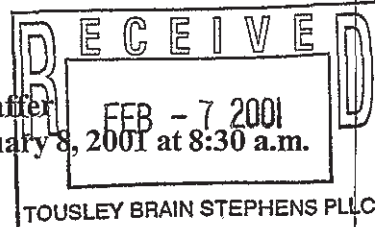


ORIGINAL

Honorable Catherine Shaffer

Hearing Date/Time: February 8, 2001 at 8:30 a.m.

Oral Argument



IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

MICHAEL PIEPKORN and SHELLEY
DESMOND, husband and wife

Plaintiffs,

vs.

DANIEL ADAMS and MARY ANNE
ADAMS, husband and wife,

Defendants.

No. 98-2-28905-8SEA

DECLARATION OF MARY ANNE
ADAMS

FILED
01 FEB - 7 PM 5:01
KING COUNTY CLERK
SUPERIOR COURT
SEATTLE, WA

Mary Anne Adams, under penalty of perjury hereby declares as follows:

I wish to show the court the history of our attempts to gain approval from the Bellemonte Architectural Control Committee for our fence. I request that the court reserve its ruling until the ACC has decided on our fence application.

I think it is important for the court to understand why this is such an issue. We want a fence because Mr. Piepkorn has continually subjected myself and my husband to numerous forms of harassment. He has kept our house under video surveillance for months at a time. When my husband is not around, Mr. Piepkorn has come up to me on my property and insulted me in the most personal and demeaning way, making creepy sexual references about my looks, my husband etc. He makes continual hand gestures to us. On a number of occasions he has attempted to provoke physical combat with my husband. We have caught him peeping into our windows, and into the windows of two other neighbors. We are not the only ones Mr. Piepkorn does this to; our neighbors the Trujillos have seen it also. Despite our direct requests to him, Mr. Piepkorn repeatedly mowed our lawn. He used to put his lawn furniture on our property and ostentatiously

DECLARATION OF MARY ANNE ADAMS - 1

mladarsa-danieladams of mary anne

BROHIER & WOTIPKA

ATTORNEYS

1600 PACIFIC BUILDING

720 THIRD AVENUE

SEATTLE, WASHINGTON 98101-3025

(206) 623-2020

FAX (206) 682-6148

1 sit down to enjoy it. When we had house guests, he would come over uninvited, sit down and
2 introduce himself. He continually intruded on our privacy. I feel I need a fence for security.

3 We have been unable to get a decision from the ACC, despite numerous attempts to settle
4 the fence question. Their latest letter said that they would not call a neighborhood meeting unless
5 the Piepkorns agreed on the meeting and the agenda in advance. See Exhibit 1 to my Declaration.
6 But the Committee also said they would approve leaving most of our fence in the same location
7 it presently is located. The map they sent with their prior letter coincides with the present location
8 and height of our fence in most areas. See Exh. 2 to my declaration. So it makes no sense for
9 Piepkorns to ask the court to order the entire fence torn down, when the Committee has approved
10 the location, height and style of most of our fence. It also seems unfair that the Piepkorns control
11 the process of approval, and then complain to the court that we haven't done anything to obtain the
12 Committee's approval.
13

14 Every time we have contacted the Committee about our fence, they have changed their
15 position about what they would approve. Originally, the Committee only wanted us to compromise
16 the portion of the fence extending forward from our house. The fence along Piepkorns' boundary
17 was not even an issue. See Exhibit 3 to my declaration. Then after Mr. Piepkorn somehow got onto
18 the Committee, the Committee mislocated the equestrian easement as if it were between our
19 properties, and moved the approved location so that 20 feet of our back yard was on Piepkorns'
20 side of the fence. See Exhibit 4 to my declaration. Under that arrangement, our fence would be
21 9 feet from our back door, but our side yard was still approved. The Committee's most recent map
22 (See Exh. 2) approves our back fence back in its present position, but eliminates the side yard,
23 while allowing a boundary fence along Piepkorn's driveway but changing the style.
24

25 We have asked the neighbors for their comments, and the other neighbors across the street
26 and adjoining us have no objection to our fence. See Exhibit 5. Then Piepkorns' attorney sent an
27

1 intimidating letter to everyone in the neighborhood. See Exhibit 6. Then the Committee basically
2 said it would wait for this court to speak. After numerous other contacts with the Committee, we
3 have had discussions which we believe may result in a final agreement. See Exhibit 7.

4 I am simply asking that the court let this process work out with the Committee. That is
5 where the Court of Appeals has said the authority for fence approval lies, and where we have
6 always sought a resolution. Since the Court of Appeals affirmed that the Piepkorns have suffered
7 no economic damage, there is no reason for a hasty wholesale destruction of our fence, which is
8 mostly approved by the Committee in its present location.
9


10
11 Dated: _____

12 Mary Anne Adams
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

intimidating letter to everyone in the neighborhood. See Exhibit 6. Then the Committee said it would wait for this court to speak. After numerous other contacts with the Committee, we have had discussions which we believe may result in a final agreement. See Exhibit 7.

I am simply asking that the court let this process work out with the Committee. That is where the Court of Appeals has said the authority for fence approval lies, and where we have always sought a resolution. Since the Court of Appeals affirmed that the Piepkorns have suffered no economic damage, there is no reason for a hasty wholesale destruction of our fence, which is mostly approved by the Committee in its present location.

Dated: 2-5-01



Mary Anne Adams

DECLARATION OF MARY ANNE ADAMS - 3

8/22/00

To Whom it May Concern;

My husband, Joe, and I live adjacent to the Adams and both agree that Dan and Mary Anne Adams should be able to keep their fence. They had an attractive fence built and have done a wonderful job of landscaping around its perimeter. It certainly does not detract from the beauty of the neighborhood.

We certainly see their need for a fence and have benefited from it as well. They have a dog and we do appreciate them keeping it inside their yard. We have done the same thing in order to keep our dog from bothering the neighbors. We know that both of our fences are also preventing our common neighbor, Mr. Piepkorn, from wandering onto our properties both during the day and at night with his flashlight which has been rather disconcerting.

We hope that people will be reasonable in allowing people their own freedom on their own property as long as it is not interfering with others' rights and it seems that the Adam's fence is a help to their neighbors, not a hindrance.

Sincerely,



Cindi Trujillo