

December 17, 2015

Mr. Bang, Mr. Vincent, Mr. Lambert and Ms. Callerame:

In light of your reply to Richard Arnold's request of 12/9/15, the Board is compelled to address your response and provide further documentation of the numerous pieces of false information on your website page titled "Suspect Timing for a Demand Letter". Furthermore, in the interest of full transparency and in respect of the action demanded of you by Richard Arnold in his email to you yesterday, December 16, 2015 at 1:35 pm, we further demand that you publish all of the facts provided here. Since the publication of the Board's correspondence to the Ontkeans on your website, many people have been questioning what the issue is about — they deserve to know the facts, and they are provided here with full documentation.

Working from top to bottom of the page titled "Suspect Timing for a Demand letter" we submit the following:

You state that the Board "discussed her property at the Board Meeting held HOURS before the election (without notice to her) ...". This is a false statement. First of all, the Board was not discussing HER property and changes made to it — they were discussing HOA property and changes made to that. Notice of the meeting was, in fact, given to the entire community by way of a posting on the LS website. Please see the attached email from then President Steve Nelson to the webmaster, Catherine Arnold, requesting posting of a notice of the meeting. By giving the homeowners three days' notice via the website, the Board fulfilled their obligation per Article VIII Section 6 of the By-Laws. This was a public meeting and everyone was invited to attend. Although it might have been a courtesy to notify the Ontkeans that their encroachment onto HOA property was being discussed, it was not a requirement.

< [See 1. Meeting Notice](#) >

Further down in the first paragraph you state that this was the Board's "first communication to her regarding a problem with these structures. That is really quite beside the point. The onus is on the homeowner, builder and landscaper to know where property lines are and to stay within them. It is very clear that the Ontkeans knew (a) that they could not build structures on the common property, and (b) where the property line is. This is evident from the copy of a letter and referenced attachments sent by the Ontkeans in November of 2002 to Bob Wakefield, the President of the HOA at that time.

< [See 2. Ontkean Ltr to Wakefield](#) >

You identify this situation as a "board-initiated" matter. That is clearly false as the Board did not create the problem; the Ontkeans did when they began building structures on the HOA property -- that is clearly an "owner-initiated" matter. They created the elevated area behind the house bounded by a boulder wall (the back patio), which benefits only them and their invited guests. They were fully aware of where the property lines were when they built this raised area and patio. They've also built a large garden behind other permanent structures (a wrought iron fence, wrought iron arbor and terraced area defined by short boulder walls), which, again, benefits only them. In fact, the fence and short retaining walls bordering this garden imply that this area is privately owned and should not be entered by any of the actual owners, the members of the HOA. They have created a "fairy garden" along the front sidewalk which is certainly enjoyed by local residents as they walk through the community, and a bocce/patanque ball court in the grassy area near the garden. While we understand that they have stated they welcome neighbors to come by and play, no one has ever been seen doing that, and it is doubtful anyone ever would since it very much appears to be on the Ontkean's property. Have they also told the neighbors that they've created a community garden? We don't believe they have, but, in fact, our owners all have the right to regard the garden as such.

In paragraph 2 you seem to be implying that by walking past these structures over the years and not saying anything, tacit approval for them was given. That is patently false. Only by seeing marked property lines would someone be aware that the Ontkeans appropriated commonly-held HOA property for their own use. How many of us could readily show someone exactly where our own property lines are, yet a passerby is supposed to do be able to do that? The only reason it was even discovered is that the Board was identifying all of the small parcels of HOA-owned property that are scattered throughout the community by using the MapsOnline section of the Clark County website. When the parcel adjacent to the Ontkean property was clicked, it was instantly obvious that they had encroached on HOA property. See the attached picture which shows the HOA property between the blue lines, and the areas bounded in red which roughly indicate where the Ontkeans have encroached. This is a significant amount of land which is undeniably beautifully maintained. However, no one would assume it is available for general use even though it is owned by all 253 households that are members of our community. It appears to a casual observer that these areas belong to the Ontkeans, and since the time they began usurping it for their personal use, they have never paid a single penny of property taxes on it!

< [See 3. Ontkean Encroachment Areas](#) >

Also in paragraph 2 you state the structures "were created between 5-15 years earlier". Then in paragraph 3, you state "In fact, Richard Arnold (Board President at the time) lived across from the properties in question at that time and still does, and can see them from his next door neighbors' sidewalk." First of all, Richard Arnold was not even involved with the Board in the year 2000, and he did not become President until 2007. What difference does it make that Mr. Arnold lives near the property? So do many others including the Elliots, Geentys, Potters, Fosters, Atteridges, Hendersons, Aulucks, and Pavlinas, but you didn't single them out! Furthermore, if the

Ontkeans believe they went through proper channels to get approval for the structures, either before or during the period when Mrs. Ontkean was involved with the Board, then they ought to be able to provide written evidence of approval to build them. We hereby ask them to provide it.

