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SUPERIOR COURT OF WASHINGTON, COUNTY OF SAN JUAN

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; PETER
and KIMBERLY ALBERT; TIMOTHY
and SUSAN ALLEN; DAVID and
NANCY AUTH; ANITA BAILOR;
PATRICK and JOANN BALENGER;
MICAJAH BIENVENU and AMY
ANDERSON; CONSTANCE
BLACKMER; HENRY J. BORYS and
KESHA EWERS; JOHN and SHARON
BOYD; PATRICIA T. CASEY; KYLE
CHAPMAN and LADD JOHNSON;
WENDY CRAWFORD; PETER DAVIS
and SUSAN CRAMPTON DAVIS;
CYNTHIA and MARK DEARFIELD;
DAVID DUGGINGS and MEGAN
DETHIER; ROBERT T. EICHLER;
ROBERT J. ERSKINE, JR. and PEGGY
ERSKINE; JAMES L. and WENDY
FRANCIS; JAMES FRITZ; GREG and
JANE GERHARDSTEIN; GARY GERO;
JAMES GIMLETT and MAGGIE
GALLIVAN; CRAIG and JEAN
GRAHAM; JAMES and MARY GUARD;

NO. 15-2-05069-0

**DECLARATION OF
J. Royce Meyerott
IN RESPONSE TO
PLAINTIFF'S
MOTION FOR
SUMMARY
DECLARATORY
JUDGEMENT.**

1 NASH R. GUBELMAN and LINDA
2 SOFTING-GUBELMAN; STERLING
3 TRUST COMPANY FBO; THOMAS and
4 COLLEEN HAVERMAN; RONALD and
5 ASHLEY HURST HENNEMAN;
6 HENNEMAN IRREVOCABLE TRUST;
7 LISA LYNN HILL; PAUL A. and
8 JENNIFERHOHENLOHE; GLENN and
9 DIANE KAUFMAN; FRED KEELER;
10 JANE B. KROESCHE; GORDON
11 LAGERQUIST; MAURICE and MOLLY
12 LIEBMAN; MADRONA RIDGE, LLC;
13 FLORENCE MCALARY; ROBERT and
14 SARA MCCLELLAN; J. ROYCE
15 MEYEROTT and LEE M. BRYAN;
16 JEROME S. and ANN MOSS; MOSS
17 TRUST; DIANNA PADILLA; MARK
18 PRZYBYLSKI and MAUREEN KAY
19 KOSHI; ROGER and JILL RATH;
20 PATRICIA ROBERTS; BENJAMIN
21 TROUTMAN and KARLA SABIN;
22 THOMAS SCHILLING; FLORENT
23 SCHOEBEL and JESSICA FARRER;
24 ERIK and ELAINE SCHUMY; WILLIAM
25 and LAURA SEVERSON; MARK
26 SHEPPARD; FRED and ELEANOR
27 SILVERSTEIN; SAN JUAN
28 PRESERVATION TRUST; DONALD E.
STRAUTON and MARIA SIKORSKI;
GREGORY A. and JANE SWANSON;
RIKKI SWIN; ROBERT TAUSCHER and
SANDRA HAWLEY; JOHN TAYLOR;
BRUCE D. TWOOMEY; CARTER and
JENNIFER WHALEN; L. CURTIS
WIDDOES; SILVERSTEIN-GERSTON
MOUNT DALLAS LLC; SP
INVESTMENTS II LLC;
Defendants.

1 I, J. Royce Meyerott, declare as follows:

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3 1. I am over the age of 18 and I am competent to be a witness in this lawsuit. I make
4 the following statements based upon my personal knowledge. I am the former Vice-President of
5 Mount Dallas Association (the Association), and one of the Defendants in this lawsuit. My wife
6 Lee Mosby Bryant and I, also Defendants in this lawsuit, own two parcels of land on San Juan
7 Island, both of which we access via the Mount Dallas Road (the "Road").

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9 2. The plaintiff's lawsuit alleges that the Mount Dallas Association (MDA) has no legal
10 authority to manage the maintenance and paving of Mt. Dallas Road. Technically
11 speaking, I agree with that statement, however I think that a ruling in this case should
12 decide (1) who will be given the legal authority to manage all of the roads on Mt.
13 Dallas (2) who should be responsible for paying the legal fees for this lawsuit?

