

Whatcom Court Watch

Press Kit

An independent, citizen-driven documentation of procedural irregularities in Whatcom County Superior Court — grounded entirely in official transcripts, court orders, escrow records, and public documents.

| | | | |
|-------------------|-----------------------------------|---------------------------|------------------------|
| 10 | 6 | \$203,389 | 100% |
| Documented Issues | Rule Violations without remedy | Distribution Disparity | Public-Record Based |

Contact: WhatcomCourtWatch@gmail.com
Website: whatcom-court-watch.netlify.app
Case Reference: No. 22-3-00270-37 / No. 25-2-01481-37
Published: 2025
Status: Active — Community Submissions Open

ABOUT THIS PROJECT

What Is Whatcom Court Watch?

Whatcom Court Watch is an independent, citizen-driven public transparency project dedicated to documenting and analyzing procedural practices within Whatcom County Superior Court. Our work is rooted in a simple principle: the public deserves a court system that functions with accuracy, accountability, and integrity.

This project does not assert personal misconduct by any judicial officer. It documents structural procedural failures — the absence of required process — and compares what occurred to what Washington law and neighboring county practice require. Every finding is sourced to an official court transcript, filed order, Odyssey docket record, ALTA Settlement Statement, or public records response.

Our mission is to promote transparency, accountability, and procedural integrity within Whatcom County Superior Court by documenting court practices, analyzing systemic irregularities, and providing the public with clear, factual, and unbiased information grounded entirely in the public record.

WHAT WE DOCUMENT

Areas of Documented Concern

01 Ex Parte Process Irregularities

No intake logs, routing slips, or chain-of-custody tracking for ex parte document submissions. Documents can reach a judicial officer with no verifiable record of how or when they were submitted.

02 Unauthorized Judicial Signatures on Real Estate Documents

Commissioner signatures on real estate closing documents — listing agreements, purchase and sale agreements, closing documents — exercised without a noticed hearing establishing the scope and limits of that authority.

03 Missing Service Documentation

Orders treated as enforceable without proof of service in the Odyssey case management record. Awareness inferred from attendance or signature on related documents rather than documented service.

04 Attorney Fee Award Procedure

Fee amounts appearing for the first time in counsel's proposed orders — not stated in any prior oral or written ruling. No separately filed motion; no advance service of fee affidavits; no conduct-specific findings.

05 De Novo Review Standard

Revision hearings conducted as affirmance rather than independent de novo review under RCW 2.24.050. Written decisions opening with language adopting the commissioner's ruling verbatim without independent findings or recalculation.

06 CR 11 Sanctions Procedure

Sanctions imposed without a separately filed and noticed motion, without a predicate ruling on the record, and with dollar amounts first appearing in prevailing counsel's proposed orders.

CASE STUDY

The May 11, 2023 Ex Parte Order — What Happened

The following documents a single procedural sequence in Case No. 22-3-00270-37 (Snowden v. Snowden), Whatcom County Superior Court. Every fact below is drawn from official court transcripts, filed orders, email correspondence in the public record, and the Odyssey docket.

| | |
|-------------------------------|--|
| Case | No. 22-3-00270-37 · Whatcom County Superior Court |
| Judicial Officer | Commissioner Leon F. Henley, Jr. |
| Property | 2925 Behme Road, Custer, WA 98240 |
| Key Hearing | May 11, 2023 — Ex Parte — Respondent absent |
| Ex Parte Execution | April 3–4, 2024 — No motion · No service · No record |
| Sale Recorded | April 25, 2024 · \$725,000 · Off-market · No NWMLS reporting |
| Est. Fair Market Value | ~\$795,000–\$800,000 with completed repairs (owner estimate) |
| Civil Complaint Filed | No. 25-2-01481-37 — Damages exceeding \$2,750,000 |

THE 21-HOUR TIMELINE

April 3–4, 2024: From First Notice to Commissioner Execution

Apr 3 · 1:07 PM **First contact from real estate agent Julie Carter**

Respondent's first notification that a buyer existed or that any offer had been made. Carter's email attached a Purchase and Sale Agreement with a deadline of noon the following day — less than 23 hours — and stated: "If you do not wish to sign the contract we will just have the commissioner sign off on it."

Apr 3 · ~2:00 PM **Documents submitted directly to Commissioner's office**

Public records confirm Jolene Olson personally delivered the Purchase and Sale Agreement to Commissioner Henley's office. No motion was filed. No notice was served on Respondent. No ex parte routing slip was generated. No intake log entry exists.

Apr 3 · 7:51 PM **Respondent responds — conditions, not refusal**

Respondent emailed setting conditions: requires updated agreement (prior expired 12/16/23), equal fee split, 30 days after closing to vacate. This reply did not refuse to cooperate; it set terms for proceeding. The condition precedent in the May 11, 2023 order — non-cooperation — had not been met.

Apr 4 · 5:13 AM **Respondent contests non-cooperation claim in writing**

Respondent emailed stating he had not refused to cooperate and requesting clarification of what was being represented to the court. This email is time-stamped before the claimed judicial execution.

