

SWA Members,

The question no one has asked the Board is, “How did we get here?”

In response to recent concerns, we are providing a detailed timeline of events, outlining every decision made and the steps taken by the Board. This is a fully transparent account, ensuring clarity on the circumstances and the choices presented to the Board at each stage.

This entire process stems from Eric’s inappropriate actions, including:

- The unauthorized and illegal removal of SWA trees.
- Disputing established property lines, despite King County plat maps confirming them.
- Refusing to replant the removed trees, citing a flawed or misinformed arborist’s report.
- Putting SWA on notice of hazardous stairs (liability), while continuing to utilize them.

Additionally, the northeast footing and roof overhang of the non-permitted carport—now identified in the most current survey—represents yet another potential liability for SWA that must be addressed.

The Reality of the Situation

SWA property was damaged, and Eric is being held accountable. The Board represents all lot owners. While some wish to move on, many neighbors remain deeply concerned about liability risks, critical slope runoff, property values, and the continued defense of Eric’s actions. Some have labeled the Board’s due diligence as “harassment,” yet the reality is that this process has been necessary due to Eric’s repeated refusals to resolve the issue responsibly.

Yes, this process has taken longer than anyone would like. However, it is important to recognize that Eric is not the victim here—he had every opportunity to cooperate and chose not to.

A Call for Civil Discourse

We encourage open dialogue and welcome any questions—but ask that all inquiries be made with common civility. Unfounded accusations of financial impropriety and the spread of misinformation are not only offensive but also harmful to our community. The ongoing malicious tone in communications is unacceptable, especially given the countless hours your volunteer Board has dedicated to addressing this issue.

Before sending an email, we ask that you consider your words and tone. Your Board does not deserve hostility in return for its commitment to protecting SWA's interests.

Our meeting agenda and last year's minutes have been sent. We appreciate your time and look forward to a constructive discussion.

Timeline:

Trees cut down (late November/December 2023)

Eric admitted he cut the trees when asked via email by Rebecca and Maria (January 2024)

Eric called the trees/stairs 'hazardous' creating a possible liability for SWA if he continued to access SWA stairs

Tree Committee formed at 2024 annual meeting to resolve issues (March)

In addition to the board, volunteers included Chuck and Maria

The Tree Committee asked Eric for a replanting plan by a landscape architect as a resolution

Interested SWA members visited the tree cutting site, Jay performed an unofficial survey (measuring, degrees, etc) based on current property boundaries, previous survey information, and the county Satellite image. Jay concluded that the trees were most likely on SWA property. The next day, Jay revisited the site and after doing another unofficial survey and concluded that the trees were most likely not on SWA property and even suggested that we may not even own the stairs at all. This property line confusion led to the idea to get an official survey before pursuing a resolution.

Eric, Jay and McGarrys indicated the trees were not on SWA property (April)

Jay sends the first of many disparaging emails slandering other SWA lot owners/board members and threatening to resign if we move forward with contacting McGarrys to ask for information about property boundaries. (March)

Realizing a survey was 100% the most responsible and safest course of action. If the trees were never ours to begin with, then there would be absolutely no reason for SWA to work with the Johnsons for a resolution, as the trees would not be SWA property. Decision made by the board to move forward with the special lot owner meeting to ask for special assessment funds to do the professional survey.

Research begins on finding a survey company for a quote (May)

Jay resigns and sends disparaging emails slandering individuals and the board to all lot members and publicly shares private Board drafts of letter to the McGarrys that were never sent (April)

Bruce joins the board as treasurer in May

The survey was then researched, quoted, and voted on in a special meeting before getting scheduled.

Special all lot owner meeting called to go over tree committee findings and ask for funds to do a new survey (June)

Vote taken, new survey funds approved by one vote margin

Special Survey completed by Duncanson showing the trees are on SWA property as well as noting the carport pillar encroachment.

Speculation arose by some lot owners if the survey was correct, or “influenced”. This is not the case and a ridiculous accusation. Imagine if the survey company was taking bribes or being influenced by citizens?

