

DEC 29 2017

JOAN P. WHITE
SAN JUAN COUNTY, WASHINGTON

IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR SAN JUAN COUNTY

CLARE LINN WELKER and ABIGAIL
METZGER WELKER, Trustees of the Big
Sky Trust UDT 11-14-2002,

Plaintiffs,

v.

MOUNT DALLAS ASSOCIATION, a
Washington non-profit corporation; et al.,

Defendants / Cross-Claim
Plaintiffs,

v.

PETER and KIMBERLY ALBERT, et al.,
representing the owners of properties on
Lower No-Name Road, Kiya Way, Tumac
Road, Rockledge Road, Skylark Lane, Rascal
Road, and Stormridge Road,

Cross-Claim Defendants

NO. 15-2-05069-0

FINAL ORDER
(MOUNT DALLAS SIDE ROADS)

JUDGMENT SUMMARY

A. Money Judgment: No money judgment is ordered.

B. REAL PROPERTY JUDGMENT SUMMARY:

Assessor's property tax parcel numbers:

451414002; 451332002; 451332001; 451411001; 451144004; 451144003; 451144001;
451144002; 451141003; 451141001; 451142001; 451142002; 451141002; 451113007;
451114001; 451114004; 451113005; 451113002; 451113001; 451342001; 451342002;

1 451343005; 451343004; 451344002; 452412001; 452411001; 451343006; 451343001;
2 451343002; 451343003; 452411002; 452414004; 452413004; 452413002; 452414002.

3 Short Legal Description: Ptn Sections 13, 14 and 24, 35-4-13

4 See Exhibits G-1 through G-35, attached hereto, for full legal descriptions.

5 This matter came on for resolution by hearings on Summary Judgment as well as for
6 trial before the undersigned Judge of San Juan County Superior Court. The Court heard the
7 testimony of witnesses and oral argument of counsel for Plaintiffs and counsel for Defendants
8 Mount Dallas Association, L. Curtis Widdoes, Jr., and Robert Tauscher. The Court reviewed
9 the pleadings, files, and records in this matter, and made Findings of Fact and Conclusions of
10 Law related to the issues addressed at trial. This Final Order incorporates Orders on Summary
11 Judgment entered prior to the trial.

12
13 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED:

14 1. Road Management.

15 The right to manage the maintenance of Mount Dallas Side Road (the "Road")
16 is vested in the individual rights of Property Owners. Each Property Owner is entitled to one
17 vote for each Parcel owned by such Property Owner (the "Owner Vote"). A Property Owner
18 may assign his, hers, or its rights to the Owner Vote, as well as such Property Owner's right to
19 manage their interest in the Road (the "Management Rights"), to an entity. No such entity may
20 possess more rights than those rights that individual Property Owners may assign to it. Owners
21 of a majority of Parcels may assign their rights to the Owner Vote and/or Management Rights
22 to an entity, and such entity (the "Majority Owner Management Entity", or "MOME") may
23 manage such Property Owners' interests in the Road.

24
25 Notwithstanding the above, this Court concludes that it has the declaratory
26 power to grant Owners of a majority of Parcels, acting collectively, by and through an Owner
Vote or through a MOME, certain rights of Road management and maintenance over all

1 Property Owners' rights and interests in the Road, and through this Order shall do so. Such
2 rights of Road management and maintenance are as follows:

- 3 (i) The preparation of an annual or special budget for routine general maintenance
4 of the Road as set forth in paragraph 2 of this Order, to be provided in advance
5 to all Property Owners for approval in accordance with the process set forth in
6 Exhibit F, attached hereto;
7
- 8 (ii) The preparation of an annual or special reserve budget for periodic resurfacing
9 of the Road, as set forth in paragraph 3 of this Order, to be provided in advance
10 to all Property Owners for approval in accordance with the process set forth in
11 Exhibit F, attached hereto;
- 12 (iii) The preparation of an annual or special budget for certain administrative
13 expenses, as set forth in paragraph 4 of this Order, to be provided in advance to
14 all Property Owners for approval in accordance with the process set forth in
15 Exhibit F, attached hereto;
- 16 (iv) The right to assess Property Owners for the amounts budgeted in (i) through
17 (iii), above, provided that such assessments are approved in accordance with the
18 process set forth in Exhibit F, attached hereto, and the amounts authorized per
19 paragraph 8 of this Order;
- 20 (v) The right to pursue collection of any delinquent assessments which are approved
21 in accordance with the process set forth in Exhibit F, attached hereto, or are
22 authorized per paragraph 8 of this Order, and which are not timely paid by
23 Property Owners; and
24
- 25 (vi) The right to maintain the Road and the right to contract with third parties to
26 maintain the Road, in accordance with this Order.

