



Davis Wright Tremaine LLP

ANCHORAGE BELLEVUE LOS ANGELES NEW YORK PORTLAND SAN FRANCISCO SEATTLE SHANGHAI WASHINGTON, D.C.
CRAIG MILLER
Direct (206) 628-7724
craigmiller@dwt.com
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE, WA 98101-1688
TEL (206) 622-3150
FAX (206) 628-7699
www.dwt.com

March 1, 2006

Mr. Paul A. Spencer
Spencer Law Offices, PLLC
11100 NE 8th Street, Suite 350
Bellevue, WA 98004

Re: Crest AERO, Inc. v. Norman C. Grier, et al.,
King County Superior Court Cause No. 06-2-07149-2 KNT

Mr. Spencer:

Enclosed please find a copy of the Crest AERO Inc., et al., Complaint for Declaratory Judgment Establishing Perpetual Prescriptive Easement and Injunctive Relief, along with 3 Summonses, one for each of the defendants, and the Order Setting Civil Case Schedule.

In accord with our earlier communications, I understand that you are authorized to accept personal service on behalf of each of the defendants. For that purpose, enclosed is an Acceptance of Service form. Please execute that and return same to me.

Of course, if you have any questions please give me a call.

Very truly yours,

Davis Wright Tremaine LLP

A handwritten signature in black ink that reads "Craig Miller".

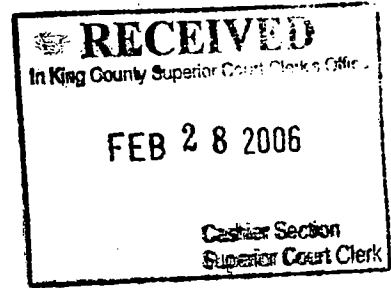
Craig Miller

CM:mkg

Enclosures

cc: Mr. Arthur Berkell
Ms. Lissa Shook

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

CREST AERO, Inc., a Washington corporation;
ARTHUR BERKELL and LYNN BERKELL;
MIKE McGAHAN and CHARLENE
McGAHAN; LEIGH LEWIS and JOY LEWIS;
WILLIAM SWICKARD and KAY
SWICKARD; JOHN TOMLINSON; JOSEPH
GISH and RAMONA GISH; RODNEY CLAUS
and JILL CLAUS, all as representatives of a
Class of persons,

Plaintiffs,

v.

NORMAN C. GRIER and JANE DOE GRIER,
and the marital community comprised thereof;
GRIER FAMILY HOLDINGS, L.L.C., a
Washington limited liability company; and
CREST AIRPARK, INC., a Washington
corporation

Defendants.

No. **06 -2 - 07149 - 2 KNT**

COMPLAINT FOR
DECLARATORY JUDGMENT
ESTABLISHING PERPETUAL
PRESCRIPTIVE EASEMENT
AND INJUNCTIVE RELIEF

Plaintiffs CREST AERO, Inc.; and ARTHUR BERKELL and LYNN BERKELL;

MIKE McGAHAN and CHARLENE McGAHAN; LEIGH LEWIS and JOY LEWIS;

WILLIAM SWICKARD and KAY SWICKARD; JOHN TOMLINSON; JOSEPH GISH

and RAMONA GISH; RODNEY CLAUS and JILL CLAUS, all as representatives of a

Class of persons allege as follows:

COMPLAINT FOR DECLARATORY JUDGMENT OF
PRESCRIPTIVE EASEMENT AND INJUNCTIVE RELIEF - 1

SEA 1710746v8 69409-1

Davis Wright Tremaine LLP
LAW OFFICES
2600 Century Square • 1501 Fourth Avenue
Seattle, Washington 98101-1682

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I. PARTIES

1. Plaintiff Crest AERO, Inc. Crest AERO, Inc. ("Crest AERO"), is a nonprofit Washington corporation whose principal place of business is King County, Washington. In 1992, the then current roster of Nesland Easement Homeowners, as defined below, formed Crest AERO to represent and defend their interests with respect to the use of Crest Airpark Airport. Crest AERO is a corporation in good standing.

2. Plaintiff Class Representatives Berkell. Arthur Berkell is President of Crest AERO. Plaintiffs Arthur Berkell and Lynn Berkell are Nesland Easement Homeowners and are members of the Plaintiff Class.

3. Plaintiff Class Representatives McGahan. Plaintiffs Mike McGahan and Charlene McGahan are Nesland Easement Homeowners and are members of the Plaintiff Class.