Eric provided an arborist report indicating the trees were insignificant (not exceptional) meaning that they are not required to get a permit (even though it wasn't their property).

City of Burien was engaged for a second opinion. As this entire hillside is deemed a critical slope, a permit is indeed necessary, and his arborist was misinformed. In cases like these, a retroactive permit is required. City of Burien was asked for a review and is facilitating a retroactive permit as well as a replanting plan with Eric.

Lee asked the board for a review of foliage overhang impeding emergency vehicles (June)

Research was done with the fire department regarding foliage overhang, no issues were called out by the fire department and per the covenants (section XI) each lot owner is responsible for their property (June/July, Capt Chris Reed)

email response to Lee with this data was sent

Cindi indicated she was no longer willing to host or manage the SWA website (June)

Bruce with Dale as back up, took over administration of Seahurstwest.com website

Bank updates made at Chase Bank by Rebecca, Bruce and Mary (July)

Another email recap from Jay with disparaging and slanderous remarks of his neighbors/board members

Chase Bank records indicate Jay was listed as signatory, with no recent updates to their data until the three of us arrived

Board meeting minutes requests begin to reach the board (July)
Followed by more requests for meeting minutes and a reference to RCW laws covering HOAs.

Maria points out SWA is not an HOA and asks folks if they want to be an HOA they can present their findings at the next annual meeting. No request has been made to add this issue to the agenda for 2025

Special assessment details went out (August)

Special Survey completed indicating the trees are on SWA property as well as the carport footing encroachment (August)

Duncanson survey confirms the King County plat maps (August)

Jay withholds partial assessment until he personally validates the Duncanson survey, partial payment made in January

When notified of survey results, Eric indicated he was going to do his own survey (no update on this)

Additional requests for meeting minutes. Four lot owners withhold payment of the Special Assessment and reference to RCW laws covering HOAs (August)

Board meeting minutes/tree committee minutes sent out (August)

Duncanson records the 2024 survey with King County Records (September)

Jay's demand for ZOOM call recordings and more disparaging remarks (August)

decision was made ZOOM meeting recordings will not be sent out due to privacy liability, ownership of account and lack of security/ encryption as to how the data will be used. This issue is tagged for the March 2025 agenda

Samia sends out 'Last Hurrah' beach picnic notice (September). A good turnout on a beautiful day

Letter from Sanders and Gelinas's lawyer arrives certified mail to all board members asking the board to choose a mediator from the three they have listed. Also, that Samia resign from the board. (August)

Rebecca and Bruce visit Attorney: W. Tracey Codd in Burien for legal advice to respond to lawyer request

(Citing section V.A.4 the board can spend up to \$300.00 per year for general and administrative expenses)

Bruce confirmed the mailing address for the invoice and Tracey indicated there is no charge

The board responded via certified mail to the lawyer citing the covenants (section III.B) require 6 mediator suggestions and acknowledgement that the two parties cannot agree on a mediator. The board will be happy to pick a mediator once the terms of the covenants have been met. Requests that Samia resign from the board ignored. (January)

The Board and Samia agree any parking mediation discussions will not include Samia or Ben unless Lee and Pete are also engaged.

March meeting save the date was sent to all SWA lot owners (January)

Samia sends the Board three mediators and again the board responds citing the covenants noted above (February)

Noting the intention is to protect SWA from liability while still allowing Eric limited access to the stairs. Decision made an HHA is a good solution,

Rebecca and Bruce meet a second time with Attorney: W. Tracey Codd to go over our intentions and the HHA document
Bruce again confirmed the mailing address for the invoice and Casey indicated again there is no charge

Note to Eric regarding our first pass at an HHA sent out (February)

Rebecca visited the City of Burien re: carport structural engineering report to learn more about the integrity of the footings. (February). There were no permits issued to build the carport therefore no structural engineering data for us to consider.

