<u>239.25</u>
	Total Current Work	3,879.25

Payments

02/17/2015	Payment received - thank you!	
	Balance Due	

We accept VISA, Mastercard and Discovery by telephone.  
 Payment for services is due on 03/10/2015.  
 A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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Tacoma, WA 98402

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martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: March 31, 2015  
Statement No. 6  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 03/31/2015 are not included on this statement.*

Previous Balance 

## Fees

			Hours	
02/26/2015	MB	Travel to and from Snohomish County. Prepare for court. Appear before Snohomish County Superior Court and argue summary judgment. Telephone conference with client.	5.00	1,375.00
03/09/2015	SG	Receive Motion for Order Terminating Custodial Receivership and Discharging Receiver. File all into client's pleadings file and update index and Calendar hearing on March 10, Schedule reminder/note file for response deadlines and hearing. Scan and save copies into client's e-file.	0.30	42.00
		For Current Services Rendered through 03/25/2015	5.30	1,417.00

## Advances

02/26/2015	(miscellaneous advance) Snohomish County Parking	3.00
	Total Advances through 03/25/2015	3.00
	Total Current Work	1,420.00

## Payments

03/20/2015 Payment received - thank you! 

Balance Due 

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 04/10/2015.  
A finance charge of 1% per month will be added on all past due balances.



# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

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martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: April 30, 2015  
Statement No. 7  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 04/30/2015 are not included on this statement.*

Previous Balance ██████████

## Fees

			Hours	
04/17/2015	MB	Multiple telephone conversations and emails related to scheduling of mediation.	0.20	55.00
	MB	Further emails in an effort to get matter resolved potentially short of mediation.	<u>0.10</u>	<u>27.50</u>
		For Current Services Rendered through 04/25/2015	0.30	82.50
		Total Current Work		82.50

## Payments

04/27/2015		Payment received - thank you!		-1,420.00
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Balance Due ██████████

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 05/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

Phone: 253-507-5586 / Fax: 253-507-5713  
martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: May 31, 2015  
Statement No. 8  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 05/31/2015 are not included on this statement.*

Previous Balance 

## Fees

			Hours	
04/29/2015	SG	Per attorney, scan and email to Phil Sloan, mediator, copies of all initial pleadings (Complaint) and all MSJ pleadings and responses. Print and file into client's file. <b>(no charge)</b>		n/c
05/01/2015	MB	Go over case law recently provided by arbitrator. Pull contrary authority. Travel to and from Everett. Meet and mediate on-site. Travel back. (Reduce travel time due to heavy congestion).	5.10	1,402.50
05/06/2015	MB	Communication with client and opposing counsel investigation of trying to work towards settlement.	0.60	165.00
05/08/2015	SG	Receive email from Julie Bailey attaching Statement from Philip Sloan. Print and review and provide to attorney for response. File into client's file noting file for followup once case is settled. <b>(no charge)</b>		n/c
05/13/2015	MB	Work on trying to get a settlement. Threaten opposing counsel with seeking summary judgment renewal. Emails with opposing counsel.	0.20	55.00
		For Current Services Rendered through 05/25/2015	5.90	1,622.50
		Total Non-billable Hours	0.50	
		Total Current Work		1,622.50

## Payments

05/13/2015 Payment received - thank you! 

Balance Due 

Jeffrey & Nancy Lewis  
Account No. 28513.000  
RE: Boundary Line Issue w/HOA

Statement Date: 05/31/2015  
Statement No. 8  
Page No. 2

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 06/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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Phone: 253-507-5586 / Fax: 253-507-5713  
martin@mburnslaw.com

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: June 30, 2015  
Statement No. 9  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 06/30/2015 are not included on this statement.*

Previous Balance 

## Fees

			Hours	
06/02/2015	SG	Revise letter to Snohomish County Superior Court. (no charge)	0.20	
06/03/2015	SG	Copy and mail letter to Judge Weiss, copying Toni Froehling and client. File copy into client's file. Note file for followup for response.	0.20	28.00
06/23/2015	SG	Check court docket for any new filings re:Letter to Judge for ruling on MSJ-Noting Order entered for Plaintiff's MSJ Denied. Call Judge's JA-Court on Recess until July 6. Call Court Clerk for status on Judge's decision and request copy of Order. Email attorney with status. Print and file all into client's file.	0.30	42.00
		For Current Services Rendered through 06/25/2015	0.70	70.00
		Total Current Work		70.00

## Payments

06/22/2015 Payment received - thank you! 

