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DEC 29 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

DECLARATION OF
L. Curtis Widdoes, Jr.

I, L. CURTIS WIDDOES, JR., state as follows:

1. 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.
2. I currently own real property on San Juan Island consisting of five tax parcels, all of which I access via Mount Dallas Road. Three of my tax parcels are located in the SE-NW of Section 24. Two of my tax parcels are located in the NE-SW of Section 24.
3. In 2001, in the process of purchasing the first four of my Mount Dallas parcels, I

DECLARATION OF L. CURTIS WIDDOES, JR., IN
SUPPORT OF DEFENDANT'S MOTION FOR PARTIAL
SUMMARY JUDGMENT- 1

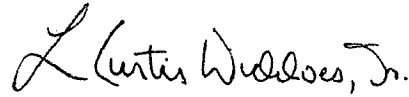
Law Offices of
Stephanie Johnson O'Day
Post Office Box 2112
Friday Harbor, WA 98250
Phone (360) 378-6278

1 did extensive research on the easements benefiting the parcels. I found that the
2 earliest-dated and most extensive easement creating Mount Dallas Road was
3 described in a document recorded in 1964 under AFN 58654. AFN 58654 is
4 dated January 20, 1964 and benefits the NE-SW. In 2011, a ruling by Judge
5 Eaton, recorded under AFN 2011-0103004, affirmed that the easement
6 described by AFN 58654 extends more than 500 feet past the north boundary of
7 the NW-SE to reach the east boundary of the NE-SW. Two other less extensive
8 easements following the same route as AFN 58654 along most of Mount Dallas
9 Road are dated a few days after AFN 58654: AFN 58585, benefiting the SW-NE,
10 and AFN 58653, benefiting the SE-NW. I was party to an agreement in late 2001
11 whereby all owners of properties in the NE-SW agreed to amend a small part of
12 the AFN 58654 easement per AFN 2001-1226016; the end of the chip-sealed
13 portion of Mount Dallas Road lies within the amended easement described in
14 AFN 2001-1226016.
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19 4. I have studied the formula for prorating road maintenance expenses that the
20 Welkers proposed by and through their attorneys in their July 23-24, 2015, letter
21 to all Mount Dallas property owners and I have compared it with the formula for
22 prorating road maintenance expenses specified in the Mount Dallas Association's
23 Road Maintenance Agreement (RMA) for Mount Dallas Road recorded under
24 AFN 2016-0302026. I find that two formulae are mathematically identical, i.e.,
25 they both yield assessments for parcels that are proportional to the area of Mount
26 Dallas Road used to access the parcels, except that the Welkers' formula
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28

1 assesses undeveloped parcels at a 50% rate, whereas the formula in the Mount
2 Dallas Association's RMA assesses undeveloped parcels at a 25% rate.
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5 I declare under penalty of perjury under the laws of the state of
6 Washington that the foregoing is true and correct and that this Declaration was
7 executed at Friday Harbor, Washington on December 20, 2016
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L. Curtis Widdoes, Jr.
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