1 As of the date of this Order, owners of a majority of Parcels, through an Owner
2 Vote, have assigned their Management Rights to the Mount Dallas Association (the "MDA").
3 The MDA shall be the designated MOME for the Road until otherwise changed or modified by
4 owners of a majority of Parcels, by and through an Owner Vote.

5 2. Costs of Routine General Maintenance. All Property Owners have an obligation
6 to share in the costs of routine general maintenance of the Road, which shall include, without
7 limitation, repair of ordinary wear-and-tear, repair of normal erosion damage, erosion control,
8 cleaning of ditches and culverts, weed whacking along the sides of the Road, brush clearing,
9 and removal of trees and branches. The monies assessed for routine general maintenance shall
10 be subject to budget approval in accordance with the process set forth in Exhibit F, attached
11 hereto, and each Property Owner's respective share of such routine general maintenance
12 obligation shall be as allocated and assessed, in advance, per the allocation formula set forth in
13 Exhibit A, attached hereto.

14 3. Costs of Periodic Resurfacing / Reserve Fund. All Property Owners have an
15 obligation to share in the costs to periodically resurface the Road. Deposits to a reserve fund for
16 future periodic resurfacing costs are appropriately categorized as necessary road-maintenance
17 expenses and may be collected from Property Owners on an annual or special basis. Such
18 reserve fund shall be used exclusively for resurfacing of the Road, including preparation for
19 resurfacing. Assessments for the reserve fund shall be based on reasonable projections of the
20 remaining useful life of the Road, or portions thereof, and on an informed estimate of future
21 resurfacing costs, including costs to prepare for resurfacing. A MOME, or other group of
22 Property Owners owning a majority of all Parcels and acting collectively, by and through an
23 Owner Vote, is entitled to collect and hold the reserve fund in trust for all Property Owners.
24 The monies assessed for the reserve fund shall be subject to budget approval in accordance
25 with the process set forth in Exhibit F, attached hereto, and each Property Owner's respective
26

1 share of the reserve fund obligation shall be allocated and assessed, in advance, per the
2 allocation formula set forth in Exhibit A, attached hereto.

3 4. Administrative Expenses. All Property Owners have an obligation to share
4 administrative expenses incurred by a MOME that are essentially unavoidable, and therefore
5 necessary, including, without limitation, expenses related to calculating, documenting, and
6 collecting assessments, accounting for expenditures, and arranging and overseeing maintenance
7 of the Road. Expenses of a MOME that are incurred solely due to the corporate or other form
8 of such MOME and are not reasonably necessary for the task of maintaining the Road shall not
9 be included. In particular, the costs of liability and D&O insurance shall not be included.
10 Exhibit E, attached hereto, sets forth certain specific administrative expenses that qualify as
11 necessary road-maintenance expenses and are allowed to be assessed to all Property Owners.
12 Allowable administrative expenses shall be subject to budget approval in accordance with the
13 process set forth in Exhibit F, attached hereto, shall be allocated equally among all Parcels, and
14 shall be assessed to Property Owners in advance.

15
16 5. Approval of Budgets and Assessments / Voting. All budgets and assessments for
17 costs set forth in paragraphs 2, 3, and 4 of this Order must be approved by a vote of Property
18 Owners in accordance with the process set forth in Exhibit F, attached hereto.

19 6. Allocation Method. Road-maintenance expenses shall be allocated among
20 Parcels and Property Owners according to the formula set forth in Exhibit A, attached hereto.

21 7. Undeveloped Parcels. Owners of Undeveloped Parcels shall be assessed for
22 road-maintenance expenses at a rate equal to twenty-five percent (25%) of the rate used to
23 assess owners of Developed Parcels for such expenses, as set forth in Exhibit A, attached
24 hereto.

25
26 8. Other Road-Maintenance Expenses.

