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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; et al.,
Defendants.

NO. 15-2-05069-0

**MOUNT DALLAS
ASSOCIATION'S MOTION FOR
SUMMARY JUDGMENT**

Defendant Mount Dallas Association moves, pursuant to Civil Rule 56, for summary judgment, asking the Court to rule that:

1. Mount Dallas Association is entitled to the Court's Declaratory Judgment ordering that the "actual use" method of proration (which is used by the Association and endorsed by over 70% of all Mount Dallas Road users) be applied to those Mount Dallas Road maintenance expenses that are fairly subject to proration.
2. Mount Dallas Association is entitled to the Court's Declaratory Judgment ordering that those Mount Dallas Road maintenance expenses that benefit all road users equally to be allocated evenly among all users of Mount Dallas

1 Road, especially where this practice is equitable, is endorsed by over 70% of
2 all Mount Dallas Road users, and is the method employed by the existing road
3 maintenance entity.
4

5
6 This motion is made because there is no genuine issue in this action as to any material
7 fact, and Plaintiff is entitled to judgment as a matter of law.

8 This motion is based upon the records and files, the attached Declaration of Susan D.
9 Allen, Declaration of Sandra Hawley, and Plaintiff's Memorandum in Support of this summary
10 judgment motion.
11

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13 DEREK MANN & ASSOCIATES PLLC

14 Attorney for Mount Dallas Association and for L. Curtis Widdoes, Jr.

15 
16 Derek Mann

15 3/17/16
16 date

17 WSBA No. 20194

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