

5/1/2018

Gmail - Attention MCCA Board of Directors

34



Mark Beales <mtbeales@gmail.com>

## Attention MCCA Board of Directors

6 messages

Vanessa Zink <vanessa.zink@gmail.com>

Fri, Mar 23, 2018 at 12:30 PM

To: mtbeales@gmail.com, deffners@hotmail.com, marjorierhodes4@gmail.com

Please see attached correspondence regarding MCCA Amberleigh property owner.

Regards,

Vanessa Zink  
Attorney at Law

Zink Law Offices, PLLC  
(509) 464-2884

**Amberleigh Ltr.pdf**  
58K

Mark Beales <mtbeales@gmail.com>

Sat, Mar 24, 2018 at 9:13 PM

To: Vanessa Zink <vanessa.zink@gmail.com>

Please see the attached response.

Mark Beales  
President, Amberleigh HOA  
[Quoted text hidden]

**03-24-2018 Response to Zink Attny.docx**  
17K

Vanessa Zink <vanessa.zink@gmail.com>

Mon, Mar 26, 2018 at 1:31 PM

To: Mark Beales <mtbeales@gmail.com>

Thank you for your letter Mark. Are you able to forward a copy of the CCR's you've cited?

Vanessa Zink  
Attorney at Law

Zink Law Offices, PLLC  
(509) 464-2884

[Quoted text hidden]

**03-24-2018 Response to Zink Attny.docx**  
17K

Mark Beales <mtbeales@gmail.com>

Mon, Mar 26, 2018 at 2:13 PM

To: Vanessa Zink <vanessa.zink@gmail.com>

The CC&Rs can be found on the Snohomish County property information website. I'm not at home now to get the bookmark from my computer but the County website is easy to navigate.

Sent from my iPhone  
[Quoted text hidden]

<03-24-2018 Response to Zink Attny.docx>

NO FURTHER CONTACT FROM  
ATTNY AS OF 05/01/2018

CLOSE

Vanessa Zink <vanessa.zink@gmail.com>

Mon, Mar 26, 2018 at 2:42 PM

5/1/2018

Gmail - Attention MCCA Board of Directors

To: Mark Beales <mtbeales@gmail.com>

just to make sure we're talking about the same thing - is this it?

<http://www.mcca.info/wp-content/uploads/2017/01/Governing-Documents-current-2016.pdf>

Vanessa Zink  
Attorney at Law

Zink Law Offices, PLLC  
(509) 464-2884

[Quoted text hidden]

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**Mark Beales** <mtbeales@gmail.com>

To: Vanessa Zink <vanessa.zink@gmail.com>

Mon, Mar 26, 2018 at 3:51 PM

The CC&R's your reference are correct. By Laws are not recorded but can be obtained directly from MCCA.

[Quoted text hidden]

Mark T. Beales, CMB  
1820 – 163<sup>rd</sup> Street SE, Mill Creek, WA 98012 (425) 327-9573

March 24, 2018

Zink Law Offices, PLLC  
8423 East Sprague  
Spokane Valley, WA 99212

Re: Your email dated March 23, 2018: Zink

Dear Ms. Zink,

Your email has been received and is hereby acknowledged. I understand Mr. Zink's issue. Given the tone of your letter, there are facts you should be aware of.

When United Development Company proposed the Mill Creek PUD in 1973, it filed with the Snohomish County Auditor CC&R's to run with the land which bind all parties who purchase property covered by those CC&R's and accompanying By-Laws. There are no exceptions to the best of my knowledge.

Any party purchasing property within the PUD is provided copies of the above referenced recorded document by the Title Company or Escrow Company prior to closing of the purchase. If the purchasers consummate the purchase transaction and accept the deed, it is presumed they read them and accept the terms and conditions contained therein and agree to be bound by them.

