

Lynden Tribune

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LYNDEN, WASHINGTON • \$1.50

Lynden Christian quietly starts in-person

Public schools now follow, but all in remote mode

By Hailey Palmer and Calvin Bratt
Tribune staff

WHATCOM — The sidewalks near Lynden Christian School had 6-foot markings for spacing of people, but it wasn't needed for Tuesday's very subdued opening of the school for classes of the 2020-21 year.

Supporting family and constituents could gather, and pray, around the school on its opening day. Dozens took advantage, although there was plenty of room for more. Nor did any protests show up against the largest school in the area to be in-person in this COVID-dominated year.

"I just think the kids need to be in school, emotionally, socially, mentally, spiritually," said Debbie Sterk, a parent of three at LC, who stood across from the high school. "It's for structure."

Sterk said she prayed "that it all goes well, that we can show the county, or whoever is watching, that it can be done safely."

Some Lynden Christian Elementary students were gathered outside with their teachers — all in masks — before making their way inside around 9 a.m.

At smaller Cornerstone Christian School of Lynden, also opening in-person on Tuesday, doors of



Families and supporters of Lynden Christian School gather, watch and pray along Drayton Street as classes began in-person on Tuesday, Sept. 1. (Brent Lindquist/Lynden Tribune)

classrooms were open to the pleasant weather.

Elsewhere, all Whatcom County public school districts' K-12 instruction starts out remote due to COVID-19.

Cornerstone Christian and Lynden Christian, and on Wednesday Ebenezer Christian School are the exceptions to be in-person on their campuses. Plans in place follow state guidelines for proper distancing, face covering and sanitization throughout their buildings.

Meridian and Ferndale schools get their new years started Wednesday, Sept. 2, online following Whatcom County Health Department and state recommendations.

The Lynden, Mount Baker and Nooksack Valley school districts start Sept. 8, the day after Labor Day. All three are also starting the school year remote.

All schedules right now are tentative, as the ongoing coronavirus pandemic makes planning

a challenge. Administrators in school districts starting remotely will continue to look at infection rates in the county after school starts and assess when it is safe to bring students back to campus.

Ferndale has projected that its remote learning will be at least through the first nine-week grading period of school.

The Blaine School District was the earliest to start locally, launching on Wednesday, Aug. 26, also remote.

CHCC begins outdoor in-person visits

It's under strict guidelines in the covered front entry area

LYNDEN — On Aug. 6 Gov. Jay Inslee announced Safe Start for Long-Term Care, a 23-page phased plan developed by the Washington State Department of Health and the Washington State Department of Social and Health Services. It became effective Aug. 12.

The plan sets benchmarks that each long-term care center in Washington needs to cross in order to move through various reopening phases — benchmarks that allow more activities both inside and outside a facility.

As of Aug. 30 the Christian Health Care Center of Lynden had met the benchmarks required to begin facilitating out-

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Homestead homeowners bring lawsuit

They claim maintenance fees have been misused and want to form a homeowners' association

By Calvin Bratt
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LYNDEN — Homeowners in north Lynden's Homestead development have sued its golf course owners and managers claiming misappropriation of maintenance fees that have been collected over the years.

The seven homeowner couples or individuals bringing the lawsuit say they want to regain control for parcel owners of how the maintenance fees are spent by establishing a homeowners association.

The plaintiffs also seek to become a class-action case on behalf of the more than 600 homeowners who come under the CC&Rs (covenants, conditions, restrictions and reservations) of founding Homestead documents from the early 1990s.

The lawsuit was filed in May in Whatcom County Superior Court. In June the defendants sought to have the case transferred to federal court in Seattle, but that request was denied in July. The original complaint is now being amended, said David Andersson, lead attorney for the plaintiffs.

"The complaint will be vigorously prosecuted to resolution," said Andersson, who developed property himself at Homestead, in an email to the Lynden Tribune.

So far, the defendants have

not directly answered the claims made in court briefs.

Last December and January, the idea of raising the monthly fee on homeowners from \$36 to \$93, effective for 2020, triggered a series of tense and angry meetings with golf course management. Out of that airing of issues, a Homestead Owners Advisory Group of neighborhood representatives was formed to advocate their cause.