Balance Due 

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 07/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: July 31, 2015  
Statement No. 10  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

**Payments received after 07/31/2015 are not included on this statement.**

Previous Balance ~~1,000.00~~

## Fees

			Hours	
06/30/2015	SG	Receive Notice of Unavailability for Attorney Froehling. Note file/calendar/schedule reminder and file into pleadings file, updating index. <b>(no charge)</b>	0.20	
	SG	Receive copy of Order Denying MSJ. Provide working copy to attorney, copy and file into client's pleadings file, updating index. <b>(no charge)</b>	0.20	
07/01/2015	SG	Receive and review from Snohomish Superior Court a Note for Trial Setting and Initial Statement of Arbitrability, noting this case will be presented on July 15, 2015 at 10am to Court Administrator's Office for Trial Setting-no appearance necessary. Note file/schedule reminder/calendar scheduling. Scan and email copy to client and file into client's pleadings file, saving copy to client's e-file.	0.30	42.00
07/02/2015	SG	Scan and email to client a copy of the Order Denying MSJ. Print and file into client's file. <b>(no charge)</b>	0.20	
07/17/2015	SG	Receive email from attorney to client providing status and that we will have a limited trial over this neighborly accommodation issue as to work parties. Review and file email into client's file. <b>(no charge)</b>	0.20	
	MB	Consider judges decision. Initial research. Answer clients questions via email.	0.60	165.00
		For Current Services Rendered through 07/25/2015	1.70	207.00

## Expenses

07/17/2015		Legal Research / Westlaw		5.58
		Total Expenses through 07/25/2015		5.58
		Total Current Work		212.58

Jeffrey & Nancy Lewis  
Account No. 28513.000  
RE: Boundary Line Issue w/HOA

Statement Date: 07/31/2015  
Statement No. 10  
Page No. 2

Payments

07/23/2015

Payment received - thank you!

[REDACTED]

Balance Due

[REDACTED]

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 08/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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martin@mburnslaw.com

Statement Date: August 31, 2015  
Statement No. 11  
Account No. 28513.000 M  
Page: 1

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

RE: Boundary Line Issue w/HOA

*Payments received after 08/31/2015 are not included on this statement.*

Previous Balance

## Fees

			Hours	
07/27/2015	SG	Receive Certificate of Trial Confirmation from Snohomish County Superior Court setting trial for November 4. Calendar/schedule reminder/note file for trial and to confirm 2 weeks prior using Certificate of Trial Confirmation. File into client's pleadings file and update index.	0.20	28.00
08/06/2015	SG	Receive Notice of Trial Setting and Certificate of Trial Confirmation	0.30	42.00
08/07/2015	MB	Instructions to staff on trial scheduling; deadlines. Quick email to client.	0.20	55.00
08/10/2015	MB	Email to client and begin drafting brief interrogatories.	<u>1.20</u>	<u>330.00</u>
		For Current Services Rendered through 08/25/2015	1.90	455.00
		<b>Total Current Work</b>		<b>455.00</b>

## Payments

08/12/2015 Payment received - thank you!

Balance Due

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 09/10/2015.  
A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: September 30, 201  
Statement No. 12  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 09/30/2015 are not included on this statement.*

Previous Balance 

## Fees

Hours

09/22/2015	SG	Receive Notice of Oral Examination of Bernard Kania. Calendar/schedule reminder/note file of deposition. File into client's discovery file and scan and save into client's e-file.	0.30	42.00
		For Current Services Rendered through 09/25/2015	0.30	42.00
		Total Current Work		42.00

## Payments

09/18/2015 Payment received - thank you! 

Balance Due 

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 10/10/2015.  
A finance charge of 1% per month will be added on all past due balances.



