

JUL 05 2022

MELISSA BEATON, CO. CLERK  
Deputy

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

No. 22-2-00523-29

Wayne D. Carter, Plaintiff

**Vs. SUMMONS**

Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc., Defendant.

TO: Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc. Defendant.

A lawsuit has been started against you in the above-entitled court by Wayne D. Carter, Plaintiff. Plaintiff's claim is stated in the written Complaint, a copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the undersigned Plaintiff within twenty (20) days after the service of this summons, excluding the day of service, if served within the State of Washington (or within Sixty (60) days of service of this Summons, if served outside the State of Washington), or a default judgment may be entered against you without notice. A default judgment is one where the Plaintiff is entitled to what he/she asked for because you have not responded. If you serve a notice of appearance in the undersigned Plaintiff, you are entitled to notice before a default judgment may be entered.

You may demand that the Plaintiff file this lawsuit with the Court. If you do so, the demand must be in writing and must be served upon the Plaintiff. Within Fourteen (14) days after you serve the demand, the Plaintiff must file this lawsuit with the Court, or the service on you of this Summons and Complaint will be void.

If you wish to seek the advice of an attorney in this matter, you should do so promptly so that your written response, if any, may be served on time.

This Summons is pursuant to Rule 4 of the Superior Court Civil Rules of the State of Washington.



SKAGIT COUNTY, WASH  
FILED

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MELISSA BEATON, CO. CLERK  
Deputy

THE SUPERIOR COURT OF THE STATE OF WASHINGTON

IN AND FOR THE COUNTY OF SKAGIT

No.

22-2-00523-29

Wayne D. Carter, Plaintiff

Vs. COMPLAINT FOR

Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc. Defendant.,  
Defendant.

First Amended Complaint

COME NOW Plaintiff Wayne D. Carter, by and through himself, and for the claims against Defendant Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc. Defendant.

alleges as follows:



## **I. PARTIES**

- 1. Plaintiff Wayne D. Carter is an individual residing in Marblemount, Washington.**
- 2. Defendant Cascade River Community Club, Inc., Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc. Defendant., is a Washington corporation with its principal place of business in Marblemount Washington.**

## **II. JURISDICTION AND VENUE**

- 3. This court has jurisdiction over the subject matter of this complaint pursuant to RCW 4.28.185 [ 1985 c 469 § 1; 1893 c 127 § 8; RRS § 227.]**
- 4. Venue is appropriate in Skagit County pursuant to RCW 4.12.010 [Code 1881 § 1712; 1873 p 335 § 19; 1860 p 245 § 26; RRS § 1755.] as the subject of this action is situated in Skagit County.**
- 5. This court has jurisdiction over each of the defendants as Cascade Community River Club, Inc., is doing business in Skagit county, Washington.**

## **FACTS**



6. Mr. Wayne D. Carter is a member at Cascade River Community Club, Inc., from 2016 to present.
7. Cascade River Community Club, Inc., has been a Washington State Home Owners Association since 1963, regulated by local, state and federal laws.
8. The board of directors failed to apply for or obtain building permit, fish & wildlife HPA permit, SEPA, shoreline exemption, engineering, critical area review and other studies. Cascade River Community Club board of directors has failed to follow federal, state and local requirements for multiple construction projects.
9. The board of directors failed to comply with Article IV Section 3 of the CRCC bylaws and Policy 1121 during the election process of 2021.
10. The board of directors failed to collect the \$200 per lot fee associated with property title transfers as established in June of 2020 within CRCC governing documents Article 8 Section 2.
11. The board of directors has failed to manage employees in fulfilling their employee contracts.
12. The board of directors failed to fulfill their duties per the policies associated with their roles.
13. The board of directors failed to document a reserve study, contribution rates, or assessments budgeted in the 2021-22 and 2022-23 annual budgets.
14. The board of directors failed to file past and present IRS taxes.
15. The board of directors failed to complete an independent audit of the park financials as required by RCW 68.35.045



16. The Board of Directors provided to members through Cascade River Community Club website and park office, Articles of Incorporation, Covenants and Bylaws, that were illegally modified or redefined.

17. The board of directors unlawfully harassed RCW 10.14.20, stalked RCW 9a.46.110 and caused defamation to Plaintiff Wayne D. Carter on Cascade River Community Club through its various forms of communication with the membership.

**FIRST CLAIM: HARASSMENT, STALKING AND DEFAMATION OF PLAINTIFF WAYNE D. CARTER.**

18. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 17 as if fully forth herein.

19. Cascade River Community Club board of directors continues to be in violation of RCW 10.14.020, RCW 9a.46.110, and RCW 4.36.120

**SECOND CLAIM: BREACHED FIDUCIARY DUTY.**

20. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 17 as if fully forth herein.

21. Cascade River Community Club board of directors is liable to Plaintiff and all members of Cascade River Community Club for failure to follow Federal, State and local RCW's, codes and WAC's, and the costs required to bring projects current.



### **THIRD CLAIM: FRAUD**

**22. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 17 as if fully forth herein.**

**23. Cascade River Community Club board of directors failed to disclose to the membership of Cascade River Community Club, who was up for election and who was not up for election per Cascade River Community Club originating documents and policies in the June 2021 election.**

### **IV. PRAYER FOR RELIEF**

**WHEREFORE, plaintiff prays for relief as follows:**

- A. For judgment in favor of plaintiff Wayne D. Carter against defendants Jeffrey Crapper, Matthew Underbrink, Michael Rosebaugh, Alegre Sissom, Trevor Eiler, Mary Nachtigal, doing business as (DBA) the board of directors for Cascade River Community Club, Inc., and Cascade River Community Club, Inc. Defendant., on all claims asserted against them, and for damages in a total amount in excess of \$208,000, the exact amount to be determined at trial;**
- B. For an award of economic damages, emotional distress damages, punitive damages;**
- C. Pre and Post judgment interest at the statutory rate, in an amount to be determined by the court;**
- D. For reasonable attorneys fees and cost;.**
- E. For any other relief the Court deems just and equitable;**