

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; et al., Defendants.

NO. 15-2-05069-0

**DECLARATION OF SANDRA
HAWLEY IN SUPPORT OF
MOUNT DALLAS
ASSOCIATION'S MOTION FOR
SUMMARY JUDGMENT**

I, Sandra J Hawley, declare as follows:

I am over the age of 18 and I am competent to be a witness in this lawsuit. I make the following statements based upon my personal knowledge.

1. In February 2015 I was appointed by the Board as Treasurer of Mount Dallas Association (the Association). I was previously the elected Treasurer from 2012 to August 2014.

2. My husband Robert C. Tauscher and I are also Defendants in this lawsuit. We own one parcel of land on San Juan Island, which we access via Mount Dallas Road and the side road Kiya Way.

3. I have been a Certified Public Accountant for over 30 years with a Bachelor's Degree in Accounting and a Master's Degree in Financial Accounting. I was a self-employed practicing CPA in Friday Harbor for nearly 20 years. I completed more than the requisite number of hours of Certified Public Accountant Continuing Professional Education in the area of Association accounting and auditing. I have done accounting for and prepared tax returns for numerous

1 Homeowner/Condo, Water and Road Associations in San Juan County. In addition, I have done
2 annual audits, reviews or compilations for many of these associations.

3 4. I make this Declaration in support of the Association's motion for partial summary
4 judgment, which asks the Court to establish the Actual Use Method of proration for certain road
5 maintenance expenses and reserves funds for Mount Dallas Road future chip-sealing
6 requirements.

7 5. I testify herein as to certain Association matters from personal involvement, and to
8 certain such matters after a careful review of the Association's records.

9 6. The Association was formed and incorporated in the State of Washington in 1989 to
10 manage and maintain the roads. The records show that the Association files and pays all
11 requisite State and Federal licensing fees and taxes. It also maintains liability insurance for the
12 approximately six miles of roads in the Mt. Dallas road network.

13 7. In the initial year of 1989, approximately 88% of the property owners then using the
14 Mount Dallas Road system voluntarily paid dues to the Association.

15 8. Each year since 1989, the Association has maintained the Mount Dallas Road and its
16 road system with voluntary assessment contributions. Over \$500,000 has been received by the
17 Association for its use in maintaining these roads.

18 9. In 2011, a proportional "fair share" spreadsheet for chip-sealing Mt. Dallas Road was
19 prepared then board member, Ms Swin in which she shows a calculation of total square feet of
20 125,182. This total square feet was divided into sections of Mt. Dallas Road. This is the
21 spreadsheet that was expanded upon in subsequent years. In 2011, a reserve fund for chip-
22 sealing had not yet been started. Attached as **Exhibit A** hereto is a true and correct copy of this
23 spreadsheet as sent to me by Ms Swin and included in the Association records.

24 10. In 2013, the board further decided to expand upon a fair and equitable proportional
25 method of assessments for reserves for chip-sealing and to collect reserves for future monies
26 needed. A spreadsheet was prepared expanding upon Ms Swin's spreadsheet discussed above in
27 no. 9. The area of 125,182 was used as shown in that original spreadsheet by Ms Swin, as well
28 as the section measurements. This 2013 spreadsheet was calculated to show amounts needed per
section to collect \$20,000 which was the amount estimated for each year to have enough funds

1 for the next chip-sealing of Mt Dallas Road. Attached as **Exhibit B** hereto is a true and correct
2 copy of this spreadsheet that was presented at the 2013 annual meeting for voting.

3 11. A vote by property owners present at the 2013 annual meeting and by email vote to
4 all known Mount Dallas road system property owners after that annual meeting, there was a
5 majority approval (with one dissenter) of the method of allocating estimated reserve funds for
6 future chip-sealing of Mt. Dallas Road on a proportional basis starting in the year 2014. The
7 administration and fire wise expenses such as postage, insurance, weed work, etc. were split
8 equally among all property owners, while any estimated reserves were assessed on a proportional
9 basis. While there was approval by property owners for the general idea of the proportional
10 method of billing, it was also found that to be more equitable, using the property lines resulted in
a better equitable assessment.

