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Linda Myhre Enlow
Thurston County Clerk

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF THURSTON

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

Plaintiffs,

vs.

FOXHALL COMMUNITY ASSOCIATION,
a nonprofit corporation,

Defendant.

NO. 17-2-00812-34

WHISLER DECLARATION

I, Les Whisler, am competent to testify on the matters set forth herein and make this
declaration of my own personal knowledge and belief:

1. I was friends with the founder and developer of Foxhall Community, Virgil Adams,
at the time he developed Foxhall in approximately 1980-81. At that time I worked for the
engineering firm Howard Godat and Assoc.

2. I bought the property through the real estate agent Dennis Adams, Virgil's son.

3. Because Foxhall was being developed as equestrian friendly with access to several
miles of equestrian trails, I bought two 5 acre parcels and built a house, stables for our own

WHISLER DECLARATION

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1 horses, an attached riding arena for our family's use, and a building for storing hay and
2 equipment on one five acre parcel.

3 4. The Foxhall Community Association Covenants and governing board were already
4 in place when the property was purchased.

5 5. Virgil and/or Dennis approached us to consider taking some boarders as it would
6 make the development more desirable for equestrian families. Within the first five years we
7 did start to board a limited few (2-4) horses, both from Foxhall residents and non-residents that
8 lived in the area. After taking on boarders, the non-residents routinely used the Foxhall
9 equestrian trails during the duration of my ownership of the property. Neither Virgil nor
10 Dennis ever indicated that the non-resident boarders could not use the Foxhall equestrian trails
11 or that they had to be accompanied by a resident when using those trials.

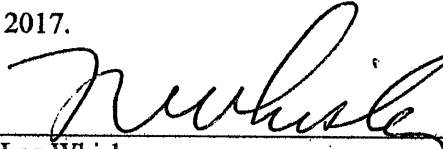
12 6. There were never any signs on any of the equestrian trails at Foxhall when I lived
13 there prohibiting boarders or guests of residents from using or that the riders on the equestrian
14 trails had to be accompanied by a resident.

15 7. I was on the board for the association for approximately 15 years and was President
16 of the board for approximately 10 years.

17 8. The 5 acres with the house, arena and outbuildings was sold in 2001 with no
18 discussion or sale of a horse boarding business with Judy Johnston.

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

21 EXECUTED this 28th day of April, 2017.

22 
23 _____
24 Les Whisler

25 WHISLER DECLARATION

- 2 -

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