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Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: October 31, 2015  
Statement No. 13  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

**Payments received after 10/31/2015 are not included on this statement.**

Previous Balance

## Fees

			Hours	
10/13/2015	SG	Per attorney request, email client a copy of Kania deposition notice and that attorney to request to appear by phone. Email opposing counsel and client to request to appear by phone at Bernard Kania deposition on Oct. 15. Print and file emails into client's file noting file for followup for deposition. Call court reporter to request to appear by phone-confirmed by phone and email attorney and opposing counsel to confirm court reporter to call. note calendar	0.40	56.00
10/14/2015	SG	Call client to discuss [REDACTED]. Email Jeff a copy of the deposition notice. Email attorney phone number for Mr. Kania. <b>(no charge)</b>	0.20	
	SG	Receive and review email from attorney to client with u [REDACTED]. Print and file into client's file.	0.20	28.00
	MB	Telephone conference with Mr. Kania; plan for deposition and update client. Strategize needed exhibits for trial. Start research for trial brief and email to client and Mr. Kania.	1.30	357.50
10/15/2015	SG	Receive email from opposing counsel attaching exhibits for today's deposition of Kania. Print and provide to attorney. Save copy in client's e-file and file copy into client's file. <b>(no charge)</b>	0.20	
	MB	Prepare for deposition of Bernard Kania and attend deposition by telephone.	1.60	440.00
10/16/2015	MB	Pretrial disclosures to court and subpoena.	0.20	55.00
10/20/2015	SG	Receive form from opposing counsel of Confirmation of Trial. Provide to attorney for signature. Note file of deadline by noon on Oct. 23. Call opposing counsel for original signed Confirmation. Prepare courier slip for filing with court.	0.30	42.00
	SG	See attorney about ordering copy of Kania deposition for trial.		

		Hours	
			112.00
	Prepare Notice of Trial, Subpoena to Trial, Trial letter to Mr. Kania. Prepare trial preparation checklist. Draft trial letter to client scheduling pre-trial meeting.	0.80	
10/21/2015	SG Receive from attorney the complete and signed Certificate of Trial Confirmation. Prepare courier packet for filing with court Administration and copy to attorney. File copy into client's file noting file for followup. Save copy to client's e-file.	0.30	42.00
	SG Call and obtain email address for Mr. Kania. Per attorney review, revise Trial letter and Certificates of Service to include address of Bernard Kania. Obtain attorney signature on trial letters and subpoena. Copy and mail, scan and email to client. Save copy to client's e-file.	0.40	56.00
	SG Receive fax from Bernard Kania attaching signed Declaration of Acceptance of Service of Subpoena for Trial. Scan into client's e-file and file into witness file. <b>(no charge)</b>	0.20	
	SG Receive invoice from Greyhound Legal for Trial Confirmation filed with court and copy to opposing counsel. Process invoice. <b>(no charge)</b>	0.20	
	For Current Services Rendered through 10/25/2015	6.30	1,188.50

Expenses

10/14/2015	Legal Research / Westlaw	28.05
10/21/2015	Courier fee - Greyhound Legal - Delivery, 28513	90.00
	Total Expenses through 10/25/2015	118.05
	Total Current Work	1,306.55

Payments

10/27/2015	Payment received - thank you!	██████████
	Balance Due	██████████

We accept VISA, Mastercard and Discovery by telephone.  
 Payment for services is due on 11/10/2015.  
 A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

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martin@mburnslaw.com

Statement Date: November 30, 2015

Statement No. 14

Account No. 28513.000 M

Page: 1

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

RE: Boundary Line Issue w/HOA

*Payments received after 11/30/2015 are not included on this statement.*

Previous Balance ██████████

## Fees

			Hours	
10/26/2015	SG	Receive call from Bernard Kania per trial subpoena received - schedule pre-trial phone meeting. <b>(no charge)</b>	0.20	
	SG	Call Court Administration to confirm receipt of Certificate of Trial Confirmation sent via courier-Confirmed. Note file. Receive from courier the conformed copy delivered to opposing counsel. File into pleadings file.	0.20	28.00
	SG	Call court reporter and order copy of Deposition of Bernard Kania. Receive call from Lisa and Likkel & Associates to provide status on deposition transcript. Note file for followup. Receive email from Shelsie Pollock attaching E-transcript of Deposition of Bernard Kania. Save to client's e-file and print and file into discovery file. Provide copy to attorney.	0.40	56.00
	MB	Trial brief.	1.10	302.50
10/28/2015	MB	Continued work on trial brief. Witness preparation with Bernard Kania; discussions with client.	2.80	770.00
10/30/2015	SG	Trial Preparation: Update pleadings and prepare pleadings binder, start preparing Trial Notebook, trial box, Exhibit binder, witness list, print cross-direct exam sheets.	4.50	630.00
11/02/2015	SG	Trial Preparation: Save 70 photos to client's e-file and print out for attorney review for exhibit binder.	0.40	56.00
	SG	Trial Preparation: Continue preparing Trial Notebook, trial box. Print out pleadings and update pleadings binder.	1.30	182.00
	MB	Trial preparation. Prepare direct testimony for all direct testimony and begin work on cross examination. Telephone conference with client and revisions to complaint.	2.10	577.50
11/03/2015	SG	Trial Preparation: Obtain copies of June 2015 MSJ pleadings, file into pleadings binder and copy Declaration of Flaming and file into		

