

Superior Court of the State of Washington

Hon. Jennifer Slattery Dept. 5
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**Whatcom County
Courthouse**
311 Grand Avenue, Suite 501
Bellingham, Washington
98225

**Judge's Chambers and Courtroom
on 2nd floor**

March 18, 2026

RE: MJ Management vs. Karen Kelly, 25-2-02688-37

Counsel,

The court is entering separately an Order Granting Plaintiff's Motion for Summary Judgment based on the following decision:

1. Defendant's arguments focus on disputing conclusions of law that support MJ Management's request for summary judgment. No evidence raising a genuine issue of material fact was provided by Defendant. As such, the court finds that there is no genuine issue of material fact in this matter.
2. The court makes the following conclusions of law based on the undisputed facts and the evidence submitted by both parties:
 - a. The owners of units within the Island Green Commons Condominium are subject to the Homestead Master Declaration of Covenants, Conditions, Restrictions and Reservations (the "CC&Rs") because the Condominium is located within the Homestead PRD property as described by the phasing document, the Fifth Amendment to Master Declaration of Covenants, Conditions, Restrictions and Reservations for Homestead, a Planned Residential Development (the "Fifth Amendment phasing document") recorded in Whatcom County in May 1995 under file no. 950621156. The Island Green Commons Condominium Declaration, including surveys and maps, was filed and recorded by Homestead Northwest Inc. on September 2, 2005 (file no. 2050900348) and the 2nd Amendment on May 5, 2006 (file no. 2060501051). These recorded documents show that the Island Greens Common Condominium is located within the Homestead PRD property described in the Fifth Amendment phasing document. Further, the Island Green Commons Condominium and its units are a "residential platted area" subject to the CC&Rs under the Fifth Amendment phasing document because the units are for residential use and the recorded maps and surveys legally describe and map the area occupied by the Island Green Commons Condominium.
 - b. The CC&Rs require parcel owners (which by definition include owners of condominium units within Homestead PRD's property) to pay maintenance fees to the Declarant in exchange for the parcel owners' use of the Common Open Space. As such, Karen Kelly, a condominium unit owner of Island Green

Commons Condominium has a duty to pay maintenance fees to the Declarant under the CC&Rs.

c. There was no evidence to dispute Mr. O'Bryan's testimony that 18 Paradise and MJ Management agreed that MJ Management was assigned the right to collect maintenance fees from parcel owners who are subject to the CC&Rs for the period of time of January 1, 2018 through May 31, 2023. MJ Management and 18 Paradise's agreements (the Management and Lease Agreement and Agreement RE: Processing and Collection of Maintenance Fees) and the court's order in Hillius v. 18 Paradise, 20-2-00701-37, are not inconsistent with Mr. O'Bryan's testimony. MJ Management, as such, has the right to collect maintenance fees owing by parcel owners who are subject to the CC&Rs incurred for the time period of January 1, 2018 through May 31, 2023.

d. Karen Kelly has breached her duty to pay the maintenance fees required by the CC&Rs, which are to be paid to MJ Management for the time period of January 1, 2018 to May 31, 2023 by agreement of MJ Management and the Declarant, 18 Paradise.

e. MJ Management suffered damages as a result of Defendant's Kelly's breach of the duty to pay maintenance fees, in the amount requested by MJ Management, and that amount was undisputed by Defendant Kelly. The CC&Rs require the parcel owner to pay attorney fees incurred as a result of a breach of duty. MJ Management is entitled to an award of reasonable attorney fees and costs.

Based on the above, the court finds that there is no genuine issue of material fact and that Plaintiff is entitled to judgment as a matter of law. The Plaintiff's Motion for Summary Judgment is granted as set forth in the enclosed Order.

Within 14 days of today's date, Plaintiff shall file a Lodestar declaration of attorney fees and costs and shall note a motion for determination of the award of reasonable attorney fees and costs.

Sincerely,



Judge Jennifer Slattery

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**IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM**

MJ MANAGEMENT, a Washington Limited
Liability Company,

Plaintiff,

and

KAREN KELLY, an individual,

Defendant.

No. 25-2-02688-37

ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT

**ORDER GRANTING PLAINTIFF'S
MOTION FOR SUMMARY JUDGMENT**

This matter came before the court on MJ Management's Motion for Summary Judgment. The court heard oral argument at a hearing on February 26, 2026. The court reviewed the following:

1. Summons and Complaint filed on December 1, 2025;
2. MJ Management's Motion for Summary Judgment;
3. Declaration of Ian Ducey in Support of MJ Management's Motion for Summary Judgment;
4. Declaration of William "Mick" O'Bryan in Support of MJ Management's Motion for Summary Judgment;
5. Declaration of Jody Riegler in Support of MJ Management's Motion for Summary Judgment;
6. Response to Motion for Summary Judgment;

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- 7. Declaration of Matthew Davis in Support of Response to Motion for Summary Judgment;
- 8. MJ's Reply in Support of MJ's Motion for Summary Judgment; and
- 9. Declaration of Ian Ducey in Support of MJ Management's Reply to MJ's Motion for Summary Judgment.

Based on the argument of counsel and the pleadings reviewed by the court, the COURT FINDS:

There is no genuine issue of material fact and as a matter of law, the Plaintiff is entitled to it's request for relief including an award of reasonable attorney fees incurred.

NOW THEREFORE IT IS ORDERED,
The Plaintiff's Motion for Summary Judgment is GRANTED.

Dated: 3/18/2026



Judge/Commissioner

JENNIFER SLATTERY