

Hearing Date for Hearing  
On the Merits:  
December 1, 2021

Notice of Mediation Filed  
In the Alternative

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

IN RE THE ESTATE OF KENNETH G.  
DEBOER, deceased,

**NO. 21-4-07469-7 SEA**

DALYNNE SINGLETON, Administrator of  
the Estate of Kenneth G. deBoer,

**VERIFIED TEDRA PETITION FOR  
ACCOUNTING, CONTRIBUTION,  
UNJUST ENRICHMENT,  
CONVERSION, DECLARATORY  
JUDGMENT, RELIEF UNDER  
VOIDABLE TRANSFER ACT, AND  
AWARD OF ATTORNEYS' FEES  
AND COSTS TO PETITIONER**

Petitioner,

v.

KRISTA (SUZANN) DEBOER, a single  
person,

**RCW 11.96A**

Respondent.

COMES NOW Administrator, DALYNNE SINGLETON (“**Administrator**” or  
“**Petitioner**”) and sets forth the following in support of this Verified TEDRA Petition For  
Accounting, Contribution, Unjust Enrichment, Conversion, Declaratory Judgment, Relief  
Under Voidable Transfer Act and Award of Attorneys’ Fees and Costs to Petitioner  
 (“**Petition**”), pursuant to RCW 11.96A, RCW 11.18.200, RCW 11.48.010, RCW  
11.76.110, RCW 11.10.010, and RCW 11.10.040.



1           2.2     Unless the rules of this Court or TEDRA require otherwise, or unless the Court  
2 orders otherwise, a judicial proceeding under TEDRA is commenced by filing a Petition with  
3 the Court.<sup>3</sup> Testimony of witnesses may be by affidavit. *Id.* Unless requested by a party in a  
4 Petition or Answer, the initial hearing must be a hearing on the merits to resolve all issues of  
5 fact and law. *Id.* TEDRA further provides that any party may move the Court for an order  
6 relating to a procedural matter, including discovery, and for summary judgment, in the  
7 original petition... or at any other time...” *Id.*  
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10           2.3     Jurisdiction. This Court has subject matter jurisdiction pursuant to RCW  
11 11.96A.020(1)(a), RCW 11.96A.040, RCW 11.96A.080, RCW 7.24.010 et seq., and its  
12 plenary powers. TEDRA sets forth provisions for resolving trust and estate disputes through  
13 mediation and arbitration.<sup>4</sup> The intent of RCW 11.96A.260 through 11.96A.320 is to provide  
14 for the efficient settlement of disputes in trust, estate, and nonprobate matters through  
15 mediation and arbitration by providing any party the right to proceed first with mediation and  
16 then arbitration before formal judicial procedures may be utilized.<sup>5</sup> The Mediation procedure  
17 in TEDRA is described in RCW 11.96A.300. If this matter is not resolved at the Hearing on  
18 the Merits, Petitioner herein concurrently files her Notice of Mediation pursuant to RCW  
19 11.96A.300 as an alternate means of resolution.  
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23           2.4     Venue. Venue is proper in this Court pursuant to RCW 11.96A.050(4), as the  
24 Decedent was a resident of Snohomish County, Washington, at the time of his death, King  
25 County, Washington is Petitioner’s venue of choice, as the Letters of Administration have  
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29 <sup>3</sup> RCW 11.96A.100.

<sup>4</sup> See RCW 11.96A.260.

<sup>5</sup> See RCW 11.96A.270

1 been granted in King County. The Property (defined below) is located in Snohomish County,  
2 Washington.

3         2.5     Standing. Any party may have a judicial proceeding for the declaration of  
4 rights or legal relations with respect to any matter as defined in RCW 11.96A.030 for the  
5 resolution of any other case or controversy that arises under RCW and Title 11. The definition  
6 of "Party" under TEDRA is extremely broad and includes persons who have an interest in the  
7 subject proceeding including the personal representative, administrator, a creditor and any  
8 other person who has an interest in the proceeding. *See* RCW 11.96A.030(5). This includes  
9 a person receiving real property through a Transfer on Death Deed. *See* RCW  
10 11.96A.030(5)(e). When used in RCW Title 11, the term "Administrator" may be used in  
11 lieu of "personal representative" wherever required by context. RCW 11.02.005(1).  
12

13         2.6     Notice. Pursuant to RCW 11.96A.110 and Civil Rule 6(e), Petitioner mailed  
14 by first class US Mail, postage prepaid, a copy of the Summons, pursuant to RCW  
15 11.96A.100(3) and along with a copy of this Petition with Exhibits and Notice of Mediation  
16 to the adult child of the Decedent, Krista (Suzann) DeBoer (i.e. Respondent) to the residential  
17 address of Krista (Suzann) DeBoer, 1420 Ridgeway St., Oceanside, CA 92054, believed to  
18 be the current address of Respondent. Respondent is the only surviving child of the Decedent.  
19 Upon information and belief, Respondent is currently not represented by counsel although  
20 she is an environmental attorney in California practicing law.  
21

### 22                 **III. PERSONS INTERESTED IN KENNETH G. DEBOER'S ESTATE**

23         3.1     The persons interested in the Estate of Kenneth G. deBoer pursuant to  
24 RCW 11.96A.030(6) are:  
25

