

COUNTY CLERKS OFFICE
FILED COPY

JUN 13 2016

JOAN P. WHITE
SAN JUAN COUNTY, WASHINGTON

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

ORDER GRANTING PLAINTIFFS'
MOTION FOR ORDER CANCELLING
ROAD MAINTENANCE AGREEMENT

PROPOSED

This matter came before the Court on the Plaintiffs' Motion for Order Cancelling the Purported Road Maintenance Agreement Recorded by Defendant Mt. Dallas Association ("Association") and Its Board Members ("Motion"). The Court having considered the Motion; Defendants' Responsive Pleadings; the Plaintiffs' Reply; and the argument of counsel, if any, and otherwise being fully informed, now **ORDERS** as follows:

1. The document titled "Road Maintenance Agreement" recorded by the Association and its Board Members with the San Juan County Auditor on March 2, 2016, under recording no. 2016-0302026 ("Association RMA") is hereby CANCELLED and TERMINATED. Plaintiffs' motion to cancel the Road Maintenance Agreement document recorded March 2, 2016, under AFN 2016-0302026, records of San Juan County, Washington, is granted.

ORDER GRANTING PLAINTIFFS' MOTION FOR ORDER
CANCELLING ROAD MAINTENANCE AGREEMENT - 1

MARY L. STONE, INC., P.S.
P.O. Box 623
Friday Harbor, WA 98250
360-378-6778; 866-309-2611 Fax

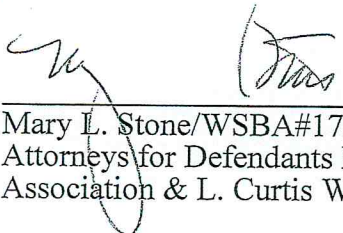
1 2. As a result of negotiations between the parties, it was agreed and is therefore
2 ORDERED that the Defendants shall not record another Road Maintenance Agreement (a
3 "New RMA") that involves less than 100% of the Mt. Dallas Road property owners without
4 (a) approval by counsel for Plaintiffs that such recording will not (i) in any way or manner
5 legally bind Mt. Dallas Road property owners who have not executed the New RMA or a
6 joinder thereto ("Non-RMA Parties"), or their respective Mt. Dallas Road properties ("Non-
7 RMA Properties"), to such New RMA, or (ii) otherwise constitute or create an encumbrance,
8 lien, charge, title cloud or exception on any Non-RMA Properties, or (b) in the event a New
9 RMA is not so approved for recording by counsel for Plaintiffs, upon entry of an Order of this
10 Court; and FURTHER that Plaintiffs' claim for damages or attorney fees as a result of having
11 to bring their motion is denied.

12 DATED this ____ day of June, 2016

13
14 _____
15 JUDGE

16 Presented by:

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

18 
19 _____
20 Mary L. Stone/WSBA#17327
21 Attorneys for Defendants Mount Dallas
22 Association & L. Curtis Widdoes, Jr.

23 Approved for entry:

24 TOUSLEY BRAIN STEPHENS PLLC

25 Approved for entry:

26 GODDU LANGLIE LORING SANDSTROM

By:

27 _____
28 Christopher I. Brain/WSBA#5054
29 Romney R. Brain/WSBA#6576
30 Jacob D.C. Humphreys/WSBA#41699
31 Attorneys for Plaintiffs

32 _____
33 Kathryn C. Loring/WSBA#37662
34 Attorneys for San Juan Preservation Trust

35 ORDER GRANTING PLAINTIFFS' MOTION FOR ORDER
36 CANCELLING ROAD MAINTENANCE AGREEMENT - 2

MARY L. STONE, INC., P.S.
P.O. Box 623
Friday Harbor, WA 98250
360-378-6778; 866-309-2611 Fax