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

IN RE  
THE ESTATE OF  
ROBERT RONALD TRACY DENO  
Deceased.

NO. 15-4-00897-7  
CATHY DENO,  
ADMINISTRATOR & TRUSTEE  
OF RONALD DENO ESTATE &  
DENO TRUST ANSWER,  
AFFIRMATIVE DEFENSES &  
COUNTERCLAIM TO TEDRA  
PETITION

COMES NOW Cathy Deno, Trustee of the Ronald Deno Trust and Administrator of the Estate of Ronald Tracy Deno (hereinafter "Cathy Deno"), by and through her attorney, Dalynne Singleton of Singleton Law Group, Inc, and for her Answer, Counterclaims and Affirmative Defenses pursuant to RCW 11.96A.110, to the Petitioner Theresa Deno's "TEDRA PETITION", herein admit, deny, state and allege as follows:

Given the paragraphs in the original Petition are not numbered, the Paragraphs will be answered and numbered in the order they were presented in the Petition.

**Parties**

**I.**

Cathy Deno herein denies that the proper name of the decedent is named in the caption. Cathy Deno is Trustee of the Ronald Deno Trust and Administrator of the Estate of Ronald Tracy Deno and has no knowledge of a person or an Estate of Robert Tracy Deno. The court has refused to file pleadings without providing the correct name of decedent.

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**Factual History**

**II.**

2.1 With respect to the allegations contained in the first Factual History paragraph with bullet point provisions, Cathy Deno is without knowledge or information sufficient to form a belief as to the truth of the matters asserted regarding Ronald Deno executing a will and living trust on January 19, 2011, therefore she denies all and the whole thereof.

2.2 With respect to the allegations contained in the second Factual History paragraph, Cathy Deno admits that Ronald Deno died on January 27, 2015 and that title to certain real property was quitclaimed into the Deno Living Trust on or about February 7, 2011. Cathy Deno denies Theresa Deno informed her of the location of the trust and will documents on or about January 27, 2015 and is without knowledge or information sufficient to form a belief as to the truth of the matters asserted regarding bank account transfers or whether Theresa Deno had access to decedent's documents, therefore she denies all and the whole thereof except as admitted herein. Cathy Deno admits that Theresa Deno was in in-patient treatment at the time of Ronald Deno's death.

2.3 With respect to the allegations contained in the third Factual History paragraph, Cathy Deno admits that she opened an intestate probate when no valid will was found and was appointed Administrator of the Estate of Ronald Deno, admits that she was appointed Trustee of the Deno Living Trust and presented the Deno Living Trust document to the probate court, but denies the remainder of the allegations contained in the third paragraph.

2.4 With respect to the allegations contained in the fourth Factual History paragraph, Cathy Deno denies that Theresa Deno resides at the property located at 3287 Northlake Way, Bremerton as she was properly evicted therefrom on or about December 7, 2015.

**Issues Presented**

3.1 With respect to the questions contained in the Issues Presented Paragraph, Cathy Deno answers as follows:

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- 1. No.
- 2. No until proven to be valid and not fraudulent.
- 3. Unknown until provide to be valid or invalid.
- 4. This question is moot as Theresa Deno has been ejected from the property by the Court in a separate proceeding.

**ARGUMENT AND AUTHORITY**  
**Removal of Personal Representative**

4.1 With respect to the allegations contained in the first paragraph, Cathy Deno states that it seeks a legal conclusion and therefore is without sufficient knowledge to admit or deny and therefore denies the allegations contained therein. The remaining allegations

4.2 With respect to the allegations contained in the second paragraph, Cathy Deno states that it seeks a legal conclusion and therefore is without sufficient knowledge to admit or deny and therefore denies the allegations contained therein. The original Ronald Deno Will has never been delivered to Cathy Deno and she does not have possession of an original Will of Ronald Deno and she cannot submit an original Will to probate that she does not possess. The remaining allegations contained in this paragraph are denied.

