

SUN HOLDING STRONG ALL WEEK



Wednesday
75°/53°
Mostly sunny and clear skies through the day
Sunrise 6:28 a.m.
Sunset 7:48 p.m.



Thursday
79°/54°
Sunny skies through the evening
Sunrise 6:30 a.m.
Sunset 7:46 p.m.



Friday
82°/55°
Expect the sun to stick around all day
Sunrise 6:31 a.m.
Sunset 7:44 p.m.



Saturday
79°/55°
Sunny and clear skies throughout the day
Sunrise 6:33 a.m.
Sunset 7:42 p.m.



Sunday
83°/56°
Mostly clear skies with some all-day sun
Sunrise 6:34 a.m.
Sunset 7:40 p.m.

Information courtesy of National Weather Service, Bellingham Asthma and Allergy and the Perry family

For the Record • August

DATE	25	26	27	28	29	30	31
HIGHS	73	73	75	75	69	69	68
LOWS	46	44	47	44	51	46	49
PRECIP.	.00	.00	.00	.00	.00	.00	.08

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Homestead

Continued from A1

could do this.

And this: “For these reasons [Homestead] included a provision ... stating that it would act as the homeowner association and turn the Common Open Space over to the HOA later.”

Homestead development expanded over the years beyond what was in the original PRD.

Then calamity struck in 2010 in the aftermath of the Great Recession of 2008-09. The housing market crashed, Homestead Northwest could not pay on private investments made, and the company went into collapse. It no longer exists.

Homestead sold the golf course to Raspberry Ridge LLC, which in turn

sold it to Paradise in December 2013. The lawsuit claims that the rights and responsibilities that existed under the original CC&Rs of Homestead were transferred to the successive owners of the golf course, and “Paradise has failed to perform its obligations under the CC&Rs.”

Upon full buildout of all residential properties, the Common Open Space is estimated to be between 8 and 9 acres.

In 2015 the monthly fee upon parcel owners

was \$30. That rate brought in more than \$200,000, equating to more than \$20,000 available per acre of common space.

The fee was gradually raised to become \$36 per parcel for 2019. Then in December 2019 came the letter to homeowners that the fee would jump to \$93 per parcel per month — triggering the big blow-up. At the time, Homestead management said \$93 represented what the level would be if the fee had risen 5% per year since 1992.

The claims

Actions by Paradise go against what is stated in the original CC&Rs, the plaintiffs say. They cite this phrase, for example: “All costs and expenses of maintenance and improvements to the Common Open Space shall be paid by the declarant [originally Wynstral].”

By now Paradise has made at least seven amendments to the CC&Rs, but these contradict the original terms, lack City of Lynden consent, and were made without any homeowner association involved, the lawsuit claims.

When pressed last January, Paradise managers supplied a profit-and-loss statement for 2019 showing that \$289,548 had been collected in fees and special assessment while expenses were \$346,066, for a net loss of \$56,518.

The plaintiffs claim those numbers are false, and that Paradise profits from the homeowner fees and “Paradise increased the fees to increase its profitability.”

As to 2020, a Paradise budget of about \$650,000 “falsely overstates the actual expenses expected by Paradise and includes expenses that will not be incurred at all.”

The Homestead-hoa.org website claims that

quotes obtained from licensed contractors put the cost to maintain about 10 acres of Common Open Space at around \$60,000, not \$600,000, which would come to \$8.33 per month per homeowner.

The lawsuit claims multiple violations of the Consumer Protection Act, and also breach of contract against Paradise. The first filed complaint brought up federal anti-racketeering law, but that aspect is likely to be dropped in an amended complaint.

No specific dollar amount of relief is asked for.

Attorney Matthew Davis advises that a class-action lawsuit would have to be ordered by the court. It could include all who are subject to the monthly fee under the Homestead CC&Rs. If ordered, parcel owners would then be notified and could opt out.

Andersson said in an email this week that he is very concerned about elderly people on fixed incomes who moved into condominiums of Homestead “who have been blindsided by the fee gouging.”

“The plaintiffs are very much looking forward to going to trial and telling their story to a Whatcom County judge and jury,” Andersson said.



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