

LAKE LIMERICK COUNTRY CLUB

RESOLUTION NO 2006 - 11

DRAINAGE

1. Issue. Lake Limerick is a residential homeowners' association development located in Mason County, Washington. The area around Lake Limerick, and the development itself, are subject to significant rainfall several months of the year. This means that many individual Lots face challenges with drainage of surface and underground waters. The original developers platted Lake Limerick with several dedicated drain way easements, and provided other easements for drainage as well as ingress and egress, and utility placement.

The original development took place in the 1960s. The developers built streets, as well as some limited drainage facilities, according to their plan for the development. The streets, and related drainage facilities within the rights of way, were dedicated to the public; the other common areas were deeded to the Lake Limerick Country Club. Lake Limerick itself did not construct the drainage facilities, and is not responsible for the acts of the developers in doing so. Subsequently, Mason County has constructed, altered or removed some of the original drainage facilities on the road rights

of way it owns. In addition, Lake Limerick has on occasion undertaken work to alleviate drainage problems on its own common areas, and a few times has done limited work as a service to its members.

As a result, individual lots are subject to drainage patterns and facilities that may have been installed over 40 years ago, and may have been changed by Mason County, and in certain limited ways, by Lake Limerick.

An additional problem is that at Lake Limerick, as elsewhere in the County, developers and individuals are now looking to buy and build on Lots that have significant drainage issues, because of the rise in market prices of all Lots in the area, but especially Lots with no drainage issues.

2. Authorities. Members may assume that Lake Limerick has some responsibility for resolving drainage issues. Lake Limerick would like to adopt and implement a system-wide drainage plan and facilities, but the cost to do so would be prohibitive. Lake Limerick did not create the current drainage facilities, and is not a successor to the developer for the purposes of responsibility for making the current system work to the satisfaction of all members, or of creating new facilities to the same end. In addition, buyers of Lots with drainage issues are expected to consider and understand those issues prior to purchase, with the expectation that future construction would need to account for such issues.

Washington State law provides that an uphill Lot owner may pass surface water, and probably underground water, downhill to an adjacent Lot owner, so long as certain conditions are met. First, the water cannot be collected, channeled and discharged onto the downhill lot in a way that discharges significantly more water, or the water in a significantly different manner, so that the downhill Lot is damaged. Second, the uphill owner must use reasonable care, in good faith, to minimize damages to the downhill owner.

Mason County does respond to requests for help with drainage that involves their facilities, including culverts under roads, and it is also subject to the general rules discussed above about limits on the free discharge of water onto a downhill lot.

The essential question is often how the water would flow naturally, and what changes were made to that flow that cause damages.

Lake Limerick does have the ability to prohibit projects on Lots where those projects will have an adverse effect on neighboring Lots. Its Covenants specifically allow the Board to disapprove a project application “by reason of the reasonable dissatisfaction of the (Board) with the grading plan....” In addition, in almost all of these cases, the project development is also in violation of one or more Mason County rules, including the requirement for

approval of a drainage plan, and the Covenants also provide that any project must meet all Mason County requirements, or it is in violation of the Covenants as well.

3. Problem. Lake Limerick has recently seen many problems associated with drainage onto a downhill Lot. One reason is that developers and individuals are buying and building on Lots that have surface and/or underground water problems, and not taking proper steps to address the problems at the beginning of construction. It is not always satisfactory to address the resulting problems after the fact.

In addition, Lake Limerick does not have the resources to independently evaluate a proposed drainage plan.

Resolution

The Board of Directors of Lake Limerick Country Club resolves as follows:

As part of the information submitted with a Project Permit Application for pre-approval from Lake Limerick, a Lot owner/member must provide a drainage plan in sufficient detail, and with sufficient support, to satisfy the requirements of Mason County for such plans, as those requirements are written. If Mason County discontinues its requirement for such plans, Lake Limerick shall determine for itself the sufficiency of the

material provided. Lake Limerick will approve such drainage plans unless it has reasonable dissatisfaction with the plans, based on the resulting effects on adjacent and other properties, in light of the legal standards for the same for Washington State; or unless the County disapproves the same, in which case they are also disapproved for Lake Limerick purposes.