Apr 4 · 8:10 AM **Petitioner emails commissioner's assistant to collect signed documents**

Jolene Olson emailed judicial assistant Kati Moen: "Yesterday I brought in a purchase sales agreement... Just wondering if I would be able to pick up those signed documents today." Source: Whatcom County Public Records Response (Oct. 2025).

Apr 4 · 11:32
AM

Attorney Rommelmann notifies Respondent — commissioner has signed

Email states: "Given your noncooperation in accepting the offer, we have sought, and now received, the court's signature to sell the property." Total elapsed time from first notification to execution: approximately 21 hours.

PROCEDURAL FAILURES — WHAT THE RECORD SHOWS

| | |
|---------------------|---|
| CR 7(b)(1) | No motion filed before commissioner signed. Zero entries in Odyssey docket for this period. |
| CR 5 | No certificate or declaration of service for any submission. Zero entries in Odyssey docket. |
| CR 52 / Due Process | No determination on the record that non-cooperation occurred. Respondent's contested communications never reviewed before execution. |
| RCW 2.24.040 | No statutory basis for commissioner to execute real estate conveyance documents as agent for a party outside a properly noticed order. |
| May 11 Order Terms | Net proceeds not deposited in court registry as the authorizing order explicitly required. Whatcom Land Title disbursed \$42,231.88 pre-registry without court authorization. |

FINANCIAL DOCUMENTATION

The Cost of the Process

All figures below are drawn from the ALTA Settlement Statement (Whatcom Land Title Company, May 17, 2024, Escrow No. W-206602), the Whatcom County Superior Court Clerk's Registry and Trust Transaction Detail (printed November 19, 2025), the July 9, 2024 Order Regarding Disbursement of Funds, and the Motion to Vacate November 8, 2024 Order and for Corrected Distribution of Proceeds (filed November 2025). No figures are estimated unless expressly noted.

WHAT EACH PARTY RECEIVED VS. CORRECT ENTITLEMENT

| | Petitioner (Jolene Olson) | Respondent (David Snowden) |
|---|---------------------------|----------------------------|
| Correct entitlement (Exhibit B — corrected math) | \$120,927.43 | \$47,955.61 |
| Actually received (pre-registry + registry + PSE) | \$220,359.79 | \$16,970.32 |
| Difference | +\$99,432.36 overpayment | -\$30,985.29 underpayment |
| Unallocated registry balance (status unconfirmed) | — | -\$2,213.28 (disputed) |
| 12% statutory interest (July 9–Oct. 26, 2025) | — | -\$5,183.36 |

UNAUTHORIZED PRE-REGISTRY DISBURSEMENTS BY WHATCOM LAND TITLE

| Line Item | Amount | Basis / Issue |
|---|--------------------|--|
| May 11, 2023 contempt judgment | \$15,837.00 | Paid as lien payoff. Order never reduced to judgment under RCW 4.64.030. Never recorded as lien against property. |
| Down-payment reimbursement | \$20,000.00 | Paid directly to Petitioner at closing before court registry deposit. No court authorization obtained. |
| Mortgage reimbursement — 4 months | \$6,394.88 | Decree authorized 3 months only. April 2023 added by Whatcom Land Title despite no payment by either party. Same installment then double-counted as 50% deduction from Respondent's share. |
| Total pre-registry disbursements | \$42,231.88 | Made without court authorization. Registry received \$197,311.88 instead of \$239,543.76. |

COMBINED LITIGATION COSTS — BOTH PARTIES

| Party | Cost Item | Amount | Avoidable? |
|---------------------|---|---------------------|---------------------------------|
| Respondent | Attorney Luke Larson — distribution hearing | \$2,500.00 | Yes — proper process eliminates |
| Respondent | Attorney drafting — revision motion | \$750.00 | Yes |
| Respondent | Copying, mailing, mileage, preparation | \$1,603.00 | Yes |
| Respondent | Additional costs and unpaid leave (est.) | ~\$6,000.00 | Yes |
| Petitioner | Attorney fees — Rommelmann (estimate) | ~\$12,000.00 | Yes |
| Both Parties | Total combined litigation costs (documented + estimated) | ~\$22,853+ | None of it. |

COUNTY COMPARISON

Whatcom vs. Neighboring Counties: Ex Parte Safeguards

The procedural gaps documented in this project are not inherent to family law proceedings. Skagit, Snohomish, King, and Pierce counties process the same types of cases under the same Washington statutes — but their administrative controls produce a materially different outcome when the same facts are presented.

| Procedural Control | Skagit | Snohomish | King | Pierce | Whatcom |
|--|--------|-----------|------|--------|--------------|
| Intake log at ex parte submission | ✓ | ✓ | ✓ | ✓ | X |
| Routing slip tracking document path | ✓ | ✓ | ✓ | ✓ | X |
| Chain-of-custody documentation | ✓ | ✓ | ✓ | ✓ | X |
| Electronic tracking in case management | ✓ | ✓ | ✓ | ✓ | X |
| Noticed hearing before commissioner signs real estate documents as agent for party | ✓ | ✓ | ✓ | ✓ | X |
| Service verified before order entered | ✓ | ✓ | ✓ | ✓ | Inconsistent |
| On-record finding before ex parte authority exercised | ✓ | ✓ | ✓ | ✓ | X |

