

*between a member and the corporation and another member of the corporation regarding the terms of the Debra Jane Lake Plat Restrictions, the prevailing party will recover reasonable attorney fees and costs, including those incurred on appeal.*

AND the following Section 7 will be added to Article XI ("Powers and Duties of Trustees") of the Bylaws:

*Section 7. To recover legal fees and related costs incurred by Lake Jane Estates relating to the enforcement and/ or defense of liens, charges, bylaws, plat restrictions, conditions, and covenants existing upon and/or created for the benefit of parcels of real property within the Debra Jane Lake Plat, including those incurred on appeal.*

**Proposed Amendment No. 3:**

The Board proposes to amend Lake Jane Estates' Bylaws to change the process by which the Bylaws are amended. Currently, the Bylaws cannot be amended absent the positive vote of a majority of Lake Jane Estates' members. This requirement is inconsistent with the Washington's Nonprofit Corporation Act, which normally vests in a corporation's board of directors the power to alter, amend or repeal bylaws or adopt new bylaws. RCW 24.03.070. The requirement also makes it extremely difficult to amend the Bylaws, which, as a governing document, ideally should be flexible enough to adapt to changes and new needs in the management of the affairs of the corporation. Accordingly, the Board proposes to amend the Bylaws to allow future amendment of the Bylaws by a vote of 60 percent or more of the Board of Trustees.

Under the proposed amendment, Article X ("Amendments") of the Bylaws would be changed to read:

*These Bylaws may be amended at any time by a vote of 60 percent or more of the members of the Board of Directors.*

During the coming weeks, members of the Lake Jane Estates Board of Trustees and other proponents of the amendments will be going door-to-door to discuss these proposed amendments and answer any questions members may have. You may also call Duane Shabo at 891-7817 if you have any questions.

A group of association members will be contacting each homeowner over the next few weeks to remind each one of the meeting, and to encourage those who are unable to attend the meeting to give their proxy to an association member for this important vote.

If you mail in your proxy, you will not be visited, unless you are one of the first to be visited, and are visited before we receive your proxy! Please be one of the first to mail in your proxy!!!

**LAKE REPORT 9-1-05**

Our lake has fared well this summer. The water level started out higher than in years past. So, although we experienced a long period of hot, dry weather, our water level didn't drop too much.

We treated once in July for weeds. And fortunately, for the third year in a row, we had no blue green algae bloom. Mother nature gave us some big help with a lot of water in the lake at the beginning of the summer. With the high level of water, it was difficult for it to warm up at the lower depths, and consequently difficult for the blue green algae to multiply.

All of our association members can take some credit for helping to reduce the marine plant nutrients running into Lake Jane. Cutting back on the yard fertilizer, washing cars with no phosphate soap or at the car wash, picking up after our pets, and discouraging the geese from hanging around, seems to be paying off.

And to help further discourage the geese, one of our members, Maryann Zukowski did some research on the subject. She searched the internet and found a product called "Goose Chase " made by a company called Bird-X Inc. Goose Chase is a liquid sprayed on lawns making the cut grass unpalatable to the geese. The product is made from grape parts. It is biodegradable and does not harm the birds. Bird-X can be contacted at 300 N. Elizabeth St., Chicago. IL 60607, or on the web at [www.bird-x.com](http://www.bird-x.com). The website has several articles about usage and results.

Lake Committee member Lenore Faulk again this summer took responsibility for monitoring the lake's vital signs. With instruments on loan from the Pierce Stream Team she turned in the data twice a month. The Stream Team tested the lake for fecal coliform. Once again our lake was well within the standard set by the health department. The highest reading was 67% below the health department's "get concerned" point.

Lenore has also arranged for a fish plant in October. The water will be cooler then, allowing more of the trout to survive and fatten up for fishing in 2006.

Thanks again to all our members for doing their part to help keep our lake a clean and living recreational resource.

Submitted by Jeff Brain, Lake Committee Chairman.



## Pool Report

Well.....The pool is officially closed. The summer season came and went much to quickly. Thank you to our guards George, James, Lucas, Steve, Mario, Marty, Josh and Darcy for all your hard work and dedication. We especially want to acknowledge George, who has been head guard and a great asset to the pool in many ways. We will miss him next year. A big thanks also, to all who graciously volunteered their time to help keep things running smoothly.