		Hours	
	trial binder. Per attorney review of working documents - make copies and print color photos, prepare exhibit List and binders (prepare 3 sets) and loose trial exhibits. Per attorney review, revise Trial Brief. Obtain attorney signature on Trial Brief, make copies for court. Scan and save copy to client's e-file and email copy to client and to attorney.	3.00	420.00
	SG Call court for status on starting trial tomorrow. <b>(no charge)</b>	0.20	
	MB Trial preparation. Witness lists and telephone conversation as to moving forward and what can be expected at trial, if anything. Final changes to answer.	6.50	1,787.50
11/04/2015	SG Receive call from Attorney Burns updating on trial status - trial trailing and continued to weeks away due to trailing. <b>(no charge)</b>	0.20	
	MB Travel to and from Everett. Trial in Everett (case gets bumped). Discussions with client.	7.25	1,993.75
11/20/2015	SG Receive email from Nancy Lewis as to trial date. <b>(no charge)</b>	0.20	
	SG Receive email from client requesting trial date be set and noting unavailable dates. See attorney on setting new trial date. <b>(no charge)</b>	0.20	
	"Good Guy" Courtesy Discount 0.00		-800.00
	For Current Services Rendered through 11/25/2015	30.55	6,003.25

Expenses

10/30/2015	Photocopy charges	3.00
11/03/2015	Photocopy charges	16.80
11/03/2015	Legal Research / Westlaw	25.85
	Total Expenses through 11/25/2015	45.65

Advances

10/31/2015	Transcript Fee -U.S. Legal Support - Inv # 523583	324.10
	Total Advances through 11/25/2015	324.10
	Total Current Work	6,373.00

Payments

11/30/2015	Payment received - thank you!	[REDACTED]
	Balance Due	[REDACTED]

We accept VISA, Mastercard and Discovery by telephone.  
 Payment for services is due on 12/10/2015.  
 A finance charge of 1% per month will be added on all past due balances.

# BURNS LAW, PLLC

524 Tacoma Ave S  
Tacoma, WA 98402

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Statement Date: December 31, 2015  
Statement No. 15  
Account No. 28513.000 M  
Page: 1

Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

RE: Boundary Line Issue w/HOA

*Payments received after 12/31/2015 are not included on this statement.*

Previous Balance

## Fees

			Hours	
11/30/2015	SG	Receive email from client approving of Dec. 18 for trial. Print and file email noting new dates to be offered. Receive email from attorneys approving December 18 for trial awaiting confirmation from our witnesses. <b>(no charge)</b>	0.30	
	MB	Work on rescheduling trial.	0.10	27.50
12/02/2015	SG	Call and email Mr. Kania to approve new trial date being offered of Dec. 18. Note file for followup. Receive call from Bernard Kania approving of Dec. 18 trial date. See attorney for testimony time and email Kania of 10 a.m. testimony time.. Email parties and court agreeing to Dec. 18 for trial. Put hold on calendar and schedule reminder for followup for Court notice to schedule witnesses.	0.30	42.00
	SG	Receive email from Attorney Froehling unavailable Dec. 18 and available only Jan 12 and 20 for trial continuation. Email client and witnesses for approval of Jan 12. Email parties our holding date of Jan 12 for approval. <b>(no charge)</b>	0.20	
12/03/2015	SG	Receive email from client [REDACTED]. Receive Corrine's email address and email Corinee Wight to approve Jan. 12 trial date. Call Mr. Kania to approve. Update witness list to include Corinne.	0.30	42.00
12/04/2015	MB	Finalize continuance with Snohomish County court.	0.10	27.50
12/07/2015	SG	Receive email from Attorney Burns to all parties agreeing to Jan. 12 for trial continuance. Print and file email into client's file noting file for followup for Notice of Trial from court. <b>(no charge)</b>	0.20	
12/14/2015	SG	Receive Notice of Trial Setting and Certificate of Trial Confirmation from court. Calendar/note file/schedule reminders for trial and all court deadlines. Scan notice to client and witnesses and file into		

