

**Seahurst West Addition
Community Meeting on Covenants
November 11, 2004 and a subsequent committee meeting of 1/8/05**

Meeting Summary

The meeting at Moslimany's was called to order at 7:45 p.m. by Knut Ringen, covenants committee member and discussion leader for the meeting. In attendance were Jim and Rebecca De Vaney, Debra Conway, Ann Moslimany, Alex Reid, Vicky Fisher, Carol and Lee Sanders, Al and Mae Mettler, Bob Krakowski, Susan St. Clair, and Mike and Marie Little.

Comments and corrections to the minutes of the last meeting were invited. Knut reviewed the prior meetings. On 9/27 we shared our philosophies and agreed we needed revisions to our covenants. On 10/14, we agreed to a list of needed restrictions- preservation of views; maintenance of roads and utilities, common lots, drainage, runoff and erosion; ability to make assessments; and a permissive restriction allowing home business activity.

Maria Little was asked to report on her investigation into city of Burien codes that we needed to know about to make decisions about covenant changes. She found codes for Single Family Residents, restrictions against billboards (not signs), restriction about business activity, pets, maintenance of property, and health and safety. The city is silent about obstruction of view. We are in a 'critical' tree area because of the steep slope and the threat of erosion so tree cutting is not allowed in 'critical' areas. We would need to examine these codes in detail.

Vicky Fisher reported on the meeting of the committee (Knut, Vicky, and Jay O'Donnel) on 11/15 with lawyer Traci Shallbetter of the law offices of Davis Wright Tremaine. The committee was to learn of the advantages and disadvantages of incorporation (non-profit), home owners associations, and to learn about insurance needs of the community. Ms. Shallbetter advised incorporation. The main advantage is that it protects board members from liability suits and because there is a body of case law and, therefore, suits are less problematic. The disadvantages are the costs (writing Articles, filing papers to begin and annually, hiring an agent (required by state), filing annual non-profit tax return). If we do not incorporate the best thing we can do for the community is have clear covenants and which are enforced evenly with good records to prove it. Buying insurance for the board was advised. A separate insurance would be needed for the common lots. It appears that individual homeowners insurance *may* (call your provider) cover liability that occurs on each member's portion of the road. The costs of re-writing our covenants (either as Covenants or as a Home Owners Association) are difficult to estimate but will be less if we come with clear ideas and, preferably, with language from other associations that we like.

A discussion ensued about what we might be liable for or to put it another way, how much protection do we need. Then, the group decided to leave the issue of Incorporation to a time after we have a clear idea of what kind of covenants we want (Incorporation is

an option that can occur at any time although it would be cheaper to do both at once). We proceeded to think about the covenants- specifically how to enforce the covenants and what kind of a governing body we wanted. After some discussion, we each decided on a number between 1-10 with 1 representing a desire for covenants with the board enforcing very little and 10 meaning the board would enforce all the covenants. The average for the group in attendance was 3.5. How would the covenants be enforced if the board was not the 'policing and ruling agency' for the covenants? Some believe that any member, failing to settle an issue between themselves that the covenants speak to, have the right to proceed to court. We could also opt for some issues that are recommended for or demanded to have mediation.

Time was passing and the group decided to see if they could quickly reach agreement on who should have a vote in the new covenants. At the moment there are issues where the lot owners have a vote and places where residents (both husband and wife) vote. The group quickly agreed to the idea that each lot has a vote and only one vote.

The committee was asked to come up with a recommendation for nominating, electing, and removing board members.

The committee met on January 8th, 2005 and decided to form some small 'working parties' to begin drafting language for some of the issues we have selected to date. Vicky, with help from Maria Little on trees will draft language on views. Knut will take governance. Jay will work on enforcement. Mike Little will draft language on maintenance of the road, utilities, drainage, and common lots. The deadline for language (to Vicky Fisher) is March 1 with a committee meeting to follow about March 7th.

With apologies for the gap in time since the meeting,

Vicky Fisher, note taker