

WASHINGTON COURT OF APPEALS, DIVISION TWO

Scott Egbert, Janelle Egbert v. Richard Jorgensen, Haily Jorgensen,
and All Other Residents and Occupants

No. 60448-5-II · No. 60448-5-II · Decided December 10, 2025

SUMMARY

The Washington Court of Appeals affirmed a superior court’s issuance of a writ of restitution in an unlawful detainer action. The court held that abuse of discretion was the appropriate standard of review for the writ decision following the show cause hearing and concluded that the landlords sufficiently established their good-faith intent to occupy the residence. The court rejected the tenants’ retaliation challenge for purposes of the possession determination and awarded the landlords attorney fees on appeal.

CASE DETAILS

COURT	Washington Court of Appeals, Division Two
WRITING FOR THE COURT	Price, J.; Maxa, P.J.; Lee, J.
JURISDICTION	Washington Court of Appeals, Division Two
DECIDED	December 10, 2025
DOCKET	60448-5-II
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a superior court order issued after an unlawful-detainer show cause hearing granting the landlords a writ of restitution and awarding related fees and costs, while reserving other issues for later proceedings.
STANDARD OF REVIEW	Abuse of discretion for the superior court's decision at the first step of an RLTA show cause hearing—whether to issue a writ of restitution and restore possession. The court did not decide the standard applicable to the second step concerning other relief.
PRECEDENTIAL VALUE	published and precedential
PARTIES	Richard Jorgensen, Haily Jorgensen, All Other Residents and Occupants v. Scott Egbert, Janelle Egbert

TOPICS

eviction

landlord tenant

writ of certiorari

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. What standard of appellate review applies to a superior court's decision to issue a writ of restitution at the first step of an RLTA show cause hearing?
2. Whether the superior court abused its discretion by issuing the writ of restitution without setting the immediate-possession issue for trial despite the tenants' retaliation defense and factual disputes concerning septic problems and rent.
3. Whether the Egberts were entitled to attorney fees on appeal.

HOLDINGS

1. An appellate court reviews a superior court's decision regarding issuance of a writ of restitution at the first step of an RLTA show cause hearing for abuse of discretion.
2. The superior court did not abuse its discretion by issuing the writ of restitution without a trial on immediate possession.
3. The Egberts are entitled to reasonable attorney fees and costs on appeal under the RLTA and RAP 18.1.

KEY QUOTATIONS

“For this specific decision—a decision related to a writ of restitution at a show cause hearing—we hold that the appropriate standard of review is abuse of discretion.” (1)

“We hold, for the reasons explained above, that the appropriate standard for these decisions is abuse of discretion.” (24)

“Applying a deferential standard, we hold the trial court did not err.” (28)

FACTUAL BACKGROUND

The Egberts owned a Shelton residence occupied by the Jorgensens as tenants. The tenants fell substantially behind on rent and later reported septic-system problems to county health authorities, paid for emergency septic pumping, and sent the landlords a demand letter alleging Residential Landlord-Tenant Act violations. Two weeks later, the Egberts served a 90-day termination notice stating that Scott Egbert, after release from incarceration and treatment, intended to occupy the residence as his principal home. The Jorgensens claimed the notice was retaliatory, but the superior court issued a writ of restitution based on Scott's asserted need to occupy the property.

PROCEDURAL HISTORY

The Egberts served the Jorgensens with a 90-day notice terminating the tenancy because Scott Egbert intended to occupy the property as his principal residence. After the Jorgensens remained in possession and asserted a retaliation defense based on septic-system complaints, the Egberts filed an unlawful-detainer action and moved for a writ of restitution. Following a July 2024 show cause hearing, the superior court authorized the writ, awarded related fees and costs, and reserved issues including rent, damages, and other relief. The Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Garrand v. Cornett, 31 Wn. App. 2d 428, 550 P.3d 64 (2024)
- Munden v. Hazelrigg, 105 Wn.2d 39, 711 P.2d 295 (1985)
- Randy Reynolds & Assocs., Inc. v. Harmon, 193 Wn.2d 143, 437 P.3d 677 (2019)
- Hous. Auth. of City of Pasco & Franklin County v. Pleasant, 126 Wn. App. 382, 109 P.3d 422 (2005)
- Webster v. Litz, 18 Wn. App. 2d 248, 491 P.3d 171 (2021)
- Carlstrom v. Hanline, 98 Wn. App. 780, 990 P.2d 986 (2000)
- Leda v. Whisnand, 150 Wn. App. 69, 207 P.3d 468 (2009)
- Faciszewski v. Brown, 187 Wn.2d 308, 386 P.3d 711 (2016)
- Tedford v. Guy, 13 Wn. App. 2d 1, 462 P.3d 869 (2020)
- Kiemle & Haygood Co. v. Daniels, 26 Wn. App. 2d 199, 528 P.3d 834 (2023)
- Wilson v. Daniels, 31 Wn.2d 633, 198 P.2d 496 (1948)
- Barker v. Advanced Silicon Materials, LLC, 131 Wn. App. 616, 624, review denied, 158 Wn.2d 1015 (2006)
- Taylor v. Ebenger, 34 Wn. App. 2d 497, 569 P.3d 340 (2025)
- State v. Comcast Cable Commc'ns Mgmt., LLC, 16 Wn. App. 2d 664, 482 P.3d 925 (2021)
- Sofie v. Fibreboard Corp., 112 Wn.2d 636, 771 P.2d 711, 780 P.2d 260 (1989)

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