In paragraph 4 you state that “Cindy and Mike Ontkean spend their own time and/or thousands of dollars annually to beautify the multiple common areas adjacent to their home ...”. Make no mistake — they have CHOSEN to do that; they are not forced to. Furthermore, it should be noted that the HOA has also spent thousands of dollars on that property. See the attachments #4 and 5 referenced below which document that the HOA expended \$3,836.93 on the initial landscaping of the area at the corner of Lacamas and El Rey and another \$2,194.67 between 2007 and 2010 for maintenance, for a total of \$6,031.60. Also reference attachment #6 which clearly indicates there were indeed discussions about deeding that common property to the Ontkeans at one time. However, it was not simply that it would be too challenging to secure the 60% vote of the membership; the Ontkeans did not want the liability of the trail, a fact which you’ve conveniently omitted.

< [See 4. Treas Report 5-14-03.pdf](#) >

< [See 5. Vendor Transaction History.pdf](#) >

< [See 6. Wakefield & Pike emails re HOA Property.pdf](#) >

In the first bullet under the heading “The offending “structures?”” you make the ridiculous statement that “NO ONE has ever scaled that [patio] wall”. Perhaps not, but it’s certainly conceivable that someone would fall off the patio resulting in physical harm and liability for all 253 members of the HOA. Regardless, you make these three statements regarding the structures as though you are justifying and giving your approval to the fact that the Ontkeans have assumed control over land owned by the members of our Association. This section of the web page alone speaks volumes about the ethics of the members of the RLST and validates the Board’s contention that your group has only their own self interests at heart, not those of the entire HOA.

Finally, Section 5.36 of the CC&Rs states:

5.36 Homeowners Association By-Laws and Rules/Regulations. All owners in Lacamas Shores Development covenant and agree to strictly comply with the By-Laws and duly adopted rules and regulations of the Lacamas Shores Homeowners Association, as existing and hereafter adopted and amended, being incorporated herein fully by reference. Failure of an owner to comply with any such By-Laws or rules and regulations shall constitute a violation of these Declarations enforceable pursuant to the provisions hereof or as otherwise provided by law. Failure by the Association or any owner to enforce any of the foregoing shall not waive the right to do so thereafter.

As you know, the HOA Board is currently in negotiations with the Ontkeans regarding this common property. We saw no reason to make this situation public until an agreement could be reached. Unfortunately, your group has chosen to go public with this information and to defame Richard Arnold, Linda Harnish and the other unnamed current and former members of the Board in the process, by publishing misinformation that implies the Board sanctioned the Ontkeans taking control of the property, but not providing any real facts. Presumably this has all been done with the consent of the Ontkeans.

In conclusion, there is more than adequate evidence provided here to contradict almost everything on this page. All referenced documents are part of the official records of the Lacamas Shores HOA, and can, therefore, legally be made available to the homeowners pursuant to RCW 64.38.045. Should you fail to publish these facts, be advised that we reserve the right to do so.

Linda Harnish, President
on behalf of the Lacamas Shores Homeowners’ Association

From: Stephen steve@snclocks.com
Subject: FW: Short Board Meeting Friday
Date: March 24, 2015 at 10:32 AM
To: Lacamas Shores board@lacamas-shores.com



Forgot to copy y'all on the note to Catherine.

Stephen Nelson

From: Stephen [<mailto:steve@snclocks.com>]
Sent: Tuesday, March 24, 2015 10:23 AM
To: 'Catherine Arnold'
Subject: Short Board Meeting Friday

Catherine – could you post on the site that we are planning to have a short Board meeting in the Veranda room of the Camas Library at 4:30 on Friday. Expect the meeting to take less than a half hour.
Agenda:

Encroachment on HOA Property
Ethics Complaint

Stephen Nelson

SNClocks.com

Click here to join one of our mailing lists [Contact Lists](#)

