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CHARLES G. RHODES

BY HE22 DEPUTY

## IN THE SUPERIOR COURT OF WASHINGTON

#### IN AND FOR THE COUNTY OF MASON

STAR LAKE COMMUNITY CLUB, a Washington non-profit corporation,

#### Plaintiff,

-vs-

CESAR VARELA AND JANE DOE VARELA, each presumptively subject to the community interest of a spouse/registered domestic partners,

No.

25-2-00358-23

# COMPLAINT FOR DAMAGES AND LIEN FORECLOSURE

25 – 2 – 00358 – 23 CMP 3 Complaint 18972337



#### Defendants.

COMES NOW the plaintiff, Star Lake Community Club, a Washington non-profit corporation, by and through its attorney of record, Bryce H. Dille, of Dille Law, PLLC, and for cause of action alleges as follows:

#### I. PARTIES AND JURISDICTION

- 1.1 The Plaintiff is a duly licensed Washington non-profit corporation which conducts its business in Mason County, Washington.
- 1.2 The Defendants, Cesar Varela and Jane Doe Varela, are the owners of the real property subject to the Plaintiff's lien as alleged herein.

# ORIGINAL

DILLE LAW, PLLC

1800 Cooper Point Rd SW Bldg 11 Olympia, Washington 98502 Phone: (360) 350-0270 Email: bryce@dillelaw.com

1.3 The real property subject to the Plaintiff's lien herein is located in Mason County, Washington.

#### II. FACTUAL ALLEGATIONS

- 2.1 The Plaintiff realleges the preceding paragraphs of this pleading.
- 2.2 The Defendants, Cesar Varela and Jane Doe Varela, are the owners of certain real property (the "property") legally described as follows:

Lot Ninety Three (93), Star Lake No. 1, Volume 5 of Plats, page 105, records of Mason County, Washington.

The common address of the property 100 W Prairie Loop Road, Elma, WA 98541.

- 2.3 Under Mason County Auditor's No. 194-4525, the plaintiff caused to be recorded the bylaws of Star Lake Community Club (the "Bylaws"). The Bylaws is binding upon Defendant's real property.
- 2.4 The Bylaws provides for the assessment of fees, together with interest, costs, and attorney's fees, and for imposition of a lien on the real property for past due assessments, including interest, and all costs incurred incident to collection, including attorney's fees. The Bylaws further provides that the association has a lien on the property for any unpaid assessments and assessment of late fees levied against a lot from the time the assessment is due. Recording of the Bylaws constitutes record notice and perfection of the lien. The lien arising out of the Bylaws may be foreclosed judicially, and is also a personal obligation of the property owner.
- 2.5 On November 9, 2023, the Plaintiff caused to be recorded a lien under Mason County Auditor's No. 2204320 based upon Defendant's failure to pay owner's assessments when due. Although continued requests for payment have been made, the defendant has failed and

DILLE LAW, PLLC 1800 Cooper Point Rd SW Bldg 11 Olympia, Washington 98502 Phone: (360) 350-0270 Email: bryce@dillelaw.com

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refused to pay assessments and assessment of fines. The total amount due to the Plaintiff from the Defendant as of the date of filing this lawsuit is \$4,345.32, including attorney's fees and costs related to the lien, but not including fees and costs related to this lawsuit, a copy of the lien of which is attached hereto as **Exhibit A**.

#### III. CAUSE OF ACTION - DAMAGES AND FORECLOSURE

- 3.1 The Plaintiff realleges the preceding paragraphs of this pleading.
- 3.2 The Plaintiff is entitled to foreclose upon its lien in the manner prescribed for the judicial foreclosure of a mortgage, including obtaining an order of sale of the property subject to the lien. Pursuant to RCW 6.13, et seq., the Defendant was notified that he is not entitled to the homestead exemption on and notice as required by RCW64.38 was sent to Defendants on November 9, 2023 and May 28, 2025, a copy of that correspondence is attached hereto as **Exhibit B**.
- 3.3 The Plaintiff is further entitled to a determination of the rank of the liens or class of liens recorded against the property at issue and have the proceeds of the sale of this real property applied to each lien, or class of liens, in order of its rank, pro-rata, among each lien claimant in each separate priority class, where applicable.
- 3.4 The Plaintiff is entitled to a judgment for monetary damages as against Defendant for assessments due, plus interest, lien fees, and attorney's fees and costs.
- 3.5 In the event of foreclosure and the sale of the home at a foreclosure sale, the purchaser at such sale is entitled to immediate possession of the home.

