

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON FOR ISLAND
COUNTY**

DELBERT HAMILTON, et ux.,)	
Et al.,)	
)	
Plaintiffs)	No. 12560
)	
vs.)	
)	ORDER GRANTING
LAGOON POINT IMPROVEMENT CLUB,)	SUMMARY JUDGEMENT
INC.,)	
)	
Defendants.)	
_____)	

THIS MATTER having come on regularly for hearing in open court on February 27, 1981 on the respective motions of the parties for Summary Judgment; the Plaintiffs appearing by their attorney, Harold E. Baily; the Defendant appearing by its attorney, Ted D. Zylstra, of Zylstra, Beeksmas & Waller; and the court having considered the records and files herein and the affidavits filed in support of the respective motions for Summary Judgment; and the court being fully advised in the premises, it is therefore

ORDERED that the Defendant's motion for Summary Judgment is hereby granted and the Complaint of the Plaintiffs is hereby dismissed.

IT IS FURTHER ORDERED that Lagoon Point Improvement Club, Inc. be and it is hereby designated as the organization having the responsibility for the development, maintenance and upkeep of Tracts "A", "B", "C", "D", of the Plat of Lagoon Point.

IT IS FURTHER ORDERED that Lagoon Point Improvement Club, Inc. is the proper organization to collect reasonable dues and assessments from the persons who are entitled to use said Tracts A, B, C, and D; provided, however, that said dues and assessments must bear a reasonable relationship to the actual cost of the development, maintenance and upkeep of said Tracts A, B, C, and D of the Plat of Lagoon Point and Lagoon Point Improvement Club, Inc.

shall not have the right or power to deprive any person owning property within the Plat of Lagoon Point of the use of said Tracts A, B, C, and D on account of the failure or refusal of said person to pay any dues or assessments which are to be used for any purpose other than the development maintenance and upkeep of said Tracts A, B, C, and D, together with normal and reasonable administrative expenses of Lagoon Point Improvement Club, Inc. in connection with the carrying out of its responsibilities for the development, maintenance, and upkeep of said Tracts A, B, C, and D.

DONE in open court this 6 day of March, 1981.

RICHARD L. PITT, Judge