1	Krista (Suzann) deBoer	Daughter	1420 Ridgeway St. Oceanside, CA 92054
2			
3	Joseph Ward McIntosh	Attorney for Fannie Mae (defined below)	McCarthy & Holthus LLP 108 1 <sup>st</sup> Ave. S., Ste. 300 Seattle, WA 98104
4			
5	Paul K. Friedrich	Attorney(s) for ACIC (defined below)	Williams Kastner & Gibbs PLLC 601 Union Street, Ste 4100 Seattle, WA 98101
6			
7			
8			

**IV. NOTICE OF MEDIATION**

4.1 Notice of Mediation has been filed with the Court pursuant to RCW 11.96A.300. This matter is subject to mediation by service of written notice of mediation on all parties after hearing has been set on this Petition. RCW 11.96A.300 (3) provides for hearing on the merits and setting mediation if matter is not resolved at hearing:

(3) Procedure when notice of mediation served after hearing set. If the written notice of mediation required in subsection (1)(b) of this section is timely filed and served by a party and another party objects to mediation, by petition or orally at the hearing, the court shall order that mediation proceed except for good cause shown. Such order shall not be subject to appeal or revision. If the court determines that the matter should not be subject to mediation, the court shall dispose of the matter by: (a) Deciding the matter at that hearing, (b) requiring arbitration, or (c) directing other judicial proceedings.

Petitioner's list of proposed acceptable mediators is listed in the Notice of Mediation to be filed concurrently with the TEDRA Petition along with hearing on the merits notice.

4.2 Discovery shall be allowed pursuant to RCW 11.96A.115 unless this matter is decided at the hearing on the merits. Petitioner herein has shown good cause to conduct discovery and have determination of the issues remaining in the Estate. Discovery should include but not limited to, Interrogatories, Requests for Production, Deposition(s) and as the Court orders.

1 **V. STATEMENT OF FACTS**

2 5.1 **Decedent** died on October 11, 2019 (“**DOD**”). Decedent was not married,  
3 died without a Will and left one adult child, Respondent, surviving him. On September  
4 15, 2021, Petitioner was appointed Administrator of the Estate of Kenneth G. DeBoer  
5 (“**Estate**”) in the King County Superior Court Cause No. 21-4-06323-7 SEA (“**Probate**”)  
6 and received Letters of Administration, issued on September 15, 2021.  
7  
8

9 5.2 Decedent was the record fee title owner of real property located at 2627  
10 116<sup>th</sup> St. NE, Marysville, WA 98271 (“**Property**”). Upon information and belief, attached  
11 hereto as **Exhibit A** is a true and correct copy of Decedent’s Pre-BLA (see below)  
12 Statutory Warranty Deed with respect to the Property (“**Decedent’s Deed**”). The  
13 Decedent’s Deed is dated February 27, 1991 and recorded on March 12, 1991 in  
14 Snohomish County real property records under the Recording No. 9103120236. Upon  
15 information and belief, in approximately 2000, the Property was subdivided, through a  
16 boundary line adjustment (“**BLA**”), into two parcels, Snohomish County Assessor’s Parcel  
17 No. (“**APN**”) 006025-001-001-03 (“**Parcel 1**”) and APN 006025-001-001-04 (“**Parcel**  
18 **2**”). Immediately prior to DOD, Decedent was the record title owner of Parcel 1. On  
19 DOD, Parcel 1 was conveyed, from Decedent to Respondent, by way of the Revocable  
20 Transfer on Death Deed dated February 22, 2019 and recorded on February 22, 2019 in  
21 Snohomish County real property records under the Recording No. 201902220233  
22 (“**TOD**”). Attached hereto as **Exhibit B** is a true and correct copy of the TOD.  
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28 5.3 Decedent is a named defendant in a civil litigation suit filed by Federal  
29 National Mortgage Association (“**Fannie Mae**”) in Snohomish County Superior Court

1 Cause No. 16-2-20072-31 (“**Litigation**”). Upon information and belief, the only known  
2 claim(s) against the Estate are by the creditor(s) who have a judgment or lien against the  
3 Decedent’s Property which real property value exceeds \$271,300. The Respondent agreed  
4 to have the Property appraised which appraisal may be available before hearing on the  
5 merits. The Petitioner has requested a market analysis of the property by a licensed  
6 Realtor and will provide to the Court and all parties prior to the hearing on the merits.  
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9 All debts of the Decedent have not been paid. Upon information and belief, the  
10 Property identified herein was titled in Decedent and available to cover the claim(s)  
11 against the Estate. Upon information and belief, the Estate is solvent, because it is  
12 anticipated that the value of the Estate’s assets exceeds the value of the claim(s) against  
13 the Estate.  
14

15 5.4 On October 25, 2012, the Court entered an Order of Default and Judgment  
16 against Decedent in Snohomish County Superior Court Cause No. 12-2-08707-3  
17 (American Contractors Indemnity Company, a California corporation v. Kenneth deBoer  
18 et al.) in the principal amount of \$18,805.00 (“**Judgment**”). This Judgment was taken as  
19 a result of Pierce County Superior Court litigation filed in Cause No. 08-2-13031-8 against  
20 Decedent as a contractor in the name of his sole proprietorship licensed contractor name  
21 of All Build Construction.<sup>7</sup>  
22  
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25 On November 7, 2012, the default Judgment was recorded in Snohomish County  
26 real property records under the Recording No. 201211070113. The Judgment was entered  
27 in favor of the American Contractors Indemnity Company, a California corporation  
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<sup>7</sup> See **Exhibit H** Stipulation and Order consolidating cases (ACIC).

