



**Canyon Lakes Property Owners Association  
Board Meeting  
December 9, 2025**

The meeting was called to order at 6:30 p.m. by Rick Burr at The Villas Clubhouse in Canyon Lakes.

Anne Eerkes took a roll call.

**Attendance:** Patty Kopp, Rick Burr, Paul Roberts, Emma Mercado, Alicia Mercado, Doug Hester, Karla Palmer, Anne Eerkes, Devin Lundstrom.

**Not in Attendance:** Jack Lynch and Scott Snyder.

**Meeting:** Rick Burr welcomed everyone. Rick asked if there were any changes or edits to the agenda. Paul Roberts had an edit to the agenda; he would like to add a discussion of the protocol for assessment due dates. Patty Kopp made a motion to approve the agenda; Anne Eerkes seconded the motion. (8) approved, (0) opposed, (0) abstained. Doug Hester arrived after the vote.

Patty Kopp made a motion to approve the minutes; Paul Roberts seconded the motion. (8) approved, (0) opposed, (0) abstained. Doug Hester arrived after the vote.

**Visitors:** Patricia Irving, Jeff Jacobs, Craig Liebler, Matt Purcell, Shirley Martin and Ron Kramer. Homeowner Michelle Kiesecker attended via Teams.

**President's Report:** A report was submitted. Rick Burr stated he has spent a lot of time talking with homeowners regarding "neighbor-to-neighbor" disputes. He feels like most of those have been resolved and will not be going to court. Rick let the Board know that he has continued removing the advertisement signs that are being placed around Canyon Lakes Drive. He retrieved 11 more signs and contacted the phone numbers listed to advise them that the signs are not allowed to be placed in the neighborhood. Rick stated he has also been actively recruiting potential board members for next year, and it looks like there are quite a few candidates interested.

**Vice President's Report:** A report was submitted. Patty Kopp stated that there were (12) people that attended the Board's holiday social that she hosted at her home. It was a lovely time had by all.

**Treasurer's Report:** A report was not submitted. Paul Roberts stated that the treasurer's report will be late as there was a delay with the bank statements for November due to the acquisition between HAPO and Community First Bank. He will submit the reports to the Board later this week.

**Secretary's Report:** A report was submitted. There was no discussion.

**Manager's Report:** A report was submitted. Devin Lundstrom stated that she spoke with Matt Mandell, the manager at Canyon Lakes Golf Course, and the Canyon Lakes Golf Course Clubhouse has been reserved for the annual meeting in February.

**ARC Committee Report:** A report was submitted. Paul Roberts stated the committee is still looking to add another member. Also, there seems to be an issue with missing ARC signs. Rick stated that they took inventory and there are (4) ARC signs unaccounted for.

**Communications Committee Report:** A report was submitted. Anne stated that the fall newsletter had been mailed out, and homeowners should have received it by now. Included in the newsletter was the Neighborhood Traffic Concerns Survey for homeowners to complete and mail or email the office.

**CC&R Committee Report:** A report was submitted. Emma Mercado stated that the CC&R committee continues to drive the neighborhood by reporting violations to the manager, Devin Lundstrom. There were (64) friendly reminder cards, (5) violation letters, and (1) certified letter mailed last month.

**Landscaping Committee Report:** A report was submitted. Karla Palmer stated that this is the last month that Heritage Landscaping has completed fall clean-up. Patty Kopp stated that she and Karla Palmer met with Mac's Garden Center, and they gave an estimate for the plants that will be planted along Ely Street. The plants will mainly be grasses and spirea, along with the additional plants that mimic the existing monument plantings to tie the old landscaping with the new. The discount will be honored if the plants are paid for before the end of the year, and Mac's has agreed to store the plants until they are ready to be planted next spring. The plan is to have the masonry wall completed and the plants planted prior to the irrigation coming on in mid-April 2026.

**Long-Range Planning Committee Report:** A report was submitted. Doug Hester stated that he has been working on the Rules and Regulation Fining System, and this will be a bigger project than anticipated. Doug will continue working on this after the new year.

The bids came in for the masonry wall, and Doug has shared those with the Board. The gazebo at Volunteer Park has been repainted by Todd Sprong; however, Doug is not satisfied with two coats and thinks more may be needed. There has been no invoice submitted, and Todd Sprong worked directly with Jack Lynch. Devin Lundstrom stated she would reach out to Jack for an update.

