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

CHRISTOPHER A. NIEDERMAN and
NICOLE L. NIEDERMAN, husband and
wife, and the marital community
composed thereof,

Plaintiffs,

v.

STEVE YANG and SOPHY YANG,
husband and wife, and the marital
community composed thereof; UMPQUA
BANK, a foreign bank corporation.

Defendants.

NO. 20-2-08679-7 SEA

DECLARATION OF RICHARD
FISHER IN SUPPORT OF MOTION
FOR PARTIAL SUMMARY
JUDGMENT DISMISSING ALL OF
PLAINTIFFS' REMAINING
CLAIMS

Richard Fisher states and declares as follows:

1. I am over 18 years of age, a citizen of Washington State and am competent to make this declaration based on my personal knowledge. I served as Steve and Sophy Yang's Architect with respect to their recent home construction project.

2. Attached hereto as **Exhibit A** is a true and correct copy of the email I sent on August 27, 2019 to Chris Niederman.

DECLARATION OF RICHARD FISHER IN
SUPPORT OF MOTION FOR PARTIAL
SUMMARY JUDGMENT DISMISSING ALL
OF PLAINTIFFS' REMAINING CLAIMS – 1
303400.1 | 102493.2



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3. Attached hereto as **Exhibit B** is a drawing that I prepared to depict to the best of my knowledge the current conditions at the Yang Property, including the paved area in front of the Niederman driveway and the deeded easement. The reason for the qualification on this being to the best of my knowledge is that the depictions are based on prior surveys, and the 2021 boundary line adjustment recorded in King County under recording number 20210526900003. A new survey has not been conducted since final completion of the improvements on the Yang Property.

I declare under penalty of perjury of the laws of the state of Washington the foregoing is true and correct.

Dated this 2nd day of September 2021 at Seattle, WA.



Richard Fisher

DECLARATION OF RICHARD FISHER IN SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT DISMISSING ALL OF PLAINTIFFS' REMAINING CLAIMS – 2
303400.1 | 102493.2

ACS Ahlers Cressman & Sleight PLLC
1325 4TH AVE SUITE 1850 SEATTLE, WA 98101-2573

EXHIBIT A

From: rafisher@richardafisher.com
To: [Reimers, Milt A.](#)
Subject: FW: Niederman Driveway Easement
Date: Wednesday, August 28, 2019 1:17:13 PM
Attachments: [A1.0 SITE PLN - 18020.pdf](#)

Hi Milt,

Below is the Yang's attempted resolve and attached is the proposed revised site plan.

Thanks,

From: rafisher@richardafisher.com <rafisher@richardafisher.com>
Sent: Tuesday, August 27, 2019 2:37 PM
To: 'steve yang' <steve1yang@gmail.com>; 'sophy yang' <yangsophy@hotmail.com>
Cc: 'Jay Nygaard' <Jay@gallagherco.net>; 'Tom Gallagher' <tom@gallagherco.net>
Subject: FW: Niederman Driveway Easement

From: rafisher@richardafisher.com <rafisher@richardafisher.com>
Sent: Tuesday, August 27, 2019 2:37 PM
To: 'Chris@niederman.com' <Chris@niederman.com>
Subject: RE: Niederman Driveway Easement

Hi Chris,

I'm responding to your letter to the City of Mercer Island concerning the driveway easement from the Yangs to your property. The survey of the Yang's property by Terrane, same company that did your survey, clearly shows that you have a 10 foot ingress and egress easement through the Yang's property. You may call Terrane if you'd like to verify this easement. They also have a turnaround easement shown with the fire department to access both of your properties. The permit submitted site plan shows your driveway access as per the recorded easement. The property east of this easement is needed for a buffer to the watercourse easement. The Yangs are willing to move the 10 foot access easement to the east to accommodate your desired access to your property. Attached is the proposed revisions to the site plan.

