

Return address:

Melvin E Struck  
12024-8th Ave, NW  
Seattle, WA 98177



201104060025  
Skagit County Auditor

4/6/2011 Page 1 of 10 3:05PM

Document Title: Lis pendens

Reference Number :

Grantor(s):  additional grantor names on page \_\_\_

1. melvin struck
- 2.

Grantee(s):  additional grantee names on page \_\_\_

1. Shangri La Community Club
- 2.

Abbreviated legal description:  full legal on page(s) \_\_\_

Lot 17 Shangri La

Assessor Parcel / Tax ID Number:  additional tax parcel number(s) on page \_\_\_

P 69007

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SUPERIOR COURT OF WASHINGTON STATE  
IN AND FOR SKAGIT COUNTY

SHANGRI LA COMMUNITY CLUB )  
(A Washington nonprofit Corporation) )

Plaintiff, )

vs. )

MELVIN STRUCK, (co-owner, Husband) )  
ET ANO., )

Defendant. )

No. 09-2-02464-5

LIS PENDENS FOR LOT  
# 17 of SHANGRI LA  
COMMUNITY CLUB

769007

NOTICE IS HEREBY GIVEN that Shangri La Community Club, plaintiff  
in the above-captioned lawsuit, has commenced an action against the above-  
named defendants in the Superior Court for Skagit County by filing a summons  
and complaint. This is notice of pendency of said action. The names of the  
parties to said action are set forth above. The object of the action was to foreclose  
on a frivolous lien recorded on October 30, 2006 on the Skagit County Auditor  
under file No. 200610300173. The description of the real property situated in  
Skagit County, Washington, affected by said action is as follows:

LES PENDENS 1 of 2



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ORIGINAL

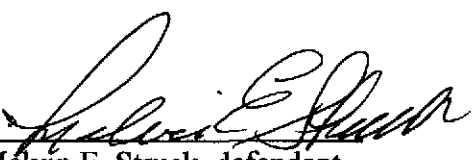
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LES PENDENS

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The frivolous lien under 200610300173 was filed under lot 17 of the CCRs Community Club under # 716023 of the above Auditor's File. This action is convoluted without statutory authority in regards to jurisdiction, due process of law for notice of foreclosure under chapter 61.24 RCW. It is joined with cause # 09-2-02466-1.

DATED this 4<sup>th</sup> day of April, 2011.

[Signed]   
Melvin E. Struck, defendant  
12024 8<sup>th</sup> Ave. NW  
Seattle, WA 98177  
(206) 255-5379

LES PENDES

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UNOFFICIAL DOCUMENT

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

MELVIN E. AND MARY K. STRUCK, h/w) No. 09 - 2 - 02464 - 5  
)  
)  
Plaintiff, ) SUMMONS (20 DAYS)  
)  
vs. )  
)  
SHANGRI-LA COMMUNITY CLUB, INC.) 969007  
a Washington nonprofit corporation )  
)  
Defendants. )  
\_\_\_\_\_ )

**TO THE DEFENDANT:** A lawsuit has been started against you in the above entitled court by MELVIN E. STRUCK AND MARY K. STRUCK, h/w, plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within 20 days after the service of this, summons, excluding the day of

**SUMMONS**

**PAGE 1 of 2**



ORIGINAL


MELVIN E. STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

1 service, or a default judgment may be entered against you without notice. A default  
2 judgment is one where plaintiff is entitled to what he asks for because you have not  
3 responded. If you serve a notice of appearance on the undersigned person, you are  
4 entitled to notice before a default judgment may be entered.

5 You may demand that the plaintiff file this lawsuit with the court. If you do so,  
6 the demand must be in writing and must be served upon the person signing this  
7 summons. Within 14 days after you serve the demand, the plaintiff must file this  
8 lawsuit with the court, or the service on you of this summons and complaint will be  
9 void.

10 If you wish to seek the advice of an attorney in this matter, you should do so  
11 promptly so that your written response, if any, may be served on time.

12 This summons is issued pursuant to rule 4 of the Superior Court Civil Rules of  
13 the State of Washington.

14  
15   
16 Melvin E. Struck, Plaintiff,  
17 12024 8<sup>th</sup> Avenue, Northwest  
18 Seattle, WA 98177  
19 (206) 255-5379 Cell  
20  
21  
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24

Date: April 5, 2011

SUMMONS

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MELVIN E. STRUCK, Pro Se  
12024 8<sup>th</sup> Avenue, NW  
Seattle, WA 98177  
(206) 255-5379 Cell

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SUPERIOR COURT OF WASHINGTON  
FOR SKAGIT COUNTY

SHANGRI-LA COMMUNITY )  
CLUB INC., (a Washington nonprofit )  
corporation) )

NO. 09-2-02464-5

Plaintiff, )

NOTICE OF APPEARANCE AND  
ANSWER TO CLAIM

vs. )

MELVIN STRUCK & MARY )  
STRUCK (and the marital community )  
thereof includes Karen Struck), )

P69007

Defendants. )

**NOTICE OF APPEARANCE**

**TO THE PLAINTIFF AND COUNSEL GRAIG D. SJOSTROM**

TAKE NOTICE; Melvin and Mary Struck have appeared as a marital community  
of which Melvin Struck shall be spokes-person for the community and without  
waiver of (1) lack of jurisdiction over the subject matter, (2) lack of jurisdiction  
over the person, (3) lack of jurisdiction over the property (4) improper venue, (5)  
insufficiency of process, (6) insufficiency of service of process, (7) failure to state

APPEARANCE/ANSWER 1 of 5



Skagit County Auditor

**ORIGINAL**

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3 APPEARANCE/ANSWER -2-  
4

5 a claim upon which relief can be granted, (8) failure to join a party under rule 19.

