

THE LAW OFFICE OF JESSE D. CONWAY, PC

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Names and
signature have been
blocked to respect
privacy.

February 9, 2015

The Cedars I HOA
PO Box 1051
Brush Prairie, WA 98606

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

[REDACTED]
NE August Ave.
Battle Ground, WA 98604

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

[REDACTED]
NE Cedar Dr.
Battle Ground, WA 98604

RE: The Cedars I Homeowners Association

Dear All:

I have been retained by [REDACTED]. I am in receipt of your January 30, 2015 letter to my clients.

When my clients purchased their property it was bound solely by The Cedars Declaration of Covenants, Conditions and Restrictions dated February 23, 1973 recorded as No. G627415 ("CC&Rs"). Article III, Section 2 of the CC&Rs defines an "owner" as the record owner of a fee simple title to any Lot which is a part of the Properties. Article III, Section 1 states that every "owner" is a member of the Association. Further RCW 64.38.015 states that "the membership of an association at all times shall consist exclusively of the owners of all real property over which the association has jurisdiction, both developed and undeveloped."

Page 1 of the CC&Rs state that all property in Exhibit A is bound by the CC&Rs. Exhibit A includes Cedars I, Cedars II, Cedars III, Cedars IV, much of the Cedars Golf Course and other individual lots. In total, the 1973 CC&Rs included 133 lots. Ms. Opatrny has testified under oath


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at a land use hearing that the 1973 CC&Rs includes all of these lots. (Final Order Sub:01-14 & ALT: 01-14, Paragraph B(8)).

Article VII, Section 3 states that 75% of the lot owners must approve an amendment. Ms. Opatrny has testified under oath to this as well. However, only 47 lot owners of Cedars Phase I received notice and an opportunity to participate in forming The Cedars I HOA.

My clients maintain that The Cedars I HOA is not the HOA that runs with the 1973 CC&Rs and therefore does not have rights to issue assessments or file liens when those assessments are not paid. My clients are notifying you with this letter that they will not participate in the Cedars I HOA, that you are to remove them from your membership roster and that you must not file a lien against their property. If you proceed with filing a lien my clients will be forced to file suit to remove the lien and will ask for attorney fees pursuant to RCW 64.38.050.

Sincerely,



Jesse D. Conway
Attorney at Law