

1 SENT ON OCTOBER 1, 2013 FOR FILING IN ISLAND COUNTY SUPERIOR COURT

2 The Honorable Alan R. Hancock
3 Date of Motion: October 7, 2013
4 Nature of Motion: Temporary Restraining Order

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

10 ROBERT WILBUR and DUSTIN
11 FREDERICK,

12 Plaintiffs,

13 vs.

14 ADMIRAL’S COVE BEACH CLUB, a
15 Washington non-profit corporation; and JEAN
16 SALLS, MARIA CHAMBERLAIN, KAREN
17 SHAAK, ROBERT PEETZ, ELSA PALMER,
18 ED DELAHANTY AND DAN JONES,
19 individuals,

20 Defendants.

NO. 13-2-00741-4

DECLARATION OF KAREN SHAAK
IN SUPPORT OF DEFENDANTS’
RESPONSE TO PLAINTIFFS’
MOTION FOR TEMPORARY
RESTRAINING ORDER

21 I, Karen Shaak, hereby certify under penalty of perjury, that the following is true and
22 correct and within my personal knowledge:

23 1. I am over the age of 18, have personal knowledge of all facts contained in this
24 declaration and am competent to testify as a witness to those facts.

25 2. I have been and am currently the secretary of the Admiral’s Cove Beach Club
26 (“ACBC”) Board of Directors at all times relevant to the plaintiffs’ Complaint.

SHAAK DECLARATION IN SUPPORT OF
DEFENDANTS’ RESPONSE TO PLAINTIFFS’
MOTION FOR TEMPORARY RESTRAINING
ORDER

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1 3. ACBC was incorporated in 1969.

2 4. ACBC is a non-profit corporation whose members are primarily the owners of the
3 property in Admiral's Cove development, Division 1 through 7.

4 5. ACBC is governed by the Articles of Incorporation, the Bylaws, and the Standing
5 Rules. Attached as Exhibit A is a true and correct copy of the ACBC Bylaws.

6 6. ACBC's pool opened in 1969 and after years of piecemeal maintenance has fallen
7 into a state of disrepair.

8 7. Due to the age of the pool and a lack of available financial resources, repairs to the
9 pool have been done on an as-needed basis.

10 8. Over the past several years, the Boards and pool committees of ACBC have been
11 making every effort to open the pool each summer by fixing the bare minimum necessary to keep
12 the pool running.

13 9. During the summer of 2012, the pool had reached such a dire state that repairs to the
14 pool were only able to keep it open for one month.

15 10. In the fall of 2012, it became clear to the Board and the members of ACBC that
16 piecemeal repairs would no longer be sufficient to open the pool in 2013.

17 11. In August 2012, the Board discussed whether ACBC must decide to either save the
18 pool or close it forever.

19 12. Beginning in August 2012, the Board began a series of community presentations
20 regarding the needs of the pool.

21 13. At the October 27, 2012 Annual Meeting, a quorum of members in good standing
22 passed a unanimous motion, with one friendly amendment, to form a committee which would
23 investigate the cost of a pool refurbishment, investigate payment options for refurbishment related
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1 to assessment costs and dues, and submit the findings to the Board and work with the Board as
2 appropriate.

3 14. Over the course of the next several months, the committee complied with this
4 directive eventually recommended that an assessment be made at \$650,000 to \$675,000.

5 15. The recommendation was made to the Board at the April 13, 2013 membership
6 meeting and the board indicated that a ballot would be sent to the members.

7 16. The Board mailed out a ballot to 490 members in good standing asking them to vote
8 to refurbish the pool for \$650,000 or to remove the pool for \$200,000.

9 17. On June 28, 2013, the ballots were counted.

10 18. On June 29, 2013, it was announced to the membership that 166 members in good
11 standing voted to remove the pool and 153 members in good standing voted to refurbish it.

12 19. In fact, six of the seven Board Members, including President Jean Salls, and I voted
13 to refurbish the pool.

14 20. On or about August 13, 2014, the Board mailed assessments to all members for the
15 removal of the pool.

16 21. According to the Bylaws, the payments on the assessments were due thirty days
17 following the date the assessments were mailed.

18 22. Despite the assessment's compliance with the Bylaws, Plaintiffs have failed to pay
19 this assessment.

20 DATED this 1st day of October, 2013, at _____, Washington.

21
22
23 _____
24 Karen Shaak

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