

EXHIBIT

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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

INNIS ARDEN COMMUNITY CLUB,
et al,

Plaintiffs,

v.

JOHN/VIRGINIA BINNS, et al,

Defendants.

No. 84-2-09622-5

SPECIAL MASTER'S
SUPPLEMENTAL ORDER
RE: RESPONDENT BACON

The Special Master's January 9, 1992 Order in this matter directed that Petitioners Burrowes and Sullivan and Respondent Bacon cooperate in arriving at a plan for trimming the Bacon cedar tree. A dispute relating to cooperation in the selection of an arborist and arriving at a plan for trimming arose. The parties have now reached an agreement and, therefore, this order will be brief.

A hearing was held at the Innis Arden Community Club on March 20, 1992. The hearing was attended by Richard and Elizabeth Leary, purchasers of the Bacon property, Howard and Jan Sullivan, Stanley and Jean Burrowes, Shirley Bacon and arborist Robert Williams. Exhibits 1 through 5 were admitted. A written report had been obtained from Mr. Williams and Mrs. Bacon. The parties agreed that Mr. Williams would serve as an impartial expert and the parties then went to the residences where they agreed as to what trimming could be done at this time

1 to improve the view, consistent with maintaining the health of
2 the tree.

3 It was further agreed that Mr. Burrowes had not filed
4 a petition against the Bacon tree. Therefore, the order
5 directing that Burrowes cooperate with Sullivan and Bacon in
6 arriving at an agreement for trimming the trees was mistaken.
7 The Court had no jurisdiction of any dispute between Burrowes and
8 Bacon.

9 Richard and Elizabeth Leary have purchased the Bacon
10 property. They are necessary parties to the resolution of any
11 disputes involving the cedar tree and they have no objection to
12 being made parties to this action.

13 Based on the agreement of the parties, the following
14 order is made:

15 ORDER

16 1. Page 10, line 3 of the Special Master's Order dated
17 Janaury 9, 1992 is amended to read:

18 "1. Petitioner Sullivan and Respondent Bacon
19 shall"

20 2. Richard and Elizabeth Leary are added as additional
21 parties respondent in this action and this petition.

22 3. The arborist, Robert W. Williams, will be hired to
23 trim approximately 10 feet of the cedar from the bottom branches
24 up and thin the remainder of the cedar in accordance with his
25 proposal, a copy of which is attached to the Burrowes/Sullivan
26 letter of February 28, 1992, as clarified by Mr. Williams' letter
27 of March 14, 1992 attached to Mrs. Bacon's letter of March 17,
28

1 1992. The first consideration in trimming the tree shall be the
2 health of the tree. Trimming shall be done within 30 days of
3 this order.

4 4. The parties recognize that this trimming may not
5 entirely correct the obstruction of Sullivan's view and that
6 additional trimming consistent with the health of the tree may be
7 feasible in 2 years. This order is without prejudice to the
8 right of Burrowes or Sullivan to petition for such further
9 trimming at some later date.

10 5. Petitioners Sullivan and Respondent Bacon shall
11 share the cost of arborist Robert W. Williams. The cost of
12 trimming the cedar shall be paid by Respondent Bacon.

13 6. The Special Master spent 1.7 hours in conducting
14 the hearing, visiting the premises and preparing a decision. At
15 \$100 per hour, the cost of the services of the Special Master is
16 \$170. Petitioners Howard and Jan Sullivan and Respondents Dud
17 and Shirley Bacon shall pay the sum of \$85 as cost of the Special
18 Master to:

19 Stephen M. Reilly
20 8525 S.E. 78th Street
21 Mercer Island, WA 98040

22 DATED this 31st day of March, 1992.

23 
24 STEPHEN M. REILLY
25 SPECIAL MASTER
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