THE PATH NOT TAKEN — THE FSBO ALTERNATIVE

What Would Have Happened Under Proper Process

Before the ex parte sale was executed, both parties had agreed in principle to a For-Sale-By-Owner (FSBO) plan. Respondent was the primary borrower and had been making ongoing improvements to the property. The sale was interrupted before those improvements were complete — and the forced removal on March 6, 2024 prevented their completion. Under the FSBO path with proper process:

| Factor | Ex Parte / Improper Process | FSBO / Proper Process |
|---------------------------|---|--|
| Sale price | \$725,000 — off-market, buyer brought in by Petitioner, no NWMLS reporting | ~\$795,000–\$800,000 — open market, completed repairs, arm's-length (owner estimate) |
| RE commission | \$21,750 (3%) — Carter represented 2% in June 2023 | \$0 — FSBO, no brokerage |
| Remaining dispute | Civil lawsuit No. 25-2-01481-37, appeal, title cloud, \$2.75M+ claimed | Distribution math under Exhibit A to Decree only |
| Litigation costs | ~\$22,853+ combined — and growing | ~\$200 (noticed motion filing + service) |
| Third-party impact | Murray family: title cloud, rescission exposure | None — clean title, no third-party exposure |
| Net outcome | Both parties worse off. Respondent: -\$119,234+. Petitioner: \$2.75M+ exposure, ~\$12K in fees. | Both parties receive correct shares. Dispute resolved. No ongoing litigation. |

MEDIA RESOURCES

For Journalists & Researchers

All findings on this project are based on official court transcripts, filed court orders, Odyssey docket records, Washington statutes, and Washington court rules. Source documentation is available upon request for verified journalists and researchers.

| Resource | Description | Access |
|----------------------------------|--|---|
| Website | Public documentation, all pages | whatcom-court-watch.netlify.app |
| Issues & Findings | Detailed rule-by-rule analysis of 10 documented issues | website/issues-findings |
| Ex Parte Case Study | Complete procedural analysis of May 11, 2023 order and April 3–4, 2024 execution | website/ex-parte-case-study |
| Cost of the Process | Documented financial accounting — both parties — sourced to ALTA statement and court records | website/cost-of-the-process |
| Open Letter | Public statement addressed to the Whatcom County community (November 21, 2025) | website/open-letter |
| Submit Experience | Anonymous community submission form (Netlify Forms) | website/public-submissions |
| May 11 Transcript | Official court transcript — available upon verified request | Email: WhatcomCourtWatch@gmail.com |
| ALTA Settlement Statement | May 17, 2024 — Whatcom Land Title Co., Escrow No. W-206602 | Available to verified journalists |
| Clerk's Registry Ledger | Registry & Trust Transaction Detail, No. 22-3-00270-37 | Public record — Whatcom County Clerk |
| First Amended Complaint | No. 25-2-01481-37, filed November 12, 2025 | Public record — Odyssey (Whatcom Co.) |

KEY QUESTIONS THIS PROJECT CAN HELP ANSWER

- Why does Whatcom County have no intake logs or routing slips for ex parte submissions when Skagit, Snohomish, King, and Pierce counties all do?
- By what authority did a court commissioner sign real estate closing documents as agent for a property owner — without a noticed hearing establishing that authority?
- How did \$42,231.88 in sale proceeds leave escrow before reaching the court registry that the authorizing order required — and without court authorization?
- How did a \$725,000 sale produce a \$203,389 disparity between what each party received, when the Decree required a split that should have produced roughly \$120,927 and \$47,955?
- What is the total cost to both parties of a 21-hour ex parte process that would have cost approximately \$200 if the required procedure had been followed?
- Is this an isolated case, or does it reflect a pattern of practice? Whatcom Court Watch is collecting community submissions to answer this question.

MEDIA CONTACT

Whatcom Court Watch

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whatcom-court-watch.netlify.app

We respond to all verified media inquiries. For press requests, interview arrangements, or to request supporting documentation, please email with subject line *Press Inquiry*. Source documents — including transcripts, ALTA Settlement Statement, and Clerk's Registry Ledger — are available to verified journalists upon request.

DISCLAIMER: Nothing in this press kit constitutes legal advice. No attorney-client relationship is created. Whatcom Court Watch is not a law firm and does not provide legal representation. All factual statements are sourced from official transcripts, filed court orders, Odyssey docket records, and public records responses. Fair market value figures are the property owner's own estimates and have not been certified by a licensed appraiser. Petitioner's estimated attorney fees are an approximation and have not been confirmed. Information submitted through our website may be used anonymously for public-interest documentation purposes.