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

8 ROBOERT WILBUR,

9 Plaintiff,

10 v.

11 ADMIRAL'S COVE BEACH CLUB, a  
12 Washington non-profit corporation, and its  
BOARD OF DIRECTORS,

13 Defendants.

14 SUSAN CORLISS,

15 Intervenor,

16 v.

17 ROBERT WILBUR, ADMIRAL'S COVE  
18 BEACH CLUB, a Washington non-profit  
corporation, and its BOARD OF DIRECTORS.

19 Defendants.

Case No.: 13-2-00741-4

DECLARATION OF GARY LEMMON IN  
OPPOSITION TO ADMIRAL'S COVE  
BEACH CLUB'S MOTION FOR  
SUMMARY JUDGMENT

20 My name is Gary Lemmon, I am over the age of 18 and I make this  
21 declaration based on my own personal knowledge.

22 1. I am a property owner in the development known as Admiral's Cove on  
23 Whidbey Island. By virtue of my property ownership, I am a Member of the  
24 Admiral's Cove Beach Club (the "Club,") which is named as the defendant in  
25 this lawsuit. The Club exists to serve the interest of its Members, such as  
26 myself.

27 2. It is my opinion that the 2016 assessment ballot should be declared invalid,  
28

1 as Club members have already voted to demolish the pool in 2013. In 2013  
2 the pool had become far too expensive and was in total disrepair. This was a  
3 result of numerous years of pool assessments being voted down by a  
4 community of mostly retired persons that couldn't afford to keep up  
5 maintenance on a crumbling facility. For many years the board members had  
6 mismanaged the club's dues to the point of disregarding the Club's  
7 responsibility to make timely payments to the state of Washington for  
8 employment taxes. The 2013 vote passed with more members voting to  
9 demolish the pool. In 2016 the court was still in the process of determining if  
10 the 2013 vote was valid. I feel that the 2016 board should have waited until a  
11 final determination on the validity of the 2013 ballot before issuing another  
12 ballot on the same issue.

13 3. Immediately after the new 2014 board members were in place, those board  
14 members proceeded to attempt to disregard the 2013 member's intention to  
15 demolish the pool. As a way to show their displeasure for the ~~prior~~<sup>2014</sup> board's  
16 actions, soon after that, the number of members refusing to pay their annual  
17 membership dues sharply increased. Not paying dues results in a member's  
18 status becoming not in good standing, which also discontinues their ability to  
19 vote on future ballots.

20 4. I observed that by 2016 the Club Board felt that the number of members not  
21 in good standing had increased to the point that the Board felt there were  
22 more members in good standing that were in favor of the pool versus  
23 members not in favor of the pool. This, in turn, would guarantee a good result  
24 for a new ballot assessment. At that time, the board decided to proceed with  
25 their assessment vote. The 2016 vote resulted in a vote that misrepresented  
26 the full membership's wishes, as a large number of members that voted in  
27 2013 were no longer allowed to vote. A large number of retired members were  
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1 not resident and did not vote; many retirees winter in warmer climates. It  
2 was apparent from their on-line displeasure that many members were  
3 becoming disenfranchised over these disagreements.

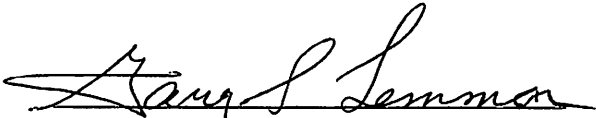
4 5. The Board directors from 2014 through 2017 have continued down that same  
5 path, pushing and prodding members to get on board with them to keep the  
6 pool while at the same time mishandling the money in the Club's budget that  
7 they have allotted to maintain the pool. Money from the 2017 annual budget  
8 that was slotted to repair damage to the pool house this year has already  
9 been used for other purposes. The repairs to the pool house still need to be  
10 made. Money slotted for something else will now have to be used for those  
11 repairs as the damage cannot be put off any longer.

12 6. The maintenance and upkeep costs are far too high compared to the  
13 approximately 10 percent of members that use the pool for about three  
14 months out of the year. The pool lawsuit has been ongoing for most of the last  
15 four years. We need to move on. The neighborhood acrimony has become  
16 overwhelming. In frustration, I have considered discontinuing my annual  
17 membership payments, even though I have legal binding for those payments,  
18 just to allow me to step away from the drama.

19 7. In my estimation, the 2016 ballot should be declared invalid because it has  
20 now been determined by the Appeals Court that the 2013 ballot vote was  
21 valid. Therefore, at the time of the 2016 vote, if the board had removed the  
22 pool as directed in the 2013 vote, there would no longer have been a pool to  
23 require a new assessment.

24  
25 I declare under penalty of perjury under the laws of the State of Washington that  
26 the foregoing is true and correct.

1 Done on this 31<sup>st</sup> day of July, 2017, at Coupeville, Washington

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4 Gary Lemmon

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