Please let me know if this new revision is acceptable to you, and in the future the Yangs would appreciate, if you have any questions concerning your properties, that you would contact them directly.

If you would wish to discuss this you may contact me either at my office or on my cell.

Sincerely,, Richard A Fisher
Project Architect

Richard A Fisher Architects

1932 First Avenue
Suite 601
Seattle, WA 98101
(206) 441-0442
Cell: (206) 484-9963

GENERAL NOTES

1. CODE COMPLIANCE: ALL WORK SHALL COMPLY WITH THE 2015 IRC, 2015 IBC, 2015 MEC, 2015 FGC, 2015 MTRM, FIRE DE CODE, WPA 94, 2015 LOUISIANA RETIREMENT CODE, WPA 92, 2015 FGC, 2015 IRC, 2015 IBC, WAC 51-11-2015, 2015 NEC, AND WITH ALL LOCAL ORDINANCES AND ORDINANCES.
2. DIMENSIONS: A. DO NOT SCALE DRAWINGS. VERIFY ALL DIMENSIONS PRIOR TO STARTING CONSTRUCTION. NOTIFY THE ARCHITECT OF DISCREPANCIES. IF WORK IS STARTED PRIOR TO NOTIFICATION, THE GENERAL AND SUBCONTRACTOR PROCEED AT THEIR OWN RISK. B. UNLESS OTHERWISE NOTED, PLAN DIMENSIONS ARE TO FACE OF STUDS OR FACE OF CONCRETE WALLS. FACE OF STONE VENEER LIES 1/2" OUTSIDE THE FACE OF FRAMING. INTERIOR PLAN DIMENSIONS ARE TO FACE OF STUDS UNLESS OTHERWISE NOTED. C. VERIFY ALL ROUGH-IN DIMENSIONS FOR WINDOWS, DOORS, RAILINGS, ELECTRICAL FIXTURES AND APPLIANCES PRIOR TO COMMITMENT OF WORK. NOTIFY ARCHITECT OF ANY DISCREPANCIES OF DIMENSIONAL TOLERANCES REQUIRED.
3. DOCUMENT REVIEW/NOTIFICATION: CONSULT WITH ARCHITECT REGARDING ANY SUSPECTED ERRORS, OMISSIONS, OR CHANGES ON PLANS BEFORE PROCEEDING WITH THE WORK.
4. ROUGH OPENINGS/WORKING: VERIFY SIZE AND LOCATION, AS WELL AS PROVIDE ALL OPENINGS THROUGH FLOORS AND WALLS, FURRING, CURBS, JACKBOYS, INSERTS, EQUIPMENT BASES AND ROUGH BLOCKS/BRACING FOR SURFACE-MOUNTED ITEMS.
5. FURRING/PROVIDE: FURRING AS REQUIRED TO CONCEAL MECHANICAL AND/OR ELECTRICAL EQUIPMENT IN FINISHED AREAS. FURRING NOT SHOWN ON PLANS SHALL BE APPROVED BY ARCHITECT PRIOR TO CONSTRUCTION.
6. GRADES: VERIFY ALL GRADES AND THEIR RELATIONSHIP TO THE BUILDINGS.
7. FLOOR LINES: "FLOOR LINE" REFERS TO TOP OF CONCRETE SLAB OR TOP OF WOOD SUBFLOOR.
8. REPETITIVE FEATURES: OFTEN DRAWN ONLY ONCE AND SHALL BE COMPLETELY PROVIDED AS IF DRAWN IN FULL.