1 (“ACIC” or “Judgment Creditor”) based on payment on Decedent’s bond payment in  
2 the amount of \$12,000.00. ACIC has filed its Creditor Claim in the Estate on October 7,  
3 2021 in the amount of \$39,003.12 which includes interest, attorney fees and underlying  
4 principal amount of judgment.<sup>8</sup>

5  
6 5.5 After conducting her reasonable, applicable, and appropriate due diligence,  
7 the Administrator mailed, on September 22, 2021 and October 5, 2021, the Notice to  
8 Creditors to Alexander Friedrich (“A. Friedrich”) and the State Washington Department  
9 of Social and Health Services, Office of Financial Recovery (“DSHS”), respectively.  
10 Upon information and belief, Joseph Ward McIntosh (“McIntosh”), Fannie Mae’s  
11 counsel, filed FNMA Claim (defined below) in Probate and submitted same, on behalf of  
12 FNMA, to the Administrator on September 20, 2021, prior to the Administrator’s mailing  
13 the Notice to Creditors, on or about September 22, 2021.  
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16  
17 5.6 The statute of limitations with regard to filing creditor claim(s) in the  
18 Estate/Probate expired on October 11, 2021, two years from DOD.<sup>9</sup>

19  
20 5.7 On September 20, 2021, McIntosh timely submitted to Administrator on  
21 behalf of FNMA and filed in Probate, Fannie Mae’s Creditor Claim dated September 20,  
22 2021 (“FNMA Claim”). Attached hereto as **Exhibit C** is a true and correct copy of the  
23 FNMA Claim. Said FNMA Claim was accepted/allowed by Administrator on September  
24 22, 2021 after review and confirmation of debt, which was acknowledged by Decedent  
25 during his lifetime in the FNMA litigation.<sup>10</sup> Attached hereto as **Exhibit F** is a true and  
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29 <sup>8</sup> See **Exhibit D**: Creditor Claim of ACIC

<sup>9</sup> See RCW 11.40.051(1)(c) and (3).

<sup>10</sup> See **Exhibit E**: Decl. of Kenneth G. DeBoer dated November 15, 2018 (FNMA litigation).



1 correct copy of the Administrator’s allowance of FNMA Claim (“**Allowance of FNMA**  
2 **Claim**”).

3           5.8     On October 7, 2021, Attorney Paul K. Friedrich (“**P. Friedrich**”)  
4 submitted to Administrator and filed in Probate, ACIC’s Creditor Claim dated October 7,  
5 2021 with respect to the Judgment (“**ACIC Claim**”). Attached hereto as **Exhibit D** is a  
6 true and correct copy of the ACIC Claim. Upon information and belief, P. Friedrich is  
7 ACIC’s counsel with respect to the ACIC Claim. According to ACIC Claim, ACIC’s  
8 creditor principal claim against the Estate is in the amount of \$18,805.00, plus interest at  
9 12% per annum from October 25, 2012 through October 5, 2021, in the amount of  
10 \$20,198.12, and applicable post-judgment attorney’s fees and costs. *See Exhibit D.* An  
11 Amended Allowance of ACIC Claim was filed on October 26, 2021 (“**Allowance of**  
12 **ACIC Claim**”) and mailed / emailed to ACIC, P. Friedrich, and Krista deBoer (i.e.  
13 Respondent). Attached hereto as **Exhibit I** is a true and correct copy of the Amended  
14 Allowance of ACIC Claim.

15           5.9     At his death, Decedent was indebted (i.e. liquidated portion of FNMA  
16 Claim) to Fannie Mae, a successor in interest to Homestreet Bank (“**Homestreet**”), in the  
17 amount of \$235,291.04. The unliquidated portion of FNMA Claim is described in FNMA  
18 Claim. *See Exhibit C.* Decedent admitted to taking out a loan (and defaulting on said  
19 loan), that is the subject of FNMA Claim.<sup>11</sup> Also, Decedent, through counsel at NW  
20 Justice Project, answered Fannie Mae’s First Amended Complaint in Litigation, agreeing  
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29 <sup>11</sup> *See Declaration of Kenneth G. DeBoer dated November 15, 2018, and filed in the Litigation, attached hereto as **Exhibit E** (“**Decedent’s Decl.**”).*

1 to the debt and default that is the subject of FNMA Claim. *See Exhibit C.* In Litigation,  
2 the Court entered summary judgment order(s), on December 18, 2018 and August 24,  
3 2021, acknowledging Decedent's debt and default that is the subject of FNMA Claim and  
4 that the enforcement of said debt was timely. *See Id.*

5  
6 5.10 Upon information and belief and as indicated in the FNMA Claim,  
7 Litigation has established that Decedent's debt that is the subject of FNMA Claim is due,  
8 owing, and enforceable, and that Fannie Mae has, at the very least, an unsecured claim  
9 against the Estate. *See Id.* Upon information and belief, in Litigation, one of the issue(s)  
10 being litigated is whether Fannie Mae is a secured creditor with respect to FNMA Claim,  
11 whether the above-referenced debt was/is secured by Parcel 1, and whether Fannie Mae  
12 may proceed, directly, to foreclose on Parcel 1. Irrespective of whether Fannie Mae may  
13 or may not foreclose on Parcel 1 and irrespective of any further rulings in Litigation, the  
14 relief requested in this Petition can and should be granted, since the Litigation Court has  
15 already adjudicated that Decedent's outstanding and unpaid debt that is the subject of  
16 FNMA Claim and this Petition, incurred prior to Decedent's death, is valid and  
17 enforceable.