Swim lessons were a big success, with all three sessions having full classes. There was a little confusion in the turn over of the pool committee and we apologize to anyone who did not get accommodated. The instructors all did a great job and there were many compliments on their abilities.

There was only one minor incidence of vandalism through out the entire season. Lets all work together to ensure the same through out the fall and winter months.

Thank you to everyone in our community who used the pool. Every one worked together to follow the rules and make it a fun and safe atmosphere. Any suggestions or comments for next summer would be welcomed and appreciated. Feel free to call Chaunte Chalcraft at (253) 826-2229

Your pool committee:

Lorine Hegel: (253) 863-7564

Chaunte Chalcraft: (253) 826-2229

Gus Lauch: (253) 826-0610

## Park Report

The Park Committee would like to thank all who reserved the park for their care and diligence. All Damage/Clean-up fees have been returned to the individuals who have reserved time in our wonderful two parks. Just as a reminder if you have a special gathering please make your reservations as soon as possible to insure we are able to accommodate your event.



As you are aware the fence is up in the lower park. This was a necessity to keep pricing down and meeting the requirements to obtain insurance. This will keep the small children from entering the lake area without supervision.

We are pleased to announce that vandalism is at a minimum since our last newsletter. To all who walk our parks and keep an eye open we thank you for the deterrence to crime. Due to the leash law we are asking all pet owners to keep an eye on your pets at home, have your pets on a leash in the park area and please clean up after your pet. Finally, a special thanks to Dennis and Allison Fite for their continued support in keeping our parks clean.

## NOTICE OF SPECIAL MEETING REGARDING PROPOSED AMENDMENTS TO LAKE JANE ESTATES BYLAWS

Following considerable deliberation, the Board of Trustees of Lake Jane Estates is proposing three amendments of the Lake Jane Estates Bylaws. A special meeting to vote on these proposed amendments will be held on November 13 at Emerald Hills. You may attend this meeting in person or designate a proxy to vote on your behalf. A copy of the current Bylaws and a proxy form is attached.

### Proposed Amendment No. 1:

The Board proposes to amend Lake Jane Estates' Bylaws to change the date of the Annual meeting from the last Sunday of July to the second Sunday in September. The reason for this proposed change is that many Lake Jane Estates members are on vacation or have other commitments during the summer months and hence are unable to attend the annual meeting as currently scheduled. The Board believes that changing the meeting date to the second Sunday in September will increase attendance at the annual meeting and improve the likelihood of achieving a quorum.

Under the proposed amendment, Section 1 of Article V ("Meetings") of the Bylaws would be changed to read:

*Section 1. Annual meetings of the members of the corporation shall be held at the principle place of business of the corporation or at such other place as the Board of Trustees may elect. The annual meetings shall be held on the second Sunday of September of each year at two o'clock p.m. Notice thereof shall be given by the secretary by mailing a notice to each member not less than ten days prior to the date of the meeting.*

### Proposed Amendment No. 2:

The Board proposes to amend the Lake Jane Estates' Bylaws to allow the recovery of attorney fees to the prevailing party in any dispute involving the terms of the Bylaws, Articles of Incorporation, or the Debra Jane Lake Plat Restrictions. Allowing the recovery of attorney fees increases the potential exposure of litigants and thereby helps discourage baseless lawsuits. It also encourages enforcement of plat restrictions that protect the property values of members' homes. Finally, it helps ensure that Lake Jane Estates will be able to recover its legal expenses when a lot owner violates a plat restriction or challenges a plat restriction, thereby freeing up funds for other matters and eliminating the need to increase assessments to cover litigation expenses.

Under the proposed amendment, the following Section 6 will be added to Article II ("Membership") of the Bylaws:

*Section 6. Should any dispute arise between a member and the corporation regarding the terms of these Bylaws, Articles of Incorporation, or the Debra Jane Lake Plat Restrictions, the prevailing party will recover reasonable attorney fees and costs, including those incurred on appeal. Should any dispute arise*





I hope all of you have had a chance to enjoy the beautiful summer. I had a chance to go down to the pool and cool off during one of those 90-degree days! During that time my little girl made her first attempt at enjoying a swimming pool. She was a little timid and preferred to sit on the edge and get her toes wet. Maybe next summer.

