

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

ROBOERT WILBUR,

Plaintiff,

v.

ADMIRAL'S COVE BEACH CLUB, a
Washington non-profit corporation, and its
BOARD OF DIRECTORS,

Defendants.

SUSAN CORLISS,

Intervenor,

v.

ROBERT WILBUR, ADMIRAL'S COVE
BEACH CLUB, a Washington non-profit
corporation, and its BOARD OF
DIRECTORS.

Defendants.

DECLARATION OF DEWEY W
BENNETT IN OPPOSITION TO
ADMIRALS COVE BEACH CLUB'S
MOTION FOR SUMMARY
JUDGEMENT

My name is Dewey W Bennett I am over the age of 18 and I make this
declaration based on my own personal knowledge.

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1. The 2013 vote resulted in a response to get rid of the pool. Wilbur, Fredericks friend then filed a lawsuit against ACBC to stop this. The courts decided to make a statement that the pool could be maintained but no where did the judge mention it was a requirement. The matter went to the appellate court for further review. During this time the appellate court agreed the vote of the community was valid and the pool could be removed. However, the Board of Directors did not adhere to the rule of law and instead chose their own path based on their own decisions to force yet another vote of the community. In this vote, the ballot gave absolutely no indication of the appellate courts impending decision but rather, twisted the words of the judge on this ballot to make people think they had no choice but to maintain this pool.
2. The BOD made up a set of rules that affect the entire community, these rules stated a household had to be in good standing in order to vote. Good standing means annual dues are paid yet those who desire not to be a member of this club have no reason to pay dues to a club they do not want to belong to. Yet this voting system which affects every household in the community as it is based on \$1,000.00 per property that percs, and \$500.00 per property that does not perc. Would now be required to pay an assessment should the vote require it. These property owners who are not members in good standing have absolutely no vote in the matter. Additionally, the BOD also wrote into their rules that a single property owner gets a single vote regardless of how many properties they may own. Now, should an investor own several rentals in this community, they get a single vote. If the vote is against them they might pay \$10,000.00 or more while a single homeowner might have to pay \$1,000.00. This sort of voter exclusion is similar to the old Jim Crow laws that prevented certain classes of people from voting or using facilities based on an arbitrary decision of the ruling body.
3. The BOD wrote a set of self preservation rules that do not allow them to be recalled or held accountable for their actions. Not even the congress of the

United States can get away with this, no community beach club should be allowed to force the hand of so many members of the community without having the consequences of their actions be accounted for

4. Historically, since the 1960's, each time a vote to require additional funding was proposed and voted on it was a resounding no. This time when the stakes are extremely high it suddenly and without warning was in favor of charging each property the largest amount ever in the history of the club. In my opinion this is a direct result of fraudulent practices by the BOD by
 1. Not adhering to the rule of law
 2. Maliciously failing to demonstrate on the voting documents there was another course of action.
 3. Preventing all affected community members from voting.
 4. Disallowing multiple property owners the same benefits of one vote one property thus reducing their voice yet not their money
 5. And in my opinion making false statements regarding the vote outcome. I do not believe the vote was in favor of paying for a new pool.
5. The BOD legal defense are paid for by the insurance company When the ACBC is the defendant in a case, the insurance company has to pay for legal counsel and representation. This insurance does not however, cover any form of appeal. Thus, if one will look back into the history of this case which includes the vote of 2013 and the vote of 2016. You will find the plaintiff suddenly becomes the defendant and vice versa. This means the club (AKA BOD) will never have to pay for legal defense because the insurance company is required to do so. Between Wilbur and Frederick the legal recourse is never in an appeals unless the intervenor does so. In my opinion this is blatant insurance fraud that the community has to pay for since the rates are always in question due to these legal proceedings. Again, in my opinion this is outright theft and misuse of my money and every paying member of the community

6. This pool which was gifted to the ACBC back in the 60's has fallen into disrepair and has not been maintained specifically in this past decade. In each year, the BOD has wanted more money, and, each year, it received a solid no from the community. This BOD, through manipulation, fraud and deceit created a situation that now affects nearly 600 properties. Many of these property owners have been here a very long time and do not have the resources to pay the BOD such a fine or levy or tax or whatever. Many property owners have restricted incomes, a thousand dollars is up to and possibly more than, a months income for them making payment (even on a payment plan) impossible. Now, because of this fraudulent vote (which to my knowledge there are no records to prove or disprove the results) homeowners who are icons of this community are being forced to sell their homes and seek a location without a Home Owners Association. I understand this has been ruled not a HOA but it walks like a duck, sounds like a duck.
7. The BOD made up a set of rules that does not allow "members not in good standing" use of this pool. Yet there is a sign at the entrance to the community at highway 525 that says "Pool Open". People from outside the community are allowed to purchase access to this pool and participate in the pools amenities yet people who live here are not afforded the same privileges. Members "not in good standing" are not allowed to become associate members, nor are they allowed to vote nor are they allowed a voice at the board meetings. But they most certainly are required to pay a levy should the board deem it so.
8. If this is a public pool then it should remain a public pool and no assessment of the community should be allowed. If this is a community pool and open only to members and guests of the community then any assessment should be voted on by the entire community not just those that can pay the annual dues.
9. Recently, I was in conversation with our mail carrier who innocently asked are you going to try to sell your house too? I asked why and the response was pretty

much everyone is disgusted with this board and wants to sell. Honestly, I doubt I could sell my property now. The entire island knows about this facade and my property values are steadily decreasing as a result of all this legal business. This board has affected me for far more than a thousand dollar payment for this year and who knows next year what they will decide to demand.

10. My last opinion, The appellate court ruled the 2016 vote was invalid, the board was required to give the money back to those who paid. Once again the plaintiff became the defendant (paid for by the insurance company) and a new case was brought into play. The board announced in their July 2017 meeting minutes they were confident the courts would rule in favor of the board this September and decided to stop returning money to the homeowners and begin to levy payment demands once again AND charge interest to those who still owe THEM money.

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

Done on this 18th day of August, 2017, at Coupeville, Washington


Dewey W Bennett

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DECLARATION OPPOSING SUMMARY
JUDGMENT