18  
19 5.11 On September 22, 2021, the Administrator properly allowed FNMA Claim.  
20 *See Exhibit F.* On October 26, 2021, the Administrator properly allowed ACIC Claim.  
21 *See Exhibit I.* Upon information and belief, the Estate does not have liquidity to fully  
22 payoff the FNMA Claim and the ACIC Claim. *See Exhibits F and I.*

23  
24 5.12 Upon information and belief, Respondent claims to be the sole heir to  
25 Decedent and successor-in-interest to Decedent's rights in the Property. In Litigation,  
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1 Respondent is seeking to enjoin Fannie Mae from prosecuting FNMA Claim, in Probate.  
2 Therefore, Respondent is and/or will be opposed to this Petition. A stay in the Litigation  
3 has been reached but the Respondent has not agreed to stay the Probate proceedings  
4 putting the Administrator in a precarious position to fulfill her duties with respect to  
5 creditor claims, non-probate assets and a request by Respondent to be substituted as  
6 Administrator<sup>12</sup>. Upon information and belief, the Administrator and Respondent have  
7 not reached an agreement with respect to the FMNA Claim and the TOD, thereby  
8 prompting the filing of this Petition.  
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11           5.13 To date, Respondent has not relinquished interest in the Property (i.e.,  
12 Parcel 1) to Administrator, with said interest based on the transfer of the Property (i.e.,  
13 Parcel 1) to Respondent in order to avoid creditors by the TOD. The Administrator has  
14 notified Respondent of her RCW 11.18.200(1) duty and obligation to provide Accounting  
15 (defined below) and Contribution (defined below). The Administrator has demanded that  
16 Respondent provide the Administrator with RCW 11.18.200(1) Accounting and  
17 Contribution. Respondent has not provided Administrator with statutory and appropriate  
18 accounting with respect to: (1) any probate and/or non-probate assets of the Estate that in  
19 Respondent's control and/or possession; and (2) the Property to include who is currently  
20 living on the Property, and Property-related rents charged and collected ("Accounting").  
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25           5.14 To date, Respondent has not provided any contribution/satisfaction  
26 payment, to Administrator, for purposes of administering the Estate, and paying off and  
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29 <sup>12</sup> See **Exhibit G** Stay in Litigation through December 12, 2021. Signed Order of Stay will be subsequently filed in the TEDRA matter.

1 satisfying the FNMA Claim and the ACIC Claim (“**Contribution**”). To date, Respondent  
2 has not conveyed any portion of the Property to Administrator, for purposes of  
3 administering the Estate, and paying off and satisfying the FNMA Claim and the ACIC  
4 Claim (“**Conveyance**”). Administrator cannot complete the administration of the Estate  
5 and cannot payoff and satisfy the FNMA Claim and the ACIC Claim, without the above-  
6 referenced Contribution and/or Conveyance.  
7  
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9 **VI. FIRST CAUSE OF ACTION - ACCOUNTING**  
10 **(RCW 11.18.200(1) and other applicable law)**

11 6.1 Petitioner realleges and incorporates herein by reference the preceding  
12 paragraphs of this pleading as though set forth in full herein.

13 6.2 As a consequence of the TOD, the Property (i.e. Parcel 1) is a nonprobate  
14 asset of the Estate and Respondent is a beneficiary and transferee of the Property (i.e.  
15 Parcel 1). *See* RCW 11.02.005(10).

16 6.3 Upon information and belief and pursuant to TOD, Respondent controls  
17 and is in possession of the Property (i.e. Parcel 1).

18 6.4 As a nonprobate asset beneficiary, Respondent is liable to account to  
19 Petitioner/Administrator to the extent necessary to satisfy the general liabilities  
20 immediately before the Decedent’s death (“**Claims**”), including but not limited to FNMA  
21 Claim, ACIC Claim, Property’s share of any applicable estate taxes under RCW 83.100A,  
22 and the fair share of administration expenses reasonably incurred by the Petitioner/  
23 Administrator in the transfer of or administration of the Property and payment to creditors,  
24 including but not limited to the attorneys’ fees and costs in administering the Estate  
25 (“**Expenses**”). *See* RCW 11.18.200(1).  
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1           6.5     Respondent has failed to provide Petitioner with the above-referenced  
2 Accounting. Petitioner is entitled to the above-referenced Accounting.

3           6.6     Petitioner requests that the Court Order the Respondent to provide  
4 Petitioner with the above-referenced Accounting, any other appropriate accounting under  
5 RCW 11.18.200(1), along with any other applicable accounting to the full extent allowed  
6 by law.     Since time is of the essence with respect to the claims against the Estate,  
7 Petitioner requests that the Court Order that Respondent shall provide Petitioner with the  
8 above-referenced Accounting, within seven (7) business days of the Court's Order.  
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11           **VII. SECOND CAUSE OF ACTION – CONTRIBUTION / SATISFACTION**  
12                           **(RCW 11.18.200 and other applicable law)**

13           7.1     Petitioner realleges and incorporates herein by reference the preceding  
14 paragraphs of this pleading as though set forth in full herein.