1 A. Damage Caused by Property Owners. Normal use of the Road is deemed
2 to be ingress and egress using ordinary passenger vehicles. If a Property Owner uses the
3 Road in such a way or with such equipment as to cause abnormal damage to the Road,
4 or so as to cause higher-than-normal maintenance costs, then such Property Owner shall
5 be responsible for paying the full cost for any corresponding repair or maintenance and
6 shall be assessed accordingly.

7 B. Abnormal Damage Due to a Natural Cause. A special fee for the repair
8 of major, abnormal damage due to a natural cause, such as a landslide or a road
9 washout, shall be prorated per the allocation formula set forth in Exhibit B, attached
10 hereto, based on the area of the repairs actually traversed in accessing each Parcel
11 benefitted by the repair, and Property Owners shall be assessed accordingly.

12 C. Improvements. If a portion of the Road is improved by Property Owners,
13 the cost of the improvements shall be borne exclusively by the Property Owners who
14 use that portion of the Road to access their Parcels. "Improvements" means substantial
15 alterations of the Road such as (i) substantially widening the Road; or (ii) substantially
16 upgrading the surface of the Road, such as initially chip sealing the Road.

17
18 9. Enforcement Rights. The Court does not have the authority to grant a MOME or
19 other managing entity lien rights against Property Owners. However, Property Owners may
20 consent contractually to grant a managing entity such enforcement rights. A Property Owner or
21 a MOME may bring suit in a court of competent jurisdiction to collect unpaid assessments
22 pursuant to this Order. Any unpaid assessment shall be deemed liquidated as of the due date of
23 said assessment and prejudgment interest shall accrue from that date forward.

24 10. Recordation of Supplemental Road Maintenance Agreements.

25 (a) The Original Side-Road RMA. On February 3, 2017, the Court entered an Order
26 affirming that the terms of the MDA's Road Maintenance Agreement for the Road (the

1 “Original Side-Road RMA”) are legally binding on Property Owners who signed Joinders to
2 the Original Side-Road RMA. The terms and provisions of this Order shall supersede any
3 conflicting terms and provisions contained in the Original Side-Road RMA.

4 (b) Supplemental Agreements. The Court recognizes that certain Property Owners may
5 agree from time to time to additional terms and provisions for maintenance of the Road. Such
6 agreements may be evidenced by supplemental agreements executed by Property Owners. The
7 MDA or other MOME shall be permitted to record one or more supplemental road maintenance
8 agreements for the Road, provided that any such agreement (i) clearly references this Order; (ii)
9 clearly states that this Order shall control in the event of any conflict between the agreement
10 and the terms and provisions of this Order; (iii) clearly states that no Property Owner who has
11 not executed the agreement consents to be bound by it; and (iv) does not encumber title to any
12 Parcel whose owner has not executed the agreement.

13
14 11. Initial Account Balances. At the time this Order is entered, each Property
15 Owner’s account shall be set to zero, i.e., nothing paid and nothing owed.

16 12. No Credit for Past Payments or Back Payments. Payments collected from
17 Property Owners for assessments covering periods prior to entry of this Order shall not be
18 credited toward payment of any assessments made pursuant to this Order.

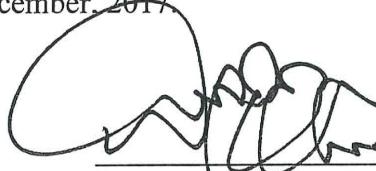
19 13. Use of Existing Funds and Back Payments. Funds held by the MDA at the time
20 this Order is entered, together with any payments collected from Property Owners for
21 assessments covering periods prior to entry of this Order, shall be retained by the MDA and
22 applied only to (i) 2017 and 2018 administrative costs; (ii) 2017 and 2018 routine general
23 maintenance costs; and (iii) the costs of the next periodic resurfacing of the Road, including
24 preparation for such resurfacing. Funds collected for assessments made pursuant to this Order
25 shall not be applied to expenses incurred before January 1, 2018.
26

1 14. Defined Terms. Exhibit C, attached hereto, sets forth the definitions of certain
2 defined terms used in this Order.