Some homeowners have refused to pay the increase and are giving money instead to a trust fund that is paying for the lawsuit, states a website that has been created, Homestead-HOA.org.

Yard signs in Homestead territory — across the north side of Lynden, between Benson and Bender roads — publicize the HomesteadHOA.org website for the lawsuit, adding the words "Our fees. Not for profit."

The players

The plaintiffs in the case are Scott Hillius, Tom Staehr, Daniel and Sonja Lyons, Douglas and Angelique Scarlett, Mark Miedema, Mark and Cheri Holmes, and Steven and Lisa Zehm. All own property in various parts of the Homestead development.

The defendants were listed as Mao Hua "Morris" Chen, 18 Paradise LLP, Mount Tai Investment Inc., Mount Emei Investment Inc., William "Mick" O'Bryan, Josh Williams, MJ Management LLC and the City of Lynden. However, the two Delaware-based "Mount" investment companies of Chen were expected to be removed from the revised complaint and ongoing Superior Court action.

The city is named, the plaintiffs say, because it would be affected by the outcome of this case even though no actual relief, costs or other remedy is sought from the

city.

18 Paradise LLP is the partnership formed in 2013 with Chen, of Vancouver, B.C., as the signer of Washington state incorporation papers. In Whatcom County property records, 18 Paradise LLP owns or has owned 25 parcels in Lynden of about \$2.21 million assessed value.

MJ Management, LLC is the property management company of O'Bryan and Williams. MJ operates the Homestead golf course for its owners and provides "related services," according to its 2017 formation document. It was O'Bryan and Williams who faced the crowd of questioners about fees last winter.

Robert E. Olson is the Whatcom judge presiding on the case.

K. David Andersson and R. Dallan Bunce with the Cross Border Law Corporation in Bellingham are attorneys for the plaintiffs while Matthew Davis of Davis Leary PLLC is also listed.

Defending 18 Paradise LLP and owner Chen are attorneys Benjamin I. VandenBerghe and Henry G. Ross of the Montgomery, Purdue, Blankinship & Austin law firm of Seattle. Legal counsel for MJ and its two partners is Philip Buri of Bellingham while regular city attorney Robert Carmichael heads defense for the City of Lynden.

Barbara Rothstein is the U.S. District Court judge in Seattle who remanded the case back to Whatcom County.

The history

The commercial suit delves into a complicated cumulative history of the Homestead golf course and surrounding residential development going back to 1992.

James Wynstra and his Homestead Northwest Inc. com-



At a Dec. 30, 2019, meeting, a man rises to address the crowd gathered in protest of a proposed rise in homeowner fees from \$36 to \$93 per month. (Tribune file photo)

pany had a systematic plan for the entire neighborhood on the north side of Lynden between Benson and Bender roads. It was to be approximately a 250-acre Planned Residential Development, of which 140 were to be for the 18-hole golf course and 110 acres for housing.

In June 1992 Homestead Northwest recorded a Master Declaration document outlining the covenants, conditions, restrictions and reservations (CC&Rs) upon the Homestead PRD. Also, Homestead entered into a binding contract with the City of Lynden on how it would all happen.

The plaintiffs say in their complaint that the signed PRD agreement "requires the formation of a homeowners association." Citing a section, the purpose was to "preserve community facilities and open space," and there were to be "agreements to fund such an orga-

nization."

Things to be maintained by the association were: private streets in Homestead, land area reserved for visitors and "common grounds and facilities."

Details of the ownership, management, maintenance and phasing of common open space are detailed in two articles of the CC&Rs.

One paragraph states that the term Common Open Space "shall not include the golf course, clubhouse, RV storage and maintenance areas."

This is an assertion of the lawsuit: "[Homestead Northwest] wanted to defer the formation of the HOA (homeowners association) until the PRD was completely built out, so that all parcel owners could participate in its formation ..." And the city agreed Homestead

See **Homestead** on A2



Weather

Thursday 79°/54°
Friday 82°/55°
Saturday 79°/55°
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