IV. RELIEF REQUESTED

WHEREFORE, the Plaintiff, Star Lake Community Club, having stated its claim, hereby requests the following relief:

- A. <u>Monetary Judgment</u>. Judgment be awarded against the defendant in the amount of \$4,345.32 for past due assessments, assessment of fines, fees, interest, attorney's fees and costs, plus any assessments, fees, interest, and attorney's fees and costs which become due before entry of the judgment, together with interest charged at the rate of twelve (12%) percent per annum thereon from the time of judgment.
- B. Foreclosure. Plaintiff's lien be declared a valid lien upon the real property described herein, exempt from homestead protection under RCW 6.13.080; and Plaintiff's lien be foreclosed and the property covered thereby be sold at foreclosure sale in the manner provided by law, and the proceeds thereof applied on said judgment and increased interest and such additional amounts as the plaintiff may advance for taxes, assessments, municipal charges, and such other items as may be constitute liens upon the property, together with insurance and repairs necessary to prevent the impairment of the security, together with interest thereon from the date of payment.
- C. <u>Foreclosure of Defendant's Rights</u>. By such foreclosure and sale, the rights of the Defendant and persons claiming by, through, or under them, should be adjusted inferior and subordinate to the Plaintiff's lien and be forever foreclosed.
- D. <u>Plaintiff Allowed Right to be Bidder</u>. Plaintiff be permitted to become a bidder and purchaser at the sale, and that the purchaser be entitled to the sole and exclusive possession of the home upon confirmation of sale, at which time the Plaintiff may move the court to remove the defendant from the home by any legal means.

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- E. <u>Deficiency</u>. If a deficiency remains after application of the proceeds of the foreclosure sale, execution may be issued for the deficiency against the defendant and enforced against any other property of the defendants that is not exempt from execution.
- F. <u>Purchaser Granted Possession From Date of Sale</u>. The successful bidder at the sheriff's sale be entitled to immediate possession of the home pursuant to RCW 6.23.110, and the successful bidder be permitted to take any legal action necessary to take possession of the home, including removing any person residing in the home.
- G. Other Relief. For such other and further relief as the Court may deem just and equitable.

DATED this \_\_\_\_\_day of May, 2025.

DILLE LAW, PLLC

Bryce H. Dille, WSBA #2862 Attorneys for Plaintiff

## **EXHIBIT A**

## 2204320. Mason County WA

11/09/2023 10:40:18 AM LIEN eRecorded #192453 RecFee: \$205.50 Pages: 3 BRYCE H DILLE

After Recording Return to: Bryce H. Dille of Dille Law, PLLC 2010 Caton Way SW Ste. 101 Olympia, WA 98502

#### STAR LAKE COMMUNITY CLUB, INC. ASSESSMENT LIEN

Grantor:

**CESAR VARELA** 

Grantee:

STAR LAKE COMMUNITY CLUB, INC.

Reference Numbers of Documents Assigned or Released:

Legal Description (abbreviated): Lot 93 of Star Lake Division One, Records of Mason

County, Washington

Assessor's Tax Parcel No.: 51908-50-00093

## STARLAKE COMMUNITY CLUB, INC, a Washington non-profit corporation,

Claimant,

vs.

CESAR VARELA,

Respondent.

WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. THE DEBT IS ASSUMED TO BE VALID UNLESS DEBTOR DISPUTES WITHIN THIRTY (30) DAYS AND THEN, IF DISPUTED, DEBT COLLECTOR WILL OBTAIN AND FURNISH TO DEBTOR THE VERIFICATION.

