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JKF

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March 14, 2013

Bill Gartz and Robin Holt
7703 West Mercer Way
Mercer Island, WA 98040

Re: Cease and Desist Order

Dear Mr. Gartz and Ms. Holt:

Shane Miller has retained me to address your unlawful topping of trees on his property. This conduct is legally recognized as timber trespass and bears civil and possibly criminal penalties. You are hereby notified to Cease and Desist from further trespass and damage to Mr. Miller's real property.

On or about February 2, 2013 you unlawfully trespassed onto Mr. Miller's real estate property for the purpose of cutting tops off two Leyland Cypress trees that Mr. Miller planted on his property in May 2010. This caused material and irrevocable damage to Mr. Miller's property. In addition to damaging the health of the trees and creating a potentially hazardous situation for both Mr. Miller's property and your own, you have significantly reduced Mr. Miller's privacy, which impacts the use and enjoyment of his home. The damaged trees cannot be replaced at their current size because trees of that maturity are not readily available for retail purchase and could not realistically be transported to the backyard hillside location.

You are not legally granted a view from that side of your home. There is no easement or covenant authorizing you to top the trees. You are liable to Mr. Miller for the damage to the trees and any other property damage sustained from this action. If this case goes to court you may be liable for up to three times the value of each tree you topped, as well as Mr. Miller's attorneys' fees and costs.

Your letter to Mr. Miller dated February 22, 2013 admits to liability for trespass and damage to Mr. Miller's property. Your letter states that you admit to having willfully and purposefully cut the treetops without his knowledge or permission. Your letter states "we are sorry topping the trees upset you so much....we want to maintain our historic views....we didn't think you'd mind". Your letter goes on to state "we certainly know you have the right to plant what you want on your property." Your trespass was illegal. Your reasons for the trespass are self serving and unacceptable. Mr. Miller tried to discuss the matter with you directly with the aim of reaching an understanding that no further topping of the trees could occur, but you repeatedly refused to meet with him to discuss the matter. Twice you had your daughter answer the door rather than speak with Mr. Miller directly.

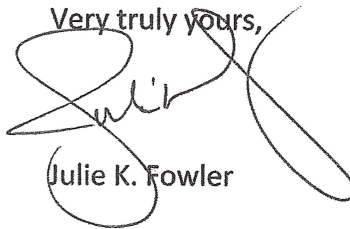


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Another issue that must be addressed is Mr. Gartz's monitoring of Mr. Miller through these same windows that were blocked by the trees, and reporting, via written email communications, to Mr. Miller's ex-wife his whereabouts, activities, and guests. Mr. Miller has copies of the emails sent by Mr. Gartz to Carrie Miller. Mr. Miller has a protection order against Carrie Miller which explicitly prohibits Carrie Miller from using third parties to monitor, stalk, or harass him. Violation of this order is a crime. Anyone using your home to monitor Mr. Miller and provide information to Carrie Miller is an accessory to violation of the protection order, which is a crime punishable by imprisonment. You are on notice that ANY monitoring, viewing, reporting, or stalking behavior on your part, including committing further trespass or damage to Mr. Miller's trees will be deemed harassment. Mr. Miller will take legal action against you and will contact the police if he perceives your continued conduct against him to be threatening. If you discuss this matter or anything about Mr. Miller to any third parties, including, but not limited to neighbors, you will be deemed to be harassing Mr. Miller and appropriate legal action will be taken against you.

Cease and Desist any and all trespass onto Mr. Miller's property, including but not limited to any tree cutting, without first obtaining the express written consent of Mr. Miller and his attorney of record. You are also ordered to cease and desist monitoring Mr. Miller's activities and the reporting of any activities to ANY third party. You are hereby warned that any violation of this Cease and Desist order will subject you to immediate civil as well as potentially criminal penalties.

Very truly yours,



Julie K. Fowler

Cc: client