Many of you have probably noticed the strength of the real estate in our area. Even with the winter approaching, many business strategists are predicting the market to continue at record rates. Over the last 6 months, record real estate transactions have occurred in our area. During this time many people have come to me with questions about

their home. If you have questions about the value of your home or any other real estate questions please feel free to give me a call.

**For the remainder of 2005 I will be offering free:**

- Market Analysis's

To receive a free credit check and/or appraisal please give me a call for details.

## Short Platting

Again, at the annual meeting, it was expressed by a number of people the reason they moved into this area and why they want to keep the current lot sizes.

In April 2000, the Board sent out a questionnaire to each lot owner calling for a vote whether to allow short platting. A high percentage (85%) of returned responses said "no" to short platting. Your Board will continue to try to represent your wishes.

## Board Vacancies

The Board still has some vacancies that we would like to see filled. We need a Vice-President, and an Architectural Committee.

**ATTENTION:** This is our lawyers assurance that changing the process to change the bylaws is safe. The first two paragraphs explain it, and the last summarizes it. We hope this is helpful to everyone!

From the lawyer for Lake Jane Estates:

Bylaws are the rules and regulations enacted by a corporation to regulate, govern, and control its own actions and affairs as well as those of its members, directors, and officers vis-à-vis the corporation. Bylaws are relatively permanent and continuing. But just like public laws enacted by the legislature, these "private laws" must be flexible enough to allow for amendments, additions, and/ or deletions when changes in internal or external circumstances make the current bylaws inadequate or unworkable.

In recognition of the need for bylaws to be adaptable, absent a provision in a corporation's bylaws or articles of incorporation to the contrary, Washington statutes governing corporations – along with similar statutes in virtually every other state – vest the power to amend bylaws in a corporation's board of directors. These statutes recognize that a board of directors can nearly always respond more efficiently and quickly than the entire corporate membership to a need to change a bylaw (just as the State legislature can generally respond more quickly to a need to change the law than the population of the State as a whole).

In the case of Lake Jane Estates, the original Bylaws enacted in 1959 required the vote of a majority of the membership to amend them. Since the membership of the corporation exceeds 430, it is not surprising that the Bylaws have been amended only once since that time, even though there have been significant internal and external changes affecting Lake Jane Estates. Amending the Bylaws to allow the Board of Trustees to amend the Bylaws would allow the corporation to adapt to changes and new needs in the management of the affairs of the corporation so that the membership would not be forced to live with rules and regulations that in some cases no longer are a comfortable fit.

## Current Home Market Within Lake Jane Estates

### ACTIVE Properties

Address	City	Map	Bd Bth	SqFt	LotSz	Year	Date	\$/SqFt	DOM	Orig Price	List Price
18819 McGhee Dr E	Bonney Lake	806, E7	4 2.50	2071	0.610ac	1977	09/24/05	143.41	3	297,000	297,000
19033 68th St E	Bonney Lake	806, E7	3 1.75	2139	0.390ac	1970	07/19/05	163.60	70	349,950	349,950
6809 183rd Ave E	Bonney Lake	806, D7	4 2.75	2760	29682sf	1989	09/24/05	128.61	3	354,950	354,950
Listing Count 3	Averages		2323					145.21	25	333,967	333,967
	High		354,950					Low	297,000	Median	349,950

### ACTIVE - STI Properties

Address	City	Map	Bd Bth	SqFt	LotSz	Year	Date	\$/SqFt	DOM	Orig Price	List Price
18806 65th St E	Bonney Lake	806, E7	3 2	1448	18785sf	1991	09/12/05	176.07	15	254,950	254,950
Listing Count 1	Averages		1448					176.07	15	254,950	254,950
	High		254,950					Low	254,950	Median	254,950