4. Plaintiff Class Representatives Lewis. Plaintiffs Leigh Lewis and Joy Lewis are Nesland Easement Homeowners and are members of the Plaintiff Class.

5. Plaintiff Class Representatives Swickard. Plaintiffs William Swickard and Kay Swickard are Nesland Easement Homeowners and are members of the Plaintiff Class.

6. Plaintiff Class Representative Tomlinson. Plaintiff John Tomlinson is a Nesland Easement Homeowner and is a member of the Plaintiff Class.

7. Plaintiff Class Representatives Gish. Plaintiffs Joseph Gish and Ramona Gish are Nesland Easement Homeowners and are members of the Plaintiff Class.

8. Plaintiff Class Representatives Clause. Plaintiffs Rodney Clause and Jill Claus are Nesland Easement Homeowners and are members of the Plaintiff Class.

1 An illustrative sketch of the Crest Airpark Airport and the Nesland Easement
2 Homeowners' properties is attached hereto as **Exhibit A**. There are more than 110 current
3 Nesland Easement Homeowners and thus more than 110 members of the Plaintiff Class.

4 13. Class Representatives. Class representatives Berkell, McGahan, Lewis,
5 Swickard, Tomlinson, Gish and Claus are members of the Plaintiff Class, and hold and
6 have claims and defenses typical of the claims and defenses of all members of the Plaintiff
7 Class, relative to the matters at issue in this action. The class representatives will
8 adequately protect the interests of the Plaintiff Class.

9 14. Additional Class Representative Crest AERO. Crest AERO is vested with
10 powers to represent and defend the interests of the Nesland Easement Homeowners, and
11 Crest AERO is a proper party plaintiff in its own right, and as a representative of the
12 Plaintiff Class, relative to the matters at issue in this action.

13 15. Joinder Impracticable. Because at least 110 Nesland Easement
14 Homeowners are members of the Plaintiff Class, the Plaintiff Class is so numerous that
15 joinder of all members is impracticable.

16 III. FACTS

17 16. Crest Airpark and Nesland Easement. The Crest Airpark development,
18 including the lots benefited by the Nesland Easement, was platted and established in 1975.
19 The development includes an airstrip, adjoining which is an area with leased hangars, fuel
20 facilities, and a small building housing an office and flight school. On both sides of the
21 airstrip are the residential properties of the Nesland Easement Homeowners. The Nesland
22 Easement Homeowners' properties have aircraft access to the airstrip via a series of grass
23 taxiways that run between the rows of homes and each then continuously out onto grass

1 taxiways that run the length of and generally surround most of the paved airstrip (the
2 "Taxiways"). The Taxiways, airstrip, and airport facility are owned by Defendants Grier
3 or Grier LLC. Defendant Crest Airpark is the operator of the airport, the flight school, the
4 leased hangars, and the fuel facilities. The Nesland Easement Homeowners' properties in
5 the Crest Airpark development are highly desirable residences for people who fly small
6 private airplanes. Most of the homes have their own private hangars. The Crest Airpark
7 residents enjoy the great convenience of walking out their back doors, getting into their
8 airplanes, taxiing out to the airstrip and taking off. Over the decades, the Crest Airpark
9 development has been a success and is a much-loved neighborhood by the homeowners.

10 17. Use of the Taxiways. Beginning in 1975-76 when the residential lots began
11 to be built on and occupied by Nesland Easement Homeowners, the Taxiways, including
12 the Taxiways surrounding the airstrip, have been continuously, openly and non-
13 permissively used by members of the Plaintiff Class, or their predecessors in interest, for
14 personal and neighborhood recreation. The recreational uses have included walking,
15 jogging, playing with and exercising dogs, games of catch and Frisbee, socializing and
16 neighborly encounters and conversations, picnicking, barbequing, Fourth of July
17 celebrations, touch football games, and the like (generally, "Recreational Uses").
18 Members of the Plaintiff Class for many years mowed, watered and maintained portions of
19 the Taxiways, including the Taxiway surrounding the airstrip, so as to facilitate such
20 Recreational Uses. Over the years, the continuous jogging and walking by members of the
21 Plaintiff Class created a well worn and defined path through the entire length of the
22 Taxiway running along the western side and around the northern end of the airstrip (and
23 that defined path can be clearly seen in aerial photographs of the property).

1 18. Recreational Uses Consistent with Safe Aircraft Operations. At no time
2 have the Recreational Uses of the Taxiways interfered with safe aircraft operations at Crest
3 Airpark. The great majority of members of the Plaintiff Class are, directly or indirectly,
4 owners of private small aircraft that use Crest Airpark, and they are highly interested in
5 safe aircraft operations.

