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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 STEVE YANG
IN SUPPORT OF MOTION FOR
PARTIAL SUMMARY JUDGMENT
DISMISSING ALL OF PLAINTIFFS'
REMAINING CLAIMS

1 Steve Yang states and declares as follows:

2 1. I am over 18 years of age, a resident of Washington State and am
3 competent to make this declaration based on my personal knowledge.

4 2. I live at 9668 SE 68th St, Mercer Island, WA, 98040 with my wife,
5 Sophy Yang. My parents purchased the property in 1989, and I have lived in that home
6 since then. I was first deeded title to the property in 2013.

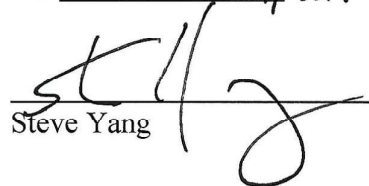
7 3. Attached hereto as **Exhibit A** is a photograph of my property, where it
8 borders the Niederman Property, taken on August 29, 2021.

9 4. Attached hereto as **Exhibit B** is a February 2, 2019, email I received
10 from Chris Niederman, as well as the chain of emails prior to the February 2 email. The
11 context of the emails is that the Niedermans had requested to hook up to our gas line,
12 which is not at issue in this litigation, but the email shows the Niedermans' knowledge
13 of the 10-foot easement.

14 5. At all times since the Niedermans moved into the neighboring property
15 in 2015, we have continued to maintain my property, including the areas claimed to be
16 subject of prescriptive easement claims in this litigation. The Niedermans have never
17 maintained or improved the paved surfaces on my property, which they now claim they
18 are entitled to utilize.

19 I certify under penalty of perjury of the laws of the state of Washington, that the
20 foregoing is true and correct.

21 Dated this 1st day of September 2021 at Mercer Island, WA

22
23 
24 Steve Yang
25

DECLARATION OF STEVE YANG- 2
303999.1 | 102493.2

ACS Ahlers
+ Cressman &
Sleight P.L.L.C.
1325 4TH AVE SUITE 1830 SEATTLE, WA 98101-2573

EXHIBIT A



EXHIBIT B

From: [sophy yang](#)
To: [Sarah K. King](#)
Subject: Fw: 回复: Gas hook up for Niederman
Date: Wednesday, August 5, 2020 11:17:35 PM
Attachments: [image1.jpeg](#)
[image2.jpeg](#)

From: steve yang <steve1yang@gmail.com>
Sent: Wednesday, August 5, 2020 11:09 PM
To: Sophy Yang <yangsophy@hotmail.com>
Subject: Fwd: 回复: Gas hook up for Niederman

----- Forwarded message -----

From: Chris Niederman <Chris@niederman.com>
Date: Sat, Feb 2, 2019 at 2:46 PM
Subject: Re: 回复: Gas hook up for Niederman
To: steve yang <steve1yang@gmail.com>
CC: Angela Cearns <acearns@yahoo.com>, Avebldgmi@gmail.com <Avebldgmi@gmail.com>, Happymario@126.com <Happymario@126.com>, Harry Sun <Hasun@yahoo.com>, Jay@gallagherco.net <Jay@gallagherco.net>, Jia Liu <liu.jia7279@gmail.com>, Kevin Cearns <kjcearns@yahoo.com>, MakiAmy Fujishige <maki_amy@yahoo.com>, Nicole Niederman <Nicole@niederman.com>, Sophy Yang <yangsophy@hotmail.com>, Virginia.fulton@pse.com <Virginia.fulton@pse.com>

All,

Here's some additional info that might help...see attached for the Plat survey images showing PSE's 10' utility easement that matches the width of the private lane from the top of the lane all the way down to our property. The red arrow shows where the PSE main gas trunk line runs to which all are connected. Any new gas pipe needed to connect our property to the main trunk is 100% contained within the existing 10' easement area shared by all 5 Maple Grove neighbors as noted on the Plat map. All 5 neighbors currently have rights to this PSE owned utility easement, and PSE is simply seeking everyone's approval to allow us to use this same utility easement to which we were previously connected for over 40 years. The existing easement area does not increase or change in any way. Since it butts up to and runs against our property line, we only need a few feet of pipe to connect to the gas main trunk line from our property.



Thanks,

--Chris

Sent from my iPhone

On Feb 2, 2019, at 11:03 AM, Chris Niederman <Chris@niederman.com> wrote:

+ Virginia (PSE) so all are in sync.