### SOLD Properties

Address	City	Map	Bd Bth	SqFt	LotSz	Year	Date	\$/SqFt	DOM	Orig Price	List Price	Sale Price	SP%LP
6716 193rd Ave E	Bonney Lake	806, F7	2 1.50	900	0.290ac	1966	08/18/05	188.89	13	159,000	159,000	170,000	106.90
8305 189th Ave E	Bonney Lake	836, E2	4 2	0		1970	06/30/05	0.00	0	208,000	208,000	215,000	103.40
7011 185th Ave E	Bonney Lake	806, D7	3 1	1008	0.520ac	1976	08/05/05	215.28	15	214,900	214,900	217,000	101.00
19504 64th Ave E	Bonney Lake	806, F7	3 2.50	1748	0.410ac	1991	08/26/05	160.18	12	275,000	275,000	280,000	101.80
7006 183rd St E	Bonney Lake	806, D7	4 3	2192	20000sf	2003	07/14/05	132.68	54	284,950	284,950	290,840	102.10
Listing Count 5	Averages		1462					174.26	19	228,370	228,370	234,568	102.71
	High		290,840					Low	170,000	Median	217,000		
Report Count 9	Report Averages		1783					163.59	21	266,522	266,522	234,568	

Presented By: Travis J Lande / John L. Scott, Inc. Phone: 253-315-0880

Featured properties may not be listed by the office/agent presenting this brochure.

Information From Reliable Sources, But Not Guaranteed.

## Winterize Your Home

Preparing your home in advance for the upcoming chilly season will help save energy, cut expenses, and protect our environment. Here are some helpful tips on what you can do to get your home ready for winter.

- ❖ By preventing air intrusion in your home, you can help cut down electrical costs. Places to check include your windows, doors, walls, garage doors, basement, and attic. Seal any openings you find with a caulking compound in order to prevent drafts from entering your home.
- ❖ The sun and rain take their toll on decks and patios, be sure to nail down or replace loose boards. It's also a great time to treat your deck with a water sealant. These steps will improve its longevity.
- ❖ Your roof is one of your home's most vulnerable spots. It's critical to look for signs of damage because roof repairs can be extremely costly. Watch for cracks, missing shingles, moss, and signs of age. While inspecting your roof take the opportunity to clear it and the gutters from debris. If your roof is in need of repair, contact a roofing company.
- ❖ It's the perfect opportunity to inspect systems and appliances that will primarily be used during the winter months such as heating units and chimneys. Make sure the air filters in your heating units are clean; they should be changed every two to three months for optimal use.
- ❖ It's also a great time of year to check fire detectors and extinguishers. Make sure that fire extinguishers are in key places such as the kitchen and laundry room. Test or replace batteries in your fire detectors.

Oh by the way.....if you know of someone thinking about buying or selling a home, please forward his or her name, address, and telephone number to me. I am never too busy to follow-up with them and provide my services.

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October 2005



**PRESIDENT'S REPORT**

***Annual Meeting***

This year, again, we were unable to address concerns since there was not a quorum. A number of members were on vacation or the date just didn't fit their schedule. This concerns a great many people. So, we had quite a number of people who expressed a willingness to go around to homes within the association to share with you some concerns, hear your concerns, and collect your proxy (ballot) on issues that concern the association.

Thank you to all the board of director members for a great year. Those who have left are missed, and those joining are welcome. All are appreciated!

***Proxy (ballot)***

The By-Laws of Lake Jane Estates were first drawn up July 1, 1959. Article V, Section 5 states: "A member may exercise his right to vote by proxy." A "proxy" is the authority or power to act for another. Within our Association, people have given their "proxy" to someone they trust to vote for them at the Annual Meeting, often over any issue that comes up for a vote at that meeting. The Board is not asking you to give them a blank proxy, but rather a "ballot" indicating your vote on the three (3) issues before you, and these three (3) issues only. We want to hear from each one of you. The Board is asking that you fill out your proxy (ballot) as soon as you get it and mail it back. If you do not feel comfortable with this, a group of volunteers, from within our Association, will be visiting each home in the Association that has not returned their proxy (ballot) to provide you with additional information or offer clarification for each of the three (3) issues before you. If you are still not comfortable with this, you may bring your proxy (ballot) with you to the **Special Meeting** being held at **Emerald Hill Elementary School** (located at 19515 S. Tapps Dr. E. {this is on the road going North from Allan York Park along the lake} ) from **1-5 PM on Nov. 13**. Please come early, by 1 PM, so that all members can be registered prior to the meeting starting at 2 PM. Whether you have mailed in your proxy (ballot) or given it to a volunteer or decided to wait until the Special Meeting, we want all to come and take part in this decision making process.

Your Board has taken your concerns to the Association's attorney to assist in the development of this Proxy (ballot), which you will find enclosed in this quarterly newsletter.

Please read it over, fill it out, and send it in. Let your voice be heard!

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