3 15. Tax Parcel Numbers and Side-Road Names. Exhibit D, attached hereto, sets
4 forth the assessor's property tax parcel number for each tax parcel that is currently actually
5 accessed via one or more of the seven side roads set forth in Exhibit C, attached hereto,
6 together with the name(s) of the side road(s) used to access said tax parcel.
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1 THIS ORDER SHALL BE BINDING UPON AND RUN WITH THE LANDS OF THE
2 AFFECTED PARCELS, AND SHALL ENURE TO THE BENEFIT AND THE BURDEN OF
3 SAID LANDS.

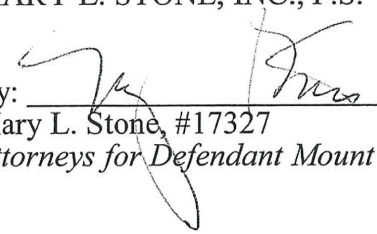
4 SO ORDERED this 29th day of December, 2017



6 SAN JUAN SUPERIOR COURT JUDGE
7 Donald E. Eaton

8 Presented by:

9 MARY L. STONE, INC., P.S.

10 By: 
11 Mary L. Stone, #17327
12 *Attorneys for Defendant Mount Dallas Association*

13 Copy Received; Notice of
14 Presentation Waived

15 TOUSLEY BRAIN STEPHENS PLLC

16 By: _____
17 Christopher I. Brain, WSBA #5054
18 *Attorneys for Plaintiffs*

19 GODDU LANGLIE LORING AND SANDSTROM PLLC

20 By: _____
21 Kathryn Loring, #37662
22 *Attorneys for Defendant San Juan Preservation Trust*

23 DEREK MANN & ASSOCIATES

24 By: _____
25 Derek Mann, #20194
26 Derek Mann & Associates
*Attorney for Defendants Mount Dallas
Association, Robert Tauscher and Sandra Hawley*

1
2 LAW OFFICES OF STEPHANIE JOHNSON O'DAY
3

4 By: _____
5 Stephanie Johnson O'Day, #17266
6 *Attorney for Defendants Mount Dallas*
7 *Association and Widdoes*
8

9 By: _____
10 Thomas M. Schilling, pro se
11

12 By: _____
13 Alan R. Souders, 26192
14 Attorney for Defendant Navratil
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EXHIBIT A

Actual Use Allocation Formula

Road-maintenance expenses for Mount Dallas Side Road that are associated with routine general maintenance or periodic resurfacing, including preparation for resurfacing and application of resurfacing, shall be allocated among Property Owners as follows:

1. For each Parcel, calculate a Parcel Numerator as follows: If the Parcel is a Developed Parcel, then the Parcel Numerator shall be equal to the Area Actually Used in accessing said Developed Parcel. If the Parcel is an Undeveloped Parcel, then the Parcel Numerator shall be equal to twenty-five percent (25%) of the Area Actually Used in accessing said Undeveloped Parcel.
2. The amount assessed for a given Parcel shall be equal to the total amount assessed for all Parcels times the fraction X/Y , where X is the Parcel Numerator for said Parcel, and Y is the sum of the Parcel Numerators for all Parcels.

EXHIBIT B

Allocation Formula for Costs of Repairing Major, Abnormal Damage Due to a Natural Cause

Road-maintenance expenses for Mount Dallas Side Road that are associated with repairing major, abnormal damage due to a natural cause shall be allocated among Property Owners as follows:

1. For each Parcel, whether developed or undeveloped, calculate a Parcel Numerator as the total area of the repairs actually traversed in accessing the Parcel via the Parcel's Furthest Access Point, starting from Mount Dallas Road.
2. The amount assessed for a given Parcel shall be equal to the total amount assessed for all Parcels times the fraction X/Y , where X is the Parcel Numerator for said Parcel, and Y is the sum of the Parcel Numerators for all Parcels.

EXHIBIT C

Definitions

“Mount Dallas Road” is defined as the 10,857-foot-long, 145,728 square-foot, chip-sealed portion of the roadway commonly known as Mount Dallas Road, originating at the County Road (West Side Road), as shown in the Survey dated June 28, 2016 (“the Survey”).

“Mount Dallas Side Road” means any individual side road in the following list of side roads accessed via Mount Dallas Road: Lower No-Name Road, Kiya Way, Tumac Road, Rascal Road, Stormridge Road, Rockledge Road, and Skylark Lane. Each occurrence of the term “Mount Dallas Side Road” in the attached Order and exhibits thereto shall mean the same individual side road.