15           7.2     Petitioner has a duty to administer any probate and nonprobate assets of the  
16 Estate, including but not limited to the Property, as rapidly and as quickly as possible. *See*  
17 RCW 11.48.010. The Administrator shall collect all debts due to the Decedent and pay  
18 all debts as provided in the Probate Code. *Id.* Also, the Petitioner shall be authorized, in  
19 her own name, to maintain and prosecute such actions as pertain to the management and  
20 settlement of the Estate and may institute suit to collect any debts due the Estate or to  
21 recover any property, real or personal. *Id.*

22           7.3     Unless expressly exempted by statute, the Property is subject to satisfaction  
23 of the Claims, claims against the Estate, including but not limited to FNMA Claim, ACIC  
24 Claim, estate taxes, and administrative Expenses. *See* RCW 11.18.200(1).  
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1           7.4     Respondent took the Property (i.e. Parcel 1) and any other non-probate and  
2 probate assets of the Estate in Respondent's control and/or possession, if any, subject to  
3 the FNMA Claim, ACIC Claim, estate taxes, if any, and administrative Expenses. *See*  
4 RCW 1.18.200(1); RCW 11.18.200(2)(d).

6           7.5     Respondent is liable to Petitioner, the Estate, and/or the Estate's creditors  
7 for RCW 11.18.200(1), RCW 11.76.110, RCW 11.10.010, and RCW 11.10.040, and RCW  
8 11.48.010 related contribution/satisfaction (i.e. payment), to the maximum extent allowed  
9 by law, for payoff and satisfaction of FNMA Claim, ACIC Claim, any other lawful and  
10 applicable claim(s) against the Estate, estate taxes, if any, and administrative Expenses  
11 ("Respondent's Contribution").

14           7.6     The Property (i.e. Parcel 1), and any other non-probate and probate assets  
15 of the Estate that are in Respondent's possession and/or control, if any, is/are subject to  
16 and responsible for satisfaction (i.e. payment), to the maximum extent allowed by law, for  
17 payoff and satisfaction of FNMA Claim, ACIC Claim, any other lawful and applicable  
18 claim(s) against the Estate, estate taxes, if any, and administrative Expenses; and the  
19 Property shall abate in accord with RCW 11.10 ("Property's Satisfaction").<sup>13</sup>

22           7.7     Petitioner is entitled to Respondent's Contribution and/or the Property's  
23 Satisfaction.

25           7.8     Petitioner requests that the Court Order Respondent to make a cash  
26 payment to Petitioner, as part of Respondent's Contribution, and/or convey the Property  
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28  
29 <sup>13</sup> See RCW 11.18.200(1); RCW 11.18.200(2)(d); RCW 11.18.200(4); RCW 11.76.110;  
RCW 11.10.010; RCW 11.10.040; and RCW 11.48.010.

1 (i.e. Parcel 1) to Petitioner, as part of Property's Satisfaction and for purposes of  
2 Petitioner's administration of the Estate and the Property, within seven (7) business days  
3 of Petitioner's presentment, to Respondent, of the amount of the above-referenced  
4 Respondent's Contribution and Property's Satisfaction (i.e. payment) with respect to the  
5 Estate, the Property, FNMA Claim, ACIC Claim, any other lawful and applicable claim(s)  
6 against the Estate, estate taxes, if any, and Expenses.  
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9         7.9 Petitioner requests that the Court Order that Petitioner is entitled to a  
10 judgment lien against the Property (i.e. Parcel 1) and any other non-probate and probate  
11 assets of the Estate that are in Respondent's possession and/or control, if any, to the extent  
12 of the above-referenced Respondent's Contribution and Property's Satisfaction, in the  
13 amount of at least the market value of the Property (i.e. Parcel 1) immediately before DOD  
14 at a minimum of \$274,294.16, with pre-judgment and post-judgment interest to the  
15 greatest extent allowed by law, and as shall be further proven at mediation, arbitration, or  
16 trial. *See In re Estate of Wegner v. Tesche*, 157 Wash.App. 554, 560-565 (Div. 2, 2010)  
17 (Part Published); RCW 11.18.200(2)(d).  
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21                   **VIII. THIRD CAUSE OF ACTION – UNJUST ENRICHMENT**

22         8.1 Petitioner realleges and incorporates herein by reference the preceding  
23 paragraphs of this pleading as though set forth in full herein.  
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25         8.2 A claim of unjust enrichment requires proof of three elements, as follows:  
26 (1) the defendant/respondent receives a benefit; (2) the received benefit is at the  
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1 plaintiff's/petitioner's expense, and (3) the circumstances make it unjust for the defendant/  
2 respondent to retain the benefit without payment.<sup>14</sup>

3           8.3     Respondent was unjustly enriched, in the amount to be proven at the  
4 hearing on the merits, mediation, arbitration or trial, in receiving an excessive and undue  
5 benefit from the Estate. Respondent was unjustly enriched, at the expense of Petitioner,  
6 the Estate and Estate's creditor(s), by receiving the Property (i.e. Parcel 1) and any other  
7 non-probate and probate assets of the Estate that are in Respondent's possession and/or  
8 control, if any, without the Property's Satisfaction and/or payment of the Respondent's  
9 Contribution, including but not limited to RCW 11.18.200(1) and RCW 11.18.200(4)  
10 contribution/satisfaction for FNMA Claim, ACIC claim, estate taxes, if any,  
11 administrative Expenses, and any other Estate's creditor claims, if any.

12           8.4     Petitioner was/is damaged and is entitled to relief, on the ground(s) of  
13 above-referenced unjust enrichment by Respondent.

