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HONORABLE CATHERINE SHAFFER  
KING COUNTY

SUPERIOR COURT CLERK

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CASE NUMBER: 12-2-08537-4 SEA

**KING COUNTY SUPERIOR COURT OF WASHINGTON**

**HARTLEY McGRATH,**

**Plaintiff,**

**v.**

**VESTUS LLC; and WINDERMERE  
REAL ESTATE/EAST, INC.,**

**Defendants.**

**NO. 12-2-08537-4 SEA**

**JOINT STATEMENT OF EVIDENCE**

**WITNESSES**

Hartley McGrath

Hugh Stewart

Mark Cooley

Christopher Hall

Michael McGrath

Chris Nelson

Mat Cote or other engineer/manager of  
MatVey Construction

Jim Melgard

Michael Luce

Dave Pioli

Erik Daly

Joni Kemmer

David Stenhouse

Brian Jessen

Terry Jensen

**EXHIBITS**

#	DESCRIPTION	PARTY OFFERING	NO OBJ'TN	AUTHN'C BUT OBJ.	OTHER GROUNDS
1.	Vestus Website pages [Illustrative]	P		✓	ER 402

#	DESCRIPTION	PARTY OFFERING	NO OBJ'TN	AUTHN'C BUT OBJ.	OTHER GROUNDS
2.	Vestus Blog, "Buying a Foreclosure Can Now be Almost Risk Free" [Illustrative]	P		✓	ER 402
3.	Real Estate Investing / Purchasing Foreclosures 101 packet	D		No	
4.	Vestus Advertisement Sorinrealty.com [Illustrative]	P		✓	ER 402
5.	Vestus Website Team [Illustrative]	P		✓	ER 402
6.	Vestus Client Agreement	B			
7.	Worksheet "Maximum Bid"	B			
8.	Worksheet "Do you need cash"	B			
9.	McGrath Copy of Vestus cover for 33130 2 <sup>nd</sup> Pl SW	P	✓		
10.	Agent Detail Report for Property	P	✓		
11.	Auction Packet	D		No	
12.	Email from Jim Melgard with attachment identified as "20110407173651225.pdf"	D		✓	ER 402
13.	Vestus sheet "Prospects for Vestus ID #159862"	D		No	
14.	Vestus compilation showing Client #7644 accesses to numbered properties	D		No	
15.	McGrath Auction Pick List	B			
16.	Investor's Property Maintenance Guide	P		✓	ER 402
17.	Receipt of Funds	P	✓		
18.	Checks for Commission and Title	P	✓		
19.	Email 5/27/11 McGrath/Cooley re Budget	P	✓		
20.	Payoff Statement Eastside Funding	P		✓	ER 402
21.	HUD Settlement Statement - Guild Mortgage	P		✓	ER 402
22.	Email correspondence with Tim Olson re foundation bid	P		✓	ER 402, 802

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#	DESCRIPTION	PARTY OFFERING	NO OBJ'TN	AUTHN'C BUT OBJ.	OTHER GROUNDS
23.	Email 04/29/2011 McGrath to Mike Drake re foundation bid	P	✓		
24.	Email 05/03/2011 McGrath/Anderson-Peyton re foundation bid	P	✓		
25.	Email 05/04 - 05/11/2011 McGrath/Al Lind	P	✓		
26.	Al Lind Company Bid	P		✓	ER 402, 802
27.	Email 05/22 - 05/31/2011 McGrath/Matvey Construction	P	✓		
28.	Email 05/24 - 05/26/2011 McGrath/Tim Olson	P		✓	ER 402
29.	Email 05/03 - 06/13/2011 McGrath/Zendmene Construction w/ Bid	P		✓	402
30.	Hegarty Construction Foundation Estimate	P		No	ER 402, 802
31.	Email 06/16/2011 McGrath/Matvey re payment	P	✓		
32.	Email McGrath/Vestus re roof recommendation	P		✓	ER 402
33.	Email 04/21 - 04/22/2011 Hartley McGrath/Mike McGrath re repairs	P		✓	ER 402
34.	Email 05/13 - 05/16/2011 McGrath/Pioli	P			
35.	Pioli Report 5/3/2011	P		✓	ER 802
36.	Emails Hartley McGrath/Matvey/Mike McGrath	P		✓	ER 402
37.	Matvey Construction plan	P	✓		
38.	Matvey Construction Work Orders	P	✓		
39.	Matvey/Jason Engineering progress reports	P		✓	ER 802
40.	Matvey Final Invoice, documentation, and photographs of progress	P		✓	ER 802
41.	Tomahawk Drywall Contract/Bid	P	✓		

#	DESCRIPTION	PARTY OFFERING	NO OBJ'TN	AUTHN'C BUT OBJ.	OTHER GROUNDS
42.	McGrath check register	P	✓		
43.	Puget Sound Energy invoices	P		✓	ER 402
44.	Lakehaven Utility invoices	P		✓	ER 402
45.	Ed Flanigan flyer advertising subject property for \$549,500	D	✓		
46.	Ed Flanigan flyer advertising subject property for \$525,000	D	✓		
47.	Email C Hall to C Nelson 12/02/2011	D	✓		
48.	First page of Residential Real Estate Purchase and Sale Agreement dated November 23, 2011	D	✓		
49.	Statutory Warranty Deed recorded under King County No. 2011121600116	D	✓		
50.	Trulia report Federal Way Market Trends 2011	P		No	ER 402, 802, foundation
51.	Photographs - house exterior	B			
52.	Photographs - chimney	P	✓		
53.	Photographs - windows	P	✓		
54.	Photographs - decks	P	✓		
55.	Photographs - basement	P	✓		
56.	Photographs - foundation	P	✓		
57.	Google Maps photograph of Property	D	✓		
58.	Christopher Hall emails	P	✓		
59.	Chris Nelson emails	P	✓		
60.	Fine/Luppert correspondence	P		✓	ER 402, 802
61.	Hartley emails w/ Trudi, Mike	P		✓	ER 402
62.	10 Tips for Purchasing	D		No	
63.	Videos from Vestus website [Illustrative]	P		✓	ER 402

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Submitted this 5<sup>th</sup> day of August 2013

REAUGH OETTINGER & LUPPERT, P.S.

DEMCO LAW FIRM, P.S.

By \_\_\_\_\_  
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By \_\_\_\_\_  
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