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15 3. When I first looked at the properties on Mt. Dallas in 2004, there were many on the
16 market. The road was graded gravel, but was still dusty and rough on the steep
17 sections. I told the realtor that I was working with that I would be interested in
18 purchasing on Mt. Dallas if the road was paved. The owner of one of the property's
19 that I was interested in, approached the MDA regarding paving the road and agreed to
20 put up the first \$20,000 towards the paving fund. The MDA organized the
21 neighborhood for funding and contracted for the first paving of the road that took
22 place in May of 2005. As a direct result of MDA's paving of the road, over 10 million
23 dollars of real estate sold on Mt. Dallas in 2005. My wife and I were among the
24 buyers. In 2011, after a year of planning, the MDA repaired, widened and repaved 2
25 miles of Mt. Dallas road. The result is one of the finest private roads in San Juan
26 County. The MDA may not have been acting with legal authority to manage the Mt.
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1 Dallas road, but they have acted in such a manner that the entire Mt. Dallas
2 community has been significantly improved. It is my experience that the MDA is a
3 “poster child” for what constitutes the best of American Grassroots Democracy. I am
4 one of the over 75% of Mt. Dallas property owners who recently signed a petition that
5 requests the court to authorize the MDA to be the legal managing entity of all roads
6 on Mt. Dallas. I hereby request that the court authorize the Mount Dallas Association
7 to be the managing entity of all roads on Mt. Dallas.
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10 4. In 2010 I approached the MDA and offered to help to repair and repave the Mt.
11 Dallas road as I have 25 years experience with paving and dealing with shared private
12 road’s. They accepted my offer and I (along with other neighbors) spent considerable
13 time during the following 11 months preparing for the actual paving that occurred in
14 July of 2011. On Sept. 1, 2011 Claire Welker wrote two emails to the MDA board.
15 (Exhibit 1) In the emails he said “I have nothing but the highest regard for the board
16 members who have led by example...”. In the emails he went on to nominate me to
17 be President of the MDA while extolling my abilities to communicate, work with
18 contractors and to “implement an equitable payment scheme...” I agreed to help out
19 on the board but did not want to be President. I was elected to be on the board from
20 2012 to mid 2015. In 2015 I was elected vice-president. My question is “what
21 changed” in Mr. Welker’s view towards the MDA and my abilities between 2011 and
22 2015? If the Welker’s wanted to change how Mt. Dallas Road was managed, why
23 didn’t they approach the MDA with suggestions and work with us to implement
24 common goals instead of unilaterally filing a lawsuit against the MDA and the entire
25 neighborhood. At the 2014 annual MDA meeting Abigail Welker was elected
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1 Treasurer. I think that the answer to my question is found if one examines the
2 accusations of Abigail Welker and the response of MDA to a "report" that she
3 presented at a MDA board meeting in early December of 2014. In her "report" she
4 alleges among other things that over \$24,000 of road fund money was
5 "misappropriated" by previous MDA boards and treasurers. The previous treasurer,
6 Sandra Hawley (a state certified CPA) was not consulted in detail before A. Welker
7 presented her "report". A. Welker also alleged that previous MDA boards acted in a
8 secretive manner regarding how side roads were maintained. Sandra Hawley spent
9 about 3 months researching in order to answer and rebut every question and
10 accusation that A. Welker made in her report. As a board, we examined both A.
11 Welker's accusations and S. Hawley's response. We determined that A. Welker's
12 report was full of inaccuracies and that she should have asked questions of the
13 previous two treasurers before making the accusations that she did in her report.
14 After A. Welker read S. Hawley's response to her "report", she told MDA President
15 Susie Allen "I don't believe a word of it". In the following months leading up to the
16 filing of the lawsuit, A. Welker sent out copies of her "report" to select owners on Mt.
17 Dallas. I do not know all of the neighbors who she sent this "report" to, but we
18 (MDA) received quite a few angry emails and phone calls from people who wanted to
19 know if what the report concluded was true. We interpreted A. Welker's actions as
20 trying to poison the residents against the MDA in advance of the lawsuit filing. I
21 think that if one takes into consideration the above information, the real motives of
22 the plaintiffs in this lawsuit must come into question. The Welker's actions, before as
23 well as since the lawsuit was filed, show no sincere intention to resolve the issues
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1 involving managing Mt. Dallas roads in a way that is supported by the majority of
2 Mt. Dallas property owners. It is my firm opinion that this lawsuit is vengeful by
3 design and is meant to be disruptive to a neighborhood that disagrees with the
4 Plaintiffs beliefs. I respectfully ask that the court require the Plaintiffs, Abigail and
5 Clair Welker to reimburse the MDA for all legal fees incurred in this matter. Thank
6 you for listening.
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16 DATED THIS _____ day of _____, 2015.
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Exhibit # 1