Click here for our new [Hammered Dulcimers](#) galleries

Click here for [my new blog](#) on finding happiness in retirement

November 18, 2002

Jim Parker

Bob Wakefield
Lacamas Shores HOA
Camas, WA

Dear Bob,

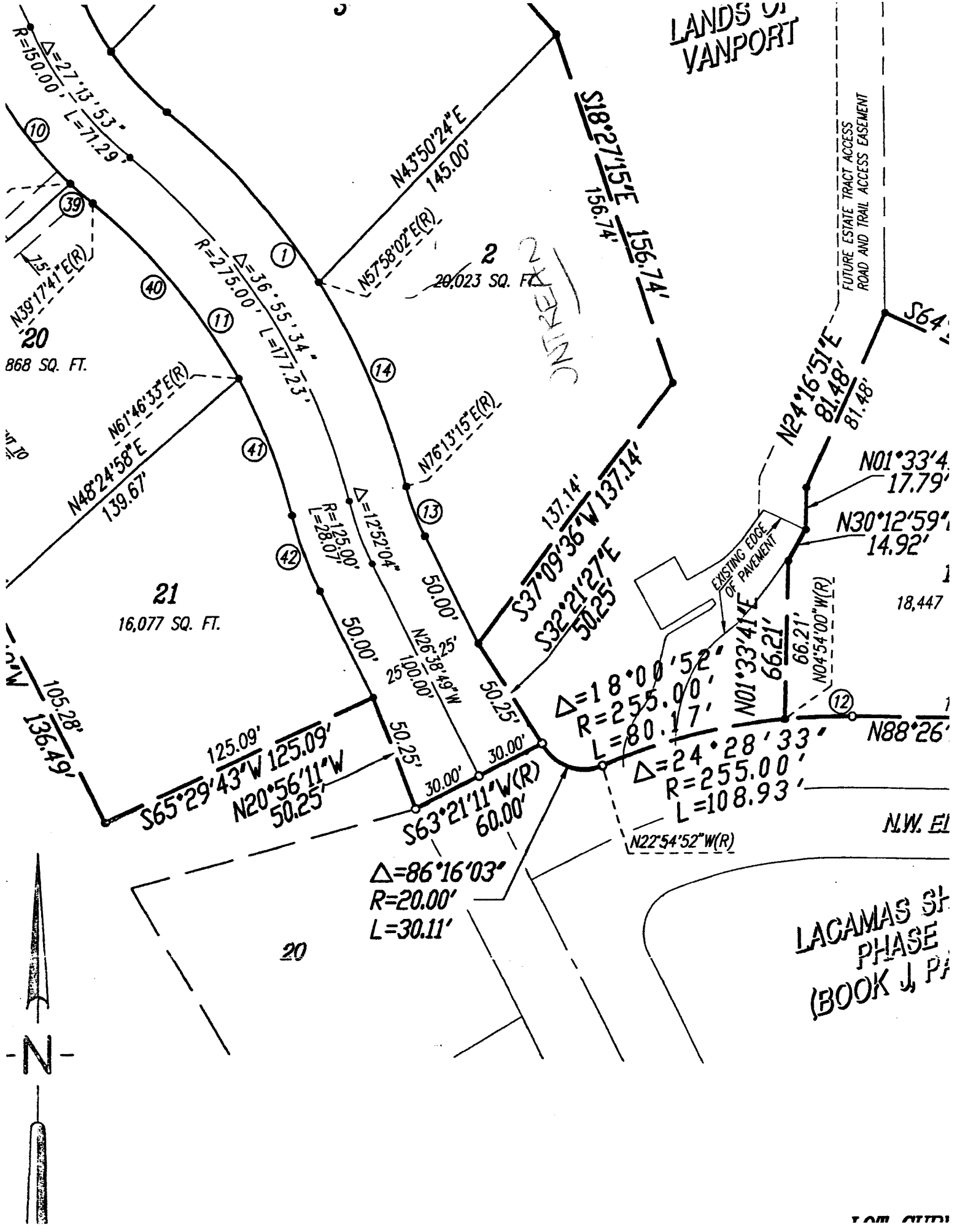
The corner area looks great! Our thank you to the board and Liz for making it happen. After our conversation on Saturday, I am enclosing the plot map for both the HOA parcel and the City of Camas'. It outlines the boundary fairly accurately. As I mentioned, we would be very unhappy if our neighbors put up a structure in our line of view. The area is common space, to be maintained in a natural state. We are not sure what type of agreement they had with Tom Shieler when they purchased the lot, but our agreement was that we could landscape to the wetland area with natural plant material but no structures. If you speak to the Parker's will you please keep us abreast of any developments?