9. DOORS: DOORS NOT DIMENSIONALLY LOCATED SHALL BE 6" FROM STAIR TO EDGE OF DOOR, ROUGH OPENING OR CONTIGUOUS BETWEEN WALLS AS SHOWN, AND/OR EXPOSED TO WEATHER PROVIDE PRESSURE TREATED SLIP PLATES.
10. WOOD ON CONCRETE: WOOD MEMBERS IN CONTACT WITH CONCRETE SHALL BE PROTECTED WITH 1/2" GYP BOARD OR 1/2" POLYETHYLENE SHEETING.
11. FRAMING: INTERIOR FURRING & PARTITION WALLS TO BE 2x4 @ 16" O.C., U.G.N.
12. VENTILATION: WHERE TOILET ROOMS AND BATHROOMS ARE MECHANICALLY VENTILATED, THE VENTILATION EQUIPMENT SHALL BE INSTALLED IN ACCORDANCE WITH IRC, SMC, M507.2 & TABLE M507.3.
13. FLUES: FLUES TO BE LOCATED MINIMUM 2" FROM ALL COMBUSTIBLE MATERIALS.
14. DIMENSIONS: N/A. (NO DIMENSION)
15. OTHER DOCUMENTATION: REFER TO STRUCTURAL, MECHANICAL, ELECTRICAL, AND/OR LANDSCAPE DRAWINGS FOR ADDITIONAL DRAWINGS, NOTES, SCHEDULES AND SYMBOLS.
16. PROTECTION: PROTECT ALL EXISTING FINISHES & SURFACES. ANY DAMAGE TO BE REPAIRED @ NO ADDITIONAL EXPENSE TO OWNER.
17. PERMITS: SEPARATE ELECTRICAL, MECHANICAL, AND PLUMBING PERMITS ARE REQUIRED IN ADDITION TO THE BASIC BUILDING PERMIT.
18. ROOFING: SHEET METAL ROOFING PER IRC TABLE 905.10.3(1) & LOCAL ROOFING STANDARDS.
19. FIREPLACE: PREFABRICATED GAS FIREPLACE SHALL BE PROVIDED WITH THE FOLLOWING: A. PREFABRICATED FIREPLACE TO BEAR STAMP OF APPROVED TESTING LAB. B. TIGHT FITTING GLASS OR METAL DOORS. C. OUTSIDE SOURCE OF COMBUSTION AIR DUCTED INTO THE FIREBOX, PER PREPARED GAS FIREPLACE REQUIREMENTS. (8 SQ. INCHES MIN. W/SCREENS OUTSIDE AIR DUCT DAMPER). D. TIGHT FITTING FLUE DAMPERS, OPERATED BY A READILY ACCESSIBLE MANUAL.
20. NOxious WEEds: MISC. 18.02.2007(3)(D) REQUIRES NOxious WEEds TO BE REMOVED DURING NEW DEVELOPMENT PROPOSALS. "DEVELOPMENT PROPOSALS FOR A NEW SINGLE-FAMILY HOME SHALL REMOVE JAPANESE KNOTWEED (POSYDONIA OBLONGATA) AND REGULATED CLASS A REGULATED CLASS B, AND REGULATED CLASS C WEEDS IDENTIFIED ON THE KING COUNTY NOxious WEEd LIST, AS AMENDED, FROM REQUIRED LANDSCAPING AREAS ESTABLISHED PURSUANT TO SUBSECTION 18.02.2007(3)(A), NEW LANDSCAPING ASSOCIATED WITH NEW SINGLE-FAMILY HOME SHALL NOT INCORPORATE ANY WEEDS IDENTIFIED ON THE KING COUNTY NOxious WEEd LIST, AS AMENDED, PROVIDED THAT REMOVAL SHALL NOT BE REQUIRED IF THE REMOVAL WILL RESULT IN INCREASED SLOPE INSTABILITY OR RISK OF LANDSLIDE OR EROSION."