Eric responds with his own HHA cc'ing all SWA lot owners stating SWA would hold them harmless for any damages they or their guests may incur on SWA common lots (February)

Non-incendiary and incendiary email responses sent from some lot owners to SWA Community sent out (February)

The board meets to discuss a response to Eric's HHA if any and to go over the annual March meeting agenda (February)

Citing the Kropak / Sanders HHA dated 2008, the board has precedence in requiring a non-reciprocal HHA referencing the common lots.

Rebecca will not be signing Eric's version of the HHA (February)

2025 Annual SWA lot owner meeting scheduled for Tuesday March 11, 2025

End timeline

Project Manager's Overview Recap

The Board has acted in the best interest of the entire SWA community, approaching each decision with careful research, thorough deliberation, and an unbiased commitment to fairness. This process has been time-intensive, but necessary, as the outcome will set a precedent for how SWA handles property damage moving forward. The Board has taken this responsibility

seriously, considering not only the protection of SWA's property and rights but also ensuring a fair and sustainable resolution for the future of our community.

Decision-Making Process

Before presenting options to the community, the Board undertook a comprehensive evaluation of possible resolutions. Instead of bringing incomplete solutions for discussion, we ensured that each option was fully explored to its logical conclusion—allowing for informed, productive conversations rather than speculation. This method ensured the most efficient and effective approach for SWA.

Why Replanting Isn't a Simple Solution

At first glance, replanting the removed trees might seem like the obvious solution. However, due to the location's critical slope designation, the process is far more complex:

- **Permit Requirements:** Any tree removal—permitted or not—on a critical slope requires a permit. Because the original removal was unauthorized, the Johnsons would need to obtain a retroactive permit, which adds cost and complexity.
- **Site Preparation Risks:** Proper replanting would likely require excavation of compacted soil, removal of landscaping rocks, and adjustments to drainage, all of which could impact the stability of nearby structures, including the carport and the SWA stairs.
- **Environmental Concerns:** Given the area's drainage and slope conditions, landscape architects and the City of Burien have advised that this replanting process would not be a low-impact or cost-effective solution.

Given these factors, the Board determined that pursuing replanting as a resolution was neither practical nor beneficial to the community. Furthermore, the holly trees are naturally regenerating, though they may not regain their original form.

The Hold Harmless Agreement: A Balanced Solution

The Hold Harmless (HH) Agreement is a compromise between resolution options:

The City of Burien is now working directly with the Johnsons. Pending the resolution of City's plans between the City and the Johnsons, the board is prepared to proceed based on the City's expert recommendations and requirements. If the City determines that replanting is unnecessary and would cause more disruption than benefit, the Board will not pursue a replanting plan.

1. The Johnsons may continue using the stairs, despite their use of SWA property without formal approval.
2. The HH agreement protects SWA from liability while recognizing the reality of the situation.

The alternative option—formally prohibiting use of the stairs due to ongoing trespassing—was a less neighborly solution. However, it's important to note that some SWA members have informally allowed this access without consulting the broader community, leading to a grey area that needed resolution. The HH agreement legally protects SWA while keeping a practical peace.

Communication & Constructive Dialogue

At any time, any SWA member could have reached out to the Board with questions or concerns. However, no board member was contacted directly before the recent wave of criticisms. The Board has been fully transparent throughout this process, and any

member with concerns should have engaged in direct conversation rather than resorting to inflammatory emails.

Unfortunately, recent accusations have been based on emotion rather than facts. If we allow decisions to be dictated by misinformation, slander, and hostility, the integrity of this community will suffer. If a Board member were to behave in such a manner, how would they be viewed? Rational discussion and fact-based decision-making must guide us forward.

Understanding Covenants & Board Authority

The Board is not an enforcement authority and cannot unilaterally enforce covenants. Additionally, it is not the Board's duty to explain covenants to those who do not understand them—these should be fundamental knowledge for all SWA members. Unfortunately, it has become evident that few truly grasp the covenants that govern our community.

Moving Forward

The Board remains committed to transparency, fairness, and the long-term health of SWA. We encourage respectful dialogue and fact-based discussions as we work toward resolution. Let's continue engaging constructively for the benefit of all members.