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November 16, 2023

Aldea Glen Homeowners Association

Attn: Board of Directors
6452 5th Way SE
Lacey, WA 98503

Sent Via Electronic Mail Only

RE: Special Meeting Called for November 21, 2023

Dear Board of Directors:

The purpose of this letter is to respond to a request by the Board of Directors of the Aldea Glen Homeowners Association as to whether or not the proposed special meeting of the members set for November 21, 2023, was called in accordance with Washington State law.

I understand that, allegedly, a petition signed by 20 or more members of the Association called for such a meeting, and the notice was sent out **not** by the Board of Directors of the Association but by the individuals who obtained the petition.

The two-state statutes involved are **RCW 24.03A.395, a section of the Washington Nonprofit Corporation Act, and RCW 64.38.035, a provision in the Washington State Homeowners Association statute.** Both statutes require that a special meeting of the members of the Association may be called by either the president, a majority of the Board of Directors, or by the owners, having a certain percentage of votes in the Association.

However, both statutes require that if the membership petitions to have a special meeting, then it should be presented to the Board of Directors of the Association, and the secretary or any other officer specified in the Bylaws shall then cause the notice of the special meeting to be provided to each owner.

The reason that the petition must be submitted initially to the Board of Directors of the Association is so that they can review the petition to ensure that the requisite number of members signed the same and to determine that those who did sign are members or, in this case, owners of lots in the development. In this case, the petition was **not** submitted to the Board of Directors as required by both statutes, and the notice of the meeting was not given by the Board of Directors and officers but, instead, was given directly by those who promoted the petition.

RCW 24.03A.395(1)(b) specifically requires the execution and delivery to the Association of the demand for the meeting to describe a purpose for which the meeting is to be held.

Therefore, the meeting set for Tuesday, November 21, 2023, was not correctly called as required by the above-referenced statutes, which control anything your Bylaws say to the contrary.
Any action taken at that meeting has no legal effect.

If you have any further questions or concerns, please do not hesitate to contact me. I remain...

Very truly yours,

A handwritten signature in black ink, appearing to read "Bryce H. Dille". The signature is fluid and cursive, with a horizontal line extending from the end of the name.

Bryce H. Dille
Attorney at Law

BHD:keb