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8 SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF MASON

9  
10 VAUGHN M. CORK and SUZANNE M.  
11 CORK, husband and wife,

12 Plaintiffs,

13 vs.

14 LAKE CUSHMAN MAINTENANCE  
15 COMPANY, a Washington non-profit  
16 corporation;

17 Defendants.

No.

COMPLAINT FOR PRIVATE WAY OF  
NECESSITY AND INJUNCTIVE RELIEF

18 COMES NOW Plaintiffs Vaughn M. Cork and Suzanne M. Cork, through their  
19 attorneys of record, Robert P. Dickson and George Knight of Dickson Frohlich PS, and by way  
20 of Complaint, alleges and avers as follows:

21 **I. PARTIES AND JURISDICTION**

22 1.1 Plaintiffs are the owners of a certain vacant real property situated in Mason  
23 County, Washington identified under parcel number 42318-43-00000 (the "Cork Property")  
24 and legally described as follows:

25 The Southwest quarter (SW 1/4) of the Southeast quarter (SE 1/4) of  
26 Section eighteen (18), Township twenty-three (23) North, Range four (4)  
West, W.M, Mason County, Washington.

COMPLAINT FOR PRIVATE WAY OF  
NECESSITY AND INJUNCTIVE RELIEF

Page 1 of 7

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1 1.2 Defendant Lake Cushman Maintenance Co. (“LCMC”) has been deeded and  
2 tasked with maintaining certain real property situated in Mason County, Washington identified  
3 under parcel numbers 423188888888, 423185100149, 423075000145 (collectively, the  
4 “LCMC Property”) and legally described as follows:

5 Lot 145, Lake Cushman No. 2, Volume 6 of Plats, records of Mason  
6 County, Washington.

7 Lot 211, Lake Cushman No. 3, Volume 6 of Plats, records of Mason  
8 County, Washington.

9 Lot 149, Lake Cushman No. 4, Volume 6 of Plats, records of Mason  
10 County, Washington.

11 1.3 Jurisdiction and venue are appropriate in Mason County pursuant to RCW  
12 4.12.010(1) because this matter involves real property located in Mason County, Washington.

## 13 **II. BACKGROUND FACTS**

14 2.1 Plaintiff incorporates by reference the allegation of paragraph 1.1 through 1.3 as  
15 if fully set forth herein.

16 2.2 The real property at issue is depicted on the following aerial photograph from  
17 the Mason County GIS Mapviewer. The Cork Property is outlined in blue, while the LCMC  
18 Property is outlined in brown. Highway 119, which is a public right of way, is also depicted.  
19

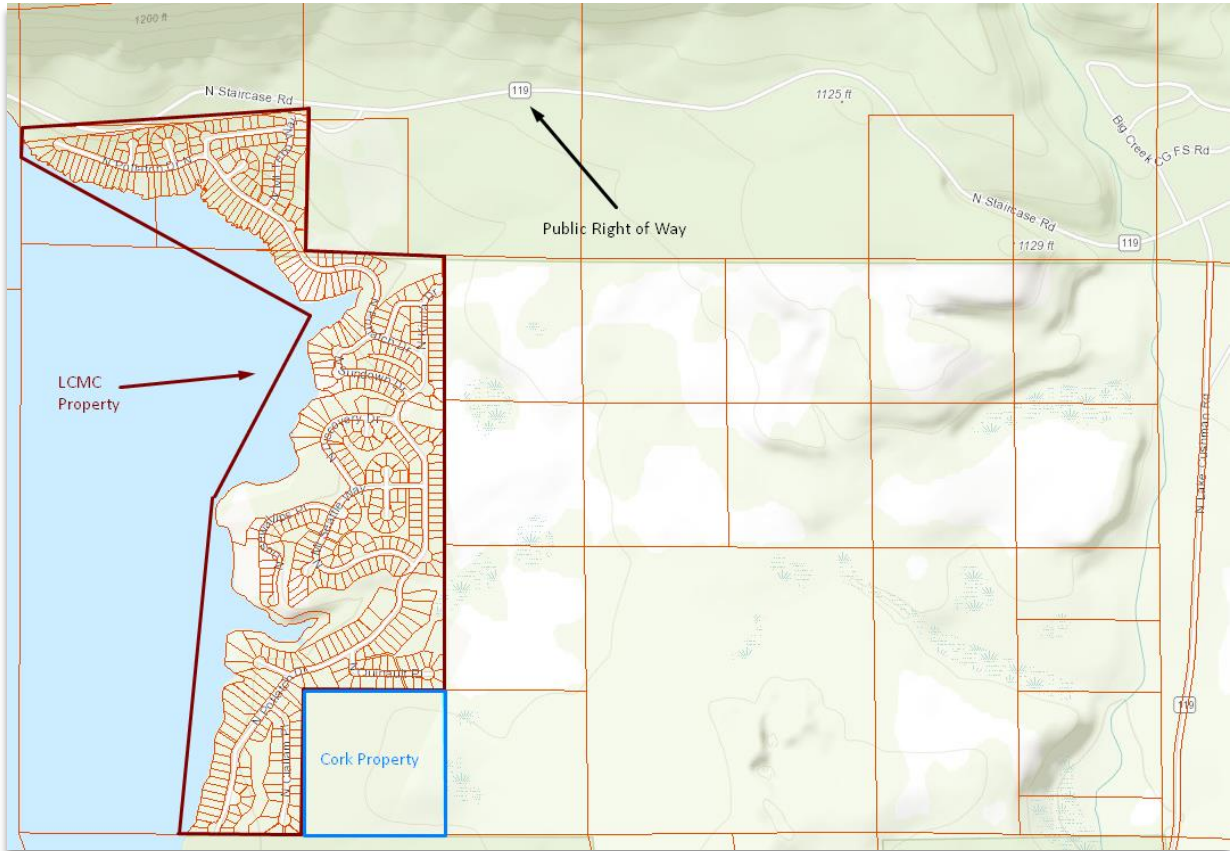
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2.3 The LCMC Property makes up the Lake Cushman Development (“the Development”). Defendant serves as the governing body and homeowner’s association for the Development.

