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LAKE CUSHMAN MAINTENANCE CO #109484 Rec Fee: \$79.00 Pages: 6



After Recording Return To:
Lake Cushman Maintenance Co.
3740 N. Lake Cushman Road
Hoodsport, WA 98548

Document Title:

Lake Cushman Maintenance Co. Board of Directors **Resolution No. 05-17 Regarding Rental/Tenant Regulations**, adopted by the Lake Cushman Maintenance Co. Board of Directors on **November 11, 2017**.

Purpose: Restrict renter/tenants based on past record – the Three Strikes Rule.

Grantor:

Lake Cushman Maintenance Co.

Grantees:

Public

Legal Description:

Lake Cushman Div. 1, Lot 1 Additional Legal Descriptions on Page 2

Parcel Number:

42329-50-00001

Additional Parcel Numbers on Page 2

LAKE CUSHMAN			
DIVISION #	PARCEL NUMBER SEQUENCE		
1	42329-50-00001	TO	42329-50-00257, 00900
2	42307-50-00001	TO	42307-50-00142
3	42318-50-00001	TO	42318-50-00219, 00900
4	42318-51-00001	TO	42318-51-00151
5	42204-50-00001	TO	42204-50-00137
6	42204-51-00001	TO	42204-51-00160
7	42209-50-00001	TO	42209-50-00174
8	42209-51-00002	TO	42209-51-00206, 00900
9	42216-50-00001	TO	42216-50-00124
10	42216-51-00001	TO	42216-51-00204
11	42332-50-00001	TO	42332-50-00041
12	42216-52-00001	TO	42216-52-00175
13	42332-51-00001	TO	42332-51-00012
14	42205-50-00001	TO	42205-50-00062, 00900-00902
15	42304-51-00001	TO	42304-51-00009
16	42216-53-00001	TO	42216-53-00150, 00900
17	42209-54-00001	TO	42209-54-00130
18	42205-51-01001	TO	42205-51-01136, 02001-02052, 03001-03065
19	42205-52-00001	TO	42205-52-00066, 00949-00951
WEST # 1	42331-50-01002	TO	42331-50-93022
WEST # 2	52309-50-00001	TO	52309-50-00015
EAST # 1	42333-51-01002	TO	42333-51-06065
DOW CR EST # 1	42209-52-00001	TO	42209-52-00075
DOW CR EST # 2	42209-53-00001	TO	42209-53-00033



LAKE CUSHMAN MAINTENANCE COMPANY
Lessees Organization For The Lake Cushman Development
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TOLL FREE: 1-888-777-6443

RESOLUTION NO. 05-17
REGARDING RENTAL/TENANT REGULATIONS

WHEREAS, the Articles of Incorporation of Lake Cushman Maintenance Company (LCMC) vest LCMC with the authority to, among other things, enforce restrictions upon and/or for the benefit of parcels of real property over which said corporation has jurisdiction; and

WHEREAS, RCW64.38.020 vests LCMC with the authority to, among other things, adopt and amend rules and regulations, and allow the fines and penalties as established by the LCMC Board of Directors for infractions thereof; and

WHEREAS, all Lake Cushman covenants specify that: "no noxious or offensive activities shall be carried on or upon any lot, nor shall anything be done thereon, which may become an annoyance or nuisance to the neighborhood."

THEREFORE, BE IT RESOLVED, that Resolution 05-17 hereby adopts the following RENTAL/TENANT REGULATIONS:

RENTAL/TENANT REGULATIONS

I. PURPOSE

Lake Cushman Maintenance Company (LCMC) is a successful, desirable residential development in Rural Mason County. Through its Board of Directors, it attempts to administer its responsibilities fairly and reasonably. Those responsibilities include the provision of facilities and services to its members (defined as the peoples who lease lots at Lake Cushman); working with these members to help make sure that lot conditions and activities within Lake Cushman meet neighborhood standards and LCMC rules; and administering the exercise of its other powers pursuant to State law, county ordinances, and LCMC governing documents.

LCMC members have an incentive to respect the property of others and their association. They are beneficiaries of common properties, along with all other members, and have invested in Lake Cushman by buying a lot or lots within the development, often making their permanent homes here.