To preserve the neighborhood appearance, specific language in the By Laws addresses signage on lots within the MCCA area. Any usage of signage is strictly enforced by MCCA Covenants Committee. 'No Trespassing' signs are not permitted on individual lots. Individuals who post them on their property may be subject to fines by MCCA in accordance with the CC&R's and By Laws as amended. That decision is up to MCCA, not Amberleigh HOA. Again, Mr. Zink accepted the deed and is bound by the CC&R's and By Laws of MCCA.

I do not believe it the responsibility of the Amberleigh HOA to notify all residents in Amberleigh that the residents should not trespass on Mr. Zink's property. He has the list of owners and is welcome to make such a request directly if he wishes.

If you would like to discuss this matter further, I can be reached at the number above.

Sincerely,

President, Amberleigh Homeowners Association



March 23, 2018

Board of Directors  
Mill Creek Community Association (Amberleigh)

RE: Protections Due Property Owners Under Washington Trespassing Statute

Dear Board Member:

This letter shall serve as notice to the Mill Creek Community Association Board of Directors that Ken and Betty Zink, the homeowners at lot 34 in Amberleigh (1724 163<sup>rd</sup> St. SE), intend to exercise their rights under state law not to allow trespassing onto their private property.

Last summer the homeowners had to replace their front lawn as a result of overgrowth of tree roots damaging underground pipes that required repair. They spent over \$6000 for those repairs and to replace the lawn. Since that time, several fellow residents have made it a practice to trespass and allow their dogs to deposit urine and feces on said lawn, which is not only a nuisance but is also damaging the grass.

Mr. Zink has requested the Association's assistance in communicating the issue with fellow residents to curtail the behavior, however, after several attempts nothing has changed. It was suggested instead to Mr. Zink that he apply a product to his lawn to make it less appealing to dogs, however, that is not his responsibility.

RCW 9A.52.080, which carries a \$1000 fine per violation, protects his property from unlawful entry so long as the trespassers knowingly do so which requires either 1) "No Trespassing" signs be posted or 2) that the residents of Amberleigh be notified by the MCCA. Moreover, Mill Creek Municipal Code 6.14.020(C) prohibits pet owners from allowing their animals to enter upon another's property so as to create a nuisance, which clearly has been the case here.

Mr. Zink has not posted signs as yet due to the MCCA's prohibition of same, however, he will be forced to do so if action is not taken by MCCA to safeguard his property. The MCCA cannot prevent nor penalize Mr. Zink for exercising his rights under state and municipal law to protect his property.

Please respond with how you intend to handle this matter within 15 days; if a response is not received by that time Mr. Zink will have no choice but to post "No Trespassing" signs on his property. Please direct all communication in this matter to me.

Regards,

Vanessa Zink  
Attorney at Law

Cc: Ken Zink



## Application for Approval of yard project on Lot 34

Applicant has asked for approval for the following work:

A. removed large tree. That we all were talking about from the beginning.

B. grind down the both the area stumps, when available to do so.

We both understand, that the expense to have the project completed is our responsibility, and will make payment direct to the providing vendor.

C. We plan to prepare the grounds, after the project is completed to install new grass sod in the total area from the present stump location, past the big tree, that is being removed.

D. We are aware, that there are roots showing at this time in sidewalk areas, and we plan to remove them, as part of the SOW from the total project. We are aware, that doing this will include some costs to repair irrigation system, and possible sidewalk repairs. We are prepared to pay the cost for those repairs.


The above request is approved with the following conditions:

Work is to be completed in a timely manner, with the understanding the homeowner is dependent a pond work being done by Steve, tree guy and Keith stump guy in a timely manner. The new grass when it is installed will require extra watering, some of which may be assisted with the HOA irrigation system, but may also require the homeowner to water with a hose and sprinkler.