2.4 Because they own other real property within the Development, Plaintiffs are afforded access over the roads within the Development that are managed by the Defendant.

2.5 Sometime in September 2021, Plaintiffs purchased the Cork Property.

2.6 Upon information and belief, the Secretary of the Board of Directors made an offer to purchase the Cork Property, but was outbid by the Plaintiffs.

2.7 Following the purchase of the Cork Property, Plaintiff’s access to the Cork Property was blocked due to the placement of ecology blocks in front of the Cork Property.



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8           2.8     Ultimately, Defendant admitted to placing the blocks to prevent Plaintiffs'  
9 access to the Cork Property.

10           2.9     To date, the ecology blocks have not been moved and continue to prevent  
11 Plaintiffs' from accessing the Cork Property.

12           2.10    Shortly thereafter, the Plaintiffs sent a letter to Defendant's counsel, requesting  
13 an easement. At Defendant's counsel instruction, Plaintiffs made the request for an easement  
14 before Defendant at a public hearing.

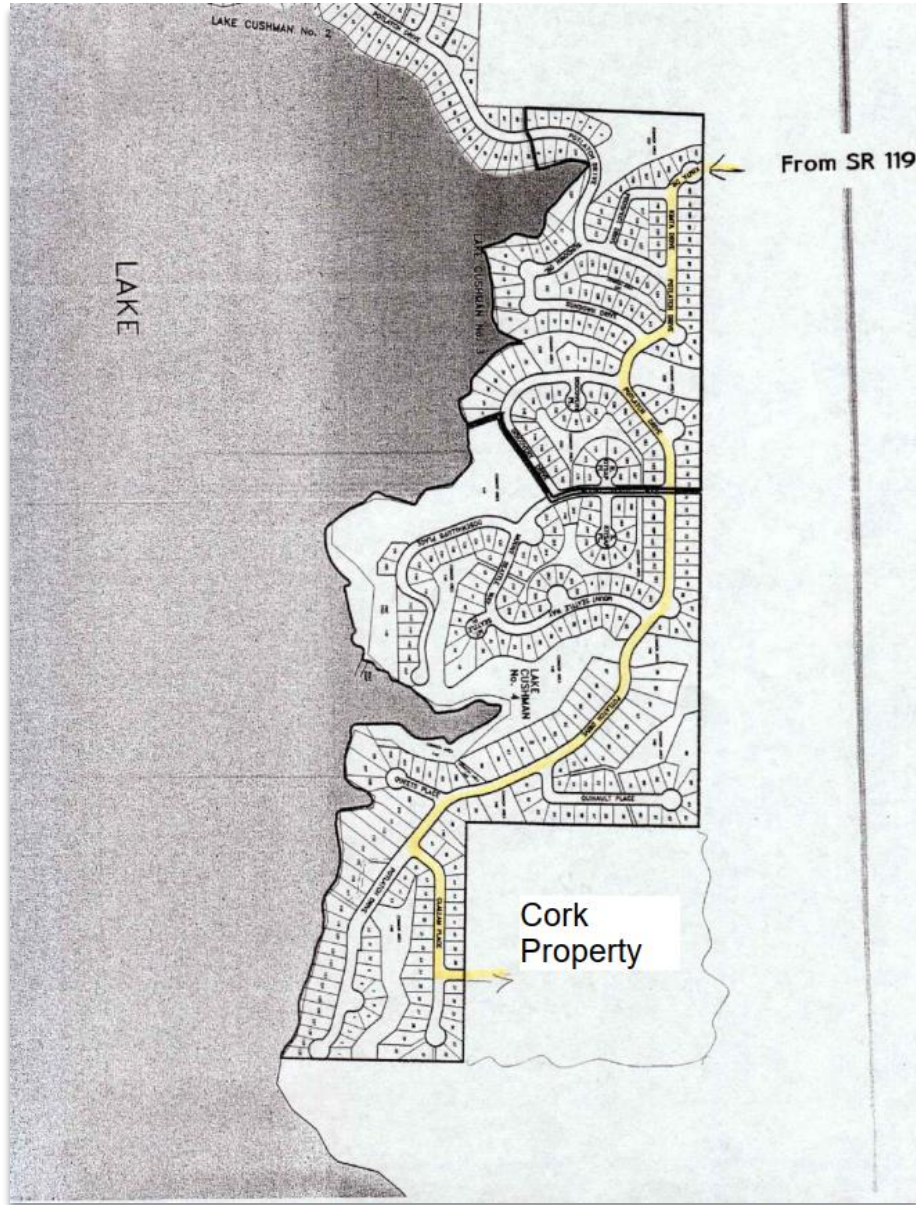
15           2.11    As part of that request, the Plaintiffs offered monetary consideration in exchange  
16 for the easement.

