

17 JUN 15 AM 11:50

Linda Myhre Enlow  
Thurston County Clerk

17-2-00812-34  
DCLR  
Declaration/Affidavit  
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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

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THERESA J. LOWE, a single woman;  
LOREN J. BOSSHARD and DONNA A.  
BOSSHARD, husband and wife;  
BURLEIGH M. CUBERT and  
CAROLYN R. CUBERT, husband and  
wife,

Plaintiffs,

vs.

FOXHALL COMMUNITY ASSOCIATION,  
a nonprofit corporation,

Defendants

NO. 17-2-00812-34

DECLARATION OF ROBERT J. ARMSTRONG

I, Robert J. Armstrong, am competent to testify on the matters set forth herein and make this  
declaration of my own personal knowledge and belief.

1. I have been a member of Foxhall Community Association for approximately 20 years.
2. My opinions are based upon attendance at both the Oct. 27 and Nov. 19 Special Meetings.
3. At the outset of the meeting I called Point of Order the Bylaws call for the President to preside over all meetings and he is in attendance tonight. Director Solveson did not call for any response by the President in attendance but announced to the assembly that she was presiding over this special meeting and had the right to do so because she is the board director in charge of trails. I sat down.
4. In addition, Director Solveson designated a member named Rose Eilts to act as

DECLARATION OF ROBERT J. ARMSTRONG

1 "Parliamentarian" and Eilts was the member standing and presiding over the meeting. The common definition  
2 of a parliamentarian is an expert in parliamentary procedure. As the meeting proceeded parliamentarian Eilts  
3 continued to demonstrate she had no experience in understanding even the most basic motions of parliamentary  
4 procedure.

5 5. Member David Fleming motioned to amend Director Solveson's motion and was seconded, then  
6 he distributed a written copy of his proposed amendment to the assembly. Parliamentarian Eilts had never  
7 heard of a motion to amend before and asked what was going on. Member Fleming politely explained we now  
8 have a motion on the floor to amend the wording of Solveson's motion, the assembly must discuss and vote  
9 whether to amend the wording of Solveson's motion, before proceeding to discuss and vote on Solveson's  
10 original or amended motion. After recovering, Parliamentarian Eilts said no we're not listening to your motion  
11 sit down. Member Fleming sat down. The meeting was out of order from that point forward because Fleming's  
12 motion was still on the floor of the assembly but ignored.

13 6. Member Dan Olson motioned to refer the park and trail issue to a committee, and I seconded.  
14 Parliamentarian Eilts was again confused - she had never heard of a motion to refer to a committee before.  
15 Another member then immediately motioned to amend Member Olson's motion by adding a professional  
16 Mediator to preside over said committee. Parliamentarian Eilts was further confused why we are off track with  
17 Director Solveson's motion. Members of the assembly talked her through it, then discussed and voted in favor  
18 of the amendment to include the Mediator in Member Olson's motion.  
19 In discussing Member Olson's amended motion, I testified in favor of the committee, that homeowners  
20 associations use a committee for issues like this, that the committee should include the most vocal and interested  
21 members with varying viewpoints, that the committee could put something workable before the membership to  
22 vote on, that Solveson's motion does not fit in the bylaws, it belongs in the protective covenants, and if it gets

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25 **DECLARATION OF ROBERT J. ARMSTRONG**

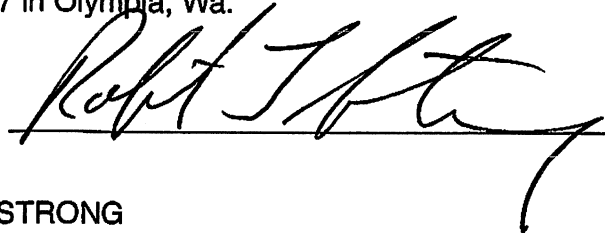
1 voted as a bylaw then the board can't do anything with it because it doesn't fit. Director Solveson's statement  
2 in response was telling: it takes 80% vote of the membership to modify a covenant – do you realize how hard it  
3 is to get 80% vote of the membership?

4 The amended Olson motion to refer to committee voted 24 YES and Parliamentarian Eilts announced it failed to  
5 meet 2/3. I had heard there were 34 voting memberships in attendance and 24/34 is more than 2/3. I motioned  
6 for a recount. A recount was taken with the same result and Parliamentarian Eilts again announced it failed. I  
7 didn't pursue it further.

8 7. I observed part of the vote counting, which was done primarily by Director Solveson's husband, and  
9 it occurred to me that they (or he) think that the proxies are votes (but they aren't). I observed Mr. Solveson  
10 putting proxies in the NO stack as if they were a NO vote. Parliamentary procedure requires the proxy holder  
11 to cast a vote on behalf of the proxy giver, which in this case means the proxy holder filling out a ballot by hand.  
12 That wasn't done. What I heard announced was 18 members present voted NO, and the YES vote was 78  
13 counting Proxy votes. I asked how many YES votes, not counting Proxy votes. The counter, Mr. Solveson, said  
14 they had 5 YES votes without proxy and so 73 proxies.

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18 I declare under penalty of perjury that the foregoing is true and accurate to the best of my  
19 knowledge and belief.

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21 EXECUTED this 5th day of June, 2017 in Olympia, Wa.

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25 DECLARATION OF ROBERT J. ARMSTRONG