Notice is hereby given that the STAR LAKE COMMUNITY CLUB, INC., a Washington Non-Profit Corporation, pursuant to the provisions of the Bylaws that were recorded under Mason County Auditor's Recording No.1944525, and which give notice that

the Association levies an assessment lien against the following named property owner and property whose address and property description is set forth following his name. The amount of the assessment lien against said property is in the amount of \$3,040.36. In addition, the Association claims legal fees in connection with preparing and recording this lien in the amount of \$783.00 for a total assessment lien claimed of \$3,823.36, plus interest. The name of the property owner and the street address against whom said assessment lien is claimed is set forth as follows:

Name of Property Owner

Property Address

Cesar Varela

100 W Prairie Loop Rd Shelton, WA98584

This notice of claim of homeowner's dues assessment lien is executed this  $\frac{\sqrt{f}}{f}$  day of November 2023 by the undersigned on behalf of and as agent for the above referenced association.

Bryce H. Dille, Attorney for Claimant

2010 Caton Way, SW Ste. 101

Olympia, WA 985502 Telephone: 360-350-0270

STATE OF WASHINGTON )

) §

COUNTY OF THURSTON

Bryce H. Dille, being sworn, says: I am the attorney of the claimant, above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivlous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

Bryce H. Dille

Notary on Following Page

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_\_\_

day of November 2023.

**Notary Public** State of Washington

Printed Name: Kjersta Bynum

NOTARY PUBLIC State of Washington My commission expires: 05/18/2027

**EXHIBIT B** 

Brent F. Dille Bryce H. Dille Garrett Ratfield Sierra Lipson LPO



Bryce H. Dille

Bryce@DilleLaw.com

November 9, 2023

Cesar Varela 100 W. Prairie Loop Shelton, WA 98541

Re: Star Lake Community Club, Inc.

Dear Mr. Varela:

Our office has been consulted by Star Lake Community Club, Inc. I am advised that there is currently an outstanding balance of assessments and dues chargeable to your property at Star Lake Tracts through October 1, 2023 totaling \$3,823.36 (which includes \$783.00 attorney fees and costs incurred in having this letter prepared). This amount does not include charges incurred after October 1, 2023.

The previously recorded Bylaws of Star Lake expressly obligates owners to pay in a timely manner all assessments levied by the Association. Your purchase of property at Star Lake automatically requires strict compliance with all terms and conditions of the Bylaws, including those terms requiring timely payment of all assessments. Your failure to timely pay assessments in full affords Star Lake a variety of rights and remedies.

Enclosed please find a copy of the recorded lien.

Unless satisfactory arrangements are made with Star Lake Community Club, Inc. ON OR BEFORE TEN DAYS FROM RECEIPT OF THIS LETTER, for payment of all delinquent assessments and dues (including attorney fees incurred in having this letter prepared), any or all of the following remedies expressly authorized by Washington law and the Star Lake Bylaws will be pursued in seeking recovery of the common expense delinquency (including late fees, interest, costs and attorney fees):

- 1. The commencement of a judicial civil action against you.
- 2. A foreclosure of the Lien recorded against the Star Lake property.

Please make payment in the sum of \$3,823.36 payable to Star Lake Community Club, Inc. and forward the same to 1137 West Star Lake Dr., Elma, WA 98541.

#### Cesar Varela

Page 2 of 2 November 9, 2023

IF YOU ARE ABLE TO FORWARD THE ABOVE REQUESTED PAYMENT ON OR BEFORE THE DESIGNATED DEADLINE, IT IS NOT NECESSARY THAT YOU CONTACT US. SIMPLY MAKE THE CHECK PAYABLE AS INDICATED ABOVE AND FORWARD THE SAME TO THE MAILING ADDRESS ABOVE SO THAT IT IS RECEIVED BY THE DESIGNATED DEADLINE.

ON THE OTHER HAND, IF COMMUNICATION WITH OUR OFFICE IS NEEDED/DESIRED, PLEASE COMMUNICATE IN WRITING, EITHER BY MAIL OR VIA E-MAIL (i.e. to Bryce@dillelaw.com).

Also, please be advised that in the event this matter ultimately results in a foreclosure of the Association lien securing the payment of assessments and dues, pursuant to RCW 6.13.080(6), you will not be allowed to claim the homestead exemption in connection with the foreclosure of the Association lien resulting from non-payment of fees and fines.

Your immediate attention to this matter will be appreciated. I remain...