Doug stated that Frontier Fence has committed to building the gate at the Flag Lot off Volland Street. This should be completed by the end of this year.

Doug has contacted KID (Kennewick Irrigation District), notifying them that the masonry wall project is complete at the canal on 36<sup>th</sup> and Ely Street. It is now the responsibility of KID (Kennewick Irrigation District) to install the gate. There is no timeline for when this will be completed.

Doug obtained a single bid for the walkway repair at Volunteer Park. The bid comes in around \$10,000 for repairs and topcoat sealant. Due to the weather, this will probably have to wait until spring 2026. Doug requested bids from (6) companies and obtained bids from (3) for the masonry fence on Ely Street. The highest bid came in from Rick's Custom Fencing for \$54,091, and the lowest bid was from KBG Masonry for \$32,700. This would include the removal of the old composite fence and installation of a new masonry fence.

Paul Roberts asked about a utility vault that was previously mentioned as potentially needing to be moved. Doug Hester stated he was aware of the vault and would address that with the contractor. Patty Kopp asked when the masonry fence would be completed, and Karla Palmer requested it to be completed by the end of February 2026. This will allow time for the new plants to be planted prior to the irrigation water coming on.

**CC&R Revision Committee Report:** No report was submitted. CC&R Revision Sub-Committee member Patricia Irving stated that the website portal generated several comments. There were (29) comments submitted, and another (16) comments that were emailed. Patricia mentioned that these comments will

go to our attorney in Seattle for legal review, and each comment submitted by homeowners will then be responded to. Patricia presented a review sheet for the Board, and there was a discussion amongst the Board and visitors going over the following sections: Section 1, Section 3, Section 6.2, Section 7.2, Section 7.4, Section 7.5(g), Section 7.8.3, and Section 11. (See the review sheet attached.)

Homeowner Craig Liebler spoke and shared his opinions on certain sections of the revisions. Patricia Irving reiterated that the comments will be reviewed by the Board's legal counsel and then the Board will make the revisions accordingly.

Homeowner Michelle Kiesecker spoke via the OWL on Teams. Michelle had concerns regarding section 6.2 regarding rules and regulations and the preservation of the covenant. This allows homeowners to trim trees that obstruct a view and prohibit trees from being planted that would obstruct a view. Currently, there is nothing in our CC&Rs about this covenant. Michelle spoke about her personal experience with purchasing a property with a view and not reviewing the HOA rules first. There are trees blocking her skyline view, and there is no current HOA Rule that allows her to trim those trees. She is requesting this to be considered in the revision.

Homeowner Matt Purcell asked if there was currently a way for homeowners to vote electronically. Matt stated there are programs available that could be used to accomplish this.

**Traffic Calming Committee Report:** A report was submitted. Karla Palmer stated that there were a handful of homeowners who completed the traffic calming survey. The committee will be meeting after the first of the year to discuss the results. Karla would like to see several more surveys returned in the meantime. Anne Eerkes will put a link on the Facebook page, and Devin Lundstrom will add it to the website for homeowners who are interested in completing the survey.

**Welcome Committee Report:** A report was submitted. Alicia Mercado stated that there were (11) new homeowners reported and that she and Emma Mercado were able to deliver to a few and would attempt to deliver the remaining this weekend.

**New Business:** Devin Lundstrom gave an update on the proposal from Canyon Lakes Golf Course to install signage at the entrance on 27<sup>th</sup> and Olson Street. The proposal is for a new sign on the monument that will include the golf course and also Golf Universe. Once more details are received, Devin will forward them to the Board. Patricia Kopp mentioned that this may be a good opportunity to negotiate with the golf course on other concerns, such as parking on CLPOA property along the canal. Board members are encouraged to email Patty Kopp with additional concerns. Doug Hester mentioned Volunteer Park and the board doing something to use the property. He states there is all that property, and it is not being used. Options such as a playground, pickleball courts, or overflow parking were all mentioned.