If at any time after the approval of the drainage plans as specified, (1) the actual construction varies from the plans as approved; or (2) the plans are determined to be in error, as shown by the actual conditions after construction, so that other Lots are damaged, again in light of the legal standards for Washington State in this regard; then the approval shall be automatically revoked, and the Lot shall be subject to violation remediation requirements as specified in Lake Limerick rules and regulations. This applies to the original owner/member who submits a plan, and/or performs the work, as well as any successor owner/member.

We certify that the above Resolution No. 2006 - 11, **Drainage**, was duly adopted by the Board of Directors on the 22nd day of Jan., 2007.



President, Board of Directors



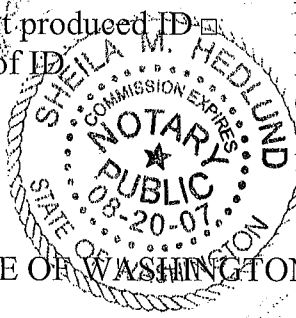
Secretary, Board of Directors

STATE OF WASHINGTON)
) ss.
COUNTY OF MASON)

On this 22nd day of January, 2007, personally appeared before me SCOTT CAREY, personally known to me or provided to me on the basis of satisfactory evidence to be the president of Lake Limerick Country Club, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that SCOTT CAREY is authorized to execute the said instrument.

WITNESS my hand and official seal affixed the day and year first above written.

Affiant Known
Affiant produced ID
Type of ID _____
PRINT NAME: Sheila M. Hedlund
NOTARY PUBLIC IN AND FOR THE STATE
OF WASHINGTON, residing in Shelton
My commission expires: 08-20-07

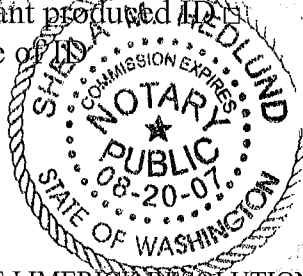


STATE OF WASHINGTON)
) ss.
COUNTY OF MASON)

On this 22nd day of January, 2007, personally appeared before me Shirley Toner, personally known to me or provided to me on the basis of satisfactory evidence to be the Secretary of Lake Limerick Country Club, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that Shirley Toner is authorized to execute the said instrument.

WITNESS my hand and official seal affixed the day and year first above written.

Affiant Known
Affiant produced ID
Type of ID _____
PRINT NAME: Sheila M. Hedlund
NOTARY PUBLIC IN AND FOR THE STATE
OF WASHINGTON, residing in Shelton
My commission expires: 08-20-07



Receipt #3654
Mason County, WA
WILSON-HOSS

01/25/2007 04:20 PM
Rec Fee: \$38.00



RETURN ADDRESS:

Robert D. Wilson-Hoss
Hoss and Wilson-Hoss
236 West Birch
Shelton, Washington 98584

Document Title(s) (Or transactions contained therein):

1. Resolution No. 2006 - 11 Drainage
- 2.
- 3.
- 4.

Grantor(s) (Last name first, then first name and initials):

1. Lake Limerick Country Club
- 2.
- 3.
- 4.
5. Additional Names on Page ____ of Document.

Grantee(s) (Last name first, then first name and initials):

1. The Public
- 2.
- 3.
- 4.
5. Additional Names on Page ____ of Document.

Legal Description (Abbreviated: *I.e.*, lot, bloc, plat; or section, township range):

Div. 1: Parcel Nos. 32127-50-00001 to 32127-50-00207; Div. 2: Parcel Nos. 32127-51-00001 to 32127-51-00906; Div. 3: Parcel Nos. 32122-50-00001 to 32122-50-00900; Div. 4: Parcel Nos. 32127-53-00001 to 32127-53-90015; Div. 5: Parcel Nos. 32127-54-00001 to 32127-54-00139; and Replat of Lake Limerick Div. 2: Parcel Nos. 32127-52-00001 to 32127-52-00900

Legal Description is on Page ____ of Document.

Reference Number(s) (Of documents assigned or released):

N/A

Additional Reference Numbers on Page ____ of Document

Assessor's Property Tax Parcel/Account Number:

See Above Legal Description Ranges