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SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN THE COUNTY OF SNOHOMISH

STEVEN and LESLIE RUITER,

Plaintiffs,

v.

HAT ISLAND COMMUNITY
ASSOCIATION, f/k/a HAT ISLAND
COMMUNITY, INC.,

Defendant.

NO. 09-2-07654-3

ORDER GRANTING PLAINTIFFS'
MOTION FOR SUMMARY JUDGMENT
IN PART

This matter came before the Court on Plaintiff's Motion for Summary Judgment and Defendant's Cross-Motion for Summary Judgment. The Court considered the oral arguments of the parties, and the following pleadings and declarations:

1. Plaintiffs' Motion for Summary Judgment and Memorandum in Support;
2. Declaration of Leslie C. Ruter;
3. Defendant's Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment;
4. Declaration of Jeffrey E. Bilanko in Support of Cross-Motion for Summary Judgment and Opposition to Plaintiffs' Motion for Summary Judgment;
5. Plaintiffs' Reply on Motion for Summary Judgment and Opposition to Cross-

ORDER ON SUMMARY JUDGMENT - 1

GORDON & REES LLP

701 5th Avenue, Suite 2130
Seattle, WA 98104
Telephone: (206) 695-5100
Facsimile: (206) 689-2822

COPY

1 Motion for Summary Judgment;

2 6. Defendant's Reply in Support of Cross-Motion for Summary Judgment;

3 7. Declaration of Charles Motson in Support of Reply to Cross-Motion for Summary
4 Judgment.

5 Based on the foregoing,

6 The Court hereby orders and declares that:

7 1. The "Rental Rules" of Hat Island are void and unenforceable because they purport
8 to impose restrictions on Plaintiffs' property rights which are not consistent with or authorized
9 by the Restrictive Covenants of Hat Island; and

10 2. The 2008 Revised Articles of Incorporation are only now voided to the extent that
11 they could be read as empowering restrictions on residential rentals. Otherwise, the Articles
12 stand effective as is, but without prejudice to any later challenge if the Association allegedly uses
13 them to empower other improper restrictions on the rights of individual property owners.

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16 Signed this 3rd day of November, 2009.

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18 Honorable David Kurtz

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21 ***
22 ****
23 *****
24 *****

1 *Approved as to form:*

2 GORDON & REES LLP

3
4 By: 

5 Jeffrey E. Bilanko, WSBA No. 38829

6 Attorneys for Defendant Hat Island Community Association
7 Gordon & Rees LLP
8 701 5th Avenue, Suite 2130
9 Seattle, WA 98104
10 Phone: (206) 695-5100
11 Fax: (206) 689-2822
12 jbilanko@gordonrees.com

13 *Approved as to form:*

14 LAW OFFICE OF CARL J. MARQUARDT, PLLC

15
16 By: 

17 Carl J. Marquardt, WSBA No. 23257

18 Attorneys for Plaintiffs Steven and Leslie Ruitter
19 Law Office of Carl J. Marquardt, PLLC
20 800 Fifth Avenue, Ste. 4000
21 Seattle, WA 98104-3179
22 Phone: (206) 892-2130
23 Fax: (206) 464-0461
24 carljmarquardt@gmail.com