Craig Liebler presented and read a letter to the Board. Craig read aloud to the Board a letter he refers to as his "Final Analysis". This is in regard to communications between The Villas at Canyon Lakes POA and Canyon Lakes Property Owners Association regarding the use of funds for streetlight repair and enhancement, road sealing, and minor resurfacing. Craig Liebler presented his letter and would like to invite the CLPOA Board to join in a discussion with The Villas POA to discuss further long-term considerations. (See a copy of the letter attached).

Homeowner Shirley Martin spoke about an issue with the trees along the golf course and her property line. There are several dead trees with broken branches that continue to break and blow into her

backyard, causing severe damage to her landscaping. She states she has reached out to the golf course several times, and nothing has been done to address her concerns. Patty Kopp and Karla Palmer asked Shirley to please email the CLPOA office with her concerns and previous correspondence. The landscaping committee will approach the issue with the golf course on her behalf.

Rick Burr made a motion to adjourn the meeting. Emma Mercado seconded the motion. (9) approved, (0) opposed, (0) abstained.

The meeting was adjourned at 8:25 p.m.

I am here tonight as a continuation of my quest to receive a response to my inquiries presented in a document which I have referred to as my "Final Analysis".

This all began in September 2019 when I first moved to a new home at 3907 W 36<sup>th</sup> purported to be within the Canyon Lakes Community, more specifically the Villas at Canyon Lake.

At that time Mr. Glen Gaboury, the President of the Villas Home Association, an entity created by the Developer, asked if I would review a matter, he had been addressing with the Canyon Lakes Property Owners Association concerning streets and streetlights in the Villas.

Mr. Gaboury shared that he had attended numerous CLPOA Board meetings asking for assistance. He was concerned that he had received no feedback or other communication respecting his requests. I suggested he reduce his requests to writing for clarity and record purposes. He did so. Still no response until he went directly to the then CLPOA manager who indicated that the CLPOA attorney would respond. 6 months later a response was forwarded to Mr. Gaboury. It was essentially unresponsive to his questions. He again asked for a proper response. Again, a few months later, another response was sent to him, but just as the first response, this one did not address the issues either.

It is now the end of Mr. Gaboury's term and the Board members of both the Villas and CLPOA changed. At this point I undertook the task, Pro Se. Having researched and reviewed what documents and minutes were available since the late 1970's, I developed and presented my Final Analysis to the CLPOA Board on July 12, 2022.

Since July 2022 I have repeatedly sought to meet with the Board to answer any questions they may have and share my research. I even suggested they do so in executive session, with counsel.

A few months later I did meet with the then Manager, the then President of the CLPOA, and a member of the CLPOA's attorney group at the attorney's office. After about 2 or 3 hours we exchanged thoughts and questions and opinions. At the conclusion of that meeting, I felt we were 90% there towards a compromise agreement. In March of 2023 I sent to the CLPOA attorney a draft agreement. By this time, again, the Board had changed as well as the Manager. I do not know if any information was given to the Board at that time or not.

Now we have the pandemic. The pandemic related delays did not permit much other communications.

When the pandemic was essentially over, I again, thru CLPOA counsel, requested that I meet with the Board to address any questions or concerns they had, since at that time (and up to today too) I am the only person with the collective research and knowledge to render opinions on why we are at where we are today. I was told by the then Board President that I could not talk to the Board only he.

We are now in 2024. Another Board member asked me if I ever had a response to my initial inquiry. I said no, and this Board member suggested I again ask to go before the whole Board. I told the CLPOA attorney, as a matter of courtesy, that I intended to do so, and he said he would get with his client and arrange a meeting. I waited.

Finally, I received a call asking if a few members of the Board could meet with me at my home and if the then President of the Villas could attend. I contacted the Villas President, Mr. Gary Hall, who advised he was available. I relayed this information via e mail to the

CLPOA Board member, asking for a date and the number of Board members I could anticipate. Hearing nothing I sent another e mail. I believe this was sometime in June of 2024.

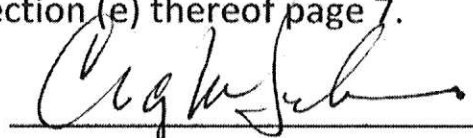
The next thing I heard was that this Board member had called Mr. Hall and advised that he would no longer talk to me, but only to Mr. Hall. He also purportedly told Mr. Hall that he could only talk to him and not to any other Board member either. I also understood that this Board member promised a letter from CLPOA counsel would be sent to Mr. Hall. After receiving nothing from the CLPOA counsel, and after Mr. Hall's further inquiry, this CLPOA Board member said that he would send the letter. Nothing ever came and as far as I am aware, no further communication occurred.

