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SUPERIOR COURT OF THE STATE OF WASHINGTON
COUNTY OF SPOKANE

CAROL McGIRK and CATHY
GUNDERSON,
Petitioners

v.

SPOKANE COUNTY, VICKY DALTON
and MARK HAMILTON,
Defendants

NO. 13-2-02011-9

DECLARATION OF MARK
HAMILTON

MARK HAMILTON declares upon penalty of perjury:

I am over the age of 18 and competent to testify herein. I make this declaration of my own knowledge. This declaration is for the purpose of establishing my residency in order to be a Candidate for Spokane City Counsel.

For several years I resided with my Wife HELEN at a house located at 303 White Road in Spokane County, which I understand is in Precinct 6031. I worked during this time as a pastor at a Church located on the north side of Spokane, well within City limits. I also owned several rental units, some located in the City of Spokane and some outside

1 the City.

2 Unfortunately my wife and I were separated in 2010 and we ultimately were
3 divorced in 2012. Helen moved to Portland, OR. Our divorce was not particularly
4 amicable and the distribution of our properties was in dispute right up to the time we
5 reached a mediated settlement, so I was not sure whether I would be retaining the house
6 on White Road. In order to avoid having to make any hurried changes once the divorce
7 was resolved, I arranged with a friend at 321 White Road to have use of his mailbox
8 there, and I changed my mailing address to that box as a convenience address. I was
9 actually residing in the 303 White Road location up to the time of the divorce.

10 When our divorce was finally completed I was awarded the 303 White Road
11 property in the divorce. The final decree was entered with the Court January 6, 2012, but
12 completion of the transfer of property by quit claim deed took a while longer. There was
13 some dispute over whose attorney was to prepare the documents. Helen moved during this
14 time to Arizona, and deeds had to be sent to her in Arizona to sign and return. [Exh. A]
15 Sometime in late April or early May, 2012, I signed a real estate tax affidavit form, [Exh.
16 B] undated, which was sent to her for her to sign, and not filed until July. My mailing
17 address was listed as 321 White Road.

18 On May 14, 2012 I completed a Residential Real Estate Purchase and Sale
19 Agreement for property located 217 W. Pacific in the City of Spokane. [Exh. C] I paid
20 cash for the property, which was pretty run down and located in a transitional
21 neighborhood. One of the reasons I bought in that neighborhood is that I am hoping that
22 my example will prompt others to buy and upgrade homes in the area. My intent was to
23 occupy and renovate the house. I would eventually sell it, but in the meantime, I planned
24 to actually live there. In fact I told the real estate agent I bought from that I intended to
25 actually live on the property, I wasn't just planning to 'flip' the house.

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28 DECLARATION OF MARK HAMILTON P. 2

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1 I bought the house expressly to establish residency within the City of Spokane
2 because I wanted to run for City Counsel. However at that time, the house was not secure.
3 There were a lot of homeless and transient people in the neighborhood. Any mail
4 delivered to the house was at risk of being stolen. So I retained my mailing address at
5 321 White road, and that is what I put on the Real Estate Excise Tax Affidavit for the
6 purchase. In fact, while I have been living at the Pacific house, the mail box itself has
7 been stolen, the house has been broken into and many tools have been stolen.

8 When I bought the house the agreement was that I had the right to immediately
9 possess the property. I got the keys to the property on the 14th or 15th of May when the
10 papers were signed and the money paid. Because the transaction was a 'short sale,' there
11 was a delay for approval, and the final closing and provision of deed did not occur until
12 June 18, 2012. But I immediately began to occupy the premises on May 14, 2012,
13 beginning the process of cleaning and renovating the structure. To my knowledge at that
14 time there was no order forbidding occupancy of the house.

15 I actually slept on the premises beginning on May 15, 2012, on a camp cot in the
16 upstairs bedroom. There were no utilities at the time, but I was concerned about the
17 homeless and transient persons in the area and lack of security. I would go a friend's
18 house, or back to the 303 White Road house to bathe. Once the water got turned on, the
19 house had sanitary facilities. It also has some electric baseboard heaters upstairs, and I
20 have used electric construction heaters downstairs in cold months.

