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SUPREME COURT  
STATE OF WASHINGTON  
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NO. 90879-6

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[In the Washington Court of Appeals, Division I, No. 70013-8-I]

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THE SUPREME COURT  
OF THE STATE OF WASHINGTON

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FILMORE LLLP, a Washington limited liability limited partnership,

Respondent/Appellee,

v.

UNIT OWNERS ASSOCIATION OF CENTRE  
POINTE CONDOMINIUM, a Washington  
nonprofit miscellaneous corporation,

Petitioner/Appellant.

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**ANSWER BY PETITIONER/APPELLANT UNIT OWNERS  
ASSOCIATION OF CENTRE POINTE CONDOMINIUM TO  
*AMICUS CURIAE* MEMORANDA**

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ROCKEY STRATTON, P.S.  
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Attorneys for Petitioner

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 ORIGINAL

The Petitioner, Unit Owners Association of Centre Pointe Condominium, is the party moving for discretionary review in this Court and therefore does not oppose the two *amicus curiae* memoranda submitted by the Community Association Institute and by the Barclay Court Owners Association. However, in light of the fact that the respondent Filmore LLLP will renew arguments it has made previously, including in its prior motion to strike portions of the *amicus* memoranda, the Association points out it is within the record on this appeal that there is a beneficial effect on FHA certification from having a cap on the number of condominium units that can be leased to tenants set out in the declaration of condominium, which is an issue the *amicus curiae* discuss. See Clerk's Papers ("CP") 234 & 251-52. See also Appellant's Opening Brief to Court of Appeals at 4; Appellants Reply Brief to Court of Appeals at 12-13. Furthermore, that issue highlights the public interest impact of the interpretation by the Court of Appeals in the decision below of RCW 64.34.264(4) and of the virtually identical language in the Declaration of Condominium, CP 69 (at ¶ 17.3) relating to amendments of the declaration. As pointed out in the Petition for Discretionary Review, the language in that statute and in that paragraph of the Declaration mirror each other, and the Court of Appeals ruled that the statutory

meaning guided the interpretation of the parallel language in the Declaration. *See* Petition for Discretionary Review at 1 (statement of Issue) & 17 (citing decision below and pertinent case law and briefing). The fact that the declaration's wording tracks statutory language in the Washington Condominium Act is not unique to Centre Pointe condominium. *See* CP 261, citing CP 176 & 181; *compare* CP 223-228 & 229-30 and CP 30-35 & 68-69; *see also* Appellant's Opening Brief to Court of Appeals at 6-7.

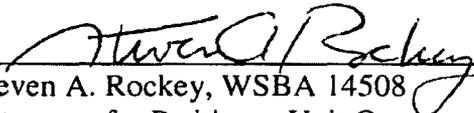
On one other aspect of the *amicus* submission,<sup>1</sup> the statement in Barclay Court's Owner Association's memorandum that "unlike in the Filmore case, the plaintiff purchased her unit with notice of the rental cap," should not be taken to mean that Filmore LLLP lacked notice that the proposed Twelfth Amendment to the Centre Pointe Condominium Declaration was being submitted to unit owners for a vote in 2011. The record shows such notice was provide to Filmore. CP 250. Filmore owned a development right at the time, having earlier purchased it out of foreclosure, CP 105 & 142, but did not take out a construction loan until after the Twelfth Amendment was recorded. CP 145 & 251. *See also* Appellant's Reply Brief to the Court of Appeals at 3-4.

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<sup>1</sup> Amended *Amicus Curiae* Memoranda by Barclay Court Owners Ass'n at 4.

RESPECTFULLY SUBMITTED this 5<sup>th</sup> day of February, 2015.

ROCKEY STRATTON, P.S.

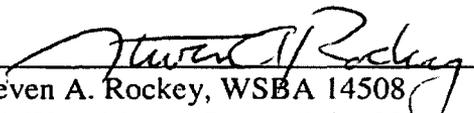
  
Steven A. Rockey, WSBA 14508  
Attorneys for Petitioner Unit Owners  
Association of Centre Pointe  
Condominium

**CERTIFICATE OF SERVICE**

I certify that service of a copy of the foregoing document to which this certificate is attached is being made on the 5<sup>th</sup> day of February, 2015 by (a) sending same electronically, via email, to the attorneys/parties of record for Respondent Filmore LLLP and *amicus curiae* Community Association Institute and Board of Court Owners Association in this case and (b) mailing same via the United States Postal Service to the attorneys/parties of record in this case, first class postage prepaid.

DATED this 5<sup>th</sup> day of February, 2015.

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**To:** Steven Rockey  
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**From:** Steven Rockey [mailto:SteveR@erslaw.com]  
**Sent:** Thursday, February 05, 2015 12:37 PM  
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Office of the Clerk of the Court  
Supreme Court of the State of Washington  
Temple of Justice  
Olympia , WA 98504-0929

Dear Sir or Madam:

By this email, I submit for filing the attached Answer by Petitioner/Appellant Unit Owners Association Of Centre Pointe Condominium to *Amicus Curiae* Memoranda. The Case is No. 90879-6, captioned Filmore LLLP, Respondent/Appellee, v. Unit Owners Association of Centre Pointe Condominium, Petitioner/Appellant. My WSBA number is 14508, and telephone number and email address are 206-223-1688 and [SteveR@erslaw.com](mailto:SteveR@erslaw.com) . Thank you for your assistance.

Sincerely,

**Steven A. Rockey**  
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