Now it is 2025, and again new Board members (and manager?) for the CLPOA and the Villas. I again, via communication with the current CLPOA manager (February 28, 2025), asked for an opportunity to visit with the CLPOA Board regarding my Final Analysis presentation, and asked that that correspondence be shared with the CLPOA Board. The CLPOA manager has advised that she did so.

Having heard nothing, it brings me here tonight to change my request from an informal one to a formal one.

I hereby request formal mediation of these issues as provided, authorized, and directed by the 2009 CLPOA CC&R 6.3 and 11.1 and the Rules and Regulations of the Community of Canyon Lakes (2.29.24) Guidelines page 5, and sub section (e) thereof page 7.

December 9, 2025

  
Craig Liebler

## THE FINAL ANALYSIS Presented July 12, 2022

In September 2019, when I moved into the Canyon Lake Villas, I was asked by the then President of the Villas Home Owners Association (VHOA) to review and analyze some issues he found with the Villas CC&R's and the master CC&Rs for the Canyon Lakes Communities and the Canyon Lakes Property Owners Association (CLPOA). The primary issue was and remains the interpretation and application of Section 1 Definitions sub paragraphs 1.4, 1.13 (now 1.10), sub paragraphs sections 4.3 and 4.4, original sub paragraph Section 6 (a), and Section 7.6 (a) and original (f) of The Master Declaration of Covenants, Conditions and Restrictions For The Community of Canyon Lakes (November 1981) and as amended in December 1981, April 1994, April 1998 (renumbering 7.6 to 7.7), and June 2009 (renumbering 7.7 back to 7.6). Other than renumbering, the wording of the November 1981 provisions did not change. Each relevant Section and sub paragraph referenced above is set out below (Emphasis mine)

### Section 1. Definitions.

1.4 "Common Area" shall mean any area which is designated as such...in the **plat** of any portion of the Property. (See 1.11 which generally includes the Villas I, II and III as Property)

1.10 "Private Way" shall mean any area which is designated as such...in the **plat** of any portion of the Property. (See 1.11)

1.12 (original 1.15) "Resident" shall mean **any** person who is a Unit Owner ..., together with members of his or her immediate family...

### Section 4. Land Classification and Uses within the Property.

4.3 Common Areas. ...each **Resident** is hereby granted a nonexclusive easement to use the Common Areas for such recreational purposes or **other purposes**....as may be permitted by the Community Rules and Regulations.

4.4 Private Ways. Each **Resident** is hereby granted a nonexclusive easement to use all Private Ways for the purposes of **walking thereon or traveling thereon** by appropriate authorized means.

### Original (1981) Section 6. Community Rules and Regulations.

...Community Rules and Regulations may, among other things, provide for any of the following:

- (a) For speed and other traffic controls, safety patrols, parking controls and restrictions upon the type of vehicles which may use Private Ways.

### Section 7. Assessments.

7.6 Use of Assessment Funds. The Board **shall** keep the monies which it may collect from assessments, together with all other monies which it is required to add to the assessment funds pursuant to the provisions hereof or of any applicable Supplemental Declaration, in a separate fund to be called the "assessment fund" and **shall use** the monies in the assessment fund **only** for the following purposes:

- (a) **Payment of the costs of maintaining and developing (i) Common Areas, (ii) Private Ways (including streetlights, entrances, mailboxes, paper receptacles and signs).**

**Original (f) Payment to a Local Association of costs incurred in the performance of any obligation of the Board or the Association which has been delegated to any Local Association.**

