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FILED  
SUPERIOR COURT  
THURSTON COUNTY, WASH

17-2-00812-34  
DCLR  
Declaration/Affidavit  
1455775



17 JUN 15 AM 11:50 **The Honorable Carol Murphy**

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  
JOHNSTON DECLARATION

We, Gary and Judy Johnston, are competent to testify on the matters set forth herein and make this declaration of our own personal knowledge and belief:

1. We purchased a property in Foxhall in May of 2003 from the Whislars.
2. The property we purchased had a horse boarding business which we have continued to the present day. Indeed, at the time of the purchase, there were two existing boarders who kept their horses with us.

JOHNSTON DECLARATION

Betts  
Patterson  
Mines  
One Convention Place  
Suite 1400  
701 Pike Street  
Seattle, Washington 98101-3927  
(206) 292-9988

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3. After moving to Foxhall, we established our business, Johnston Farm Arabians, Inc. We have bred, trained and sold horses as well as taken on boarders. We are no longer breeding and selling horses, but have continued our boarding business. We currently own 5 horses and have 8 boarders.


4. Theresa Lowe has demanded on many occasions that we not allow boarders to use the trails without a resident, but we believe we have a right to do so under the governing documents of Foxhall. Boarders have used the Foxhall horse trails without being accompanied by residents since we purchased the property.

5. We rely on the income from the boarders to pay our mortgage and keep up the property.

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

EXECUTED this 6 day of June, 2017 in Olympia, Washington.

  
\_\_\_\_\_  
Gary Johnston

  
\_\_\_\_\_  
Judy Johnston