14           8.5     To the extent that Respondent has been unjustly enriched by failing to pay  
15 the above-referenced RCW 11.18.200(1) and RCW 11.18.200(4) contribution/satisfaction  
16 by using and/or misappropriating the Estate's funds or assets, Respondent holds all such  
17 funds and assets in constructive trust for the benefit of the Petitioner, the Estate, and/or  
18 the Estate's creditor(s), until the Petitioner, the Estate, and/or the Estate's creditor(s) is/are  
19 repaid funds lawfully due and owing.

20           8.6     Petitioner requests that the Court Order that Respondent is liable, to  
21 Petitioner, for Respondent's above-referenced unjust enrichment and that the Court award  
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<sup>14</sup> Norcon Builders, LLC v. GMP Homes VG, LLC, 161 Wash. App. 474, 490, 254 P.3d 835, 844 (2011)



1 damages to Petitioner to the full extent allowed by law, plus interest at the highest rate  
2 allowed by law, and at least in the amount of above-referenced Property's Satisfaction  
3 and/or Respondent's Contribution, including but not limited to RCW 11.18.200(1) and  
4 RCW 11.18.200(4) contribution/satisfaction, owed by Respondent.  
5

6 8.7 Petitioner requests that the Court enter a money judgement award in favor  
7 of Petitioner and against Respondent for the above-referenced unjust enrichment, in the  
8 amount to be proven at hearing on the merits, mediation, arbitration, or trial, and that the  
9 Court Order, impose, and enter a judgment lien against the Property (i.e. Parcel 1) and any  
10 other non-probate and probate assets of the Estate that are in Respondent's possession  
11 and/or control, if any, in the amount of the above-referenced money judgment.  
12  
13

14 **IX. FOURTH CAUSE OF ACTION – CONVERSION**

15 9.1 Petitioner realleges and incorporates herein by reference the preceding  
16 paragraphs of this pleading as though set forth in full herein.  
17

18 9.2 Upon information and belief, Respondent converted and misappropriated,  
19 without lawful justification, at least a portion of the value of the Estate, for Respondent's  
20 own benefit and without permission from the Petitioner and/or the Estate (“**Converted  
21 Property**”). Petitioner has a property interest in the Converted Property.  
22

23 9.3 Respondent has willfully deprived Petitioner, the Estate, and/or the Estate's  
24 lawful creditors of their rightful possession of Estate assets/funds and Property (i.e. Parcel  
25 1) related to Respondent's above-referenced Property's Satisfaction and/or Respondent's  
26 Contribution, including but not limited to RCW 11.18.200(1) and RCW 11.18.200(4)  
27  
28  
29



1 limited to RCW 11.18.200(1) and RCW 11.18.200(4) obligation for  
2 contribution/satisfaction, in the amount to be proven at mediation, arbitration, or trial.

3  
4 10.5 The Court can and should enter an order that declares that Petitioner is  
5 entitled to an award of Petitioner's reasonable attorneys' fees and costs incurred in  
6 bringing this TEDRA Petition action.

7  
8 10.6 There is an actual present and existing dispute regarding the Property's  
9 Satisfaction and/or Respondent's Contribution, including but not limited to RCW  
10 11.18.200(1) and RCW 11.18.200(4) obligation for contribution/satisfaction with respect  
11 to the Estate, Property, FNMA Claim, ACIC Claim, estate taxes, if any, Expenses, and  
12 any other lawful creditor claim(s) against the Estate.

13  
14 10.7 Respondent continues not to pay Petitioner (or convey the Property (i.e.  
15 Parcel 1) to Petition) pursuant to Property's Satisfaction and/or Respondent's  
16 Contribution, including but not limited to RCW 11.18.200(1) and RCW 11.18.200(4)  
17 obligation for contribution/satisfaction with respect to the Estate, Property, and FNMA  
18 Claim.  
19

20  
21 10.8 In the event that this Court rules in Petitioner's favor with respect to the  
22 below-listed eighth's cause of action of this Petition (i.e. Violation of Voidable Transfer  
23 Act, RCW 19.40 et seq.) and voids the TOD transfer of Parcel 1, this Court can and should  
24 enter an order that declares that Parcel 1 is a probate asset of the Estate, subject to  
25 Property's Satisfaction and/or Respondent's Contribution.  
26

27  
28 10.9 Petitioner and Respondent need this Court's declaration, findings of fact,  
29 conclusions of law, and ruling with respect to Property's Satisfaction and/or Respondent's

1 Contribution, including but not limited to RCW 11.18.200(1) and RCW 11.18.200(4)  
2 obligation for contribution/satisfaction with respect to the Estate, Property, and FNMA  
3 Claim, ACIC Claim, estate taxes, if any, Expenses, and any other lawful creditor claim(s)  
4 against the Estate.  
5

6 10.10 RCW 7.24.100 provides for an award of costs, and Petitioner requests  
7 said award.  
8

9 **XI. SIXTH CAUSE OF ACTION - INJUNCTIVE RELIEF**

10 11.1 Petitioner realleges and incorporates herein by reference the preceding  
11 paragraphs of this pleading as though set forth in full herein.  
12

13 11.2 Petitioner is entitled to relief requested herein and, likely, will prevail on  
14 the merits.  
15

16 11.3 Respondent's non-payment and/or non-conveyance pursuant to Property's  
17 Satisfaction and/or Respondent's Contribution, including but not limited to of her above-  
18 referenced RCW 11.18.200(1) and RCW 11.18.200(4) obligation for contribution/  
19 satisfaction with respect to the Estate, Property, and FNMA Claim is ongoing and  
20 continuing.  
21