“Parcel” means a tax parcel that is actually accessed via Mount Dallas Side Road.

“Developed Parcel” means a Parcel

- a) that has a habitable space (such as a house, habitable trailer or mobile home) connected to a septic system; or
- b) for which a building permit has been issued and construction has commenced.

“Undeveloped Parcel” means a Parcel that is not a Developed Parcel.

“Property Owner” means the owner of a Parcel.

“Furthest Access Point” means:

- a) For a Parcel adjacent to Mount Dallas Side Road and having one or more driveways, the point on Mount Dallas Side Road most distant from Mount Dallas Road that is actually traversed in accessing any part of any of the Parcel's driveways;
- b) For a Parcel adjacent to Mount Dallas Side Road and not having a driveway, the point on Mount Dallas Side Road most distant from Mount Dallas Road that is adjacent to any point of the Parcel; and
- c) For a Parcel not adjacent to Mount Dallas Side Road, the point on Mount Dallas Side Road most distant from Mount Dallas Road that is actually traversed in accessing any part of the Parcel.

“Area Actually Used” in accessing a Parcel means the total area of Mount Dallas Side Road actually traversed in accessing said Parcel, from the County Road (West Side Road) to the Parcel's Furthest Access Point along Mount Dallas Side Road.

EXHIBIT D

Tax Parcel Numbers and Side-Road Names

Owner Name	Tax Parcel #	Side-Road Name(s)
Albert	451414002	Lower No-Name Road
Dearfield (Lot #1)	451332002	Lower No-Name Road
Dearfield (Lot #2)	451332001	Lower No-Name Road
Silverstein	451411001	Kiya Way
Tauscher/Hawley	451144004	Kiya Way
Sabin/Troutman	451144003	Kiya Way
Fritz	451144001	Kiya Way
PNS Enterprises (Davis Lot #1)	451144002	Kiya Way
Lagerquist	451141003	Kiya Way
Sheppard	451141001	Kiya Way
Navratil	451142001	Kiya Way
Kroesche	451142002	Kiya Way
Padilla	451141002	Kiya Way
Boyd	451113007	Kiya Way
Davis (Lot #3)	451114001	Kiya Way
Davis (Lot #4)	451114004	Kiya Way
Blackmer	451113005	Kiya Way
Severson	451113002	Kiya Way
Davis (Lot #2)	451113001	Kiya Way
McAlary (Lot #1)	451342001	Tumac Road
McAlary (Lot #2)	451342002	Tumac Road
Hohenlohe (Lot #1)	451343005	Rockledge Road
Hohenlohe (Lot #2)	451343004	Rockledge Road
Moss Trust	451344002	Rockledge Road
Smith (Lot #1)	452412001	Rockledge Road
Guard	452411001	Rockledge Road
Borys/Ewers	451343006	Rockledge Road + Skylark Lane
Keeler (Lot #6)	451343001	Rockledge Road + Skylark Lane
Erskine	451343002	Rockledge Road + Skylark Lane + Rascal Road
Swanson	451343003	Rockledge Road + Skylark Lane + Rascal Road
Allen (Lot #2)	452411002	Stormridge Road
Staunton/Sikorski	452414004	Stormridge Road
Sibert	452413004	Stormridge Road
Vallerie	452413002	Stormridge Road
Ballenger	452414002	Stormridge Road

EXHIBIT E

Administrative Expenses Assessed to All Property Owners

Post Office Box rental

Postage related to the Road

Envelopes and stationery related to the Road

Copying charges related to the Road

Bank charges and checks for Road-related business

Third-party bookkeeping charges for Road-related accounts

Professional fees necessary for Road maintenance (including consulting or contractor costs related to evaluating Road maintenance/repair needs and estimating the cost of maintenance/repairs, including resurfacing)

Costs associated with required Road maintenance meetings and electronic voting

Costs of maintaining a web-based electronic communications system for all Property Owners

Costs to update the Survey and to update the square footage of the Road as needed (except that, if an update is required because a Property Owner changes or relocates an access point, said Property Owner shall pay the survey cost)