As a bona fide purchaser for value (BPFV) I take my property subject to only those matters properly of record in the Benton County Auditor's office, and am not bound by, or have legal notice of, any other encumbrance, condition, covenant or restriction not of record. Therefore, I began my analysis by collecting all the information I could from a variety of sources. I have reviewed the available minutes of the VHOA meetings, the CLPOA meetings 2008 – 2020 (minutes pre dating 2008 are not available to anyone according to Mrs. Landefeld), deeds, plats, and other documents of record. I have communicated with the City of Kennewick planning department, the Benton Franklin Title Company, the Benton County Auditor, the Benton County Assessor, some past and present members of the VHOA and the CLPOA, and Mrs. Landefeld, a CLPOA member and its manager. My heartfelt thanks to Mrs. Landefeld for her response to my requests for information and documents. **NOTHING** which follows is intended to reflect poorly on Mrs. Landefeld, for I feel she has done an incredible job all these years for the CLPOA and deserves the highest "kudos" (a Navy term for jobs well done and missions successfully completed). Because of her contributions and cooperation, I developed a large map of the Canyon Lakes Community, identifying each of the 51 plats within the Canyon Lakes Community, and including the "common" areas in each. The map also includes The Village at Canyon Lakes, which **never was and is not now** a part of the Canyon Lakes Community, and Ridgeline, a former part now divorced from the Canyon Lakes Community. A copy of this map and supporting plat copies has been given to Mrs. Landefeld for her files and records.

**Villas Common Areas Per Plats**

Canyon Lake Villas (Phase One and Alteration 1988). "Tracts A" (also called) "Private Road" (and by definition above a Private Way available to all Community Residents and an entrance), "B and C are common space with ownership controlled by Canyon Lake Villas Homeowners Association".

Note Surveyor John A. Ballman. Note Dedication by Thompson, Wittkopfs and Westermeyers Partner Developers at this time and eventual Villas Unit owners and members of VHOA and CLPOA members.

Tract B is now a small paved area SW and outside of the gate, and Tract C is the grass area just inside the gate to the NE.

Canyon Lake Villas Phase Two (1989). "Tract A is to be used (for common access for lots 9,10,11, &12." "Tract B... Private Street" (is a continuation of Villas Phase One Tract A).

Note different Surveyor David Christensen (different terminology). Dedicated by same parties.

Canyon Lake Villas Phase Three (1991). "Tract B Private Street "(another continuation of Phase One Tract A and Phase Two Tract B). "Tract D Community Space "(Villas Recreational Pool Facility). "Tract E Community Space "(adjacent to Mr. Tim Doyle's Lot 26, "Tract F Community Space "(leading to Canyon Lakes Golf Course Tee # 1 between lots 13 and 14.

Surveyor David Christensen, Dedicated by same parties.

#### Villas Common Areas by Deed.

This is very confusing for a lot of reasons I will discuss later, but by date here goes.

June 1995 Quit Claim Deed (QCD) Canyon Lake Villas Partnership (CLVP) to Canyon Lake Villas Homeowners Association (VHOA) Tract A and B Canyon Lake Villas Phase Two.

June 1995 QCD CLVP to VHOA Tract D and F Canyon Lake Villas Phase Three.

June 5 1995 QCD CLVP to VHOA Tract A, Plat Alteration of Canyon Lake Villas. (Phase One)

June 5 1995 QCD CLVP to VHOA Tract B Canyon Lake Villas Phase Three

\* October 1995 QCD CLVP to Canyon Lakes Property Owners Association (CLPOA) Tract E, Canyon Lake Villas, Phase Three.

October 1995 QCD CLVP to VHOA Tract B and Tract C, Plat Alteration of Canyon Lake Villas. (Phase One)

It was, and is not uncommon for Developers to maintain control of their respective developments until essentially completed by selling or completing construction on a certain percentage (%) of lots. At this time HOA's are usually incorporated and common properties deeded to the HOA's. This is what probably happened when the Villas Phases were done, and the above represents the transfer of the common areas/spaces/tracts to the Villas Homeowners Association. Why Tract E of Phase Three went to the CLPOA is probably an oversight or typo by the drafters of the deed. I found no information in either the minutes of the CLPOA or VHOA to explain otherwise. I think the Villas Homeowners Association and the Canyon Lakes Property Owners Association were both incorporated at the same time. (VHOA April 1994 and CLPOA May 1994). That the Developers/CLVP, their initial plans being overtaken by events, did not catch this is not surprising either, as I will discuss later.