22 11.4 Petitioner is concerned that Respondent may sell, fail to rent, or otherwise  
23 encumber the Property (e.g. Parcel 1), during the pendency of this TEDRA Petition action,  
24 thereby potentially frustrating and causing great injury to the Petitioner's, Estate's, and/or  
25 Estate creditors' efforts to collect the above-referenced amounts due and owing from  
26 Respondent. Any rent or monies from sale and/or rent of the Property (e.g. Parcel 1)  
27 should be to Estate and not to Respondent.  
28  
29



1 proceedings; (b) from the assets of the estate or trust involved in  
2 the proceedings; or (c) from any nonprobate asset that is the  
3 subject of the proceedings. The court may order the costs,  
4 including reasonable attorneys' fees, to be paid in such amount  
5 and in such manner as the court determines to be equitable. In  
6 exercising its discretion under this section, the court may  
7 consider any and all factors that it deems to be relevant and  
8 appropriate, which factors may but need not include whether the  
9 litigation benefits the estate or trust involved.<sup>15</sup>

10 12.3 Attorneys' fees and costs have been incurred in having to bring this  
11 TEDRA action on behalf of Administrator.

12 12.4 Petitioner requests that attorneys' fees and costs be awarded to Petitioner  
13 against Respondent. Such claim is within the jurisdiction of the Court under RCW  
14 11.96A. Further presentation of the attorneys' fees and costs associated with this Petition  
15 will be accomplished. A motion for an award of attorneys' fees and costs will be made  
16 when appropriate in this matter.

17 **XIII. EIGHTH CAUSE OF ACTION – VIOLATION OF VOIDABLE**  
18 **TRANSFER ACT RCW 19.40 et seq.**

19 13.1 Petitioner realleges and incorporates herein by reference the preceding  
20 paragraphs of this pleading as though set forth in full herein.

21 13.2 Upon information and belief, immediately prior to the execution and  
22 recording of the TOD, Decedent was the record owner, in fee simple, of the Property (i.e.  
23 Parcel 1).  
24

25 13.3 Upon information and belief, at the time of DOD and/or Decedent's  
26 execution of the TOD in favor of Respondent (i.e. Grantee of TOD), the transfer of said  
27  
28

29  

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<sup>15</sup> RCW 11.96A.150

1 asset (i.e. Parcel 1) may have resulted in Decedent becoming insolvent, with his liabilities  
2 potentially exceeding his assets.

3           13.4 Upon information and belief, at the time of DOD (or immediately prior to  
4 DOD) and/or the execution of TOD in favor of Respondent (i.e. Grantee of TOD),  
5 Decedent was on actual and/or constructive notice of the Litigation and the Judgment and  
6 made to avoid creditors.  
7

8           13.5 On February 22, 2019, Decedent granted, conveyed, and transferred, via  
9 TOD and/or at DOD, his interest in Parcel 1 to Respondent, who is Decedent's daughter,  
10 without receiving any money, consideration, or anything of value for the transfer from  
11 Decedent.  
12

13           13.6 The transfer of Parcel 1 or interest in same, via TOD and/or at DOD, was  
14 made by Decedent to Respondent without any consideration.  
15

16           13.7 Upon information and belief, at the time of the above-referenced TOD and  
17 DOD-related transfer, Decedent may have been insolvent and/or the above-referenced  
18 transfer made Decedent insolvent or potentially insolvent within the meaning of RCW  
19 19.40.021 because: (1) the sum of Decedent's debts at fair valuation was greater than the  
20 sum of his assets; and/or (2) Decedent was generally not paying his debts as they  
21 become/became due, because Decedent did not pay all obligations that became due with  
22 respect to Parcel 2 (upon information and belief, Decedent allowed Parcel 2 to go into  
23 foreclosure proceeding) and Decedent has been unable, potentially, to satisfy the  
24 Judgment and/or debt obligations related to and giving rise to FNMA Claim and ACIC  
25 Claim.  
26  
27  
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29

1           13.8 Respondent qualifies as an insider pursuant to RCW 19.40.011(8)(a)(i) as  
2 she is a relative of Decedent.

3           13.9 Pursuant to RCW 19.40.051, TOD-based transfer of Parcel 1 qualifies as a  
4 voidable transfer as: (1) ACIC was a judgment creditor and Fannie Mae was a creditor or  
5 potential creditor of Decedent at the time TOD's execution and/or at DOD and therefore  
6 said claim(s) arose before the TOD execution and/or at DOD (i.e. transfer); (2) Decedent  
7 did not receive reasonably equivalent value for the TOD transfer; and (3) potentially,  
8 Decedent was insolvent on the date of TOD's execution and/or at DOD.  
9

10           13.10 Pursuant to RCW 19.40.041, ACIC's and Fannie Mae's claim(s) arose  
11 before DOD and/or the TOD transfer and said transfer was made with actual intent to  
12 hinder, delay, frustrate, or defraud creditors ACIC and Fannie Mae. Alternatively,  
13 Decedent did not receive reasonably equivalent value for the TOD-based transfer and  
14 Decedent was: (1) engaged or was about to engage in a business transaction for which his  
15 remaining assets were unreasonably small in relation to the business or transaction; and/or  
16 (2) Decedent intended to incur, or believed, or reasonably should have believed, that he  
17 would incur debts beyond his ability to pay as they became due.  
18

