

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

RAINBOW SPRINGS COMMUNITY
CLUB, INC.,

Plaintiff,

vs.

BRANDON and ALICIA HENSON;
CHRISTOPHER and ANGELA LARSON;
and other unknown persons,

Defendants.

NO. 18-2-06198-31

ANSWER, AFFIRMATIVE DEFENSES AND
COUNTERCLAIMS

ANSWER

COME NOW the Defendants, and by way of answer to Plaintiff's Complaint admit, deny and allege as follows:

I.

Defendants admit the allegations contained in paragraphs 1.5, 2.2, 2.3, 3.3, 3.4 & 3.8 of Plaintiff's Complaint.

II.

Defendants lack sufficient information to answer the allegations contained in paragraphs 1.1, 1.3, 1.4, 2.5, 3.6 & 3.7 of Plaintiff's Complaint and therefore deny the allegations contained therein.

III.

By way of answer to paragraph 1.2 of Plaintiff's Complaint, Defendants admit their ownership of the property at the address set forth therein, but believe that the legal description set forth in said paragraph is incomplete.

IV.

By way of answer to paragraph 2.1 of Plaintiff's Complaint, Defendants allege that the rules and regulations referred to therein were adopted long prior to the enactment of the statute cited therein.

V.

By way of answer to paragraph 2.6 of Plaintiff's Complaint, Defendants were never given results of the alleged vote and, if, the amendment was rejected, it was because of false statements made by Rainbow Springs Officer Annette Blandino in a written statement made against the ballot measure.

VI.

By way of answer to paragraph 3.1 & 4.1 of Plaintiff's Complaint, no allegations are contained therein and therefore no answer is required.

VII.

By way of answer to paragraph 3.2 of Plaintiff's Complaint, Defendants allege the statute speaks for itself.

VIII.

Defendants deny all other allegations contained in Plaintiff's Complaint.

WHEREFORE, having answered Plaintiff's Complaint, in full, Defendants assert the following:

AFFIRMATIVE DEFENSES

I.

Plaintiff's Complaint fails to state a claim upon which relief can be granted.

II.

Failure to state a cause of action.

III.

The claims set forth in Plaintiff's Complaint are barred by waiver, estoppel and the doctrine of unclean hands.

IV.

Plaintiff's claims are barred by the statute of limitations and/or laches.

V.

The persons acting as the trustees of the Plaintiff are not properly members of the board and therefore have no standing to authorize this action on behalf of Plaintiff.

VI.

For the purpose of preserving affirmative defenses pending discovery and further evaluation of Plaintiff's claims, Defendants also allege Plaintiff's claims are barred by affirmative defenses set forth in CR 8.

WHEREFORE, Having answered Plaintiff's Complaint and asserted their affirmative defenses, Defendants allege as follows for their:

COUNTERCLAIMS

I.

Defendants re-allege all allegations contained in their answer, above.

II.

Article III of Section 2 of Plaintiff's bylaws require the election of three trustees to serve on the board at each annual meeting, with said trustees to serve a three year term, which terms are staggered so that three trustees will be elected at each annual meeting.

III.

Plaintiff has failed to comply with this requirement and board members merely appoint themselves and sit on the board for as long as they desire without ever standing for election.

IV.

One of the alleged trustees serving on the board is Susan Martin. Ms. Martin is not a member of the Rainbow Springs Community Club as she owns no real property within the Rainbow Springs subdivision which is a requirement of membership pursuant to Article I Section 1 of Plaintiff's bylaws. As such, she is ineligible to serve on the board.

V.

Annette Blandino is purported to be the secretary/treasurer of Plaintiff. Ms. Blandino does not serve on the board of trustees and as such is ineligible to serve as an officer of Plaintiff pursuant to Article III Section 9 of Plaintiff's bylaws.

VI.

The board of trustees routinely discusses matters in closed session in violation of RCW 64.38.035(4).

VII.

The board of trustees has failed to conduct an audit in violation of RCW 64.38.045(3).

VIII.

The board of trustees has failed to comply with reserve study requirements contained in RCW 64.38.065 et. seq.

IX.

Alleged Officer Annette Blandino made false statements prior to a ballot measure regarding chickens being raised by members which likely affected the outcome of any results which may have come from vote on said ballot measure.

X.

Alleged Officer Annette Blandino maintains social media accounts under pseudonyms and in those social media accounts has made false and defamatory statements about Defendants.

XI.

As set forth in RCW 64.38.025(1) “in the performance of their duties, the officers and members of board of directors shall exercise the degree of care and loyalty required by an officer or director of a corporation”. The members of the board of trustees have violated these duties to the detriment of Defendants.

XII.

Defendants specifically reserve the right to amend their Answer, Affirmative Defenses and Counterclaims and to add additional Affirmative Defenses and Counterclaims and third party actions as additional facts are obtained through further investigation and discovery.

WHEREFORE Defendants request the Court to grant the following relief:

1. To dismiss Plaintiff’s Complaint, with prejudice;
2. To enter and order allowing Defendants to examine Plaintiff’s records pursuant to

RCW 64.38.045(2).

3. To require Plaintiff to conduct an election for all nine positions on the board of trustees with three elected members to serve for one year, three elected members to serve for two years and three elected members to serve for three years.
4. To enter a declaratory judgment that Susan Martin is not eligible to serve on the board of trustees as she is not a member of Plaintiff.
5. To enter a declaratory judgment that Annette Blandino is not an officer of Plaintiff as she does not serve on the board of trustees.
6. To require Plaintiff to conduct an audit pursuant to RCW 64.38.045(3) and a reserve study pursuant to RCW 64.38.065 et. seq.
7. To award Defendants judgment against Plaintiff for their damages incurred herein to be proven at trial.
8. To award Defendants their costs and reasonable attorney's fees incurred herein pursuant to RCW 64.38.050 and any other statute, provision in the bylaws or grounds and equity; and
9. For such other and further relief as the Court may deem just and equitable.

DATED: _____

James J. Jameson, WSBA # 11490
Attorney for Defendants