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SEP 14 2015

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; 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 SUSAN D.  
ALLEN IN SUPPORT OF  
MOUNT DALLAS  
ASSOCIATION'S RESPONSE TO  
PLAINTIFFS' MOTION FOR  
SUMMARY 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, Susan D. Allen, declare as follows:

2 1. I am over the age of 18 and I am competent to be a witness in this lawsuit. I make  
3 the following statements based upon my personal knowledge. I am the President of Mount  
4 Dallas Association (the Association), one of the Defendants in this lawsuit.  
5

6 2. After this lawsuit was filed, the Association sent out two surveys to all the other  
7 Defendants in this case. The surveys provided an opportunity for the property owners to voice  
8 their opinions about the issues brought forth in this case by the Plaintiffs.  
9

10 3. Once the surveys were completed, the Association compiled the data to determine  
11 what the majority of the property owners/Defendants wanted regarding each of the issues  
12 brought forth in this case by the Plaintiffs. This information was used to create "Petitions" that  
13 individual property owners could sign and use as evidence in this case.  
14

15 4. Attached hereto are true and correct copies of those Petitions that the Association  
16 received back from affected property owners.

17 5. Petition responses submitted to the Association demonstrate that a supermajority  
18 of property owners is in agreement about each of the issues brought forth in this case. They are  
19 as follows:

20 75.29% of property owners "Authorize Mount Dallas Association, formed in 1989, to be  
21 the managing entity of Mount Dallas Road and all current and future side roads accessed via  
22 Mount Dallas Road. The Association will be managed by a Board of Directors elected each year  
23 by a majority vote of property owners." SEE EXHIBIT #1  
24

25 75.29% of property owners "Authorize each tax parcel owner, whether developed or  
26 undeveloped, a vote that is equal to every other tax parcels' vote. When a decision pertains only  
27 to one of the side roads, only those parcels that have access on that particular side road will have  
28

1 their vote counted." SEE EXHIBIT #2

2 75.29% of property owners request "To include all roads, current and future, that provide  
3 access to property via Mount Dallas Road to be bound by the court's adjudication ruling in this  
4 case." See Exhibit 3.

6 74.12% of property owners "Authorize the assessment for annual expenses that benefit  
7 all parcels equally such as liability insurance, mailers, postage, website hosting and possibly  
8 accounting expenses to be the same flat rate for each tax parcel." See Exhibit 4.

10 74.12% of property owners "Authorize the assessment for annual expenses that are  
11 performed to prevent a neighborhood fire, such as weed whacking, brush clearing and tree  
12 branch removal to be the same flat rate for each tax parcel. When the work performed is for a  
13 side road, only those parcels that have access on that particular side road will be assessed." See  
14 Exhibit 5.

16 71.76% of property owners "Authorize an annual assessment for a reserve fund to pay for  
17 major road repairs, ditch work and/or repaving of Mount Dallas Road based upon the area of  
18 Mount Dallas Road I traverse to get to my parcel and whether my parcel is developed or  
19 undeveloped." SEE EXHIBIT #6

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

23 DATED THIS 16 day of October, 2015.

26 Susan D. Allen  
27 Susan D. Allen, President  
28 Mount Dallas Association

Superior Court of Washington, County of San Juan								
Welker vs Mount Dallas Association, et al.								
Case No. 15-2-05069-0								
Declaration of Susan D. Allen in Support of Mount Dallas Association's Response to Plaintiffs' Motion for Summary Judgment								
Summary of Exhibits attached								
			<b>Exhibit 1</b>	<b>Exhibit 2</b>	<b>Exhibit 3</b>	<b>Exhibit 4</b>	<b>Exhibit 5</b>	<b>Exhibit 6</b>
<b>List of signed petitions received</b>								
	<b>Name</b>	<b>Date Received</b>	<b>Managing Entity</b>	<b>Equal Vote</b>	<b>Include all Roads</b>	<b>Annual Expenses postage etc</b>	<b>fire prevention</b>	<b>Mt Dallas Reserve Fd</b>
1	Allen #1	8/27/2015	1	1	1	1	1	1
2	Allen #2	8/27/2015	1	1	1	1	1	1
3	Auth	7/23/2015	1	1	1	1	1	1
4	Bailor	7/21/2015	1	1	1	1	1	1
5	Ballenger	8/4/2015	1	1	1	1	1	1
6	Blackmer	7/25/2015	1	1	1	1	1	1
7	Bienvenu	7/8/2015	1	1	1	1	1	1
8	Boyd	7/20/2015	1	1	1	1	1	1
9	Chapman	7/23/2015	1	1	1	1	1	1
10	Crawford	8/24/2015	1	1	1	1	1	1
11	Davis #1	7/21/2015	1	1	1	1	1	1
12	Davis #2	7/21/2015	1	1	1	1	1	1
13	Dearfield	7/21/2015	1	1	1	1	1	1
14	Duggins	7/21/2015	1	1	1	1	1	1
15	Erskine	7/21/2015	1	1	1	1	1	1
16	Francis #1	8/17/2015	1	1	1	1	1	1
17	Francis #2	8/17/2015	1	1	1	1	1	1
18	Fritz	7/7/2015	1	1	1	1	1	1
19	Gerhardstein	7/21/2015	1	1	1	1	1	1
20	Gero #1	8/31/2015	1	1	1	1	1	1
21	Gero #2	8/31/2015	1	1	1	1	1	1
22	Gimlett	7/28/2015	1	1	1	1	1	1
23	Graham	7/21/2015	1	1	1	not signed	not signed	1
24	Guard	8/5/2015	1	1	1	1	1	1
25	Haberman	7/26/2015	1	1	1	1	1	1
26	Henneman	8/4/2015	1	1	1	1	1	1
27	Hohenlohe #1	7/23/2015	1	1	1	1	1	1
28	Hohenlohe #2	7/23/2015	1	1	1	1	1	1
29	Kaufman	7/24/2015	1	1	1	1	1	1
30	Keeler #1	8/8/2015	1	1	1	1	1	1
31	Keeler #2	8/8/2015	1	1	1	1	1	1
32	Keeler #3	8/8/2015	1	1	1	1	1	1
33	Keeler #4	8/8/2015	1	1	1	1	1	1
34	Keeler #5	8/8/2015	1	1	1	1	1	1
35	Keeler #6	8/8/2015	1	1	1	1	1	1
36	Lagerquest	8/8/2015	1	1	1	1	1	1
37	Liebman #1	7/21/2015	1	1	1	1	1	1
38	Liebman #2	7/21/2015	1	1	1	1	1	1
39	McAlary #1	8/27/2015	1	1	1	1	1	1
40	McAlary #2	8/27/2015	1	1	1	1	1	1
41	Meyerott #1	7/24/2015	1	1	1	1	1	1
42	Meyerott #2	7/24/2015	1	1	1	1	1	1
43	Przybylski	8/3/2015	1	1	1	1	1	1