11 12. The Association's 2014 invoices to property owners included: (a) an equal sum
12 charged to each user parcel for those expenses that benefitted all user parcels equally; and (b) an
13 amount charged to each user parcel for reserves that varied under a proration calculated
14 according to the area traversed to the parcel's most distant property line or side road up Mount
15 Dallas Road from the beginning of West Side Road.

16 13. I prepared this spreadsheet from data available on the San Juan County website. Per
17 instruction by an employee at the county, I used the 'distance measuring tool' on this website to
18 calculate the number of feet from Westside Road to the end of the property line which was
19 assumed to be the easement of each parcel or to a side road if the tax parcel did not touch Mt
20 Dallas Road. I measured at least 3 times and used the average, then used the same format that
21 was used or the draft spreadsheet that was approved in 2013. Attached as **Exhibit C** hereto is a
true and correct copy of this 2014 spreadsheet.

22 14. The Association's 2015 assessment invoices to the owner of each parcel were similar
23 to 2014 in that they included a flat fee split between administrative and fire wise estimated costs
24 for each parcel for those expenses equally benefitting all parcels and a prorated charge for
25 reserves for each owner's parcel.

26 15. The proration method was calculated for each parcel based on the area traversed from
27 West Side Road up Mount Dallas Road to a property's access point, generally a driveway or a
28 side road. For those properties with no known access point, the midpoint of the lot was used.

16. In 2015, of the 85 tax parcels in the Mt. Dallas road network, over 77% paid the invoiced amount, again indicating a super majority of agreement with proration by the Actual Use Method.

17. In 2014, under this Actual Use Method, the Association calculated linear footage along Mount Dallas Road using the GIS County online maps.

18. In 2015, the Plaintiffs' retained San Juan Surveying to survey Mount Dallas Road only. The Plaintiffs' provided the Association copies of their completed survey and which data was used in preparing the 2015 proportional spreadsheet.

19. The Association's 2015 invoices were prorated using this provided surveyor's data to calculate for each parcel, the area of road surface traveled from Mount Dallas Road's point of origin at West Side Road to the parcel's access point.

20. Under this Actual Use Method, the Association deems that: (a) a parcel with two driveway access points is calculated according to the furthest such access point; (b) the access point for an undeveloped parcel is the parcel's furthest point of connection to Mount Dallas Road; and (c) undeveloped parcels were invoiced 25% of the share paid by developed parcels.

21. The spreadsheet for the 2015 assessments was calculated, using the 2015 data from San Juan Surveying. Attached as **Exhibit D** hereto is a true and correct copy of the spreadsheet used by the Association in employing the Actual Use Method. **Exhibit E** hereto is a true and correct copy of a map showing all tax parcels included in the Mt. Dallas Road System.

22. The spreadsheet is easy to work with, and any changes in a parcel's point of access may be input into it with little effort along with any other types of changes there may be over time such as lot mergers or splits.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED THIS ____ day of March 2016.

Signed at Friday Harbor, Washington.