Kindest regards,

Mike and Cindy Ontkian

944-0524

LANDS OF VANPORT



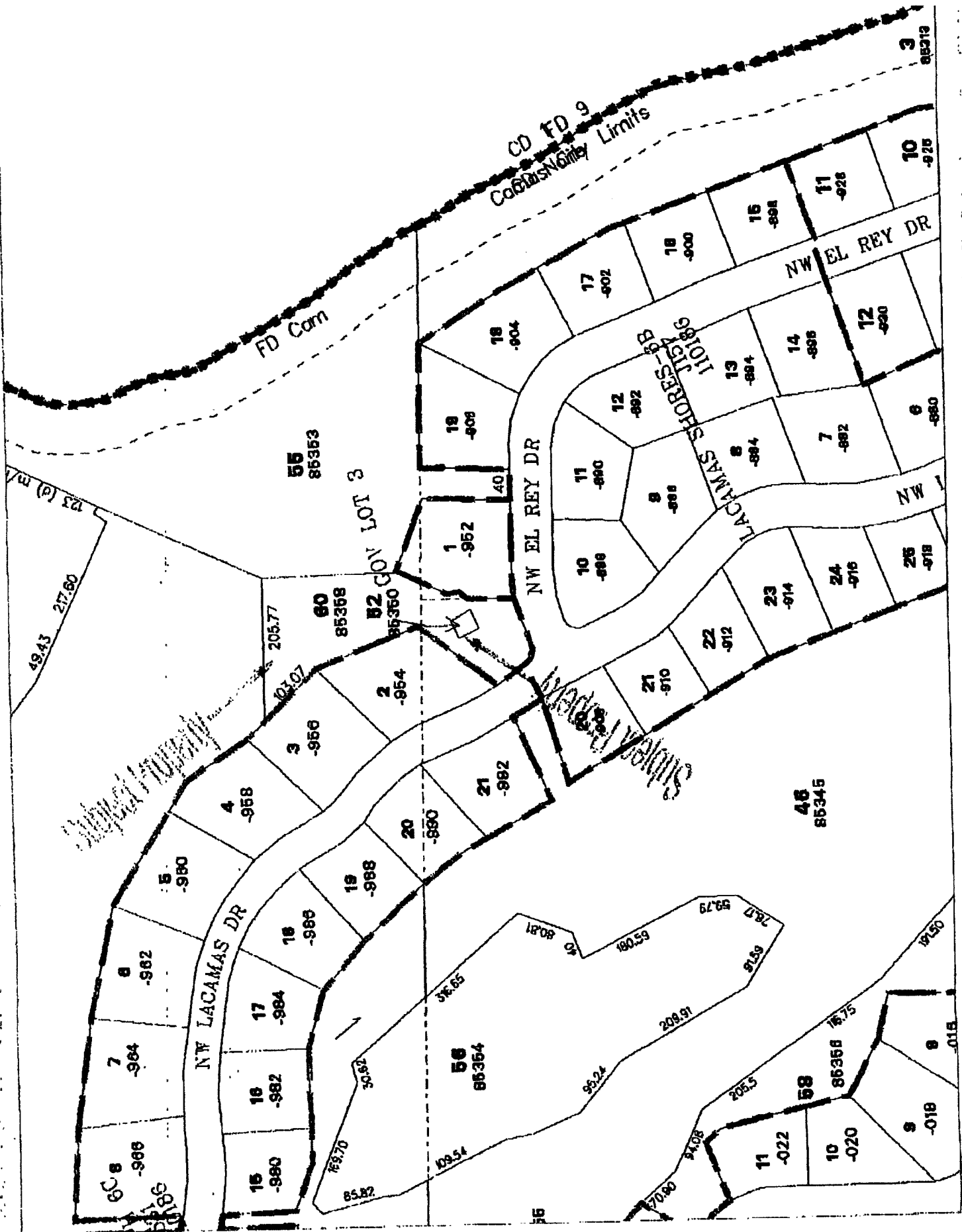
FUTURE ESTATE TRACT ACCESS ROAD AND TRAIL ACCESS EASEMENT

INTREX 2

EXISTING EDGE OF PAVEMENT

LACAMAS ST PHASE (BOOK 4 P)

N.W. E1



CD FD 9
City Limits

FD Com

NW EL REY DR

NW LACAMAS DR

LACAMAS SHORES DR

NW EL REY DR

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Back
Patio

Bocce Ball
Area

Garden

Fairy Garden

Treasurer's Report

Board Meeting Info

5/14/03

Bank Balances	As of 5/8/03	As of 3/9/03	As of 2/11/03
Checking	2,605.00	5,234.18	2,309.97
Savings	100,956.35	102,508.90	102,554.28
<i>Ins.</i> Canoe Club #896 ⁰⁰	455.15	1,321.15	1,306.15
CD	53,083.84	52,967.58	52,777.88
Total	<u>156,645.19</u>	<u>160,710.66</u>	<u>157,642.13</u>

