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SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

INNIS ARDEN CLUB, INC., a
Washington nonprofit corp.,
et al,

No. 84-2-09622-5

Plaintiffs,

v.

JOHN H. BINNS, JR. and
VIRGINIA BINNS, husband
and wife,

ORDER ON REVIEW OF
SPECIAL MASTER'S FINDINGS

Defendants.

This matter having come before the Court pursuant to the Special Master procedures adopted herein, and the Court having reviewed briefs and letters objecting to and supporting the Special Master's Findings and Conclusions filed herein on December 14, 1989, the Court now makes the following

ORDER ON REVIEW

1. GENERAL FINDINGS. The general findings of the Special Master are approved and affirmed with the exception of Paragraph Two thereof, which is hereby modified to read as follows:

Neighboring Lot. The reference to "neighboring lot or lots" in the Restrictive Mutual Easements was not intended by its drafters, nor by the adopting community members, to be restricted to contiguous or adjacent lots. Due to the geography of Innis Arden, including plat layout and slope, trees several lots distant may entirely block views. The intent of the covenants is to restore such views. However, "neighboring" lots must be such as to have an actual - and not de minimus - view obstruction. Distance from the viewing lot and degree of view blocked are criteria for consideration as to whether a blockage is de minimus.

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2. SPECIFIC FINDING. The findings of the Special Master regarding Respondents Tolfree, Scudder, Sheehy, Glicksberg and Gulick are affirmed.

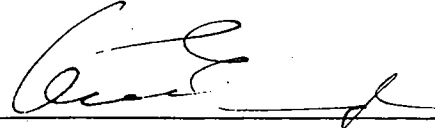
3. COMPLIANCE COSTS. The finding of the Special Master regarding compliance costs is affirmed.

4. COSTS OF SPECIAL MASTER PROCEEDINGS. The finding of the Special Master assessing start-up costs to be borne by the Community Club is affirmed. (The costs were greater than anticipated but are reasonable and were necessary and the assessment appropriately spreads the financial burden among the Community members.) The other findings of the Special Master regarding costs of hearings also are affirmed.

5. CONCLUSIONS OF LAW. The Special Master's Conclusions of Law are affirmed and adopted by the Court.

6. ADDITIONAL CONCLUSION: "GRANDFATHER" TREES. Trees which were view-blocking trees before the subdivision of Innis Arden are exempt where trimming or topping would have a significant adverse effect. See Guidelines for Special Master, 8(a). Petitioners alleging this ground for variance must establish that the tree was view-blocking at the time of subdivision.

Order on Review signed this 8 day of March, 1990.



JUDGE ANNE L. ELLINGTON