Jeffrey & Nancy Lewis  
Account No. 28513.000  
RE: Boundary Line Issue w/HOA

Statement Date: 12/31/2015  
Statement No. 15  
Page No. 2

	Hours	
e-file. File into client's pleadings file and update index. (no charge)	0.20	
For Current Services Rendered through 12/25/2015	1.70	139.00
<b>Total Current Work</b>		<b>139.00</b>

Balance Due

[REDACTED]

Aged Due Amounts

0-30	31-60	61-90	91-120	121-180	181+
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 01/10/2016.  
A finance charge of 1% per month will be added on all past due balances.

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Jeffrey & Nancy Lewis  
3229 104TH PI SE  
Everett, WA 98208

Statement Date: January 31, 2016  
Statement No. 16  
Account No. 28513.000 M  
Page: 1

RE: Boundary Line Issue w/HOA

*Payments received after 01/31/2016 are not included on this statement.*

Previous Balance

## Fees

			Hours	
01/05/2016	MB	Begin prepping for upcoming trial.	0.40	110.00
01/06/2016	SG	Receive call from Nancy Lewis updating on [REDACTED] commit [REDACTED] Forward call to attorney for further discussion. (no charge)	0.20	
	SG	Call court and talk with trial coordinator to confirm trial is on for Jan. 12. Email Katie-Court clerk to discuss status. Call Betty Hendricks at opposing counsel's office to confirm they received notice and they too understood no confirmation required but sent in trial confirmation arriving to court today, just in case. RReceive email from Betty Hendricks attaching copy of notice for confirmation. Provide to attorney to complete and sign. Prepare courier slip, copy and prepare packet to delivery to trial coordinator. Note file for followup. Email copy to Clerk Katie Schiewetz. Copy and file into client's pleading file.	0.60	84.00
	SG	Receive email from Kate Schiewetz, Law Clerk to Judge Krese, agreeing to hear case if parties agree to confirm--receive email confirmation from Attorney Burns. Email Kathy Hendricks to ask her to email confirm as well. Receive email confirmation from Mr. Froehling. Several emails with court and parties confirming Jan 12 trial with final email from Kate Schiewetz confirming trial. Receive email from courier confirming our Trial Confirmation was delivered this afternoon to Administration.	0.30	42.00
	MB	Telephone conference with client as to [REDACTED]	0.40	110.00
01/07/2016	SG	Receive Greyhound Legal invoice for filing of Trial Confirmation and delivery to opposing counsel. Process invoice and file into client's file. (no charge)	0.20	
	SG	Receive from courier a conformed copy of delivered Trial		

			Hours	
		Confirmation filed with court and copy to opposing counsel. File into pleadings file. <b>(no charge)</b>	0.20	
	SG	Receive call from Trial Coordinator confirming parties are to meet in Dept. 11 at 9am on Jan 12.	0.20	28.00
01/08/2016	SG	Trial Preparation: Schedule pretrial meetings with witnesses. Prepare trial reminder letters, scan and email to client and witnesses, copy and mail, and file copies into Witness file. Revise and print Witness list. Update Trial Notebook, pleadings file, and filing into general file. Receive email acknowledgement from Correin Wight of trial testimony. Print and file into client's file.	2.00	280.00
01/11/2016	MB	Trial preparation. Go over prior questions, supplement, telephone conferences with witnesses. Review of both my prior submitted brief and brief of the opposition. Go over important cases. Go over testimony of clients. Review opening and closing statements.	4.60	1,265.00
01/12/2016	MB	Travel to and from Everett. Full day of trial (less one hour lunch).	11.30	3,107.50
01/13/2016	SG	Receive email from Stacey Lombardo, Judicial Court Reporter, with quote of \$66 for trial transcript requested. Prepare check request. <b>(no charge)</b>	0.20	
	MB	Pursuant to court order, start attorney fee motion and telephone conference with surveyor office.	0.30	82.50
01/14/2016	SG	Obtain check for transcript, prepare enclosure letter to Judicial Court Reporter, copy and mail, scan and email, and note file for followup for receipt.	0.30	42.00
01/19/2016	SG	Receive email from Stacey Lombardo attaching transcript of ruling. Print and review and save into client's file and save copy to e-file. <b>(no charge)</b>	0.20	
01/20/2016	MB	Review transcript and highlight items to include in findings of facts and conclusions of law as ordered by court.	0.40	110.00
01/21/2016	SG	Email McFerran Law Offices to request client billings/ledger in this matter. Note file for followup for receipt. <b>(no charge)</b>	0.20	
	SG	Receive email from Susy Heatherly attaching all billing statements and client ledger. Print and review, saving into client's e-file. Forward to attorney for review and file copies into client's file.	0.20	28.00
01/25/2016	MB	Do first draft of findings of facts and conclusions of law.	2.10	577.50
		For Current Services Rendered through 01/25/2016	24.30	5,866.50