Sandra Hawley, Treasurer
Mount Dallas Association

EXHIBIT A

Exhibit A

EXHIBIT B

Exhibit B

EXHIBIT C

Exhibit C Pt

EXHIBIT C

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	
Mt Dallas (Mtva to)																			
Mt Dallas (Mtva to Twoomey)																			
Mt Dallas (Mtva to Larkspur)																			
Mt Dallas (Mtva to N. Bailor)																			
Total #	MDA	20.0%	50.0%	100.0%	Actual Eq. Yds	Full time	Total	Fst/Moment											
sq ft	parcels	(M)	FT	FT equivalent	equivalent	FT equivalent	Total	Fst time	Runit										
sq ft	per	sq yds	PT	occupied	as	residential													
Column	section	(summl)	vacant/	unoccupied	times	Properties													
Sections	section	section	property	develobes	measured	Square Yards													
52	451322002	R Twoomey	30,372	3,764	3,375	1	0.00	0.00	1.00	3.01%									
53	25																		
54																			
55																			
56																			
57	26	451322003	R Bienvenu/Anderson	38,231	7,859	4,248	1	0.00	0.00	1.00	6.28%								
58																			
59																			
60																			
61																			
62	27	451323001	N Bailor	41,168	2,937	4,274	6	1.00	1.00	4.00	2.35%								
63	28	451323003	V Schumey																
64	29	451324002	R Prydzyski																
65	30	451323004	R Kaufman																
66	31	451323003	R Whalen																
67	32	451323004	R Gimlett (Gallivan)																
68																			
69																			
70																			
71	33	451323001	V Roberts	42,032	864	4,670	3	2.00	0.00	1.00	0.69%								
72	34	451322004	R Roberts																
73	35	451324004	V Graham																
74																			
75																			
76																			
77																			
78	36	451324002	N Henneman (Marcusen)	62,645	20613	6,961	1	0.00	0.00	1.00	16.41%								
79																			
80																			
81																			
82	37	451324003	R Welker	67,423	4778	7,491	1	0.00	0.00	1.00	3.82%								
83																			
84																			
85																			
86																			
87																			
88	38	451324005	V Welker	69,092	1669	7,677	4	2.00	0.00	2.00	1.33%								
89	39	451313003	R Casey																
90	40	451313001	R Dethier																
91	41	451313002	V Johnson/Chapman																
92																			
93																			

Exhibit C P 2

EXHIBIT C

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
Mount Dallas Association - Proportional Spreadsheets used for 2014 Assessments																		
2																		
3																		
4																		
5																		
6																		
7																		
8																		
9																		
94																		
95																		
96																		
97	42	451331001 R Gero		73,934	4,842	8,215	1	0.00	0.00	1.00	3.87%							
98																		
99																		
100																		
101	43	451331002 R Auth		79,132	5,198	8,792	1	0.00	0.00	1.00	4.15%							
102																		
103																		
104																		
105	44	451331003 R Meyerott/Bryant		85,102	5,970	9,456	1	0.00	0.00	1.00	4.77%							
106																		
107																		
108																		
109	45	451331005 N Kieeler		87,035	1,953	9,673	1	0.00	1.00	0.00	1.56%							
110																		
111																		
112																		
113																		
114																		
115	46	451342001 R McAlary		87,884	829	9,765	2	1.00	0.00	1.00	0.66%							
116	47	451342002 V McAlary																
117																		
118																		
119																		
120																		
121	48	451342003 V Liebman		89,059	1,175	9,895	1	1.00	0.00	0.00	0.94%							
122																		
123																		
124																		
125																		
126	49	451342004 V Liebman		91,772	2,713	10,197	1	1.00	0.00	0.00	2.17%							
127																		
128																		
129																		
130																		
131																		
132	50	45134008 V Keeler		98,037	6,265	10,893	4	3.00	0.00	1.00	5.00%							
133	51	45134009 V Keeler																
134	52	45134010 R Keeler																
135	53	45134011 V Keeler																