ENERGY CODE

HEATING SYSTEM IS A NATURAL GAS FURNACE FORCED AIR SYSTEM. CONSTRUCTION SHALL ADHERE TO:
 CLIMATE ZONE - 4C - MARINE
 SPACE HEAT TYPE: NATURAL GAS FORCED AIR INSULATION VALUES: PRESCRIPTIVE METHOD (ALL NEW AREA)
 FLOOR/CEILING/ROOF: R-21
 FLOOR/CEILING: R-13
 WALLS: R-13
 ROOF: R-30
 UNFINISHED ATTIC: R-19
 UNFINISHED CRAWL SPACE: R-10
 UNFINISHED GARAGE: R-10
 UNFINISHED PORCH: R-10
 UNFINISHED TERRACE: R-10
 UNFINISHED BALCONY: R-10
 UNFINISHED DECK: R-10
 UNFINISHED PATIO: R-10
 UNFINISHED PERGOLA: R-10
 UNFINISHED PORCH: R-10
 UNFINISHED TERRACE: R-10
 UNFINISHED BALCONY: R-10
 UNFINISHED DECK: R-10
 UNFINISHED PATIO: R-10
 UNFINISHED PERGOLA: R-10

ENERGY CREDITS

WEBC 2015 - R402.2
 DWELLING UNITS ARE REQUIRED TO DEVELOP 3-1/2 CREDITS FROM TABLE 90.1.
 EFFICIENT BUILDING ENVELOPE (3 Credits)
 CREDIT OPTION (a) - WEBC FINISH INSULATION U = 0.28
 CREDIT OPTION (b) - WEBC FINISH INSULATION U = 0.28
 AIR LEAKAGE CONTROL & EFFICIENT VENTILATION (3 Credits)
 CREDIT OPTION (a) - COMPLIANCE BASE ON R402.4.1.2
 REDUCE THE TESTED AIR LEAKAGE TO 3.0 AIR CHANGES PER HOUR MAXIMUM & ALL WHOLE HOUSE VENTILATION REQUIREMENTS AS DETERMINED BY SECTION M507.3 OF THE IRC SHALL BE MET WITH A HIGH EFFICIENCY FAN (MAX 0.35 WATT/CFM) NOT INTERLOCKED WITH THE FURNACE FAN. VENTILATION SYSTEMS USING A FURNACE INCLUDING AN ECM MOTOR ARE ALLOWED PROVIDED THAT THEY ARE CONTROLLED TO OPERATE AT LOW SPEED IN VENTILATION ONLY MODE.
 HIGH EFFICIENT HVAC EQUIPMENT (1.0 Credit)
 CREDIT OPTION (a) - GAS FURNACE WITH A MINIMUM % OF SAE HEATING OPTION 3a, 3b, 3c, OR 3d. WHEN A HOUSING UNIT HAS TWO PIECES OF EQUIPMENT (E.G. TWO FURNACES) BOTH MUST MEET THE STANDARD TO RECEIVE CREDIT.
 HIGH EFFICIENT WATER HEATING (1.5 Credits)
 CREDIT OPTION (a) - WATER HEATING SYSTEM SHALL BE GAS HEATED

ENERGY NOTES

00005-2015 INTERNATIONAL BUILDING CODE (IBC) (2015)
 2015 INTERNATIONAL RESIDENTIAL CODE (IRC) (2015)
 2015 INTERNATIONAL ENERGY CODE (IECC) (2015)
 CLIMATE ZONE: 4C - MARINE
 SPACE HEAT TYPE: NATURAL GAS FORCED AIR INSULATION VALUES: PRESCRIPTIVE METHOD (ALL NEW AREA)
 FLOOR/CEILING/ROOF: R-21
 FLOOR/CEILING: R-13
 WALLS: R-13
 ROOF: R-30
 UNFINISHED ATTIC: R-19
 UNFINISHED CRAWL SPACE: R-10
 UNFINISHED GARAGE: R-10
 UNFINISHED PORCH: R-10
 UNFINISHED TERRACE: R-10
 UNFINISHED BALCONY: R-10
 UNFINISHED DECK: R-10
 UNFINISHED PATIO: R-10
 UNFINISHED PERGOLA: R-10
 UNFINISHED PORCH: R-10
 UNFINISHED TERRACE: R-10
 UNFINISHED BALCONY: R-10
 UNFINISHED DECK: R-10
 UNFINISHED PATIO: R-10
 UNFINISHED PERGOLA: R-10

