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Dictionaries, Grammars, Recent Trends, Dictionaries, Grammars, 62 Wn.2d 143 (1963) 381 P.2d 538 J.W. MAJOR et al., Appellants, v. RICHARD H. WALLING, Respondent, [\*] No. 36100. The Supreme Court of Washington, Department Two, September 26, 1963. William T. Denison and Robert B. Morgan, for appellants, Robert K. Palmer and Jack D. Proctor, for respondent. PER CURIAM:

This is an appeal from a summary judgment dismissing the complaint and entering judgment for the defendant. \*144 Plaintiff appellants were the owners and residents of the old West Seattle house where they raised their children and did some of their work for a total cost of \$13,500. The house was sold for that sum by a trustee appointed by the court. The trustee, in turn, sold the property to defendant, Richard H. Walling, the defendant, on a contract for deed, and Walling began construction of a new house on the property. He completed it, but it was not satisfactory to Walling, so he left it unfinished. There was a dispute over the amount due Walling under the contract. The complaint was for the reasonable value of labor and materials used on the house, and the reasonable cost of a new house that would be equal to the old house. There was a motion for a summary judgment, and the trial court dismissed the complaint. The issue was one of law. The court considered the testimony and decided it against appellants. Appellants' argument on appeal is that, as a matter of law, they were entitled to the reasonable value of the labor and materials they had put into the house before it was sold, and that the trial court erred in making a finding of fact that the reasonable value of the materials and labor was \$13,500. [1] We hold that, as a matter of law, the plaintiff was not entitled to the value of the materials and labor because it had been voluntarily taken and surrendered, and that the court was correct in making a finding of fact to that effect. Appellants' argument is to the effect that, because a court has jurisdiction of the parties and of the subject matter, it has jurisdiction to enter judgments for costs, and that, therefore, this court should do so. 82157476af

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