6 19. Non-Permissive Hostile Uses. The Recreational Uses were done without the
7 permission of the Defendants. The Recreational Uses were done at times when the
8 Defendants were able to assert and enforce their rights. The Recreational Uses were done
9 before and after the transfer of certain parcels on which the Taxiways are situated from
10 Defendant Grier to Defendant Grier LLC. The Recreational Uses were done by members
11 of the Plaintiff Class.

12 20. Establishment of the Prescriptive Easement. By virtue of the members of
13 the Plaintiff Class using the Taxiways openly, notoriously, continuously, without
14 interruption, and adverse to the title of the Defendants, or Defendants' predecessors in
15 interest, for over ten years, there now exists a prescriptive easement, in favor of the
16 properties owned by the Plaintiff Class, for the continued and perpetual use of the
17 Taxiways for Recreational Uses.

18 21. Wrongful Acts by Defendants. Beginning in about July 2005 Defendant
19 Norman C. Grier has begun to demand that members of the Plaintiff Class quit the
20 Recreational Uses, and to order Homeowners engaged in Recreational Uses off the
21 Taxiways. In so doing, he has wrongfully interfered with the now-established prescriptive
22 easement established in favor of the properties of the Plaintiff Class.

1 22. No Claim of Prescriptive Easement under Nesland Easement. The Plaintiffs
2 in this action do not claim any prescriptive easement rights against the Defendants'
3 property under or by reason of the Nesland Easement itself. The Nesland Easement
4 pertains only to the Nesland Easement Homeowners' rights to use of the airplane landing
5 strip and taxiways of the Crest Airpark Airport for the purpose of landing and taking off
6 small private aircraft. The Nesland Easement itself does not pertain to the Recreational
7 Uses.

8 **IV. CAUSE OF ACTION I – PRESCRIPTIVE EASEMENT**

9 23. Reallegation. Plaintiff incorporates and realleges all foregoing Paragraphs
10 hereof as if fully set forth herein.

11 24. Entitlement to Declaratory Judgment. Pursuant to RCW 7.24.010, the
12 Plaintiff Class is entitled to a declaratory judgment declaring that there exists, in
13 perpetuity, a prescriptive easement burdening the Taxiway property owned by the
14 Defendants, for the purposes of Recreational Uses of the Taxiways by the members of the
15 Plaintiff Class and their successors in title.

16 **V. CAUSE OF ACTION II – INJUNCTIVE RELIEF**

17 25. Reallegation. Plaintiffs incorporate and reallege all foregoing Paragraphs
18 hereof as if fully set forth herein.

19 26. Entitlement to Injunctive Relief. Pursuant to RCW 7.40.020, the Plaintiff
20 Class is entitled to injunctive relief permanently enjoining Defendants from interfering
21 with the Plaintiff Class's full use and enjoyment the prescriptive easement sought to be
22 declared herein.

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VI. PRAYER FOR RELIEF

WHEREFORE, the Plaintiff Class prays for relief as follows:

A. Entry of a Declaratory Judgment declaring that there exists, in perpetuity, a prescriptive easement burdening the Taxiway property owned by the Defendants, for the purposes of Recreational Uses of the Taxiways by the members of the Plaintiff Class and their successors in title.

B. Entry of a Permanent Injunction against Defendants permanently enjoining Defendants from interfering with the Plaintiff Class's full use and enjoyment the prescriptive easement sought to be declared herein; and

C. For such other relief as the Court deems just and equitable.

DATED this 27th day of February, 2006.