21 I was present at the house at least 6 days a week after that. I worked on cleaning
22 and renovating the inside of the house. I estimate that I actually slept at the house an
23 average of 4 days per week during this period. I got power turned on at the house in June,
24 2012; since the first billed payment in July, 2012, I have paid \$1,588.54 in electric bills.
25 A copy of the billing statement is attached (Exh. D) showing power was used regularly

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28 DECLARATION OF MARK HAMILTON P. 3

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1 during those months. In the winter the power bills were pretty high, to heat the house.
2 Water was turned on at the house in June, 2012; records (attached exh. E) show charges
3 for water since June, 2012, and since then I have paid a total of \$966.25 in water and
4 sewer bills. These records prove that I was actually present at the home, actually doing
5 things that required power and water.

6 As far as actually sleeping at the house, once I removed the existing sheet rock,
7 insulation and much of the wiring, there was too much dust and rubble to be able to keep
8 myself presentable for my other work, so I couldn't actually sleep in the house. I didn't
9 sleep there much after September, 2012 and I stopped sleeping there altogether in about
10 November, 2012. I have been sleeping at the 303 White Road house pending completion
11 of renovations. I was still present at the Pacific house almost every day to work. Often I
12 would go there in the afternoon or evening, after the local businesses closed at 5:00 PM,
13 as well as during the days. Sometimes I would work most of the night. I would usually
14 park my vehicle behind the house to avoid it getting broken into, and work inside for a
15 few hours.

16 As I said, I believed that mail delivered to the house would not be safe, so I
17 retained the 321 White Road mailing address while I attempted to improve security at the
18 house. In November, 2012, I received a mail ballot for the election at 321 White Road
19 address. I didn't think to change my address at the time, I just went ahead and voted.
20 Later I realized that should have corrected my mailing address for voting purposes and in
21 January, 2013, I changed my voter registration to the City of Spokane, listing 217 Pacific.
22 [Exh. F] I changed my address with the Postal Service to the Pacific address, to the best
23 of my recollection, on February 1, 2013, having sufficiently secured the Pacific house for
24 mail to be safely delivered there.

25 I took out permits for the renovations on the property, and had some inspections
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28 DECLARATION OF MARK HAMILTON P. 4

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1 of the work. After one of those inspections the City of Spokane tagged the house as
2 uninhabitable in early May, 2013.

3 Shortly thereafter on May 17, 2013, I filed my candidacy for City office. Since
4 then I have continued to be present at the house almost every day doing renovation work.
5 As of this moment I am temporarily sleeping at 303 White Road since the Pacific house
6 is uninhabitable by City order, but otherwise the Pacific property is the center of my
7 domestic activity. I get my mail there and even have my newspaper delivered at that
8 address. As soon as the Pacific house passes inspection I will begin sleeping there full
9 time.

10 During the period from May, 2012 until now, I have done everything I can to treat
11 the house on Pacific as my primary home. I am physically present at the house almost
12 every day, and I spend more waking time at the house on Pacific than I do at the house on
13 White Road. It is my intent to be a resident of the house on Pacific, and as a result of
14 spending so much time there, I am very aware of the needs and issues of the residents of
15 that neighborhood. I was a pastor of a church in the District for 11 years. I was a
16 Chaplain for the Spokane Police Department. There are significant issues of
17 homelessness and poverty that are very apparent in that neighborhood. There is crime
18 and violence. These are all issues that I hope to address as part of my candidacy for City
19 Counsel, that I think are not now being given the priority they deserve. That is why I
20 decided to make myself a resident of the City, in a neighborhood that is not considered
21 particularly affluent, because I want to help the kind of people who live there.

22 I declare upon penalty of perjury the above is true and correct.

23 June 7, 2013

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25 _____
26 Mark Hamilton

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28 DECLARATION OF MARK HAMILTON P. 5

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