

FILED

MAY 07 2009

SNOHOMISH COUNTY CLERK  
SNOHOMISH CO., WASH.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

MT. INDEX RIVERSITES COMMUNITY CLUB, INC., a Washington Corporation,  
  
Plaintiff,  
  
vs.  
  
ELEANOR ANDERSON, a single person,  
GARY D GRABER, a single person, and All  
Others Similarly Situated,  
  
Defendants.

NO. 07 2 07884 1  
  
STIPULATION AND ORDER RE  
PLAINTIFF'S 2009 ROAD  
MAINTENANCE ASSESSMENT

WHEREAS, Plaintiff, Mt. Index Riversites Community Club, Inc., ("MIRCC") has historically sent out invoices for annual road maintenance assessments to maintain and repair the roads within the Mt. Index Riversites community in the month of April every year;

WHEREAS, some Defendants within the class of property owners who access their property over the roads maintained by MIRCC, dispute the right of MIRCC to collect and enforce payment of the annual road maintenance assessments;

WHEREAS, this matter was certified as class action lawsuit on September 23,

ADAMS, DUNCAN & HOWARD, INC., P.S.  
A PROFESSIONAL SERVICE CORP.  
LAWYERS  
3128 COLBY AVENUE  
EVERETT, WA 98201  
425-339-8356  
FAX: 339-2353

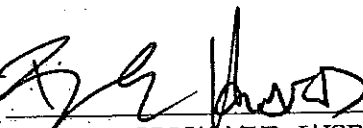
1 2008, and a decision on this matter will not be reached prior to MIRCC's usual  
2 invoicing period;

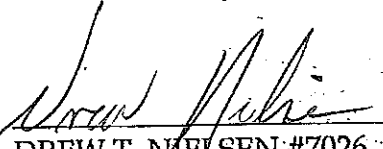
3  
4 IT IS HEREBY AGREED by the parties of record, Plaintiff's, through their  
5 attorney of record, Brice E. Howard, and Defendants, through attorney of record for  
6 the Defendant class, Drew T. Nielsen, and through attorney of record for  
7 Defendants Bailey and Boleman, Thom H. Graafstra, that MIRCC may send out  
8 their regular invoices for the 2009 road maintenance assessments on the following  
9 terms and conditions:

- 10
- 11 1. The 2009 invoices will be sent out in the same amount as 2008,
  - 12 2. Payment of the 2009 invoices is without prejudice, and is not to be construed  
13 as assent to, or recognition of, the authority of the board or of the formula  
14 used by the board to calculate assessments,
  - 15 3. Payment of the assessment by members of the Defendant class will not  
16 constitute a waiver of any kind by any party,
  - 17 4. Nothing in this agreement shall interpreted by any party as a waiver to, or  
18 of, any claims or defenses in this matter.  
19  
20  
21

22 ADAMS, DUNCAN & HOWARD, INC., P.S.

NIELSEN & NIELSEN, INC., P.S.

23  
24   
25 BRICE E. HOWARD, WSBA #34326  
26 Attorney for Plaintiff

27   
28 DREW T. NIELSEN #7026  
Attorney for Defendant Class

1 WEED BENSON & GRAAFSTRA, INC., P.S.

2  
3 


4 THOM H. GRAAFSTRA #7026  
5 Attorney for Defendants Bailey and Boleman

6  
7

8 THIS MATTER having come on before the above-entitled Court for  
9 authorization to Plaintiff to invoice the 2009 road maintenance assessments on the  
10 conditions set forth above and to enter the above agreement into the court record  
11 pursuant to CR 23(d), NOW, THEREFORE,

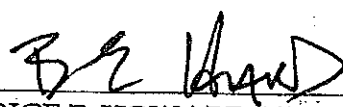
12  
13 IT IS HEREBY ORDERED, ADJUDGED AND DECREED;  
14 Plaintiffs, MIRCC, may send invoices to the Defendant class for the 2009 road  
15 maintenance assessments on the conditions as set forth above.

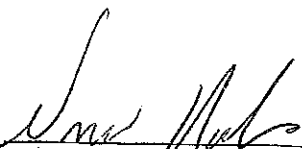
16  
17

18   
19 Hon. Thomas J. Wynne

20  
21 Presented by:  
22 ADAMS, DUNCAN & HOWARD, INC., P.S.

21 Approved for Entry:  
22 DREW T. NIELSEN

23  
24   
25 BRICE E. HOWARD, WSBA #34326  
26 Attorney for Plaintiff

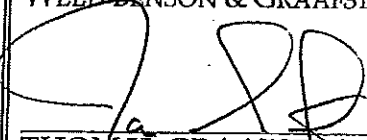
24   
25 DREW T. NIELSEN #7026  
26 Attorney for Defendants

27  
28  
STIPULATION & ORDER - 3  
ADAMS, DUNCAN & HOWARD, INC., P.S.  
A PROFESSIONAL SERVICE CORP.  
LAWYERS  
3128 COLBY AVENUE  
EVERETT, WA 98201  
425-339-8556  
FAX: 339-2353

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Approved for Entry, Notice of Presentation Waived:

WEED BENSON & GRAAFSTRA, INC., P.S.



THOM H. GRAAFSTRA #7026  
Attorney for Defendants Bailey and Boleman

**ADAMS, DUNCAN & HOWARD, INC., P.S.**  
A PROFESSIONAL SERVICE CORP.  
LAWYERS  
3128 COLBY AVENUE  
EVERETT, WA 98201  
425-339-8556  
FAX: 339-2353