4.3 With respect to the allegations contained in the third paragraph, Cathy Deno denies each and every allegation therein.

**Admission of Copy of Will**

5.1 With respect to the allegations contained in the three paragraphs, Cathy Deno states that it seeks a legal conclusion and therefore is without sufficient knowledge to admit or deny and therefore denies the allegations contained therein.

**Validity of the Ronald Deno Living Trust**

6.1 With respect to the allegations contained in the four paragraphs, Cathy Deno states that it seeks a legal conclusion and therefore is without sufficient knowledge to admit or deny and therefore denies the allegations contained therein. The court will

1 determine if the Trust is valid or fails and what effect, if any, that has on the Estate of  
2 Deno.

3 **Terms of the Will**

4 7.1 With respect to the allegations contained in the four paragraphs, Cathy Deno  
5 states that it seeks a legal conclusion and therefore is without sufficient knowledge to  
6 admit or deny and therefore denies the allegations contained therein. If the Will is valid  
7 and was not fraudulent, the Court will determine its effect. The remaining allegations  
8 contained in this paragraph are denied.

9 **Ejectment Action**

10 8.1 With respect to the allegations contained in this paragraph, Theresa Deno was  
11 ejected from the Deno property on December 7, 2015 and therefore Cathy Deno denies  
12 the allegations contained therein.

13 **Petitioner's Request for Relief**

14 Respondent Cathy Deno denies that Petitioner is entitled to entry of judgment,  
15 damages, or any relief claimed or against Cathy Deno. Cathy Deno denies the remaining  
16 allegations contained in the TEDRA Petition. With respect to any matter not answered  
17 above, Cathy Deno denies all and the whole thereof.

18 By way of further Answer and by way of Affirmative Defenses, Cathy Deno,  
19 Trustee of the Ronald Deno Trust and Administrator of the Estate of Ronald Tracy Deno  
20 asserts the following:

21 **Affirmative Defenses**

22 **I.**

23 The TEDRA Petition of Theresa Deno, in whole or in part, fails to state a claim  
24 upon which relief can be granted.

25 **II.**

26 The Petitioner cannot recover damages or obtain relief by reason of the doctrine of  
27 unclean hands.

28 **III.**

29 The Petitioner's causes of action are barred due to fraud, fraudulent

1 misrepresentation, and fraud in the inducement.

2  
3 **IV.**

4 This court lacks jurisdiction over the Estate of Robert Tracy Deno and Petitioner  
5 is not authorized to bring this TEDRA action.

6 **V.**

7 The Petitioner's causes of action are barred due to waiver and estoppel.

8 **VI.**

9 The Petitioner's causes of action are barred by reason of laches.

10 **VII.**

11 The Petitioner has received unjust enrichment and prevented performance.

12 **VIII.**

13 The Petitioner's claims are barred based on the parole evidence rule.

14 **IX.**

15 To the extent that Petitioner has sustained any damages, Petitioner failed to fully  
16 mitigate the same.

17 **X.**

18 Respondent Cathy Deno acted in good faith and she alleges she is entitled to an  
19 offset of any award to Petitioner.

20 By way of further Answer and Counterclaims to TEDRA Petition, Cathy Deno  
21 realleges her Answer to the Petition and incorporates the same by reference here and  
22 further alleges as follows:

23 **Counterclaims**

24 **I. Jurisdiction and Venue**

25 Cathy Deno resides in Kitsap County, Washington. All acts were done by her as  
26 Administrator and Trustee for the benefit of the Estate of Ronald Deno and/or the Deno  
27 Living Trust. This Court has jurisdiction over the subject matter of this action and venue  
28 is proper for the Estate of Ronald Deno.  
29

1 **II. Facts Related to Counterclaims**

2 2.1 Cathy Deno was appointed Administrator of the Intestate Estate of Ronald  
3 Deno on June 11, 2015. Cathy Deno was confirmed as Trustee of the Deno Living Trust  
4 by this Court on October 9, 2015.

