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

VAUGHN M. CORK and SUZANNE M.
CORK, husband and wife,

Plaintiffs,

v.

LAKE CUSHMAN MAINTENANCE
COMPANY, a Washington non-profit
corporation,

Defendant

NO. 22-2-00223-23

**DECLARATION OF DANIEL A.
BERNER IN RESPONSE TO MOTION
FOR TEMPORARY RESTRAINING
ORDER**

I, Daniel A. Berner, hereby declare and state under penalty of perjury under the laws of the State of Washington that the following statements are true:

1. I am the attorney for the Defendant Lake Cushman Maintenance Company (“Defendant” or “LCMC”). I make this declaration based upon my personal knowledge and in support of the Defendant’s Response to Plaintiff’s Motion for a Temporary Restraining Order in the above captioned matter.
2. I was retained by the LCMC on July 13, 2022, and requested an extension of time to respond to Plaintiff Vaughn M. Cork and Suzanne M. Cork’s (“Plaintiffs” or “Corks”) Motion for a Temporary Restraining Order.

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3. Plaintiffs purchased the property at issue in this case on or about August 23, 2021, pursuant to a Statutory Warranty Deed, recorded under Mason County Auditor's File No. 2165990. A true and correct copy of Plaintiff's deed is attached hereto as Exhibit A.

4. Plaintiff's deed, on page 3, discloses "2. The Title Company finds no insurable means of access to the within described land from an established public road.
NOTE: The Title Company notes that the within described land abuts private roads established in the plats of Lake Cushman No. 4, however, we find no record of the right to the use of said roads being granted to the within described land."

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

DATED at Shelton, Washington this 14th day of July, 2022.

BERNER LAW OFFICE, PLLC



Daniel A. Berner, WSBA #43241
Attorney for Defendant LCMC

1 **CERTIFICATE OF SERVICE**

2 I, Daniel Berner, declare as follows:

3 I am a resident of the State of Washington. I am over the age of 18 years and not a party
4 to the within entitled cause. I am employed by the law firm of Berner Law Office, PLLC, whose
5 physical address is 103 S Fourth Street, Suite 200, Shelton, WA 98584, and whose mailing address
6 is P.O. Box 1609, Shelton, WA 98584.

7 On the date indicated above the signature line below I served upon the below-listed parties
8 at the addresses and in the manners described below:

9 • DECLARATION OF DANIEL A. BERNER

10 Robert P. Dickson WSBA #39770
11 George Knight, WSBA #51573
12 Dickson Frohlich, PS
13 1200 East D Street
14 Tacoma, WA 98421

- First-Class U.S. Mail
- E-mail: rdickson@dicksonlegal.com;
- gknight@dicksonlegal.com;
- jmartirosian@dicksonlegal.com
- Certified Mail
- Legal Messenger
- Electronic Service via e-file

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

17 DATED at Shelton, Washington this 14th day of July, 2022


18 
19 _____
Daniel Berner, WSBA #43241

EXHIBIT A

2165990 Mason County WA

09/08/2021 09:25:02 AM SWD

eRecorded #163687 RecFee: \$205.50 Pages: 3

AEGIS LAND TITLE GROUP

When recorded return to:

Vaughn M. Cork and Suzanne Marie Cork
892 North Lake Cushman Road
Hoodspport, WA 98548

AFFIDAVIT
No 51284
WA R.E. EXCISE TAX
Sep 08 2021
PAID \$4,583.50
LISA FRAZIER
Treasurer Mason County

Escrow Number: 2021-29088-SH

Filed for Record at the request of: Aegis Land Title Group

STATUTORY WARRANTY DEED

THE GRANTOR(S), Green Crow Corporation, a Washington corporation, for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys, and warrants to Vaughn M. Cork and Suzanne Marie Cork, husband and wife the following described real estate, situated in Mason County, State of Washington:

Property 1:


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

Subject to: This conveyance is subject to covenants, conditions, restrictions and easements, if any affecting title which may appear in the public record, including those shown on any recorded plat or survey, and including the attached Exhibit "B"

Abbreviated Legal: SW SE, 18-23-4
Tax Parcel Number: 42318-43-00000

Dated: August 23rd, 2021


Green Crow Corporation Inc., a Washington Corporation

By: John T. Crow 
John T. Crow, President

STATE OF WASHINGTON
COUNTY OF MASON- Pierce

I certify that I know or have satisfactory evidence that John T. Crow is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the President of Green Crow Corporation to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: August 23rd, 2021

Mason Winchell 
Signature

Notary Public

Title

My appointment expires: 09-21-2024

This notarial act involved the use of communication technology (check box if applicable).



Online Notary Public. This notarial act involved the use of online audio/video communication technology.

EXHIBIT B

1. Matters delineated, described and noted on survey recorded on July 20, 2005 as Instrument #1843018, Volume 31 of Surveys, page 14 in the official records of Mason County, Washington

2. The Title Company finds no insurable means of access to the within described land from an established public road.

NOTE: The Title Company notes that the within described land abuts private roads established in the plats of Lake Cushman No. 4, however, we find no record of the right to the use of said roads being granted to the within described land.

3. General taxes: First half due on or before April 30; Second half due on or before October 31:

Year: 2021

Amount Billed: \$51.51

Amount Paid: \$25.76

Amount Due: \$25.75, plus interest and penalty if delinquent

Tax Account No.: 42318-43-00000

Property Code: 88

Total Assessed Value : \$163,230.00

4. DESIGNATED FOREST LAND.

Recorded on March 23, 1973 as Instrument #277711 in the official records of Mason County, Washington

These lands have been "designated" as forest lands for tax purposes under the provisions of R.C.W. 84.33 which include the requirement of a continuation of restricted use in order to continue the present assessment rate.

Said property is subject to applicable taxes, penalties and interest as provided by statute upon removal of this special tax classification.

Contact the Mason County Assessor with date of change in ownership prior to the closing of any sale for revised tax assessments (please allow up to 5 business days for county response).

For Mason County Call: (360)-427-9670 ext. 475