Steve,

I think the confusion might be my fault for not being clearer that we are asking to connect our property to the existing main gas trunk line with approximately 5 feet of gas pipe and join the utility easement that already exists on Maple Grove. We are not asking for an easement to connect off your personal line. If it were the latter, I would understand your concerns, but that's not the case in this situation.

There is zero issue with clean title here, and you can confirm this fact with PSE, your land use attorney and other experts. For example, I am in the process of granting a permanent utility easement to the Henrys for their power line which will run over 65 feet right across the middle of our entire property, and I've confirmed with my land use attorney that this permanent utility easement will not impact my title or any future sale of my property.

Steve, we are really trying to address all your concerns...we have confirmed with experts that the easement to connect off the main Maple Grove gas line, not your personal gas line, and the location of the pipe will not hinder any future use you have for your property. Concerns over clean title are not an issue either...please check with your attorney, PSE, a title company and any competent Realtor who will tell you that utility easements like this one are common everywhere and never hold up the sale of properties or impact title. Remember, I'm not asking you for a personal easement connecting off your private gas line. This is for a connection to use the existing utility easement already shared by all five neighbors using the main trunk line that already exists on your property.

Lastly, I've checked with PSE and my attorney, and there is no such thing as a revocable easement for utilities. I suggest you talk live with Virginia to confirm. Virginia also offered to come out on Monday with her construction manager to talk live with you and any of our neighbors. She can also go over the exact placement of our proposed gas line at the very top of your property connecting directly to the main trunk line with approximately 5 feet of pipe to bridge to our property.

Steve, you tasked me with getting all the neighbors aligned when we spoke Friday morning in order to get approval, which I did. They are all deferring to you to make the final decision, and all will approve and sign the legal contract with PSE if you agree to do so as well. The decision falls on your shoulders, and I hope you will agree to help us here just like we are helping the Henrys with a permanent utility easement and potentially helping our Maple Grove neighbors by funding \$10K (for 5 feet of gas pipe) which is 10 years of contributions to your road

maintenance fund that Amy Sun wanted to start last summer.

Thanks again for your time and consideration!

--Chris

Sent from my iPhone

On Feb 2, 2019, at 8:17 AM, steve yang <stevelyang@gmail.com> wrote:

Hi Chris thank you for your reply addressing hook up issues. I certainly understand your desire to secure a permanent easement for your project. I am firm on my desire to protect my property for future use and clean title as you would if you gave easement to any of the neighbors. Look like we are at an impass. If you have any ideas or thoughts please let me know. Steve

On Fri, Feb 1, 2019 at 6:31 PM Chris Niederman <Chris@niederman.com> wrote:

Hi Steve,

Thanks for clarifying your concern!

I'm copying my Project Manager, Jay, who can better clarify potential impacts due to any horizontal drilling or trenching you may do in the future for your water line or other boring/trenching needs. Per Jay, they work with PSE and drilling/trenching companies all the time, and they always have to plan for drilling around or going deeper to avoid any potential utility lines in the area. In fact, you have a lot of other complexities you will face on the private lane like the sewer, electric lines and other possible utility lines underground you will need to avoid. The city will always say there are "potential blockages" everywhere, but neither they nor PSE (who subs out their drilling/trenching work) are qualified to answer this question other than to say you "might" run into a challenge as a generic response.

Also, in the unlikely event that the drilling/trenching company accidentally hits a utility line, they will work with PSE to fix the line with no extra cost or responsibility to you - PSE, the GC and drilling/trenching company bears this burden, not you...I had the same questions before I signed my GC contract with Gallagher, and they are responsible for fixing any such issues.

You will also have to put a Course of Construction (CoC) policy in place as required by all GC's that covers extreme issues where an employee of the GC or a sub might do damage to the property as its being built, so really no risk here related to the possible situations I think that have you concerned.

To truly understand any potential risks you might face, Jay suggests that you talk to a horizontal drilling company who are the true experts in this area.

Jay, anything to add that I might have missed from our conversation? Good to get your opinion and maybe you can recommend someone at a top drilling company with whom Steve can talk to get the facts.

