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9 Attorney for John and Nancy Rasmussen, petitioner-defendants  
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14 IN THE UNITED STATES DISTRICT COURT  
15 IN AND FOR THE WESTERN DISTRICT OF WASHINGTON  
16 AT SEATTLE  
17

18 KING COUNTY, a political subdivision )  
19 of the State of Washington; )

20 )  
21 Plaintiff; )

22 )  
23 vs. )

24 )  
25 JOHN RASMUSSEN and NANCY )  
26 RASMUSSEN, husband and wife, and )  
27 their marital community; )

28 )  
29 Defendants. )  
30

**No. C00-1637R**

Decl. of Stephen J. Graddon  
Supporting Defendants'  
Opposition to FRCP 56 SJM  
and FRCP 12(b) Motions to  
Dismiss

**[Noted for Hearing on  
April 20, 2001; Oral  
Argument is Requested]**

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Declaration of Stephen J. Graddon to Support  
Opposition to SJM & Dismissal - 1

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1 STEPHEN J. GRADDON hereby declares under penalty of perjury as follows:

2 1. I am providing this declaration based upon first hand knowledge or  
3 information I have obtained in the course and scope of my professional forensic  
4 research and evidence production activities as an historic ownership and land use  
5 consultant and researcher, consistent with my normal and customary research  
6 practices in Washington.

7 2. Attached as "Exhibit 1" is a true and accurate copy of a title research report  
8 entitled "Ownership Research Report dated September 25, 1999", which is an  
9 initial property ownership and land use research report prepared by me or under  
10 my supervision on behalf of the defendants in this case, John and Nancy  
11 Rasmussen, concerning the property described in the report, and which is the  
12 subject of this instant litigation. This ownership research report was prepared in  
13 accordance with my normal, customary, and applied research practices in  
14 Washington; and, it accurately describes the location, nature, and extent of the  
15 railroad right of way easements said to have been *originally* located upon the  
16 Rasmussen property.. The treatment of that railroad *easement* is subject to the  
17 *abandonment, nature of easement, current width of easement, actual location and*  
18 *scope of usage* issues currently before this court.

19 3. Attached as "Exhibit 2" is a true and accurate copy of a compendium of  
20 documents and annotations thereto entitled "Chronological Chain of Ownership  
21 Documents -- Prepared for John and Nancy Rasmussen", which is an accumulation  
22 of relevant chain of title ownership and transfer documentation acquired by me or  
23 under my supervision on behalf of the defendants in this case, John and Nancy  
Declaration of Stephen J. Graddon to Support  
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1 Rasmussen, concerning the property described in this case, and which is the  
2 subject of this instant litigation. These documents are material to the proper  
3 disposition of the title issues before this court.

4 4. Attached as "Exhibit 3" is a true and accurate copy of an *initial* report  
5 known as *Supplement #1* – Titled: Alternate Railroad Right of Way alignment  
6 concerning a recently discovered issue involving not only the Rasmussen contested  
7 real property in this case, but most of the landowners' properties along the eleven  
8 mile spur line previously operated and now abandoned by Burlington Northern  
9 Santa Fe Railroad. The research, development, and evidence production of the true  
10 title and proper disposition of title issues is an ongoing research problem, and  
11 therefore plaintiff King County is premature, and inaccurate, in determining  
12 conclusively that it has title of any kind or nature to the contested real property  
13 which is the subject of this action. Specifically, *I state without reservation*, and  
14 with reasonable title researching certainty, that the claimed "corridor" [spur line]  
15 of real property identified by plaintiff King County, including the real property in  
16 this instant case, is inaccurately described by plaintiff King County concerning the  
17 "corridor"'s actual physical location. The investigations I have conducted and  
18 supervised to date conclude that the true and accurate centerline of the granted  
19 railroad right of way, together with any easement width that may have existed  
20 under the most favorable of circumstances, lies westerly for a significant distance  
21 from that claimed to be the true centerline ("as constructed") by plaintiff King  
22 County. This misalignment has been overlooked by King County in its claims of  
23 ownership of fee simple title or trail easement, and this oversight shall affect the  
Declaration of Stephen J. Graddon to Support  
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1 ultimate title disposition in this case because of King County's failure to properly  
2 obtain title to the real property it asserts should be the location of its trailway and  
3 park facilities.

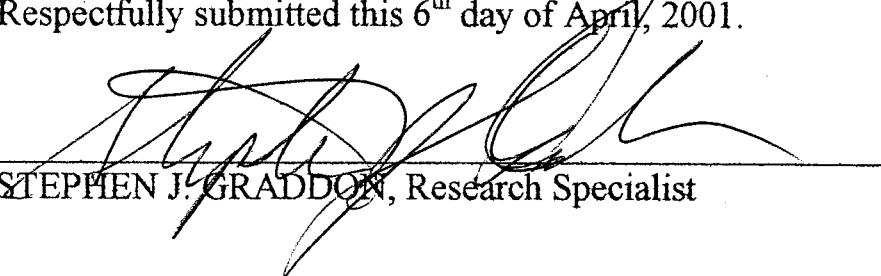
4 5. Attached hereto and incorporated herein by reference as "Exhibit 4" is a true  
5 and accurate copy of my resume, which outlines my applied experience and  
6 qualifications to testify as a professional researcher of historic real property  
7 ownership and land use issues and as an expert witness. I am an expert in chain of  
8 title research and evidence production of documents filed as Public Records, both  
9 recorded and unrecorded which provides the necessary information that is deemed  
10 reliable and material to dispose of contested title issues. This case requires more  
11 than a mere examination of those documents of record, because of the  
12 circumstances surrounding the original transfers of title, regardless of whether or  
13 not those transfers were intended to be transfer of fee simple interests or merely  
14 transfer of future rights in real property for railroad easement purposes. In this case  
15 and based upon my applied experience, the Rasmussen contested real property  
16 claimed by King County cannot be more than an easement right, if it exists at all.  
17 The existence or the scope of the easement is subject to interpretation and requires  
18 more analysis than accorded the issue by King County. King County's evidence of  
19 title is insufficient, and is defective, because it ignores the totality of the  
20 circumstances surrounding the transfers of title involved in this case, and fails to  
21 account for the changing use of specific words of transfer. My applied expertise in  
22 these areas surpasses the limited research experiences of these matters by King  
23 County's expert, Mr. DeGoojer, based upon my reading of his Declaration.

Declaration of Stephen J. Graddon to Support  
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Respectfully submitted this 6<sup>th</sup> day of April, 2001.



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STEPHEN J. GRADDON, Research Specialist

Declaration of Stephen J. Graddon to Support  
Opposition to SJM & Dismissal - 5

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