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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF ISLAND

ROBOERT WILBUR and DUSTIN
FREDERICK,

Plaintiffs,

v.

ADMIRAL'S COVE BEACH CLUB, a
Washington non-profit corporation; and JEAN
SALLS, MARIA CHAMBERLAIN, KAREN
SHAAK, ROBERT PEETZ, ELSA PALMER,
ED DELAHANTY AND DAN JONES,
individuals,

Defendants.

Case No.: 13-2-00741-4

DECLARATION OF
Michael J. King

SUE CORLISS,

Intervener,

v.

DUSTIN FREDRICK, ROBERT WILBUR,
ADMIRAL'S COVER BEACH CLUB, a
Washington non-profit corporation, and its
BOARD OF DIRECTORS.

Defendants.

My name is Michael J. King and I am over the age of 18 and make this
declaration based on my own personal knowledge.

1 1. My wife and I currently own one lot containing a single-family home
2 and three additional undeveloped lots in Admirals Cove Division 1 on
3 Byrd Drive. We purchased our properties in 2001. We are members in
4 good standing of Admirals Cove Beach Club.

5
6 2. I oppose Mr. Wilbur's motion requesting a Summary Judgment that
7 would result in a permanent injunction requiring the operation and
8 maintenance of the Admiral's Cove Beach Club (ACBC) pool because:
9 1) it will prevent the evaluation and potential development of an
10 alternative year-round indoor recreational facility that could be located
11 on the same site as the current pool, 2) the significant financial burden
12 on my family for a pool that is only available 3 months of the year,
13 with usage by a very small number of ACBC members, and 3) the
14 majority of members rejected funding a pool refurbishment in a prior
15 vote.

16 3. **Prevention of Alternative Recreational Uses**

17 At the Annual ACBC Members Meeting on October 25, 2014 I made
18 the following motion:

19
20 "I move that the Board of Directors appoint an ad hoc committee
21 named Alternative Visions. This ad hoc committee will evaluate an
22 alternative recreational use for the property on which the current pool
23 is located so that it will become an asset that is a year-round indoor
24 facility. The ad hoc committee will compare the costs and benefits of an
25 indoor recreational and conference facility to the costs of operating and
26 refurbishing the pool in compliance with all state and federal
27 standards. The ad hoc committee will also

1 explore how revenue generated from an indoor recreational facility
2 could potentially be used to fund a pool on an alternative site. This
3 study shall be presented to the membership no later than March 1,
4 2015.”

5
6 The membership passed this motion with a clear majority. Granting of
7 a Summary Judgment will prevent the membership from being able to
8 implement the motion that was duly passed at the recent Annual
9 Member’s meeting. I proposed this motion in an effort to bring the
10 ACBC community together for a discussion of the possible ways in
11 which ACBC assets can be more fully developed and can better serve a
12 wider variety of members’ interests year-round, while also potentially
13 serving the needs of civic and other community organizations. While
14 the approved study is now just beginning, the preliminary analysis I
15 have conducted suggests that an indoor, year-round recreational
16 facility could be constructed at a much lower cost than pool
17 refurbishment, and with significantly lower annual operating costs. An
18 indoor recreational facility could serve a larger number of ACBC
19 members and provide a greater variety of recreational activities. It’s
20 my understanding that on an annual basis, less than ten percent of
21 ACBC members use the pool. I believe the members of the ACBC
22 community have the right to determine how to best use ACBC assets,
23 and a Summary Judgment would prevent ACBC members from
24 implementing their approved motion.

25 **4. Significant Financial Burden on our Family**

26 At the Annual ACBC Members Meeting on October 25, 2014, the ACBC
27 President stated that it is the intention of the Board to assess members

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1 approximately \$1,700 per lot to pay for the restoration of the current
2 pool should Mr. Wilbur prevail in his request for Summary Judgment.
3 At previous Board meetings, it was also stated that the Board intended
4 to design the ballot in such a way that the members would not have the
5 option to vote “no” on this assessment. Thus, the impact of a Summary
6 Judgment would be that I would be assessed and required to pay \$1,700
7 per lot for 4 lots, resulting in a cost of \$6,800. This represents an
8 extraordinary financial burden, particularly given the significantly
9 limited potential benefit. I also believe that it is reasonable to assume
10 that the cost of the refurbishment of the pool might exceed the initial
11 estimates. This is often the case with renovation projects, as
12 unanticipated difficulties may develop over the course of the renovation
13 of a facility that is almost 50 years old. Thus, final costs for refurbishing
14 the pool might result in further additional assessments. If the
15 Summary Judgment is granted, it’s my understanding that I will have
16 no choice but to pay whatever costs are incurred to refurbish and
17 operate the pool in perpetuity.

18 **4. The Membership Rejected Pool Refurbishment**

19 As a member in good standing, I received a ballot about whether or not
20 the pool should be refurbished or de-commissioned. Members were
21 provided with detailed cost estimates for both options and the members
22 duly voted against pool refurbishment. In my conversations with
23 neighbors, many were very concerned about the high cost to repair the
24 pool and felt it was not financially feasible. A significant portion of
25 members are senior citizens on fixed incomes who do not use the pool,
26 and the cost of refurbishing a pool facility that is in serious disrepair
27 will impose an impossible burden on these members. The multiple and


1 significant repair issues were described in a study that was funded by
2 and provided to the membership. I believe that a Summary Judgment
3 would deny members their right to approve or disapprove dues and
4 assessments. It is grossly unfair and against long-standing ACBC
5 policies and practices to force payment of an assessment without
6 approval by the majority of the membership.

7
8 I respectfully request that the Court deny the request for Summary
9 Judgment.

10 I declare under penalty of perjury under the laws of the State of Washington
11 that the foregoing is true and correct.

12
13 Done on this (day) 31 day of (month) October, 2014, at
14 (city) Edmonds, Washington

15
16 Michael J. King
17 Print Name

18 
19 _____
20 Signature