Expenses

01/12/2016		Legal Research / Westlaw		4.52
01/13/2016		Courier fee - Greyhoundlegal.com - Delivery to Snohomish County Clerk & Antoni Froehling, Inv #3915		90.00
01/21/2016		Photocopy charges		3.00



Jeffrey & Nancy Lewis  
Account No. 28513.000  
RE: Boundary Line Issue w/HOA

Statement Date: 01/31/2016  
Statement No. 16  
Page No. 3

Total Expenses through 01/25/2016 97.52

Advances

01/13/2016 Transcript Fee - Stacey Lombardo Court Reporter 66.00

Total Advances through 01/25/2016 66.00

Total Current Work 6,030.02

Payments

01/04/2016 Payment received - thank you! [REDACTED]

01/15/2016 Payment received - thank you! [REDACTED]

Total Payments through 01/31/2016 [REDACTED]

Balance Due [REDACTED]

We accept VISA, Mastercard and Discovery by telephone.  
Payment for services is due on 02/10/2016.  
A finance charge of 1% per month will be added on all past due balances.

***EXHIBIT D***

Primary Timekeeper: 1 Martin Burns  
 Thru 02/29/2016

Date	Ref #	Stmt #	Fee Amount	Hours	Expense Amount	Advance Amount	Finance Charge	Payment Amount	Apply to Stmt #	Bill Total	Balance Due
28513.000M Lewis/Jeffrey & Nancy											
RE: Boundary Line Issue w/HOA											
10/31/2014	1	1	3,094.75	15.35	17.93					3,112.68	
11/11/2014	2	2									
11/30/2014	3	2	221.50	1.70	25.00	11.00				257.50	
12/15/2014	4	3									
12/31/2014	5	3	152.50	0.80						152.50	
01/16/2015	6	4									
01/31/2015	7	4	252.00	3.00	50.20	65.00				367.20	
02/17/2015	8	5									
02/28/2015	9	5	3,640.00	16.00	239.25					3,879.25	
03/20/2015	10	6									
03/31/2015	11	6	1,417.00	5.30		3.00			5	1,420.00	
04/27/2015	12	7									
04/30/2015	13	7	82.50	0.30					6	82.50	
05/13/2015	14	8									
05/31/2015	15	8	1,622.50	5.90					7	1,622.50	
06/22/2015	16	9									
06/30/2015	17	9	70.00	0.70					8	70.00	
07/23/2015	18	10									
07/31/2015	19	10	207.00	1.70	5.58				9	212.58	
08/12/2015	20	11									
08/31/2015	21	11	455.00	1.90					10	455.00	
09/18/2015	22	12									
09/30/2015	23	12	42.00	0.30						42.00	
10/27/2015	24	13									
10/31/2015	25	13	1,188.50	6.30	118.05				12	1,306.55	
11/30/2015	27	14	6,003.25	30.55	45.65	324.10				6,373.00	
11/30/2015	26	14									
12/31/2015	28	15	139.00	1.70					13	139.00	
01/04/2016	29	16									
01/15/2016	30	16									
01/31/2016	31	16	5,866.50	24.30	97.52	66.00				6,030.02	
02/25/2016	WIP								16		
<b>Subtotal</b>			<b>24,454.00</b>	<b>115.80</b>	<b>599.18</b>	<b>469.10</b>		<b>25,522.38</b>		<b>25,522.28</b>	
<b>Total for Primary Timekeeper 1</b>			<b>24,454.00</b>	<b>115.80</b>	<b>599.18</b>	<b>469.10</b>		<b>25,522.38</b>		<b>25,522.28</b>	<b>-0.10</b>

***EXHIBIT E***



McFerran, Burns & Stovall, p.s.

