

Washington Court of Appeals Reports
IBF v. HEUFT, 141 Wn. App. 624 (2007)

Page 624

IBF V. HEUFT, 141 Wn. App. 624 (2007)
IBF, LLC, Respondent, v. CARMEN HEUFT, Appellant.
No. 58408-1-I.
The Court of Appeals of Washington, Division One.
July 23, 2007.

Page 625

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Page 626

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Page 627

Nature of Action: Action by a commercial landlord against a tenant for unlawful detainer. The tenant failed to pay rent for three months. The landlord served the tenant with a three-day unlawful detainer notice. Nine days later, the landlord served the tenant with a summons and complaint for an unlawful detainer action. The lease between the parties provided for a 10-day unlawful detainer notice period.

Superior Court: The Superior Court for Snohomish County, No. 06-2-07724-3, Richard J. Thorpe, J., on May 18, 2006, after holding two show cause hearings, entered a judgment in favor of the landlord for \$3,225.39 in back rent, \$18.33 in rent for each day the tenant remained on the premises, \$163.73 for a water turnoff bill, and \$1,102.00 in attorney fees and costs. The court subsequently issued a writ of restitution of the premises after the landlord posted a \$10,000 sheriff's bond.

Court of Appeals: Holding that the trial court did not have jurisdiction over the unlawful detainer action due to the landlord's failure to comply with the contractual 10-day unlawful detainer provision, that the trial court did not err by holding the show cause hearings, that the landlord did not post an appropriate indemnification bond, that the landlord's attorney should not be sanctioned for

Page 628

prematurely signing the summons and complaint before the unlawful detainer notice period was concluded, that the trial court's inclusion of the water turnoff bill in the judgment was unsupported by sufficient evidence, and that the tenant is entitled to attorney fees at trial and on appeal, the court *reverses* the judgment.

Scott R. Peterson and Gerald F. Robison, for appellant.