Exhibit C P3

EXHIBIT C

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Mt Dallas Association - Proportional Spreadsheets used for 2014 Assessments																	
2																		
3																		
4	R Units = Equivalent Residential Units																	
5	MDA = 20.0%																	
6	sq ft																	
7	sq ft per section (square feet per section)																	
8	Sections																	
9	Total # parcels (V)																	
10	Total based on Section % of total based on																	
11	Annual Annual																	
12	Operating Est Reserve																	
13	5000 / 83 lots = \$60.24 per lot																	
14	Full-time Runt: 0.0541 \$/R*sq.yd																	
15	First Moment equivalent																	
16	= FT equivalent times																	
17	FT equivalent residential Properties measured																	
18	\$ per vacant/ unoccupied section																	
19	Square Yards section																	
20	\$ per undeveloped property																	
21	Section % of Total																	
22	Equivalent Residential Units																	
23	Runt: 0.0541 \$/R*sq.yd																	
24	First Moment equivalent																	
25	= FT equivalent residential Properties measured																	
26	\$ per vacant/ unoccupied section																	
27	Square Yards section																	
28	\$ per undeveloped property																	
29	Section % of Total																	
30	Equivalent Residential Units																	
31	Runt: 0.0541 \$/R*sq.yd																	
32	First Moment equivalent																	
33	= FT equivalent residential Properties measured																	
34	\$ per vacant/ unoccupied section																	
35	Square Yards section																	
36	\$ per undeveloped property																	
37	Section % of Total																	
38	Equivalent Residential Units																	
39	Runt: 0.0541 \$/R*sq.yd																	
40	First Moment equivalent																	
41	= FT equivalent residential Properties measured																	
42	\$ per vacant/ unoccupied section																	
43	Square Yards section																	
44	\$ per undeveloped property																	
45	Section % of Total																	
46	Equivalent Residential Units																	
47	Runt: 0.0541 \$/R*sq.yd																	
48	First Moment equivalent																	
49	= FT equivalent residential Properties measured																	
50	\$ per vacant/ unoccupied section																	
51	Square Yards section																	
52	\$ per undeveloped property																	
53	Section % of Total																	
54	Equivalent Residential Units																	
55	Runt: 0.0541 \$/R*sq.yd																	
56	First Moment equivalent																	
57	= FT equivalent residential Properties measured																	
58	\$ per vacant/ unoccupied section																	
59	Square Yards section																	
60	\$ per undeveloped property																	
61	Section % of Total																	
62	Equivalent Residential Units																	
63	Runt: 0.0541 \$/R*sq.yd																	
64	First Moment equivalent																	
65	= FT equivalent residential Properties measured																	

EXHIBIT C

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S
1	Mount Dallas Association - Proportional Spreadsheets used for 2014 Assessments																	
2																		
3	R Units = Equivalent Residential Units																	
4																		
5	Total # MDA	20,00%	50,0%	100,0%														
6	sq ft parcels	(V)	sq ft FT	actual sq yds per section	full time equivalent													
7	sq ft per Sq yds	per Sq yds	per FT	per section	FT equivalent													
8	Sections	Section	Section	vacant/ unoccupied	residential													
9	Section (column)	Section (column)	Section (column)	unoccupied	occupied													
178																		
179																		
180	Mt Dallas (Stormridge to Brookshaw)																	
181	72	452413005 R Crawford	125,182	3,440	13,909	12.	8.00	0.00	4.00	2.75%								
182	73	452424404 R Widdoes																
183	74	452424002 V Widdoes																
184	75	452424001 V Widdoes																
185	76	452431004 V Widdoes																
186	77	452431003 V Sec Prop II LLC																
187	78	452431002 V Taylor																
188	79	452413006 V Eichler																
189	80	452442002 V Gero																
190	Brookshaw																	
191	81	452442001 R Schilling																
192	Mt Dallas (Brookshaw to end)																	
193	82	452442003 V Gubelman																
194	83	452442004 R Gubelman																
195																		
196																		
197	R Units = Equivalent Residential Units	Total # of Lots	83							100.00%	\$20,000 check #							
198										369,500	Reserves							
199										0.0541	Operating							
200										\$R*sq yd	Total							
201										Reserves	\$20,000 x	6 yrs	=					