A T T O R N E Y S A T L A W

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October 10, 2012

Hilton Lake Homeowners Association  
Attn: Von Kelly, President  
PO Box 13111  
Mill Creek, WA 98012

Reply to:  
**Martin Burns**  
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RE: Jeffrey & Nancy Lewis

Dear Board of Directors

This office has been consulted by Jeffrey and Nancy Lewis regarding a growing dispute with the Homeowner's Association related to their property at 3229 104<sup>th</sup> Pl. S.E., Everett, WA 98208. The dispute is illustrated in a survey done on August 15, 2012, a copy of which is attached. I have interlineated the disputed area and shaded it for your ease of reference.

To cut to the chase, we believe that the disputed property has been acquired by the Lewis's under various legal theories. The most prominent of the legal theories is adverse possession. To acquire property by way of adverse possession, the claimant must establish that the use has been open and notorious, actual and uninterrupted, exclusive, and hostile. The use has to go on for 10 years.

We have checked with the prior owner, Bernard Kania, who has confirmed his understanding that the boundary line went to the back of where there is still an existing sprinkler system and the area is delineated on the west side by a rock wall. The maintenance, since 1986, has been by the Kania's and now the Lewis' family.

So, the open and notorious element is clearly met. The wall and the landscaping was all there to be seen – and, in fact, has been seen – which started this current problem. Other cases have involved adverse possession taking place when as little as mowing to a certain line has occurred over numerous years. The use in the present scenario is far more extensive.

The actual and uninterrupted use is again met. This has been ongoing since at least 1986. The statutory period is 10 years. We are at year 26.

As for exclusive – a rock wall barrier is by its nature exclusionary. Fences and walls are classic cases of adverse possession scenarios.

Regarding hostility: this element is often times misunderstood. Case law is clear that such requirement, "Does not import enmity or ill will, but rather imports that the claimant is in possession as owner, in contradistinction, to holding in recognition of or subordination to the true owner."

*Timberland Homeowner's Association*, 79 Wa.App. 303 (1995). Such case goes on to say that the "ultimate test" is if the claimant is exercising dominion "in manner consistent with the actions a true owner would take."

In the *Timberland* case, the claimant (and his prior owners) established "the fence and patio that encroached on the common area had been in place since 1975."

The case goes on to talk about how a fence had been well established, the claimant had planted trees and bushes and his children had played in the yard. The court had no problem affirming the ruling establishing the claim of adverse possession against the homeowner's association. Also, the court rejected the idea that the claimant had a right to use of the property as one of the many owners in the association. The court noted the "construction of a fence and concrete patio far exceeded a reasonable exercise of that easement right."

It is quite unusual to have a case so on point as we have with the *Timberland* case. I don't even think that this is a close issue legally. So the question becomes, where do we go from here?

First, I think that it's just common sense that no one takes any action to disrupt the Lewis's current use of the disputed area until this is sorted out. The use has been going on for over 20+ years and nothing is going to change over the next couple of weeks or months while this gets sorted out. Further, you need to know that, if I am correct, my clients do own the disputed property. When adverse possession takes place title shifts automatically. There is no need for a deed or anything else. Court cases simply confirm the previous automatic shift.

Second, the Homeowner's Association should take no retaliatory action against the Lewis's because of their exercise of the legal rights. The Homeowner's Association has a duty to operate in good faith and the Supreme Court has acted harshly when homeowner's associations have acted in a retaliatory, arbitrary, or capricious manner.