The great majority of LCMC members actively support the work of the association that has led to the current quality of life at Lake Cushman. However, there are some members who allow conditions on their lots that they lease, and behaviors connected to those lots, to detract from this quality of life. LCMC has found that a disproportionate number of these problem lots and behaviors involve allowing non-members to reside in homes that member owns. LCMC attempts to resolve such matters through its existing systems and processes, including trying to reach collaborative solutions, hearings for members before taking formal action, and other resolution opportunities, but in a few cases, those attempts only seem to lead to chronic problems.

At Lake Cushman all lessees are responsible for whatever lot conditions and other rule violations are caused by people using their properties. The first part of these rental/tenant regulations gives LCMC a way to restrict certain members from allowing their properties to be used by non-members when alternate remedies have failed to achieve compliance with the Lake Cushman community's governing documents.

These rules apply to any renter/tenant residing on the lot that is not identified on the lease, or otherwise qualifies as a member of the associations. For purposes of these rules, spouses and registered domestic partners of someone named on a lease and people buying properties on contract are considered members of the association. Adult children of members are considered non-members, unless they meet one of the above qualifications. The renter/tenant relationship will ordinarily be subject to a written agreement, but this resolution applies to any situation where a non-member adult is residing on a member's property, whether governed by a written agreement, or not. It also applies whether rent or other compensation is provided, or not.

II. RESTRICTING RENTER/TENANTS BASED ON PAST RECORD – THE THREE STRIKES RULE

If an LCMC member allows a non-member to occupy his or her Lake Cushman property, as defined above, and has three substantial violations which are categorized as strikes, then that member may not further allow a non-member to occupy those premises, or any other Lake Cushman premises owned by that member, for a period of ten years. Substantial violations include, **but are not limited to:**

Illegal activities



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Discharging firearms
Setting off fireworks
Prohibited outdoor burning
Persistent dog barking
Dangerous and/or uncontrolled pets
Loud music
Solid waste violations, including hulk vehicles
Vehicles under repair for over 30 days

LCMC rules establish a system for investigating and processing reports of violation of LCMC covenants, rules regarding property condition and activity rules, which is generally administered by the Architectural Committee. These rules include the applicable covenants, the Articles of Incorporation, the Bylaws, and other rules and regulations enacted by the general membership and/or Board of Directors. When a Request for Action is received, it is investigated and if a violation is found, the owner of the property will be sent a certified letter notifying them of the violation and the appropriate action that needs to be taken to abate the offense(s) or apply for an appeal.

At both the Architectural Committee level, and on appeal to the Board of Directors, the rules for decision making will be: (1) whether a violation exists; (2) whether it meets the test of "substantial violation"; and (3) whether LCMC establishes these elements by a preponderance of the evidence (more likely than not), or other means. The Architectural Committee and Board will assure the processes for the administration of these matters are fair and reasonable, and offer the member a fair and reasonable right to be heard and offer evidence.

The determination of the Board of Directors shall be binding and final, and any reviewing court shall not substitute its judgment for that of the board.

Multiple violations will not be considered in the same hearing unless they are similar in nature and appear to share the same root cause. This means that all member/lessees will have the opportunity to go through two previous hearings before the proceeding dealing with a third strike.

Once a third strike is confirmed and recorded, a lessee will be notified in writing that they are prohibited from allowing non-members to occupy the subject premises, or any other properties owned by the member, within Lake Cushman, continuously for ten years from the date of the finding. The notification letter will give the owner 14 days to notify the renter/tenants that they must vacate the properties involved within 45 days, unless the Board of Directors agrees to an alternative timeline. During the ten-year period, nobody may occupy the properties involved for more than 14 days in any 30-day period. Owners are required to notify the LCMC of any such use. LCMC reserves the right to enter the properties involved at reasonable hours to verify compliance with these requirements.

III. EFFECTIVE DATE, ALTERNATE REMEDIES

These provisions go into effect thirty days after approval. LCMC reserves the right to any other remedies available at law or in equity for the enforcement of its rights. In particular, if the circumstances require more immediate action or the member renting their property has demonstrated an unwillingness to cooperate with the system spelled out in this Resolution, the Board of Directors may determine to exercise any and all other remedies including immediate litigation, or requesting that the Lake Cushman Company cancel the leases for the properties involved.

THIS RESOLUTION was ratified by the LCMC Board of Directors this 11th day of November, 2017.

Passed this 11th day of November, 2017

Keith Hillstrom 11-22-17 Debra Snoey 11-27-17

Keith Hillstrom, President

Date

Debra Snoey, Secretary

Date