Thanks,
--Chris

Sent from my iPhone

On Feb 1, 2019, at 4:30 PM, steve yang <stevelyang@gmail.com> wrote:

Hi Chris just want to let you and the rest of the neighbors know the latest update. I have contacted Virginia (Puget Sound Energy) and requested PSE to provide revocable language for your gas easement since the gas line will cross my property. My main request from PSE is to have in writing and recording a revocable easement so that your gas hook up will not affect my property use now and in the future. This is solely for my property protection and ease of future resolution if a problem does arise in the future. This had been my main concern from the first day you broached this gas easement and my stipulation for your gas easement. I am at the city hall and confirmed this gas line could be a potential blockage and problem for our new water line boring (ie damages and liabilities) so I am proceeding with caution. We would need to have this done legally and not just a verbal or an email approval from us. Glad you were able to reach everyone.
Steve Yang

On Fri, Feb 1, 2019 at 3:44 PM Chris Niederman <Chris@niederman.com> wrote:

Hello Everyone,

I have great news! I just met Woon Cheung (WT) in person, and he gave me his consent to support our easement.

Kevin, can you please let us know if we have your support? Once you agree, then we are all set and I'll work with PSE to get everyone the document you

each need to sign for the utility easement. Once all the paperwork is done, I'll cut a \$10K check to your community.

Thanks again for everyone's patience and support through this process!

--Chris

Sent from my iPhone

On Feb 1, 2019, at 2:37 PM, Chris Niederman <Chris@niederman.com> wrote:

Hi Yingjun wang and Jia Liu:

Welcome to the neighborhood! We look forward to meeting you in person.

Thank you for your reply. Now that you, the Yangs, and Suns are aligned, we are just waiting for Kevin & Angela Cearns and WT (the neighbor who owns the lot at the very top of the lane) to let us know if they are inclined as well.

I left a message for Kevin this morning, and he will hopefully respond today or tomorrow.

Does anyone know how to reach WT? I'm assuming someone has a way to reach them since they are part of your community and someone is collecting regular dues from them. I think I have them copied correctly on this email (Avebldgmi@gmail.com), but have never heard from them or met them before. Can anyone help reach them please? Amy, Steve mentioned to me that you might know how to contact them directly.

Thanks,
--Chris

Sent from my iPhone

On Feb 1, 2019, at 2:06 PM, Jia Liu

<liu.jia7279@gmail.com> wrote:

Hi Chris and Nicole:

We are new Maple Grove neighbor and will stand with Yang's and await approval from the rest of community.

best regards

Yingjun wang & Jia Liu

----- 原始邮件 -----

主题: Re: Gas hook up for Niederman

发件人: MakiAmy

Fujishige

收件人: Chris Niederman

抄送: steve yang

,Avebldgmi@gmail.com,Happymario@126.com,Harry

Sun ,Sophy Yang

,liu.jia7279@gmail.com,Nicole

Niederman ,Kevin Cearns

,Angela Cearns

Hi Chris and Nicole,
I understand your
plight...we went
through our remodel not
so long ago and totally
feel your pain. We also
hit some pretty costly
bumps. So, we will
stand with the Yangs
and await approval
from the rest of the
community.

Good luck!

Amy

Sent from my iPhone

> On Jan 27, 2019, at
11:50 AM, Chris

Niederman

<Chris@niederman.com>

wrote:

>

> Thanks, Steve.

>

> Hello Neighbors,

>

> One more bit of
information that you
might find useful....we
have been connected to
the Maple Grove main
gas line since 1974, but
PSE just discovered
when we started our
construction that there
was never an official
easement recorded for
our connection. In order
to re-connect, PSE is
requiring permission
from all of you to put us
back to what we had
before. There is zero
impact on anyone's
service different than
before since we have
previously been tied
into the main line for
the past 44 years

without any issues.

>

> Please let me know if you have any questions.

Feel free to email or call (773-991-4992).

>

> Thanks,

> --Chris

>

> Sent from my iPhone

>

>> On Jan 27, 2019, at 11:34 AM, steve yang

<stevelyang@gmail.com>

wrote:

>>

>> Hi Maple Grove neighbors,

>> Chris called me last night and had a

proposal for the community. He would

like to pay each

neighbor \$2000

(\$10,000 for the entire community in total) for

the right to hook up his gas line to the

community gas line. It

will need to be all 5

neighbors saying yes

for the payment to be

made and the decision

is needed by next

Friday by all. Please

contact Chris directly

for more information

and your decision to his proposal. He will not be able to contribute to the road repavement in the future if the offer is not accepted as this \$10,000 will be used for his new gas line.

>>

>> On a separate note regarding the current road, Chris will make repairs to the road to bring it back to the condition prior to his construction (the contractor has drone video prior to construction). He is aware of the ruts and deep tire marks around the bend and first two properties.

>>

>> Have a great Sunday. Steve Yang.

EVANS/YANG LOT LINE REVISION

MI-94-1039

RYOZEN ADDITION
VOL. 72, PAGES 27-28



2:29

LTE

Done

Evan's Plat.pdf