SITE INFORMATION

PARCEL NO: 239603-005
 LOT AREA: 18,580 S.F.
 LEGAL DESCRIPTION:
 (PER LOT LINE REVISION RECORDING NO. 941222000)
 THAT PORTION OF LOTS 4 AND 5, EVAN'S ADDITION ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 121 OF PLATS, PAGES 91 AND 92, IN KING COUNTY, WASHINGTON, LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:
 BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT 4, EVAN'S ADDITION WHICH BEARS S89°45'00" W, DISTANCE 153.67 FROM THE NORTHWEST CORNER OF SAID LOT 4, THENCE S00°47'30" W A DISTANCE OF 103.64 TO THE SOUTH LINE OF SAID LOT 4 AND THE TERNARY OF THIS LINE.
 TOGETHER WITH AN UNDIVIDED INTEREST IN TRACT A (COMMUNITY BEACH) AND SECOND CLASS SHORLANDS ADJACENT AND AS DELINEATED ON THE FACE OF THE PLAT.
 AND TOGETHER WITH AN EASEMENT FOR INGRESS, EGRESS AND UTILITY PURPOSES OVER THE 10 FOOT FRONT ROAD AS DELINEATED ON THE FACE OF THE PLAT.
 SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD, IF ANY.

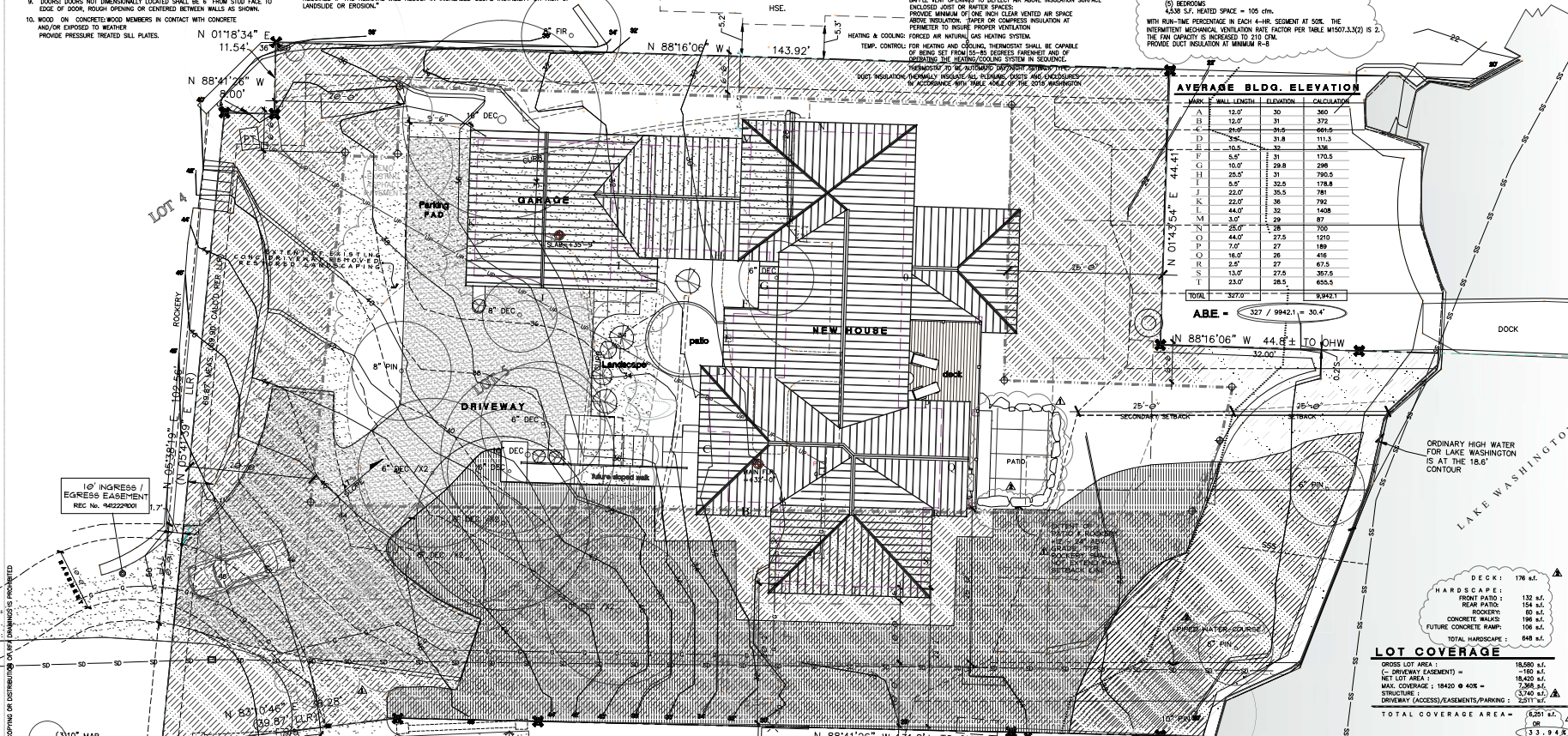


PROJECT NAME: YANG EX. 1009
PROJECT ADDRESS: 6660 East Mercer Way, Mercer Island, WA 98040

AVERAGE BLDG. ELEVATION

MARK	WALL LENGTH	ELEVATION	CALCULATION
A	12.07	30	360
B	12.07	31	372
C	41.97	31.0	661.5
D	2.95	31.8	111.3