Collection costs, up to a maximum of 50% of the amount recovered

Legal fees required for issues with third-party vendors

EXHIBIT F

Process for Approving Operating/Reserve Budgets and Assessments

I. Budget Preparation

Owners of a majority of parcels acting collectively, by and through an Owner Vote or through a MOME, may propose an annual budget and assessment for Road maintenance and/or reserves for Road maintenance. The proposed budget and assessment shall be based on informed estimates of upcoming Road maintenance costs, including (i) projected administrative costs; (ii) projected routine general maintenance costs, based on qualified third-party estimates; and (iii) projected resurfacing costs, including costs of preparing for resurfacing, based on written input from a qualified contractor. A special budget and assessment may be proposed, if necessary, under the same terms and conditions as an annual budget and assessment.

The proposed budget and assessment shall be approved by Property Owners through a process consisting of a Budget Review Meeting followed by a Budget Vote.

If not otherwise defined herein, each defined term used in this exhibit shall have the meaning that is set forth in the Final Order in this matter, including exhibits thereto.

II. Budget Review Meeting

The group of Property Owners or MOME proposing a budget and assessment shall conduct a Budget Review Meeting open to all Property Owners. At least forty five (45) days prior to the meeting, said group of Property Owners or MOME shall provide all Property Owners notice of the date, time, and location of the meeting, and shall make the Required Information shown in Section IV, below, available to Property Owners via U.S. mail, email, World-Wide-Web-based survey service, website, or other electronic means.

The group of Property Owners or MOME proposing the budget and assessment shall make available to Property Owners a World-Wide-Web-based service for posting and viewing comments related to the proposed budget and assessment.

Any Property Owner who desires to comment on the proposed budget and assessment may submit comments for the benefit of other Property Owners via said World-Wide-Web-based service. Any comments must be posted or electronically submitted no later than fifteen (15) days prior to the Budget Review Meeting.

At the Budget Review Meeting, the group of Property Owners or MOME proposing the budget and assessment shall take additional comments and input, answer questions, and discuss the proposed budget and assessment with Property Owners attending in person or by phone. At or after the meeting, the group of Property

Owners or MOME proposing the budget and assessment may amend the proposed budget and assessment to address Property Owners' concerns.

III. **Budget Vote**

1. **Notice.** After conducting the Budget Review Meeting, the group of Property Owners or MOME proposing the budget and assessment shall provide Property Owners notice of a vote to approve said budget and assessment (the "Budget Vote"), which notice shall indicate the date, time and location of a Vote Tallying Meeting and shall include (i) the Required Information shown in Section IV, below; (ii) a ballot; (iii) a proxy form; and (iv) instructions for access to an optional third-party, World-Wide-Web-based balloting service.
2. **Eligibility to Vote.** Only Property Owners who are current in their payment of all assessments subsequent to entry of a Final Order in this matter ("Paid-Up Property Owners") may cast votes to approve or disapprove the proposed budget and assessment. One vote may be cast for each Parcel owned by a Paid-Up Property Owner, without regard to the number of persons or entities who may collectively own such Parcel.
3. **Vote Tallying Meeting.** A Vote Tallying Meeting shall be held not less than thirty (30) days after notice of the Budget Vote has been provided to Property Owners. The purpose of the Vote Tallying Meeting shall be to tally the votes of Paid-Up Property Owners in an open and transparent manner. All Property Owners shall be permitted to attend the Vote Tallying Meeting.
4. **Delivery of Votes.** At or prior to the Vote Tallying Meeting, Paid-Up Property Owners may deliver their votes to the group of Property Owners or MOME proposing the budget and assessment (i) in person; (ii) by hardcopy ballot sent by U.S. mail; (iii) by electronic ballot, including ballots cast via a third-party, World-Wide-Web-based balloting service; or (iv) by hardcopy or electronic proxy.
5. **Approval.** If the number of votes cast in favor of approval of the proposed budget and assessment is at least fifty percent (50%) of the number of Parcels owned by Paid-Up Property Owners at the time of the Vote Tallying Meeting, then the proposed budget and assessment shall be considered to be approved. Otherwise, the Vote Tallying Meeting shall adjourn without approving the proposed budget and assessment. In the event that the proposed budget and assessment is not approved, the annual budget and assessment most recently approved shall be adopted and shall continue until such time as a new budget and assessment is approved.
6. **Summary of the Budget Vote.** Within fifteen (15) days following the Vote Tallying Meeting, the group of Property Owners or MOME proposing the budget and assessment shall make available to all Property Owners, by U.S. mail, email, World-Wide-Web-based survey service, website, or other electronic means, a summary of the Budget Vote showing, for each Paid-Up Property Owner (i) the identity of the Property Owner; (ii) the number of votes cast to approve or disapprove the proposed budget and assessment; and (iii) the manner in which the votes were cast.