17           2.12    The Defendant voted 8-0 to deny granting an easement to the Plaintiffs.

18           2.13    Without a private way of necessity, the Cork Property is landlocked and has no  
19 legal access. Even further, if the brush or timber on the Cork Property were to catch fire, the  
20 ecology blocks would prevent firefighters from accessing the Cork Property.

21           2.14    The Cork Property has no public or private access to Highway 119 or any other  
22 public or private right of way, and thus remains landlocked. This fact significantly reduces the  
23 value of the Cork Property. In order to obtain beneficial use of the Cork Property, the Plaintiffs  
24 need a private way of necessity to access their property.  
25  
26

1           2.15    A reasonable and necessary alternative route of access for Plaintiffs would be to  
2 afford the Cork Property a private way of necessity over the existing roadways over the LCMC  
3 Property. That route is depicted below:



24           2.16    Defendant is refusing to grant Plaintiffs a private way of necessity through the  
25 LCMC Property, preventing Plaintiffs from making beneficial use of the Cork Property. As a  
26 result, Plaintiffs have no choice but to bring this action.

1                                   **III. CAUSE OF ACTION: PRIVATE WAY OF NECESSITY**

2                   3.1       Plaintiffs incorporate by reference the allegations of paragraphs 1.1 through 2.16  
3 as set forth herein.

4                   3.2       Pursuant to RCW 8.24.010, a party is entitled to a private way of necessity under  
5 certain conditions. The RCW provides, in relevant part:  
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7                         "An owner, or one entitled to the beneficial use, of land which is so situate with respect  
8 to the land of another that it is necessary for its proper use and enjoyment to have and  
9 sufficient in area for the construction and maintenance of such private way of necessity  
..."

10                  3.3       Here, the location of the Cork Property makes access to it impossible without a  
11 private way of necessity thorough the LCMC Property and it is necessary for the Plaintiffs'  
12 proper use and enjoyment of their property.  
13

14                                   **IV. CAUSE OF ACTION: INJUNCTION**

15                  3.4       Plaintiffs incorporate by reference the allegations of paragraph 1.1 through 3.3  
16 as if fully set forth herein.

17                  3.5       If the Plaintiff is found to have a private way of necessity, Plaintiff seeks a  
18 permanent injunction against the Defendant prohibiting any interference with the private way  
19 of necessity going forward.

20                  3.6       Plaintiffs would continue to be harmed if the Defendant continually interfered  
21 with the proposed private way of necessity.  
22

23                                   **V. PRAYER FOR RELIEF**

24                         **WHEREFORE**, Plaintiffs pray for the following relief:

- 25                   1.       Order Defendant, at its own expense, to remove the ecology blocks that prevent  
26 Plaintiffs' access to the Cork Property.

2. Award Plaintiffs a private way of necessity through Defendant's real property for ingress, egress, and utilities;
3. Grant an injunction prohibiting any interference by the Defendant with the private way of necessity;
4. Award Plaintiffs' costs and fees herein, including reasonable attorney's fees;
5. Such other and further relief as this court may deem just and equitable; and
6. Allow Plaintiffs to amend the Complaint as necessary.

**DATED** this 2<sup>nd</sup> day of May, 2022.

DICKSON FROHLICH, P.S.



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GEORGE KNIGHT, WSBA No. 51573  
Attorneys for Plaintiffs