E	16.2	32	528
F	5.57	31	170.5
G	10.07	29.8	298
H	20.07	31	780.5
I	5.57	32.5	178.8
J	22.07	36.5	781
K	22.07	36	782
L	44.07	32	1408
M	5.57	29	161
N	25.07	28	700
O	44.07	27.5	1210
P	7.07	27	189
Q	16.07	26	416
R	2.97	27	67.5
S	13.07	27.5	357.5
T	23.07	28.5	655.5
TOTAL	327.0		8,942.1

ABE = $\frac{327}{9942.1} = 30'$



SITE NOTES

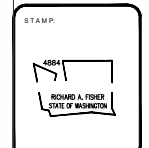
1. NO SITE GRADING WORK OUTSIDE OF STRUCTURE AREA
2. DRIVEWAY EASEMENT REDUCED FROM CALCULATED GROSS LOT AREA TO ACHIEVE NET LOT AREA CALC. (160 s.f.)
3. DRIVEWAY SURFACE SHALL BE BRUSHED CONCRETE ON GENT.

NOTE: RECORDED EASEMENT - DRIVEWAY ACCESS TO REMAIN WITH EASEMENT.



SITE PLAN
 6660 MERCER WAY
 Mercer Island, WA 98040
 SCALE: 1/8" = 1'-0"

TITLE	DATE	BY	CHKD BY
PERMIT SET			
SITE PLAN			



PROJECT: 18020

DATE: JAN 21, 2019
 DRAWN BY: N.F.W.
 REVISIONS:

1	ALL BLDG. DEPT. REVIEW 6-15-19
2	ALL BLDG. DEPT. REVIEW 8-21-19

LOT COVERAGE

GROSS LOT AREA	18,580 s.f.
MIN. LOT AREA (REQUIREMENT)	18,420 s.f.
NET LOT AREA	160 s.f.
LOT COVERAGE: 18420 @ 40% =	7,368 s.f.
STRUCTURE	3,740 s.f.
DRIVEWAY (ACCESS)/EASEMENTS/PARKING	2,571 s.f.
TOTAL COVERAGE AREA =	13,679 s.f.
REMAINDER	4,901 s.f.
TOTAL COVERAGE PERCENTAGE	73.4%

EXHIBIT B