Exhibit C P5

EXHIBIT D

Total Mt Dallas Road EGRESS/E Assessment (Example Only) based on SI Survey results 2015										
42 Undeveloped Parcels		Individual		Parcel		Assessment		Per 2015 Survey of Mount Dallas Road		
43 Developed Parcels		Tax Parcel		Assessment		Section		Column	Sq Ft	Total
Total Parcels (U + D)		Number		\$	%	Sq Ft.	Sq Ft.	for	Sq Ft.	All
Mt Dallas Road								enables	Deeded	All
Lower No-Name Road								Unenforced	Deeded	Deeded Parcels...
1	Albert	451414002	D	\$67.81	0.3229%	14,304	14,304	14,304	14,304	\$67.81
2	Dearfield	4513232002	D	\$67.81	0.3229%	14,304	14,304	14,304	14,304	\$67.81
3	Security Properties II LLC [Lot #1]	4513320001	U	\$16.95	0.0857%	14,304	3,576	3,576	3,576	\$16.95
4	Gerhardstein	451414004	U	\$18.00	0.0857%	880	15,184	3,796	3,796	\$18.00
5	SI Preservation Tr	451414008	U	\$25.18	0.1199%	5,061	21,245	5,311	5,311	\$25.18
6	Haberman/Sterling Tr	451414005	U	\$29.59	0.1409%	3,726	24,971	6,243	6,243	\$29.59
7	Swin [Lot #1]	451414001	D	\$131.47	0.6261%	2,763	27,734	27,734	27,734	\$131.47
8	Swin [Lot #2]	451411002	U	\$32.87	0.1565%	2,734	6,934	6,934	6,934	\$32.87
9	Kiva Way	451411003	U	\$38.01	0.1810%	4,342	32,076	8,019	8,019	\$38.01
10	Silverstein	451411004	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
11	Tauscher/Hawley	451446004	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
12	Sabin/Trotzman	451446003	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
13	Fritz	451446001	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
14	Davis [Lot #1]	451446002	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
15	Lagerquist	451141003	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
16	Sheppard	451141001	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
17	Narvail	451142001	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
18	Kroesche	451142002	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
19	Padilla	451141002	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
20	Boyd	451113007	D	\$152.06	0.7241%	32,076	8,019	8,019	8,019	\$152.06
21	Francis [Lot #1]	451114001	U	\$38.01	0.1810%	32,076	32,076	32,076	32,076	\$38.01
22	Francis [Lot #2]	451142001	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
23	Blackmer	451113005	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
24	Severson	451113002	D	\$152.06	0.7241%	32,076	32,076	32,076	32,076	\$152.06
25	Davis [Lot #2]	451113001	U	\$38.01	0.1810%	32,076	8,019	8,019	8,019	\$38.01
26	Twomey	451322002	D	\$156.80	0.7847%	2,687	34,763	34,763	34,763	\$156.80
27	Bienvenu/Anderson	451322003	D	\$198.39	0.9441%	7,087	41,850	41,850	41,850	\$198.39
28	Whalen	451323001	D	\$225.03	1.0716%	5,620	47,470	47,470	47,470	\$225.03
29	Schumeyer	451323003	U	\$56.26	0.2677%	47,470	47,470	47,470	47,470	\$56.26
30	Pryzbyski	451324002	D	\$225.03	1.0716%	47,470	11,868	11,868	11,868	\$225.03
31	Kaufman	451324004	D	\$225.03	1.0716%	47,470	47,470	47,470	47,470	\$225.03
32	Whalen	451324003	D	\$225.03	1.0716%	47,470	47,470	47,470	47,470	\$225.03
33	Gilmott (Gallivan)	451324004	D	\$225.03	1.0716%	47,470	47,470	47,470	47,470	\$225.03
34	Roberts [Lot #1]	4513242001	U	\$64.04	0.3056%	6,566	54,036	13,509	13,509	\$64.04
35	Roberts [Lot #2]	4513242004	D	\$226.16	1.2198%	54,036	54,036	54,036	54,036	\$226.16
36	Henneman	4513244002	D	\$380.73	1.5749%	15,730	69,766	69,766	69,766	\$380.73
37	Graham	451324404	U	\$62.94	0.3950%	218	69,884	17,496	17,496	\$62.94
38	Weller [Lot #1]	451324403	U	\$62.15	0.4388%	7,769	77,753	19,438	19,438	\$62.15
39	Nighthawk Lane	451324405	D	\$374.69	1.7843%	1,287	79,040	79,040	79,040	\$374.69
40	Casey	4513313003	D	\$374.69	1.7843%	7,769	79,040	79,040	79,040	\$374.69
41	Duggins/Dethier	4513136001	D	\$374.69	1.7843%	7,769	79,040	79,040	79,040	\$374.69
42	Chapman/Johnson	4513136002	U	\$93.67	0.4461%	7,760	79,040	19,760	19,760	\$93.67