From the CLPOA minutes I understand the new Manager in 2007 or 2008, recognizing that some common areas had not been deeded to the CLPOA by some Developers, began to try and get the missing properties properly to the CLPOA. The minutes show at this time a member of and President of the VHOA was also on the CLPOA Board, and may also have been an officer. In any case the CLPOA had its attorney (Walker Heye & Meehan, PLLC) prepare a QCD (**2008**) for the Villas to transfer **all** of the Villas areas (except Tract E of Phase Three), including the recreational facility/pool, to the CLPOA. This deed (except Tract E Phase 3) was executed by the then president of the VHOA and recorded.

All is well, for there had been no real change. Pursuant to the 1981 CC&R's the CLPOA had managed the Villas Common Areas (with the potential exception of the road and streetlights and the recreational facility/pool)) from the CLPOA member assessments (including the Villas) since the incorporation of the CLPOA. The VHOA had always managed and maintained its recreational facility (as contemplated by the 1981 + CC&R's) out of the VHOA assessments.

In 2011 or 12 a Board Member and (new?) treasurer of the VHOA, became concerned that the Villas was not receiving property tax statements concerning the pool property. The VHOA minutes indicate that he discovered the 2008 deed. Apparently (from hearsay by an original member of the Villas) there

had been a dispute with other CLPOA members about use of the pool and that it was not available to all CLPOA members, but just the Villas. This misunderstanding was eventually clarified by a reading of the CC&R's as to private recreational facilities (and perhaps by the Developer, who was a resident of the Villas at that time). This issue arose prior to 2007 and the availability of CLPOA minutes, but there are hints in the Villas HOA minutes and CLPOA minutes post 2007 that this issue has festered ill feelings and wrong assumptions between the two HOA's.

In any case the CLPOA had its same attorney (Walker Heye & Meehan, PLLC) draft and present another QCD (2012) transferring the properties previously transferred to the CLPOA back to the VHOA, but this time including Tract E of Phase Three. Nothing changed. The Villas still paid CLPOA assessments and the CLPOA kept managing the Villas Common Areas/Spaces, except, of course, the Villas recreational facilities (pool). Neither of these two deeds expressed any conditions, understandings, or agreements changing the obligations, rights, duties or expectation of the parties contained in the original 1981 CC&R's or any amendments thereto thru 2009, or any plats. And none affecting a Bona Fide Purchaser for Value of any Unit in the Villas or other Canyon Lakes area.

Both, the minutes of the CLPOA and the VHOA are sketchy for rarely are there motions or resolutions about actual decisions the Boards have made. The CLPOA minutes are better than the VHOA, at least up to 2020. I have not reviewed either past 2020, but my review contained nothing notable, and certainly nothing recorded imparting notice to a bona fide purchaser for value.

#### Rules of Construction

As a Bona Fide Purchaser for Value, I along with others, take only subject to what is properly of record. Another rule of construction is that parole (oral) testimony or hearsay, is not admissible or relevant to change or interpret the writings, and if the writings are ambiguous, then those writings or the ambiguity is construed against the drafter, in this case against the developer drafter of the 1981 CC&R's and the drafters of any amendments thereto, and in favor of bona fide purchasers for value. (I have an idea as to why and how we got here. Much of it caused by events over time adversely affecting the Developer, resulting in a failure to coordinate and successfully complete his initial goals and plans). At this point, however, that is irrelevant. **It is crystal clear to me that Streetlights and Common Areas/Community Spaces, Private Ways, explicit as such, and/or roads/streets by definition, and other items within the Villas, are clearly within the Assessment coverage and obligation of the CLPOA assessment fund.**

There has been a discussion between the CLPOA manager and the VHOA President, with contributions and responses from both Mr. Craig Walker, the CLPOA attorney and myself, pro se, as a bona fide purchaser for value. The former Villas president has been replaced and I am pursuing these issues pro se and not as any agent or representative of the VHOA at this time. I hope the CLPOA manager has already, or will soon provide each CLPOA Board Member a copy of these discussions and responses.

Once I can resolve my issues, we can approach a reconciliation and invite the VHOA to join a discussion concerning the reimbursement to the Villas HOA of recent funds expended for the streetlight repair and enhancement, the road sealing and minor surfacing, and start discussions about future long-term considerations.

Thank You for the opportunity to present this to you. Please file with your minutes. Craig Liebler