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18-2-06198-31  
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Answer to Counter Claim  
3745519



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

RAINBOW SPRINGS COMMUNITY CLUB,  
INC.,

Plaintiff,

vs.

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

Defendants.

Case No. 18-2-06198-31

PLAINTIFF'S ANSWER AND  
AFFIRMATIVE DEFENSES TO  
DEFENDANTS HENSON'S  
COUNTERCLAIMS

COMES NOW Plaintiff RAINBOW SPRINGS COMMUNITY CLUB, INC., and by  
way of Answer to Defendants BRANDON and ALICIA HENSON's Counterclaims admit,  
deny and allege as follows:

I. ANSWER TO COUNTERCLAIMS

1.1 By way of answer to paragraph I of Defendants' Counterclaims, no allegations  
are contained therein and therefore no answer is required.

1.2 By way of answer to paragraph II of Defendants' Counterclaims, Plaintiff  
denies. Article III of Section 2 of the RSCC Bylaws speaks for itself.

1.3 By way of answer to paragraph III of Defendants' Counterclaims, Plaintiff  
denies. The most recent election for the RSCC Board of Trustees was held in April 2018.



1           1.4    By way of answer to paragraph IV of Defendants' Counterclaims, Plaintiff  
2 admits Ms. Martin does not own a lot identified within the Rainbow Springs Plats, but denies  
3 she is ineligible to serve on the board. Plaintiff further alleges membership in the RSCC is not  
4 a requirement for service on the Board of Trustees pursuant to Article III of the RSCC  
5 Bylaws, and Ms. Martin was duly elected to the Board, and Ms. Martin's service on the Board  
6 is reasonable and proper because the only way to access Ms. Martin's real property is through  
7 the RSCC gated community, and Ms. Martin pays an annual lot assessment to the RSCC for  
8 upkeep and maintenance of the Community.

9           1.5    By way of answer to paragraph V of Defendants' Counterclaims, Plaintiff  
10 denies Ms. Blandino is the secretary/treasurer of Plaintiff. Plaintiff further alleges Ms.  
11 Blandino is an employee of the Board of Trustees, tasked with assisting with the business  
12 operations of the Board.

13           1.6    By way of answer to paragraph VI of Defendants' Counterclaims, Plaintiff  
14 admits the Board of Trustees discusses matters in closed or executive sessions, but denies any  
15 discussions are in violation of RCW 64.38.035(4). RCW 64.38.035(4) explicitly permits the  
16 discussion of certain matters in closed or executive sessions.

17           1.7    By way of answer to paragraph VII of Defendants' Counterclaims, Plaintiff  
18 denies. Plaintiff alleges that the process to conduct an audit is currently being undertaken by  
19 the Board, with quotes having been obtained and evaluation currently under way.

20           1.8    By way of answer to paragraph VIII of Defendants' Counterclaims, Plaintiff  
21 alleges it is exempt from the requirements of RCW 64.38.090 because the cost of a reserve  
22 study would exceed five percent of RSCC's annual budget and RSCC does not have  
23 significant assets, and therefore denies.

24           1.9    By way of answer to paragraph IX of Defendants' Counterclaims, Plaintiff  
25 denies.

1 1.10 By way of answer to paragraph X of Defendants' Counterclaims, Plaintiff  
2 denies.

3 1.11 By way of answer to paragraph XI of Defendants' Counterclaims, Plaintiff  
4 alleges RCW 64.38.025(1) speaks for itself, and denies the remainder of the allegations  
5 contained within.

6 1.12 Plaintiff specifically reserves the right to amend its Answer and Affirmative  
7 Defenses and to add additional Affirmative Defenses and third-party actions as additional  
8 facts are obtained through further investigation and discovery.

9 II. AFFIRMATIVE DEFENSES

10 2.1 Defendants have failed to state a cause of action.

11 2.2 Defendants have failed to state a claim upon which relief can be granted.

12 2.3 Defendants counterclaims have been prematurely brought.

13 2.4 Defendants' claims are barred by waiver, estoppel, and the doctrine of unclean  
14 hands.

15 2.5 Defendants' claims are barred by the statute of limitations and/or laches.

16 III. PRAYER FOR RELIEF

17 WHEREFORE, Plaintiff prays for the following relief:

- 18 1. To dismiss Defendants' Counterclaims with prejudice;  
19 2. For judgment against the Defendants for attorney's fees and costs as allowed  
20 by the By-laws, CC&Rs or law; and  
21 3. For such other and further relief as this court may deem just and equitable.

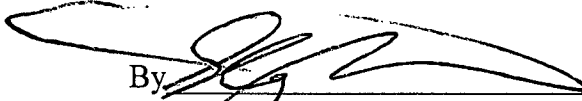
22  
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DATED this 22<sup>nd</sup> day of August, 2018

WEED, GRAAFSTRA & ASSOCIATES, INC., P.S.

By: 

Stephen J. Papik, WSBA #49985

Attorney for Rainbow Springs Community Club, Inc.

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2 CERTIFICATE OF MAILING/SERVICE

3 I hereby certify that on the 22<sup>nd</sup> day of August, 2018, I caused to be served the  
4 PLAINTIFF'S ANSWER AND AFFIRMATIVE DEFENSES TO DEFENDANTS HENSON'S  
5 COUNTERCLAIMS in the above-captioned matter upon the parties as indicated below to their  
6 last known addresses:

7 James J. Jameson, P.S.  
8 Attorney at Law  
9 3409 McDougal Ave., Suite 100  
10 Everett, WA 98201  
11 [ ] U.S. Mail  
12 [X] By Email: jameson53@aol.com

13 I certify under penalty of perjury under the laws of the State of Washington that the  
14 foregoing is true and correct.

15 DATED: August 23<sup>rd</sup>, 2018 at Snohomish, Washington.

16   
17 \_\_\_\_\_  
18 Stephen J. Papik