

FILED

13 JUL 12 PM 2:40

Judge Catherine Shaffer
KING COUNTY
SUPERIOR COURT CLERK
E-FILED

CASE NUMBER: 12-2-08537-4 SEA

1
2
3
4
5
6
7 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
8 **IN AND FOR THE COUNTY OF KING**

9 HARTLEY McGRATH,

10 Plaintiff,

11 v.

12 VESTUS LLC; WINDERMERE REAL
13 ESTATE/EAST, INC., and CHRISTOPHER
14 HALL and JANE DOE HALL and the Marital
Community of CHRISTOPHER AND JANE
DOE HALL,

15 Defendants.

NO. 12-2-08537-4 SEA

DEFENDANTS' NOTICE OF
DOCUMENTS PRESUMED
ADMISSIBLE UNDER
EVIDENCE RULE 904

16
17 To: Clerk of Court, and

18 To: Hartley McGrath, plaintiff, and her attorney of record, Syliva Luppert

19 PLEASE TAKE NOTICE that the documents in the following "Defendants' ER 904
20 Documents List" are being offered by defendants under ER 904 and such documents shall be
21 deemed authentic and admissible without testimony or further identification unless objection is
22 served within 14 days of this Notice, pursuant to ER 904(c). Copies of all such documents are
23 attached to the copy of this Notice given to plaintiff's attorney of record but not to the original
24 Notice.
25
26

1 Defendants' ER 904 Documents List (documents referring to "Vestus" can be assumed to
2 have been prepared by or under the direction of Hugh Stewart and/or Christopher Hall except as
3 otherwise stated):

- 4 1. "Compensation/Confidentiality Client Agreement" on form prepared by
5 Vestus LLC, with Hartley McGrath signature dated "3-22-11"
- 6 2. "Real Estate Investing / Purchasing Foreclosures 101", paper version of
7 slideshow presentation prepared by Vestus LLC (32 pages)
- 8 3. 51 page packet compiled by Vestus LLC including:
 - 9 * Foreclosure Auction Pick List form
 - 10 * Vestus summary sheets on specified properties. "Notes" in lower left
11 corner of these sheets identify the particular individual at Vestus most
12 responsible for compiling the information about the particular property:
13 Erik Daley, Chris Nelson, Jim Melgard, Christopher Hall
 - 14 * Agent Detail Reports prepared by real estate agents identified in "LAG"
15 portion and originally circulated with Northwest Multiple Listing Service
 - 16 * Single Family Brief Portrait pages compiled by the Vestus person
17 in upper left corner of such pages
- 18 4. Email from Jim Melgard to several persons, with attachment identified as
19 "20110407173651225.pdf" and referencing a date on the right side of
20 "Thursday, April 07, 2011 8:47 PM"
- 21 5. Vestus sheet concerning subject property, identified as "Vestus ID: #159862",
22 prepared by Vestus LLC, including Chris Nelson; with Residential Agent
23 Detail Report from Northwest Multiple Listing Service presumably prepared by
24 former listing agent Joni C. Kemmer of Keller Williams Realty Federal Way,
25 whose contact information appears on the page
- 26 6. Single Family Agent Summary Report (3 pages) compiled by Jim Melgard of
Vestus LLC for the purpose of providing comparables to support estimate of
value of the subject property
7. Foreclosure Auction Pick List, Vestus form with Hartley McGrath handwriting
8. Maximum Bid Worksheet with Hartley McGrath handwriting
9. Vestus sheet "Prospects for Vestus ID #159862", compiled by Vestus
10. Vestus compilation showing Client #7644 (Hartley McGrath) accesses to
particular properties featured on Vestus website (persons with knowledge of this
would include Vestus persons Hugh Stewart, Christopher Hall, and Brian Jessen)

- 1 11. Ed Flanigan flyer advertising subject property for \$549,500
2
3 12. Ed Flanigan flyer advertising subject property for \$525,000
4
5 13. First page of Residential Real Estate Purchase and Sale Agreement
6 dated November 23, 2011 from Hartley McGrath as seller to Hye Young Song
7 as buyer
8
9 14. Statutory Warranty Deed recorded under No. 20111216001163, records of King
10 County, Washington, printed from King County Records website
11

12 DATED this 12th day of July, 2013

13 DEMCO LAW FIRM, P.S.

14
15
16
17
18
19
20
21
22
23
24
25
26



By
Lars E. Neste, WSBA #28781
Philip T. Mattern, WSBA #16986
Attorneys for Defendants