

FILED

10 JUL 26 AM 11:04

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA.

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

10-2-26702-6 SEA

Plaintiffs,)
Jerry D. Palmisano and Theresa)
Irvin Palmisano)
)
Vs.)
)
WINDERMERE REAL ESTATE/NORTHWEST,)
INC., a Washington corporation,)
and Debbie J. Heard)
)
Defendants,)
)
)
)

No.

SUMMONS BY PERSONAL SERVICE

STEVEN GONZALEZ

The State of Washington to:
 Defendants WINDERMERE REAL ESTATE/NORTHWEST, INC.
 Address: 4919 South Genesee Street, Seattle, WA 98118
 and
 Defendant Debbie J. Heard
 Address: 4103 Lake Washington Blvd. South, Seattle, WA 98118

1. A lawsuit has been started against you in the above entitled court by the plaintiffs.
2. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.
3. In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and serve a copy upon the undersigned person.
 within 20 days (if service is made on you within the State of Washington, or
 within 60 days (if service is made on you outside the State of Washington),


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after the date of service on you of this summons, excluding the day of service, or a default judgment may be entered against you without notice. a default judgment is one where the plaintiffs may be entitled to what is asked for because you have not responded.

4. If you serve notice of appearance on the undersigned person you are entitled to notice before a default judgment may be entered.
5. If not previously filed, you may demand that the plaintiff file this lawsuit with the court. If you do so your demand must be in writing and must be served upon the undersigned person. Within 14 days after you serve your demand, the plaintiffs must file this lawsuit with the court, or the service on you this summons and complaint will be void.
6. If you wish to seek the advice of a lawyer in this matter, you should do so promptly so that your written response, if any, may be served on time.
7. This summons is issued pursuant to Rule 4 of the Civil rules for Superior Court of the State of Washington.

Dated: July 26, 2010



Signature
Theresa Irvin Palmisano



Signature
Jerry D. Palmisano

14618 24th Ave. South
Seattle, WA 98168

Address

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

)	
Plaintiffs,)	
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Jerry D. Palmisano and Theresa Irvin)	
Palmisano)	
)	
vs)	
)	
WINDERMERE REAL ESTATE/NORTHWEST, INC.,)	
a Washington corporation, and Debbie J.)	
Heard)	
)	
Defendants.)	
)	

10-2-26702-6 SEA

NO.

COMPLAINT

COMES NOW the Plaintiffs, Jerry D. Palmisano and Theresa Irvin Palmisano, and alleges as follows:

I.

JURISDICTION

- 1.1 At all times relevant hereto, Plaintiffs were residents of King County, WA.
- 1.2 At all times relevant hereto, Defendants were residents of King County, WA. and doing business in King County, WA. Defendant Debbie J. Heard's resident is 4103 Lake Washington Blvd. South, Seattle, WA 98118 and Defendant, WINDERMERE REAL ESTATE/NORTHWEST, INC. address is 4919 South Genesee Street Seattle, WA 98118.
- 1.3 The events and transactions complained of herein occurred in King County, WA.

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II
PARTIES

- 2.1 At the time of the alleged acts herein Plaintiff was a resident of King County, both Plaintiffs.
- 2.2 At the time of the acts, breaches and/or omissions alleged herein, and at all times relevant hereto, Defendant Debbie J. Heard was a resident of King County and a Washington licensed Real Estate Agent and Defendant WINDERMERE REAL ESTATE/NORTHWEST, INC. was a Washington State Licensed corporation.

III
FACTUAL ALLEGATIONS

- 3.1 Defendant Debbie J. Heard, acting as a Real Estate agent for Defendant WINDERMERE REAL ESTATE/NORTHWEST, INC. damaged Plaintiff's property located at 4414 50th Ave. South, Seattle, WA 98118.
- 3.2 Because of the damage caused by the Defendants, the house had to be taken off the market and financial resources must now be found before repairs can be made and the house can then be re-listed and sold at optimum price. No repairs were needed prior to defendants involvement.
- 3.3 Defendants also breached their contract with Plaintiffs and removed window coverings and numerous other breaches of agreement, causing additional financial loss to Plaintiffs,
- 3.4 Valuable time has been lost, as a result of Defendants actions and recklessness, causing Plaintiffs to not be able to take advantage of the one time offered Federal Tax Credit to home buyers, which expired April 30, 2010. A substancial financial loss to the Plaintiffs has resulted by not being able to have the house on the market, especially during a falling housing market.
- 3.5 Defendant, Debbie Heard was also unprofessional as a Real Estate Agent, in many ways, which possibly cost Plaintiffs a possible acceptable sale of the house. At times it was unclear who she represented, the seller or the buyer. We understood she was to represent our interests because she was our listing agent, but she often appeared to represent potential buyers instead, and failed to represent our interests.
- 3.6 Defendant, Debbie Heard also made inaccuracies in the listing of the house which prejudiced the listing of the house and jeopardized the sale of the house. Defendant was unprofessional, neglectful, and inaccurate in marketing the house.

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- 3.6 Defendant, Debbie Heard also harrassed plaintiffs by filing a Small Claims suit for out of pocket costs by defendant that were to have been due and paid only when the house was eventually sold and to date it has not been sold.

IV

DEMAND FOR DAMAGES AND/OR RELIEF

- 4.1 As a direct and proximate result of the acts alleged herein, Plaintiffs, have suffered an economic damage or loss in the amount of \$80,000.00.

WHEREFORE, Plaintiffs prays:

V

RELIEF SOUGHT

- 5.1 For an award of damages compensating Plaintiffs for loss of income in the amount of \$80,000.00 plus costs of suit.
- 5.2 For such other and further relief as the Court may deem just and equitable.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 26TH day of July, 2010

PLACE: SEATTLE, WA


Plaintiff


Plaintiff