5 2.2 Theresa Deno was never been qualified or eligible to serve as Trustee of the  
6 Deno Living Trust because she is a 6 time felon.

7 2.3 Theresa Deno has inappropriately collected rental monies that were made to  
8 Deno Living Trust or Estate in amounts now unknown since Ronald Deno's death in  
9 January, 2015 in excess of \$1,000.00.

10 2.4 Theresa Deno has inappropriately sold scrap and other personal property and  
11 vehicles which were assets of the Deno Living Trust and Deno Estate in amounts now  
12 unknown but in excess of \$2,000.00.

13 2.5 Theresa Deno has presented a copy of a Will of Ronald Deno which appears  
14 to be fraudulent on its face as it contains language regarding Theresa Deno being non-  
15 qualified to serve as Trustee of Deno Trust, leaves property and monies to friends and  
16 heirs of the former President George Washington, and was written from a sample Will of  
17 George Washington which was created online more than a year AFTER the date Theresa  
18 Deno alleges Ronald Deno executed the Will.

19 2.6 Theresa Deno fraudulently represented that she was the Trustee of Deno  
20 Living Trust and quit claimed Deno Trust or Estate real property to her son on or about  
21 October 8, 2015.

22 2.7 Theresa Deno was evicted from the Deno real property and home located at  
23 3287 Northlake Way NW in Bremerton, Washington on December 7, 2015 by Court Order  
24 under Kitsap County Superior Court Cause No. 15-2-01932-7.

25 **III. First Counterclaim**

26 3.1 Theresa Deno was never qualified or eligible to serve as Trustee of the Deno  
27 Living Trust and any acts alleged by her as Trustee are fraudulent including but not limited  
28 to collection of rental monies, selling of personal property belonging to Deno Trust or  
29 Estate, and negotiating checks made payable to Deno Trust or Estate,



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1. The TEDRA Petition against her be dismissed with prejudice, that Theresa Deno take nothing thereby and that Cathy Deno recover such costs and reasonable attorneys' fees as the Court may deem just and proper pursuant to R.C.W. 11.96A.150, or any other law or rule, from the Petitioner; and
2. That if the Court finds any damages to Theresa Deno, those damages are apportioned and offset by fault.
3. Entry of Judgment against Theresa Deno based on the counterclaims presented herein and damages awarded in an amount to be proven including reasonable attorneys' fees, costs, pre- and post- judgment interest rate at highest allowable by law.
4. Entry of Judgment against Theresa Deno requiring her to provide at her expense a full accounting of all funds and property taken from Cathy Deno, Estate of Ronald Deno and Deno Living Trust.
5. That the court herein set this matter for arbitration hearing pursuant to RCW 11.96A.310. Notice of Arbitration is filed herewith.

DATED this 22<sup>nd</sup> day of December, 2015.

SINGLETON LAW GROUP, INC.



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Dalynne Singleton, WSBA #34096  
Attorney at Law



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**DECLARATION OF MAILING**

I, Lara Voecks, under penalty of perjury under the laws of the State of Washington, hereby declares as follows:

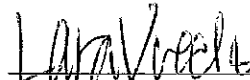
1. That I am over the age of eighteen (18) years, not a party to this action, and am competent to make this declaration;

2. That on December 10, 2015, I sent via email and First Class US Mail, postage prepaid, a copy of the Answer to TEDRA Petition to:

Mr. Ronald Richmond  
Richmond & Richmond  
9616 Levin Rd NW, Suite 101  
Silverdale, WA 98383  
ron@rrlaw.pro

Mr. Dave Horton  
Templeton Horton Weibel PLLC  
3212 NW Byron Street, Suite 104  
Silverdale, WA 98383  
dhorton@thwpllc.com

DATED this 22<sup>nd</sup> day of December 2015.

  
\_\_\_\_\_  
Lara Voecks