6 All future documents, motions, etc., MUST be addressed to Melvin E. Struck

7 12024 8<sup>th</sup> Ave. NW, Seattle, WA 98177.

8 **DEFENDANT'S ANSWER**

9 The defendants answer the following claim under CR 8(b) to wit:

10 Page 1 under **I. Parties, Jurisdiction & Venue** item 1.1 first sentence is admitted.

11  
12 The second sentence the defendant is without sufficient knowledge as to the truth  
13 of averment and thus denies the same.

14 Item 1.2 is admitted.

15 Item 1.3 is admitted.

16 Item 1.4 is admitted.

17  
18 Page 1 under **II. Factual Background & Cause of Action** to wit:

19 Item 2.1 The first sentence is admitted. The second sentence the defendant is  
20 without sufficient knowledge as to the plaintiff's power to assess charges for  
21 water to defendant's lots and denies the same. Sentence 3 is denied. Sentence 4  
22 is denied.

23  
24 Page 2

25 Item 2.2 The first sentence is admitted. The second sentence is admitted with

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4 certain ramifications required under chapter 61.24.

5  
6 Item 2.3 is denied.

7 Item 2.4 is denied inclusive.

8 Page 2 III *Prayer for Relief* to wit:

9 Plaintiff has failed to state a claim upon which relief can be granted, has no  
10 jurisdiction over the subject matter and has no jurisdiction over the property. The  
11 claimed lien Auditor's number 200610300173 is frivolous and without merit.  
12

13 **DEFENDANT'S COUNTER CLAIM**

14 Comes now the owners of lot 17, Mary and Melvin E. Struck, making the  
15 following counter claim; to wit:

16 1. The *Declaration of Restrictive Covenants and Reservations of Plat of*  
17 *Shangri-La on the Skagit, Division # 1* are not in compliance with the laws of  
18 Washington State in the development of real property and the conversion of same.  
19

20 2. The right-of-ways designated for access to and egress from a particular lot  
21 have been assigned to the Department of Roads operating in Skagit County. The  
22 date of assignment to and the acceptance of said county entity to control the  
23 upkeep of said right-of-way removed any control of any previous deed of  
24 ownership of said right-of-way allowing any aforementioned control of Shangri-  
25

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4 La covenants with the authority of any liens set forth against any property.

5  
6 3. The defendants maintain that the covenants are moot as to the plaintiff's  
7 claim that a lien is a vehicle which, in their view, may act as an authoritative  
8 document to encumber the defendant's lot # 17. Any encumbrance to any said  
9 property in the plat must be set forth by deed under RCW 64.04.010. There has  
10 never been any signed deed with the defendants and the board of Shangri-La  
11 Community Club Inc. that has been filed under registration statute RCW  
12 65.08.070.  
13

14 **NOW THEREFORE** defendants make their counterclaim as follows, to  
15 wit:

- 16  
17 1. The plaintiffs failed to comply with chapter 61.24 RCW in the service of  
18 process on foreclosures of real property.  
19  
20 2. The plaintiffs deeded the right-of-ways to Skagit County Department of  
21 Transportation before the defendants became a party of ownership in the plat in  
22 question. In doing so, the plaintiffs have no private property in any continuous  
23 form to honor any lien process against any individual lot.

24 **TO THIS END**, defendants make the following claim.

- 25 1. This action of the plaintiffs is an act of extortion to gain without just

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4 cause. It affects the due process rights of the property owner.

5  
6 2. The defendant's are entitled to triple damages under chapter 19.86 RCW  
7 for violation of their rights to service of process required under chapter 61.24  
8 RCW involving malicious prosecution to gain property without legal authority.

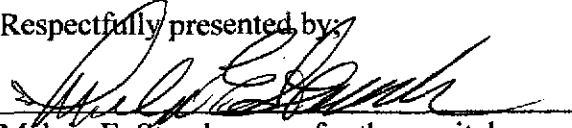
9  
10 3. Defendants assess the damages for this action to answer, appear and argue  
11 their position in a court of law to be in excess of \$20,000.00

12 4. The defendants further claim damages against Shangri-La water district's  
13 refusal to supply water to the property. Said refusal of water is against the  
14 original covenants and has rendered the property uninhabitable with loss of  
15 consortium with their real property. Assessed value of loss of real property is  
16 \$250,000.00.

17  
18 5. The defendants claim one count of malicious prosecution involving real  
19 property is assessed for \$50,000.00.

20 6. The defendants further claim CR11 sanctions against counsel Craig D.  
21 Sjostrom WSBA # 21149 of \$50,000.00.

22 Respectfully presented by:

23   
24 Melvin E. Struck pro se for the marital community thereof  
25 12024 8<sup>th</sup> Ave. NW, Seattle, WA 98177  
26 (206) 255-5379

27 APPEARANCE/ANSWER

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