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December 7, 2018

Camano Country Club
1243 Beach Drive
Camano Island, WA 98282

Dear Board:

RE: Petition to Rescind Vote

I am in receipt of the Petition to Rescind the April 4, 2018 vote of the CCC, which I understand may include up to 120 members' signatures. I have been asked for my legal opinion as to the efficacy of this Petition.

The Homeowners' Association statute states that notice to owners of any meeting may be by pre-paid first-class United States mail to the mailing address of the owner. I understand in this case this was accomplished by a group of volunteers, under the auspices of the Secretary, and there is no conclusive proof that they did not fulfill this responsibility. In addition to this, the Association posted the entire issue on its website, and advertised and held four meetings for members to discuss and learn about the issues surrounding the proposed Bylaw amendments. It appears the Board went above and beyond the HOA statutes minimal requirements. The statute only requires mailing, not actual contact with or receipt by, each owner, as insinuated in the Petition.

There is no provision in the statute or the Bylaws for a "do over" of a vote simply because some do not like the result. Members opposed to the proposed Bylaw change had sufficient opportunity to publish their concerns and "get out the vote" prior to April 4th. Members could get their ballots from the Association or could vote at the April 4th meeting. There was no effort to conceal the meeting or squelch voting rights.

The only remedy for changing the current Bylaws is to amend them using the process within the Bylaws which requires a 2/3 vote.

I hope this will help.

Very truly yours,

LAW OFFICE OF COLE & GILDAY, P.C.



Robert R. Cole

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