44 Rath #1	7/21/2015	1	1	1	1	1	not signed
45 Rath #2	7/21/2015	1	1	1	1	1	not signed
46 Rath #3	7/21/2015	1	1	1	1	1	not signed
47 Roberts #1	7/21/2015	1	1	1	1	1	1
48 Roberts #2	7/21/2015	1	1	1	1	1	1
49 Schumy	8/27/2015	1	1	1	1	1	1
50 Severson	8/6/2015	1	1	1	1	1	1
51 Sheppard	7/23/2015	1	1	1	1	1	1
52 Silverstein	8/5/2015	1	1	1	1	1	1
53 SP Investments #1	8/6/2015	1	1	1	1	1	1
54 SP Investments #2	8/6/2015	1	1	1	1	1	1
55 Swanson	7/23/2015	1	1	1	1	1	1
56 Tauscher	7/25/2015	1	1	1	1	1	1
57 Taylor	7/23/2015	1	1	1	1	1	1
58 Troutman/Sabin	7/21/2015	1	1	1	1	1	1
59 Twoomey	7/25/2015	1	1	1	1	1	1
60 Whalen	9/9/2015	1	1	1	1	1	1
61 Widdoes #1	7/22/2015	1	1	1	1	1	1
62 Widdoes #2	7/22/2015	1	1	1	1	1	1
63 Widdoes #3	7/22/2015	1	1	1	1	1	1
64 Widdoes #4	7/22/2015	1	1	1	1	1	1
# petitions returned per TPN		64	64	64	63	63	61
TPN percentages of returned petitions		<b>75.29%</b>	<b>75.29%</b>	<b>75.29%</b>	<b>74.12%</b>	<b>74.12%</b>	<b>71.76%</b>
out of 85 total Tax Parcel Numbers with easement access on Mount Dallas Road							

**EXHIBIT 1**

Clare Linn Welker and Abigail Metzger Welker,  
Trustees of the Big Sky Trust UDT 11-14-2002 Plaintiffs,  
v.  
Mount Dallas Association, et. al  
State of Washington, San Juan County No. 15-2-05069-0

\_\_\_\_\_  
defendant(s) and property owner(s) on Mount Dallas, request the following in the  
above referenced lawsuit:

Authorize Mount Dallas Association, formed in 1989, to be the managing entity of  
Mount Dallas Road and all current and future side roads accessed via Mount Dallas  
Road. The Association will be managed by a Board of Directors elected each year by  
a majority vote of property owners.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
\_\_\_\_\_

**Percentage of Mt Dallas Association property owners voting in  
favor = 75.29% as of 9/27/15**

**EXHIBIT 2**

Clare Linn Welker and Abigail Metzger Welker,  
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Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
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**Percentage of Mt Dallas Association property owners voting in  
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**EXHIBIT 3**

Clare Linn Welker and Abigail Metzger Welker,  
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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
\_\_\_\_\_

**Percentage of Mt Dallas Association property owners voting in  
favor = 75.29% as of 9/27/15**

**EXHIBIT 4**

Clare Linn Welker and Abigail Metzger Welker,  
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State of Washington, San Juan County No. 15-2-05069-0

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
\_\_\_\_\_

**Percentage of Mt Dallas Association property owners voting in  
favor = 74.12% as of 9/27/15**

**EXHIBIT 5**

Clare Linn Welker and Abigail Metzger Welker,  
Trustees of the Big Sky Trust UDT 11-14-2002 Plaintiffs,

v.

Mount Dallas Association, et. al  
State of Washington, San Juan County No. 15-2-05069-0

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assessed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_  
Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
\_\_\_\_\_

**Percentage of Mt Dallas Association property owners voting in  
favor = 74.12% as of 9/27/15**

**EXHIBIT 6**

Clare Linn Welker and Abigail Metzger Welker,  
Trustees of the Big Sky Trust UDT 11-14-2002 Plaintiffs,

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Mount Dallas Association, et. al  
State of Washington, San Juan County No. 15-2-05069-0

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By: \_\_\_\_\_  
Your Signatures(s)

Property Owner of Tax Parcel(s):  
  
\_\_\_\_\_

**Percentage of Mt Dallas Association property owners voting in  
favor = 71.76% as of 9/27/15**