IV. Required Information

The following Required Information shall be made available to all Property Owners at the same time as (i) the notice of the Budget Review Meeting; and (ii) the notice of the Budget Vote.

1. The total amount proposed to be budgeted and assessed for each of the following expense categories, together with a reasonably detailed breakdown of proposed expenses within each category:
 - a. Expected routine general Road maintenance costs
 - b. Expected administrative expenses
 - c. Reserves for periodic resurfacing, including preparation for resurfacing
2. With respect to each category and subcategory of expense, the amount actually expended during each of the preceding two years.
3. For both the Operating Fund and the Reserve Fund:
 - a. The balance currently available in the fund and a copy of the most recent bank statement for the fund
 - b. For each of the preceding two years:
 - i. The balance available in the fund at the beginning of the year
 - ii. The amount of interest earned on the fund during the year
 - iii. The total amount of delinquent assessments owed to the fund at the beginning of the year
 - iv. The total amount of delinquent assessments received for the fund during the year
 - v. The total amount assessed for the fund during the year
 - vi. The total amount of current-year assessments actually received for the fund during the year
 - vii. The total amount actually expended from the fund during the year
 - viii. An itemized statement showing all disbursements from the fund during the year, including the payee, the amount, and the date for each disbursement
4. A reasonably detailed explanation of the expected and/or estimated cost and timing of resurfacing and preparation for resurfacing, including the most recent estimate obtained by the group of Property Owners or MOME proposing the budget and assessment received from a contractor qualified to perform the work.
5. A table showing the amounts proposed to be assessed for each Parcel for each category of expense (i.e., routine general maintenance, administrative expenses, and reserves for periodic resurfacing), together with the values of all parameters used to calculate such assessments.
6. A statement identifying the Property Owners who are delinquent in the payment of any assessments and showing, for each such Property Owner, the Parcels owned, the amounts in arrears, and what collection efforts have been initiated.

7. If any Property Owner shall pay less than the total amount invoiced, such payment may be applied to expense categories selected at the discretion of the group of Property Owners or MOME managing the Road.

V. Notice

Any notice required to be sent to Property Owners shall be delivered by one of the following methods:

- a. Hand-delivery to the mailing address of the Property Owner or other address designated in writing by the Property Owner.
- b. Prepaid first-class United States mail to the mailing address of the Property Owner or to any other mailing address designated in writing by the Property Owner.
- c. Electronic transmission to an address, location, or system designated in writing by the Property Owner. (Notice to Property Owners by electronic transmission complies with this section only with respect to those Property Owners who have delivered to the group of Property Owners or MOME proposing the budget and assessment a written notice consenting to receive electronically transmitted notices.)

VI. Financial Review Meeting

At most once each year, if requested by one or more Property Owners, the Treasurer or other qualified representative of the group of Property Owners or MOME managing the Road shall conduct a Financial Review Meeting open to all Property Owners. Notice of such meeting shall be sent to Property Owners at least sixty (60) days before the meeting.

At the Financial Review Meeting, Property Owners shall have access to all financial documents and records in the possession of the group of Property Owners or MOME managing the Road that are relevant to management of the Road. The Treasurer or other representative shall answer Property Owners' questions regarding such financial documents and shall make hardcopy of the documents available, if requested, at a cost of \$0.15 per page. If the records are available in electronic format, then an electronic copy of such information shall be made available to any Owner requesting same.

Notwithstanding the foregoing, any Property Owner, upon reasonable notice, not more frequently than once each quarter, may request access to the accounting records for the Road, including bank account statements and electronic copies of any such accounting records that are maintained in electronic format, and the group of Owners or MOME managing the Road shall provide such access. The costs of inspecting and copying shall be paid by the Property Owner requesting the records.