

July 19, 2017

Stephen J. Papik
Weed, Graafstra and Associates
110 Cedar Avenue, Suite 102
Snohomish, WA 98290

Re: Rainbow Springs

Dear Mr. Papik:

I have been contacted by Brandon and Alicia Henson regarding a letter they received from you dated June 23, 2017, as well as other issues with the Rainbow Springs Community Club.

As to the issue set forth in your letter regarding the five chickens (no roosters) that the Henson's maintain on their property, they have presented me a copy of the Rainbow Springs Community Club Regulations and Restrictions. There are 28 numbered restrictions, three of which contain the term "community area". Rule number 19 states "No motor bikes or cars on dike of lake or river *community area*". Rule number 24 states "No overnight camping on the river beach or *community areas* except in designated areas". Rule number 22 states "No livestock allowed within the *community area* including horses and poultry".

It appears clear to me that *community area* refers to the common areas in the subdivision and not to the individual, privately owned lots.

As the board had a different opinion on this issue, my clients attempted to place an initiative on the ballot to clearly indicate that chickens could be maintained on the property of individual homeowners. In a statement against passage, board member Annette Blandino submitted a statement indicating that she had spoken with "Expert Officer" Kristen Banfield of the City of Arlington. Ms. Blandino indicated that Ms. Banfield stated "Don't do it! Don't even think

about it! You are going to draw in cougars, raccoons, bobcats and mostly coyotes, they are going to kill your pets! And did you know that if you have chickens you WILL have rats? A Norway rat can have 12 litters a year and they will move into your crawl spaces and attics to be near their food source. They do tremendous damage to homes” She stated “it’s nearly impossible to monitor cleanliness because of each person’s idea of cleanliness varies so greatly. She added “this current “FAD” of raising chickens in densely populated neighborhoods creates conflict between neighbors. Unless you have five acres you WILL impact your neighbors.” Summing up, she offered “by the time you are done, raised eggs costs more than going to the store and buying organic cage free.”

When Ms. Banfield was contacted by my clients regarding these alleged statements she wrote a letter to the Board of Directors of Rainbow Springs Community Club indicating that these statements were wholly false. It is my understanding that in her responsive letter to you my client forwarded you all of this information.

This leads me to the additional concerns regarding the board which have been raised by numerous homeowners in the community. The board, and in particular Ms. Blandino, have not acted in good faith in their duties on the board. It is my understanding that persons who have submitted their names for election to the board have been informed that they cannot be considered unless they do community work or come to board meetings to see how they fit in. This simply is not a requirement of someone running for election to the board. The bylaws indicate that three members shall be elected each year for a three year term on the board. My understanding is that actual elections have not occurred for years.

Furthermore, the board instituted a \$200 special assessment last year indicating that there was an emergency for road repairs. Even though the assessment was collected well over a year ago, no road repairs have commenced.

I am further informed that the community funds have been used to pay one of the board members to install security cameras on the property of board member Annette Blandino. I fail to see how this expenditure of community funds can possibly be justified.

Should the Rainbow Springs Community Club bring action against my clients, counterclaims will be raised and a third party complaint filed against specific board members for their unreasonableness and bad faith (see *Day v. Santorsola*, 118 Wn.App. 746 (2003)).

My clients speak not only for themselves, but for other members of the community. It is hopeful that we may be able to discuss these matters to move

forward in a productive way for the entire community, but if the board insists in bringing litigation, they do so at their peril.

Sincerely,

JAMES J. JAMESON
Attorney at Law

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