Third, we would request that the Homeowner's Association Board of Directors meet and consent to a boundary line adjustment clarifying the area of the Lewis's ownership to include the disputed area. The Lewis's are willing to pay for the survey map to be drawn along with appropriate legal documentation to confirm the boundary line agreement. They would ask that the association consent in writing to a boundary line adjustment along the lines of the survey to include the disputed area I have approximated and shaded in the attached diagram. Obviously, my drawing is a bit rough but the survey would reflect the true nature of the use. The Lewis's want to bring this to a resolution but do not want to incur costs unnecessarily if the homeowner's association does not consent.

The alternative is for one of the parties to file a quiet title action in the Superior Court. Our client would obviously file under the notion of adverse possession and a few other applicable legal theories, litigate this matter, and in the end, probably end up with the same result. Honestly, these types of cases can frustrate lawyers and judges. The property use has been the same for now 26 years. What is the impetus to start a fight over a small wedge of property that has not been an issue

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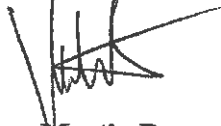
for decades? Is this truly a wise use of homeowner association's resources to fight over property that is really of little or no use to the vast majority of the homeowners?

Given my reasons set forth above, and the pragmatic problems with the homeowner's association choosing to fight this battle, let's see if we can get the boundary line issue resolved and put this behind us for both side's sake.

Thank you very much for your consideration in this matter.

Very truly yours,

**McFERRAN & BURNS, P.S.**

A handwritten signature in black ink, appearing to read 'Martin Burns', is written over the printed name.

**Martin Burns**  
**Attorney at Law**

MB/cmh  
cc clients





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January 30, 2013

Patrick L. Vail  
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RE: Jeffrey & Nancy Lewis

Dear Mr. Vail:

I have had the opportunity now to discuss your January 3, 2013, letter with my clients. They are not in agreement with all of your proposal. However, with regards to paragraph 1 of your letter, they do agree that paragraph 1 is acceptable insofar as the property line would go up to the rockery thus quieting title for everything between their house and the rockery.

We have a problem with your paragraph 2. There is well defined and well developed bushes and shrubbery in the "disputed area." My client does not want any of the portion of the property where there currently is a gravel path. However, my clients' property, to the extent it is in the encroachment area, has sprinkler heads within two inches of the gravel path. There is a scalloped landscaping stones out at the front near the street that have been in place for decades. If you look at the vegetation in the disputed area, it is decades old. There is nothing new that my clients have done. Now, they do want to put up a fence and the fence would go essentially along the line of where the gravel meets the dirt. When I talk about the gravel, I am referring to the path that has been maintained by the Homeowner's Association. There is some gravel around a shed that is on my clients' property between the house and the path. It is a different type of gravel and I am not referencing that. There is a clear demarcation of where the gravel that the Homeowner's Association has maintained abuts my clients' property (including the area in dispute). Accordingly, what we would propose is that my clients put in some white stakes along the line in which they propose to put the fence. If that line is acceptable to your client, they would call out a surveyor and have that line surveyed.

It is my understanding that nothing that we are doing changes the reality of what has been going on for decades. The path is large enough for a truck to go down it now and will be large enough for a truck to go down it after the fence goes up. As mentioned, there is large vegetation and sprinkler systems that have been in place for decades in this "disputed area." Nothing has changed except the survey was done. Our placement of the fence is not going to change the practical use of this property by the Homeowner's Association or anyone else walking along the path.

Patrick L. Vail  
Cogdill Nichols Rein Wartelle Andrews  
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I do note that you made some arguments with regards to adverse possession. I have previously provided you case law that provides differently. I don't expect that we are going to resolve the legal merits of the relative positions based upon trading letters. So, I would ask that you go back to the Homeowner's Association with this proposal. In your letter you stated that your client can't agree to any settlement under which its access to maintain the shared pathways would be impacted. There is nothing that we are doing that would impact that. We are not changing the status quo other than to put up a fence in an area that has not been used by the Homeowner's Association ever. Accordingly, please talk with the Homeowner's Association. If they are somewhat amenable to our plan, please contact me and I will have the white stakes put up. Thereafter, they can look at the placement of the white stakes and if that again is acceptable, we will draw up an agreement in principal, have a survey done, and then do a confirming lot line adjustment or boundary line agreement to bring the matter to a conclusion.

Thank you very much for your attention to this matter.

Very truly yours,

**McFERRAN & BURNS, P.S.**



**Martin Burns**  
**Attorney at Law**

MB/cmh  
cc clients