

OCT 16 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 ROBERT
TAUSCHER IN RESPONSE TO
PLAINTIFFS' 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, Robert C Tauscher, 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 Secretary of Mount
4 Dallas Association (the Association) and one of the defendants in this lawsuit. My wife, Sandra
5 Hawley and I, are both named defendants in this lawsuit and we own one parcel of land on San
6 Juan Island, which we access via Mt Dallas Road and a side road named Kiya Way. We
7 purchased this property in 1990 when Kiya Way was known as Mt Dallas Road North.
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9 2. I have a Masters in Mechanical engineering from UCLA. I owned and managed
10 Team Corporation, in Burlington for the past 45 years and retired two years ago. I was president
11 of the Mount Dallas Association from 2004 to 2009.
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13 3. I took over as president of the Mt Dallas Association in 2004 following the
14 general meeting of the association in August of that year. I was handed the leadership position
15 along with a mandate get the "main road" chip-sealed from the bottom to the top, two plus miles
16 in all. A small group of us volunteers went off looking and appealing for monies from our
17 members to cover the estimated \$120,000 cost. By early summer 2005 it was chip-sealed. As
18 with all voluntary fund raisers, Pareto's Principle kicked in and 20% of the members contributed
19 80% of the monies.
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21 4. The Mount Dallas Association, MDA, has collected and disbursed over \$450,000
22 of voluntarily contributed monies over its 26 years of operations. But, equally important are the
23 thousands of volunteer man-hours that the members have contributed. These hours range in
24 variety of tasks from pick and shovel work to bookkeeping and management. Some examples
25 of this work includes:
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1 Ditch and drainage clearing work parties
2 Firewise brush and weed clearing work parties
3 Fixing and filling asphalt potholes
4 Voluntary grading (box-scraping), of the unpaved roads
5 Overall management and logistical support for repaving projects
6 Firewise management
7 Bookeeping and financial planning
8 And, now a new activity, legal defense preparation
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12 5. For some years now we have been grading our gravel roads with our own
13 equipment. These roads include Larkspur, Kiya, Rockledge, and Nighthawk, as well as others
14 by request. These same equipments are used to help in keeping the drainage ditches clear. We
15 have another piece of equipment, another neighbor, which allows us to limb up the trees along
16 the road in advance of chip sealing. (During chip sealing the dump truck needs to roll down the
17 hill while dumping, this requires branch removal up 30 feet.) These machines and all the
18 chainsaws and tools are supplied, gratis, by our neighbors. The point in all this is that this is a
19 neighborhood where we all pitch in and work together.
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22 6. This lawsuit is not a neighborly way to get something done. It begs the question
23 of why? Why did they file a suit without first discussing their grievance?

24 7. The track we were on when this event occurred was to let the legislation in
25 Olympia run its course and produce a bill granting authority to these unstructured rural road
26 associations to collect and distribute funds for road maintenance. This is still pending and it is
27 part of our strategy going forward. The alternative was to rely on the recent rulings on the Buck
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1 Mountain case over on Orcas and use these judgments to help the MDA collect its dues.

2 8. This lawsuit is costing the MDA extra monies in defense lawyers. We did not
3 initiate these expenses. It is not our fight and we could quickly run out of funds. We request
4 the court to have the plaintiffs reimburse us for these extra costs.
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6 9. While this lawsuit is pending I request the existing MDA continue its role in
7 maintaining the roads.

8 10. At the end of the day I would ask that the court grant authority to the MDA to be
9 the managing entity of all the roads in Mt Dallas neighborhood.
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22 DATED THIS 16th day of October, 2015.

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25 _____
26 Robert C Tauscher
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