

## LEGAL UPDATE

February 19, 2009

Complaint filed by Mike and Orsola Pappa (Lot 14) regarding construction on Lot 12: The HNOA Board filed a response in Tillamook County on Friday, February 6, 2009. The case has been assigned to Judge Rick Roll and a date for Expedited Ruling is pending. The Pappas assert that:

- The Design Review Committee (DRC) was not properly appointed and thus lacks authority
- The DRC did not have all the documents regarding the drain plan required by the CC&Rs for approval and approval is thus invalid
- The impact on the Pappas' primary surf view is not in accordance with the CC&Rs.

The HNOA Board has denied the first two sets of allegations and affirmatively explained that the impact on the Pappas' view has the effect of balancing the desires of the Van Roekels (owners of Lot 12) and down slope owners for a surf view and is equivalent to other similar circumstances in the HON.

Complaint filed by Ron and Vickie Wojkowicz (Lot 49): Since the Wojkowicz's complaint is nearly identical in regard to points one and two above, an attempt will be made to coordinate the judge's consideration of these aspects.