Assessment update:

2 Assessments outstanding	630.00
1 Lot Maintenance Assessments due	425.00

Misc Items:

El Rey/Lacamas Landscape

Sprinkler	1,588.52
Mulch from LJC Feed	839.58
Grass from Home Depot	1,111.46
Weed Barrier	297.37
Total	<u>3,836.93</u>

Playground Addition

2,040.92

150.00

Maintenance Shed

Windows have been broken
Glass Blocks in Bathroom have been broken through to other side
Bottom quarter of garage door is rotting
Motion lights need to be fixed.

4 plexiglass windows are on order for Maint Shed windows
Glass blocks can be replaced and have plexiglass put on outside of blocks.

Sale of Pickup

Doug is interested in purchasing the truck #202⁰⁰

LaCamas Shores Homeowners Assn
Vendor Transaction History
 For the Period From Apr 17, 2001 to Jul 16, 2015

Filter Criteria includes: 1) Vendor ID: Ontekean, Cindy. Report order is by Vendor ID. Report is printed in Detail Format.

Vendor ID Vendor Name	Invoice No.	Transaction	Trans No.	Date	Amount
Ontekean, Cindy Cindy Ontkean	2010 Maintce	Invoice	2010 Maintce	12/31/10	599.92
		Payment	3997	1/3/11	-599.92
					0.00
	Common Area Mtnce	Invoice	Common Area Mtnce	10/18/09	93.90
		Payment	3942	10/18/09	-93.90
					0.00
	El Rey/Lacamas 2008	Invoice	El Rey/Lacamas 2008	12/31/08	599.99
		Payment	3912	1/14/09	-599.99
					0.00
	Mtnce of common are	Invoice	Mtnce of common are	3/12/10	599.99
		Payment	3963	3/16/10	-599.99
					0.00
	New sprinkler timer	Invoice	New sprinkler timer	6/17/10	161.12
		Payment	3976	6/18/10	-161.12
					0.00
	Sprinkler replacemen	Invoice	Sprinkler replacemen	6/19/07	140.65
		Paid at Purchase	3808	6/19/07	-140.65
					0.00
Ontekean, Cindy					0.00
Report Total					0.00

From: Bob Wakefield
To: "pikeadvertising@attbi.com".GWIA.LANDA
Subject: Re: Common area at Lacamas and El Rey

Further update: Al called the title company today and the Association does own all the property except for the ground the pumping station sits on which is owned by the city. That's the good news, the bad news is that it is not going to be easy to deed the property over to the Ontkean's. First of all, they don't want the trail portion due to the inherent liabilities associated with it, and I can't blame them. Second, according to the CC& R's, we have to have 60% of the Association members sign off on the transfer. That's approximately 140 signatures which would be no small feat. I recommend we discuss it at the next board meeting and have the Ontkean's attend so they are fully informed. If you have any other recommendations, I would be happy to entertain them.

>>> Liz Pike Erikson <pikeadvertising@attbi.com> 05/13/02 03:53PM >>>
To my fellow Board members:

Last Thursday, I spoke with Cindy Ontkean about the Board's offer to quick claim deed the corner of common area located at the northeast corner of Lacamas and El Rey. She called today to let us know she and Mike Ontkean are very interested in acquiring this property. They would like a formal proposal from the board. Bob, will you do this?

Incidentally, contrary to the board's assumption, there is a water meter stub sitting right on the corner common area property.

One more thought, my husband - Real Estate and Land Use Attorney Mark Erikson, says we would be better off to get a "Statutory Warranty Deed" and not a "Quick Claim Deed". He said the latter clouds a clear title and is only used when there are multiple property owners of the land to be deeded. His office is 696-1012 if you want his help or have questions about this procedure. Cindy has already obtained a legal description of the common area and would like to proceed on this matter as quickly as possible since their landscape plans are currently in the works and would need to be altered to accommodate this addition of property.

If you want to contact Cindy, her no. is 944-0524 or cell 607-3984. Cindy and I are interested in pursuing a beautification plan around the pump station with the City of Camas. We will proceed in this endeavor after this deed issue is resolved.

--

Liz Pike Erikson
Pike Advertising Agency
A Division of Pike Promotions Inc.

Tel. (360) 834-7175
Fax (360) 817-9234
Cell (360) 607-4560

2847 NW Lacamas Drive
Camas, WA 98607