



ANDREA M. PETERS apeters@omwlaw.com

November 23, 2020

VIA U.S. MAIL

Spokane County Clerk's Office County Courthouse, Room 300 1116 W Broadway Avenue Spokane WA 99260-0090



T 509.662.1954 F 509 663 1553

Re:

Banner Bank v. Reflection Lake Community Association, et al.

Spokane County Cause No. 20-2-03199-32

Dear Clerk:

Enclosed for filing in the above-caption matter is Plaintiff's Amended Complaint. Upon completion of filing, please conform the enclosed face page copy and return to our office via US mail in the postage paid envelope provided.

If you have any questions, please contact me. Thank you for your assistance in this matter.

Very truly yours,

OGDEN MURPHY WALLACE, P.L.L.C.

Andrea M. Peters

Enclosures

CC:

Client (w/encls. via email only)

Tyler Lloyd (w/encls. via email only)

William C. Schroeder (w/encls. via email only)

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8	IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR SPOKANE COUNTY	
10	BANNER BANK, a Washington corporation,	NO. 20-2-03199-32
11	Plaintiff,	AMENDED COMPLAINT
12	v.	FOR INTERPLEADER
13	REFLECTION LAKE COMMUNITY ASSOCIATION, a non- profit corporation; JAMES POWERS; and RICK SMITH	
14	Defendants.	
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16	Plaintiff Banner Bank alleges the following complaint against Defendants Reflection Lake	
17	Community Association, James Powers, and Rick Smith:	
18	I. JURISDICTION AND VENUE	
19	1.1. Plaintiff Banner Bank (the "Bank") is a Washington corporation doing business within	
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21	Spokane County, Washington. It maintains bank accounts in the name of Defendant Reflection	
22	Lake Community Association, which account numbers are as follows with the following balances	
23	(the "Accounts"):	
24	Deposit Account No. ***5311	\$12,585.99
25	Deposit Account No ***5507 Deposit Account No. ***3417	\$24,504.67 \$5,675.41
26	Certificate of Deposit Account No. ***0454 Certificate of Deposit Account No. ***0462	\$25,763.66 \$5.082.59

1.2. Defendant Reflection Lake Community Association ("RLCA") is a Washington non-profit corporation doing business within Spokane County, Washington. It is the owner of the Accounts and claims exclusive rights to the proceeds of the Accounts.

- 1.3. On information and belief, Defendant James Powers ("Powers") resides in Spokane County, Washington and claims to be the President of RLCA and entitled to access the Accounts and the funds therein.
- 1.4. On information and belief, Defendant Rick Smith ("Smith") resides in Spokane County, Washington and likewise claims to be the President of RLCA and entitled to access the Accounts and the funds therein.

II. BACKGROUND FACTS

- 2.1. The Bank has been advised that Smith and Powers and/or the competing groups of member of RLCA that Smith and Powers represent are entitled to access the Accounts.
- 2.2. Due to the competing claims of Smith and Powers and/or the competing groups they represent to the Accounts, the Bank froze the Accounts to protect the funds therein in accordance with RCW 30A.22.210.
- 2.3. The Bank also sought clarity from the Defendants as to who the Bank should identify as having access to the Accounts, but was unable to determine from the competing claims to whom the Bank should grant access to the Accounts.
- 2.4. As of the date of Plaintiff's Complaint, there was \$73,612.32 in the Accounts, collectively.

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III. CLAIM AND CAUSE OF ACTION FOR INTERPLEADER

3.1. At present, the Bank understands that a controversy exists as to whether Smith or Powers is the President of RLCA and to whom the Bank should permit to access to the Accounts or to whom the Bank is required to pay all or any portion of the proceeds of the Accounts.

- 3.2. The Bank is entitled to a judicial decree establishing the rights of the Defendants to the proceeds of the Accounts and establishing the Bank's obligations, if any, to pay any, some or all of the proceeds to one or more of the Defendants, if any.
- 3.3. The Bank seeks to interplead the money in the Accounts into the Registry of the Court.

IV. REQUEST FOR RELIEF

Plaintiff requests that judgment be entered as follows:

- Declaring that the Bank may discharge its obligations to the Defendants and as to the
 Accounts with regard to the proceeds of the Accounts by paying the proceeds of the Accounts
 into the Registry of the Court.
- 2. Requiring that the Defendants be interpled and settle between themselves their rights to the proceeds of the Accounts.
 - 3. Dismissing Plaintiff as a party to the interpleader action between the Defendants.
- Enjoining Defendants from further legal proceedings against the Bank concerning the Accounts.
 - 5. Awarding the Bank its statutory costs and attorney fees.