DAVIS WRIGHT TREMAINE LLP
Attorneys for Plaintiffs


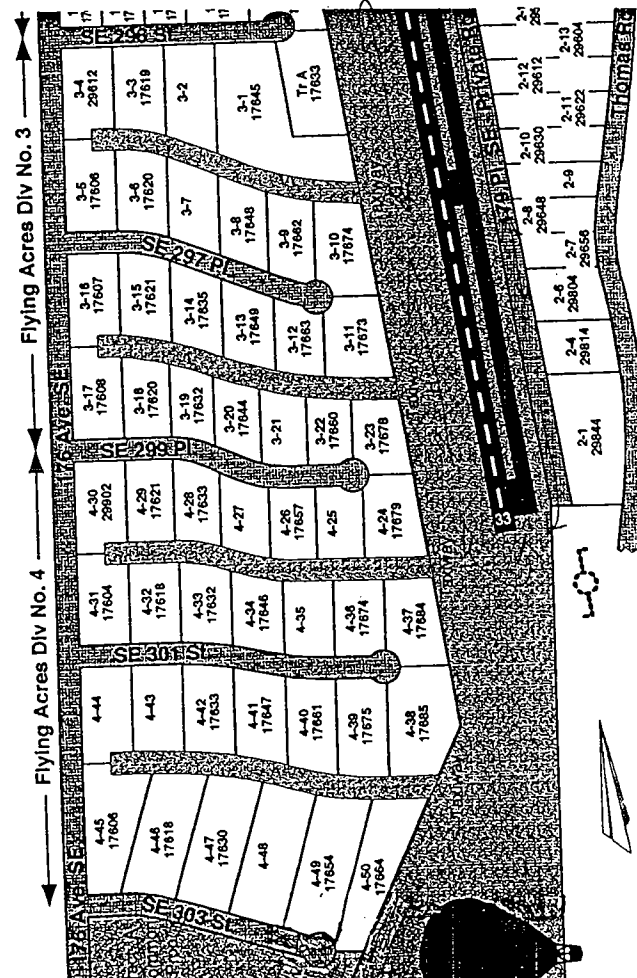
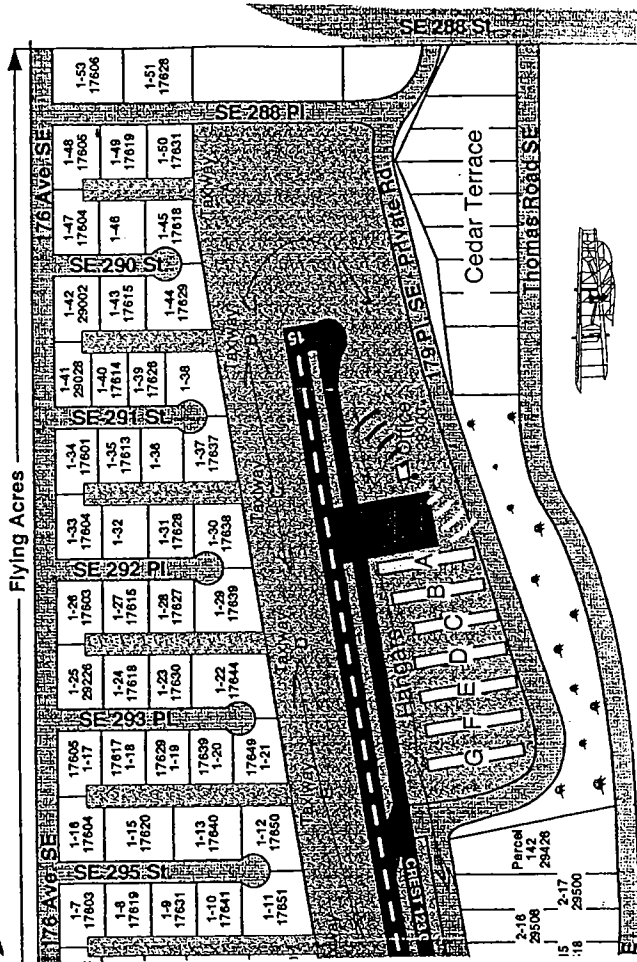
By 
Craig Miller, WSBA #10239
Lissa W. Shook, WSBA #35179

EXHIBIT A

Crest Airpark



Flying Acres Div No. 2

Flying Acres Div No. 3

Flying Acres Div No. 4

Cedar Terrace

Thomas Road SE

SE 290 St

SE 292 St

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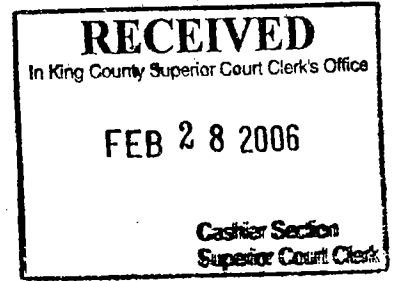
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**KING COUNTY SUPERIOR COURT
CASE ASSIGNMENT DESIGNATION
and
CASE INFORMATION COVER SHEET
(cics)**

In accordance with LR82(e), a faulty document fee of \$15 will be assessed to new case filings missing this sheet pursuant to King County Code 4.71.100.

CASE NUMBER: 06 - 2 - 07149 - 2 KNT

CASE CAPTION: Crest AERO, Inc., et al. v. Norman C. Grier, et al.

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

 Seattle Area, defined as:

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

 X Kent Area, defined as:

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

Anna W. Shok
Signature of Attorney for Plaintiff

February 28, 2006
Date

#35179
WSBA Number

