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Judge Alan R. Hancock
Date of Hearing: June 3, 2011
Time of Hearing: 2:30 p.m.

**SUPERIOR COURT OF WASHINGTON
FOR ISLAND COUNTY**

ROGER L. CLOSE,

Plaintiff,

v.

**ADMIRAL'S COVE BEACH CLUB,
INC., a Washington non-profit
corporation, now known as
ADMIRAL'S COVE HOMEOWNERS
ASSOCIATION, INC.,**

Defendant.

No. 10-2-00479-8

**ORDER DENYING DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT AND GRANTING
PLAINTIFF ROGER CLOSE'S
CROSS-MOTION FOR SUMMARY
JUDGMENT**

[Proposed]

This matter came before the undersigned judge of the Island County Superior Court on June 3, 2011 on the summary judgment motion of defendant Admiral's Cove Beach Club, Inc. now known as Admiral's Cove Homeowners Association, Inc. (hereinafter "Admiral's Cove") and on plaintiff Roger L. Close's cross-motion for summary judgment,

The Court having considered the pleadings filed in this action, Defendant's motion for summary judgment, Plaintiff's response to Defendant's motion for summary judgment and cross-motion for summary judgment, the strict reply of

**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND GRANTING PLAINTIFF'S CROSS-MOTION FOR
SUMMARY JUDGMENT - 1**

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summary judgment.11jun14.wpd

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1200 FIFTH AVENUE, SUITE 1650
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Tel: (206) 441-5739 Fax: (206) 654-0011

1 defendant Admiral's Cove to Plaintiff's response to Defendant's motion for summary
2 judgment, and the following evidence:

3 1. The Declaration of Dustin Frederick in Support of Motion for Summary
4 Judgment, dated April 29, 2011;

5
6 2. The Declaration of Michael D. Brandt in Support of Plaintiff's
7 Response to Defendant's Motion for Summary Judgment and Cross-Motion for
8 Summary Judgment;

9 3. The Declaration of Roger Close in Support of Plaintiff's Response to
10 Defendant's Motion for Summary Judgment and Cross-Motion for Summary
11 Judgment; and

12
13 4. The Declaration of Dustin Frederick in Support of Motion for Summary
14 Judgment, dated May 27, 2011,

15 The Court hereby makes the following findings and conclusions:

16 **FINDINGS OF FACT**

17 1. According to RCW 64.38.010, "homeowners' association" is defined
18 as follows: "a corporation, unincorporated association, or other legal entity, each
19 member of which is an owner of residential real property located within the
20 association's jurisdiction, as described in the governing documents, and by virtue
21 of membership or ownership of property is obligated to pay real property taxes,
22 insurance premiums, maintenance costs, or for improvement of real property other
23 than that which is owned by the member."
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1 Presented by:

2 **BRANDT LAW GROUP**

3

4

5 By: _____
6 Michael D. Brandt, WSBA #20901
7 Attorney for Plaintiff
8 Roger Close

7

8 Agreed as to form:

8

9 **LEE SMART, P.S., INC.**

9

10

11 By: _____
12 William L. Cameron, WSBA #5108
13 Attorney for Defendant
14 Admiral's Cove Beach Club, Inc.

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**ORDER DENYING DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT AND GRANTING PLAINTIFF'S CROSS-MOTION FOR
SUMMARY JUDGMENT - 4**

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