Exhibit D P1

EXHIBIT D

Exhibit D P2

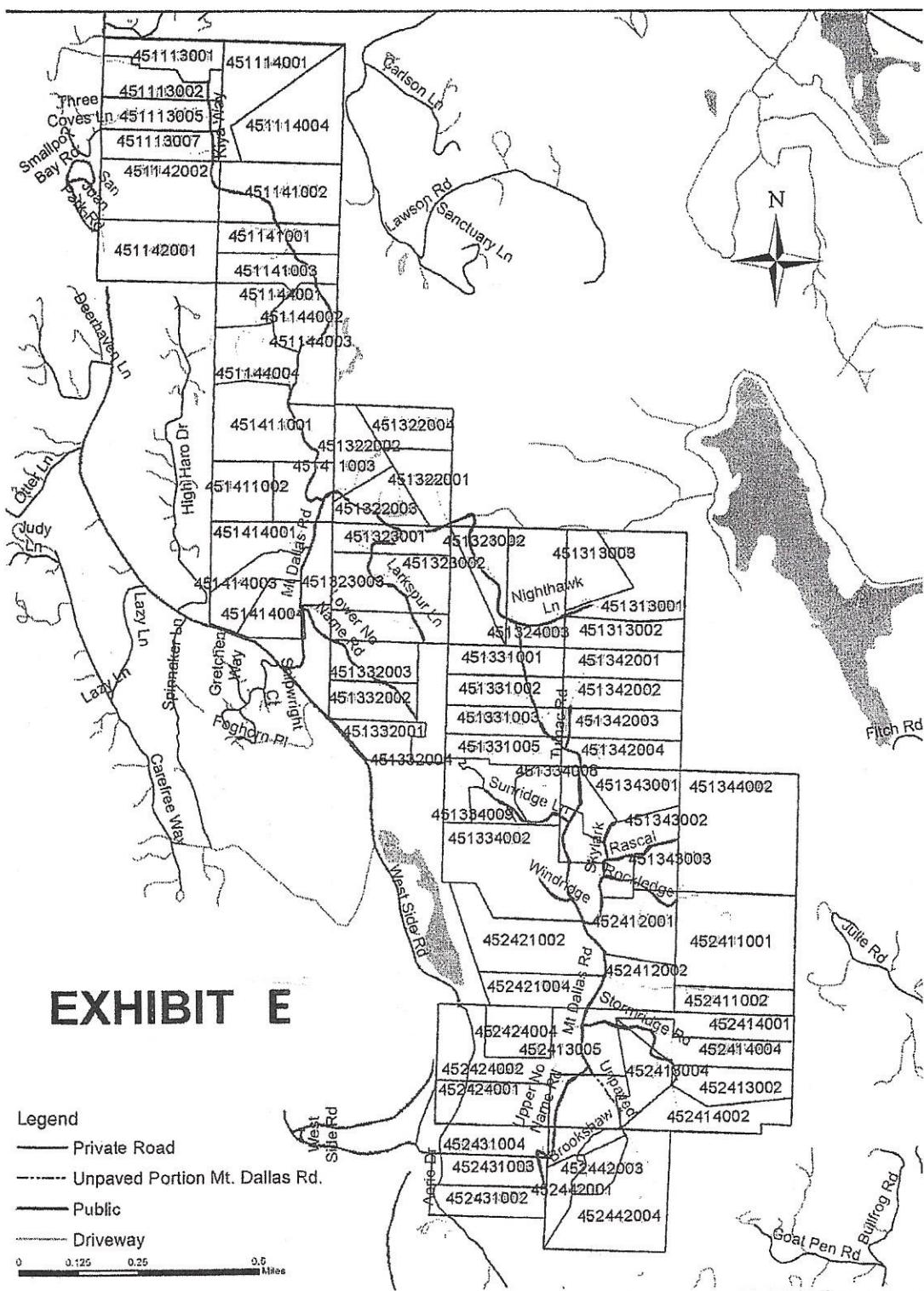


Exhibit E