

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

KHALID HUSSAIN,)	
)	No. 61653-6-1
Respondent,)	
)	DIVISION ONE
v.)	
)	UNPUBLISHED OPINION
KIMBERLY RUSSO,)	
)	
Appellant.)	FILED: November 24, 2008

PER CURIAM. Kimberly Russo appeals from an order in an unlawful detainer action and the trial court's award of attorney fees. Khalid Hussain has filed a motion to concede error, accepting Russo's argument that the trial court lacked jurisdiction because the summons and complaint did not provide for the notice required by RCW 59.12.070. Hussain has also filed a motion to supplement the record with materials he contends are relevant to the issue of attorney fees on appeal.

We accept the concession of error. We therefore reverse the finding of unlawful detainer and the attorney fee award. We also award Russo her attorney fees on appeal, subject to her compliance with RAP 18.1. A commissioner will determine whether Hussain's motion to supplement should be granted and the amount of fees to be awarded.

Reversed.

For the court:

Dunne, A.C.J.
Appelquist, J.
Sullivan, C.J.