From: royce meyerott <rmeyerott@gmail.com>
Subject: Fwd: MDA Annual Meeting and Party - 9/24
Date: October 13, 2015 9:41:08 AM PDT

Begin forwarded message:

From: "Clare Linn Welker" <clwelker@gmail.com>
Date: September 1, 2011 12:02:48 PM PDT
To: "royce meyerott" <rmeyerott@gmail.com>, "William Severson" <william.severson47@yahoo.com>, "Jim & Mary Guard" <guard@rockisland.com>, "Bob Tauscher" <bob.tauscher@gmail.com>, "David Duggins" <dduggins@u.washington.edu>, "Micajah Bienvenu" <Micajah@centurytel.net>, "Glen Kaufman" <dgkaufman@rockisland.com>, "Jim Blackmer" <blackmerjc@gmail.com>
Subject: RE: MDA Annual Meeting and Party - 9/24

I have no doubt that talent abounds, I have absolutely nothing but the highest regard for the board members who have lead by example (including proper contributions), but what is needed in this next phase, which is protecting the investment we have made, is a strong track record of implementing and good communication skills. A road committee member needs to take over leadership, and that's why I advocated for Royce become President. The man has bugged us to death to collect funds, that what was a necessary task, a thankless task, and he has been the only one to follow up time and time again.

We also need a new draft policy on how much each property owner should contribute. It needs to meet state code. It needs to be simple and equitable. Royce, you have experience on this issue from your years in California and it is likely this will be the primary issue to resolve next year. I hope we will be blessed with your skill set and be smart enough to provide the proper authority so we can take advantage of your experience for the benefit of the property owners.

The proposed state legislation on required funding for private

roads will resolve some of our funding problem, and we still have an opportunity to customize how it impacts us.

Whatever happens with the proposed rule or our ability to create an equitable contribution plan, we must find a way to curtail asking the board to beg for funds from property owners. We will lose valuable board members if we task them with collections.

We will send in our \$1,000 contribution tomorrow, no strings attached, an act of faith so to speak, but I urge the board to adapt to the times, and to provide authority to persons with the particular skill set that we now need to rid of this funding problem.

Clare

From: royce meyerott [mailto:rmeyerott@gmail.com]

Sent: Thursday, September 01, 2011 10:32 AM

To: Clare Linn Welker; William Severson; Jim & Mary Guard; Bob Tauscher; David Duggins; Micajah Bienvenu; Glen Kaufman; Jim Blackmer

Subject: Re: MDA Annual Meeting and Party - 9/24

Thanks for your kind words of support. The road committee will be happy to receive the additional \$1000. contribution. We will consider it the first construction fee collected under subsection 8.a.1.d of our soon to be unveiled Mt. Dallas Road Maintenance Agreement. We really do appreciate your being a good and involved neighbor. The best way to insure good governance on Mt. Dallas is to join the Board, so I hereby nominate you. The pay is great. By the way, we already have a talented President in Bill Severson.

Royce

On Sep 1, 2011, at 8:25 AM, Clare Linn Welker wrote:

Mr. Severson:

We wish to further assist in reducing the remaining fund shortage on the new chip seal road.

However, we want to be sure the road investment we have made is protected through regular maintenance. As we increase our contributions, we need to know we are well represented.

We will contribute another \$1,000 to IF property owners cast a vote for Mr. Royce Meyerott to join the board as its president.

Meyerott has been instrumental in making sure the chip seal road project was done correctly, he paid attention to detail and he made sure we got our money's worth from the two contractors.

Voluntary contributions have not worked for us and the problem of funding private roads equitably is widespread. Washington State Property owners should be aware new legislation is doing our ways to help resolve the problem. The state legislature is about to make some big changes to private road funding.

See <http://apps.leg.wa.gov/documents/billdocs/2011-12/Pdf/Bills/House%20Bills/1349.pdf>

Mr. Meyerott is familiar with this kind of legislation and his experience will be needed to implement an equitable payment scheme in the future that will comply with this new rule to the common benefit of Mt Dallas Homeowners.

Sincerely,

Clare & Abby Welker