Committee

  
Michael Beaumont

  
Jon Erickson

  
Mark Beals

Home Owner

  
Ken & Betty Zink Lot 34





ESTABLISHED 1973

# Architectural Control Committee Plan and Specification Review Determination Roofing Application

Architectural Control Committee approval includes esthetic feature only and does not imply or warrant any structural integrity. This approval is not based on an engineering review of the site plan or structure. Please note: You may need the City of Mill Creek's approval. (425) 745-1891.

For MCCA Use
Submittal Number
Date Submitted
8/4/14

1. Applicant Information	
Name: Ken & Betty Zink	Phone: 425 337 7270
Address: 1724 163rd Ave SE Mill Creek, WA 98012	
2. Site Information	
Division: Amberleigh	Lot Number: Lot 34
Site Address:	
3. Roofing Information	
Manufacturer: Presidential TL	Type:
Color: Buff	Contractor: Lobenz

Pursuant to the provision of Article VIII, Paragraphs 8.1, 8.2 and 8.2.1, 8.2.2, 8.2.3, 8.3, 8.3.1, 8.3.2, and 8.3.3, and Article IX of the MILL CREEK DECLARATION OF COVENANTS, the following determination by the Architectural control Committee is hereby granted:

Approval subject to the following changes:

Rejected for the following reasons:

Attach any color samples here.

( ☒ ) Approve ( ) Reject

( ☒ ) Approve ( ) Reject

( ☒ ) Approve ( ) Reject

( ) Approve ( ) Reject

( ) Approve ( ) Reject

( ) Approve ( ) Reject

*[Signature]* Date: 8-4-14  
Condominiums & Townhomes ACC or Board Approval

*[Signature]* Date: 8/4/14  
MCCA Administration

*[Signature]* Date: 8-1-2014  
Chairman, Architectural Control Committee

Date:

Date:

Date:

Application may be mailed to or dropped off at the MCCA Office in the bottom floor of the John L. Scott Building at 15714 Country Club Drive.



## Bob Williamson

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**From:** Beaumont Michael & Diana [mdbeaumont@comcast.net]  
**Sent:** Saturday, July 19, 2008 6:13 PM  
**To:** Erickson Jon; Munko Tony; Bob Williamson  
**Subject:** Fwd: Web page update

LOT 34

Jon

this was from Ken Zink

Michael Beaumont  
[mdbeaumont@comcast.net](mailto:mdbeaumont@comcast.net)  
latest Beaumont web page at  
<http://home.comcast.net/~mdbeaumont/>

dog piss concern.

Begin forwarded message:

**From:** "Kenneth Zink" <[kenzink.bms@comcast.net](mailto:kenzink.bms@comcast.net)>  
**Date:** July 19, 2008 10:55:17 AM PDT  
**To:** "Beaumont Michael & Diana" <[mdbeaumont@comcast.net](mailto:mdbeaumont@comcast.net)>  
**Cc:** "Vanessa Zink" <[vanessaz@comcast.net](mailto:vanessaz@comcast.net)>  
**Subject:** Re: Web page update

Hi Michael,

Can you help me get the written articles that detail what outlines the owner rights dealing with the property that we own.

I am especially looking for the up keep and care of grounds.

I know we pay an assessment monthly for lawn mowing, and other.

I still am having a problem with the lawn being ruined with dog urine, and need a fix to the problem. I want the lawn replaced so that we can enjoy the ownership we have when we purchased our home.

I know that you go beyond to assist all of us in our living conditions here. I didn't get the feeling that the President of the Association really cared about my problem.

Thank you for your ear on this, and please forward on my message.

Ken Zink

----- Original Message -----

**From:** Beaumont Michael & Diana  
**To:** Beaumont Michael  
**Sent:** Friday, July 18, 2008 9:31 AM  
**Subject:** Web page update

Items of interest, Roofing, Board Meetings, Trees, Picnic

[http://web.mac.com/margrave1/Amberleigh\\_HOA/Welcome.html](http://web.mac.com/margrave1/Amberleigh_HOA/Welcome.html)

guidelines Re:  
landscaping input  
from owners.

