

FILED
KING COUNTY, WASHINGTON
MAR 08 2013
SUPERIOR COURT CLERK
BY AIMEE SILVA
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF KING

XI-JING ("JAMES") ZHOU and HONG LEI
("LUCY") ZHOU, husband and wife,

Plaintiffs,

v.

FIRST AMERICAN TITLE INSURANCE
CO.; RONALD EDGBERT, BETTY
EDGBERT, husband and wife; SUSAN
STASIK; (EDDY) CHO F. PANG; and
WINDERMERE REAL ESTATE
NORTHWEST, INC.,

Defendants.

NO. 12-2-28170-0 SEA

ORDER ON MOTION FOR
SUMMARY JUDGMENT BY
DEFENDANTS WINDERMERE
REAL ESTATE / NORTHWEST,
INC. AND SUSAN STASIK

I. Hearing

This matter duly came on for hearing before the undersigned Judge, on the motion of for summary judgment brought by defendants Windermere Real Estate / Northwest, Inc. and Susan Stasik.

Each party appeared personally or through such party's counsel of record, or had the opportunity so to appear after being duly served with moving papers.

The Court considered the following materials:

Motion, and accompanying materials:

1. Declaration of Susan Stasik and attached Exhibits:

Order on Motion for Summary Judgment by Defendants Windermere Real Estate / Northwest, Inc. and Susan Stasik - 1

DEMCO LAW FIRM, P.S.

5224 WILSON AVE. S., SUITE 200
SEATTLE, WASHINGTON 98118
(206) 203-6000
FAX: (206) 203-6001

- 1 (1) Seller Disclosure Statement (first and last pages)
2
3 (2) Edgbert to Zhou Purchase and Sale Agreement
(omitting addenda that are immaterial)
4 (3) "Protective Covenants Running With Land", King County Records
5 No. 8405290613
6 (4) Addendum to Purchase and Sale Agreement
(removing title contingency)
7
8 (5) Email from The Talon Company to Susan Stasik and Eddie Pang
dated July 21, 2009
9 (6) Plat map of Peachtree showing easements on Lot 24

10 2. Declaration of Philip T. Mattern, with attached Exhibits:

- 11 A. Complaint (submitted only for certain admitted reference information and not
12 otherwise admitting truth of any allegations)
13 B. First Requests for Admission to Plaintiffs by Defendant Windermere Real Estate /
14 Northwest, Inc., and responses thereto (with Exhibit 1, Peachtree Plat)
15 C. Second Requests for Admission to Plaintiffs by Defendant Windermere Real
16 Estate / Northwest, Inc., and responses thereto, with attached Exhibits 1 - 4
17 D. Excerpts of Deposition of Xi-Jing Zhou taken before a court reporter on
January 28, 2013
18 E. Excerpts of Deposition of 30(b)(6) Daryl W. Lyman (of First American Title
19 Insurance Co.) taken before a court reporter on December 17, 2012
20 F. Preliminary commitment for title (title report), First American Title Insurance
21 Company file number 4209-1443863 (this was Exhibit 1 to Lyman-First
American Deposition)
22 G. Preliminary commitment for title (title report), First American Title Insurance
23 Company file number 4209-1444606 (this was Exhibit 2 to Lyman-First
24 American Deposition)
25
26

1 **Plaintiffs' Response in Opposition to Defendant Windermere - Stasik's Motion for**

2 **Summary Judgment, and accompanying materials:**

- 3 1. Declaration of Douglas E. Schwed in Support of Plaintiff Zhou's Response in
4 Opposition to Defendant Windermere - Stasik's Motion for Summary Judgment,
5 and attached Exhibits:
- 6 A. Excerpts of Deposition of Xi-Jing (James) Zhou taken before a court reporter on
7 January 28, 2013
- 8 B. Excerpts of Deposition of Ronald W. Edgbert taken before a court reporter on
9 January 3, 2013
- 10 C. Excerpts of Deposition of Susan L. Stasik taken before a court reporter on
11 January 4, 2013
- 12 D. MLS data sheet that was produced by Susan Stasik in response to written
13 discovery requests, number stamped as STASIK 000246
- 14 E. Exclusive Sale and Listing Agreement that was produced by defendant Susan
15 Stasik in response to written discovery requests, number stamped as
16 STASIK 000256 through 000258.
- 17 F. Home Inspection Report that was produced by defendant Susan Stasik in response
18 to written discovery requests, number stamped as STASIK 000329 through
19 000333 (first page is 000333, second page 000329, and third through fifth page is
20 STASIK 000331 through 000333).

21 **Reply Supporting Motion for Summary Judgment of Dismissal by Defendants**

22 **Windermere Real Estate Northwest, Inc. and Susan Stasik**

23 The Court also considered the oral arguments of counsel and the records and files herein.

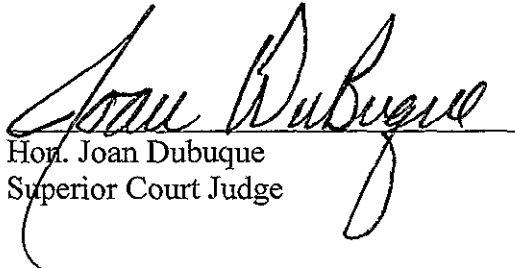
24 **II. Order**

25 The court finding that there is no genuine issue of material fact and that the moving
26 defendants are entitled to judgment as a matter of law, now then, it is hereby

 ORDERED, ADJUDGED and DECREED that all claims and cross claims herein against
defendants Windermere Real Estate / Northwest, Inc. and Susan Stasik be and hereby are
dismissed with prejudice by way of summary judgment. And it is further

1 ORDERED, ADJUDGED AND DECREED that the said prevailing defendants may file
2 and serve a supplemental motion, to be considered without oral argument before the
3 undersigned, for statutory costs which shall include the statutory attorney fee.
4
5
6
7
8
9
10
11
12

13 DONE IN OPEN COURT this 8th day of March, 2013:
14

15
16 
17 Hon. Joan Dubuque
18 Superior Court Judge

19 Presented by:

20 
21

22 Lars E. Neste WSBA #28781
23 Philip T. Mattern WSBA #16986
24 DEMCO LAW FIRM, P.S.
25 of Attorneys for Defendants
26 Windermere Real Estate / Northwest, Inc.
and Susan Stasik