19           13.11 Such conduct and TOD-based transfer of Parcel 1 constitute(s) a voidable  
20 transaction within the meaning of RCWs 19.40.041 and 19.40.051.  
21

22           13.12 For the foregoing reasons, Petitioner requests that this Court enter a  
23 judgement voiding the TOD transfer of Parcel 1, to the extent necessary to satisfy the  
24 Judgment, ACIC Claim, and FNMA Claim, ordering Respondent to convey and transfer  
25 (within three (3) business days of this Order and to the maximum extent allowed by law)  
26  
27  
28  
29



1 Parcel 1 to Petitioner, as the Administrator of the Estate, and declare that Parcel 1 is a  
2 probate asset of the Estate (to the maximum extent allowed by law), subject to Property's  
3 Satisfaction and/or Respondent's Contribution.  
4

5 13.13 For the foregoing reasons and Pursuant to RCW 19.40.071(1)(c)(2),  
6 Petitioner/Administrator is entitled to and requests that this Court enter an Order  
7 appointing the Petitioner/Administrator as Receiver to take charge of Parcel 1.  
8

9 **XIV. PRAYER FOR RELIEF**

10 WHEREFORE, having alleged this TEDRA Petition pursuant to RCW 11.96A, *et.*  
11 *seq.*, Petitioner prays for the following relief:  
12

- 13 1. For judgment in Petitioner's favor;
- 14 2. For an entry of judgment granting relief requested hereinabove;
- 15 3. For an Order granting Petitioner the above-requested declaratory relief;
- 16 4. For an Order for injunctive relief, and the establishment of a constructive trust, as  
17 may be necessary and appropriate, to restrain the Respondent from selling, failing  
18 to rent, or otherwise encumbering the Property (e.g., Parcel 1);  
19
- 20 5. Judgment against Respondent for all of the above-referenced and requested  
21 damages to be proven at hearing on the merits, mediation, arbitration or trial,  
22 including but not limited to accounting, contribution/satisfaction, unjust  
23 enrichment, conversion, and violation(s) of the Voidable Transfer Act, RCW  
24 19.40 et seq., with respect to the Property (i.e. Parcel 1) and any other non-probate  
25 and probate assets of the Estate in Respondent's control and/or possession, if any,  
26 and pursuant to the above-referenced Property's Satisfaction and/or Respondent's  
27  
28  
29

1 Contribution, including but not limited to RCW 11.18.200(1) obligation for  
2 contribution/satisfaction;

3  
4 6. For an Order directing Respondent to provide, within seven (7) business days of  
5 this Order, Petitioner with RCW 11.18.200(1) accounting with respect to the  
6 Property (i.e., Parcel 1) and any other non-probate and probate assets of the Estate  
7 in Respondent's control and/or possession, if any, and as otherwise requested  
8 herein and allowed or required by applicable law;

9  
10 7. For Petitioner's reasonable attorneys' fees, costs, and disbursements incurred  
11 herein, pursuant to RCW 11.96A.150, other applicable law, and other equitable  
12 considerations.

13  
14 8. For a judgment in favor of Petitioner and against Respondent voiding the TOD  
15 transfer of Parcel 1, to the extent necessary to satisfy the Judgment, ACIC Claim,  
16 and FNMA Claim, ordering Respondent to convey and transfer (within three (3)  
17 business days of this Order and to the maximum extent allowed by law) Parcel 1  
18 to Petitioner, as the Administrator of the Estate, and declare that Parcel 1 is a  
19 probate asset of the Estate (to the maximum extent allowed by law), subject to  
20 Property's Satisfaction and/or Respondent's Contribution, as these terms are  
21 defined in Petitioner's TEDRA Petition.

22  
23  
24 9. For attachment, encumbrance, lien and/or other provisional remedy against the  
25 Parcel 1 transferred to Respondent.

26  
27  
28 10. For a monetary judgment against Respondent as allowed under Chapter RCW  
29 19.40 et seq.

- 1 11. For an Order enjoining further disposition of Parcel 1 by Respondent, pursuant to  
2 RCW 19.40.071(1)(c)(1).  
3  
4 12. For an Order appointing the Petitioner/Administrator as Receiver to take charge  
5 of Parcel 1, pursuant to RCW 19.40.071(1)(c)(2).  
6  
7 13. For other applicable and appropriate relief, pursuant to RCW 19.40.071.  
8  
9 14. Such other and further relief as the Court deems just and equitable.  
10  
11 15. For an Order allowing and ordering the mediation to proceed, if the matter related  
12 to this TEDRA Petition is not resolved at the hearing on the merits.

13 **DATED** this 29th day of October, 2021.

14 GOURLEY LAW GROUP

15 /s/ Dalynne Singleton  
16 Dalynne Singleton, WSBA # 34096  
17 Petitioner/Administrator and Attorney for the Estate  
18 GOURLEY LAW GROUP  
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**VERIFICATION**

The Petitioner, DALYNNE SINGLETON, undersigned, declares under penalty of perjury under the laws of Washington that she is the Petitioner named in this **Verified Petition For Accounting, Contribution, Unjust Enrichment, Conversion, Declaratory Judgment, Relief Under Voidable Transfer Act, and Award of Attorneys' Fees and Costs to Petitioner ("Petition")**, have read the Petition and knows its contents and it is true and correct to the best of her knowledge.

Executed at Tacoma, WA this 29 day of October, 2021.

*Dalynne Singleton*  
DALYNNE SINGLETON, Administrator of the  
Estate of. Kenneth G. deBoer