Very truly yours,

DILLE LAW, PLLC

Bryce H. Dille BHD/keb

Enclosure cc: client

FAIR DEBT COLLECTION PRACTICES ACT NOTICE. WE ARE ATTEMPTING TO COLLECT A DEBT AND ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. THE DEBT IS ASSUMED TO BE VALID UNLESS DEBTOR DISPUTES WITHIN THIRTY (30) DAYS AND THEN, IF DISPUTED, DEBT COLLECTOR WILL OBTAIN AND FURNISH TO DEBTOR THE VERIFICATION.

# THIS IS A NOTICE OF DELINQUENCY FOR PAST DUE ASSESSMENTS FROM THE HOMEOWNERS ASSOCATION TO WHICH YOUR HOME BELONGS. THIS NOTICE IS ON STEP IN A PROCESS THAT COULD RESULT IN YOUR LOSING YOUR HOME

CONTACT A HOUSING CONSELOR OR AN ATTORNEY LICENSED IN WASHINGTON NOW to assess your situation and refer you to mediation if you might benefit. DO NOT DELAY.

**BE CARFEUL** of people who claim they can help you. There are many individuals and businesses that prey upon borrowers in distress.

REFER TO THE CONTACTS BELOW for sources of assistance.

#### SEEKING ASSISTANCE

Housing counselors and legal assistance may be available at little or no cost to you. If you would like assistance in determining your rights and opportunities to keep your house, you may contact the follow:

- ◆ The statewide foreclosure hotline recommended by the Housing Finance Commission:

  Toll-free: 1-877-894-HOME (1-877-894-4663)

  <a href="https://www.dfi.wa.goviconsumers/homeownership/post">hup://www.dfi.wa.goviconsumers/homeownership/post</a> purchase counselors foreclosure e,htm
- ◆ United States Department of Housing and Urban Development:

Toll-free: 1-800-569-4287

Local counseling agencies in Washington:

http://www.hud.gov/offices/hsg/sfh/hcc/fc/index.cfm?webListAction=search&searchstate =WA&filterSvc=dfc

♦ The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys: Toll-free: 1-800-606-4819 http://nwjustice.org/what-clear

Bryce H. Dille, Attorney for

Star Lake Community Club, Inc.

### 2204320 Mason County WA

11/09/2023 10:40:18 AM LIEN eRecorded #192453 RecFee: \$205.50 Pages: 3 BRYCE H DILLE

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Grantee:

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a Washington non-profit corporation,

Claimant,

VS.

CESAR VARELA,

Respondent.

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the Association levies an assessment lien against the following named property owner and property whose address and property description is set forth following his name. The amount of the assessment lien against said property is in the amount of \$3,040.36. In addition, the Association claims legal fees in connection with preparing and recording this lien in the amount of \$783.00 for a total assessment lien claimed of \$3,823.36, plus interest. The name of the property owner and the street address against whom said assessment lien is claimed is set forth as follows:

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Olympia, WA 985502

Telephone: 360-350-0270

STATE OF WASHINGTON ) §

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Bryce H. Dille

Notary on Following Page

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of November 2023.

Notary Public
State of Washington
KJERSTA E BYNUM
LICENSE # 23020250
MY COMMISSION EXPIRES
MAY 18, 2027

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Printed Name: Kjersta Bynum

NOTARY PUBLIC State of Washington My commission expires: 05/18/2027

Brent F. Dille Bryce H. Dille Garrett Ratfield Charlie Dent, Of Counsel Sierra Lipson LPO



May 28, 2025

Bryce H. Dille

Bryce@DilleLaw.com

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Page 2 of 2 May 28, 2025

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  foreclosure e.htm
- United States Department of Housing and Urban Development:

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Local counseling agencies in Washington:

http://www.hud.gov/offices/hsg/sfh/hcc/fc/index.cfm?webListAction=search&searchstate =WA&filterSvc=dfc

• The statewide civil legal aid hotline for assistance and referrals to other housing counselors and attorneys: Toll-free: 1-800-606-4819 <a href="http://nwjustice.org/what-clear">http://nwjustice.org/what-clear</a>

Bryce H. Dille, Attorney for

Star Lake Community Club, Inc.

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Grantee:

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a Washington non-profit corporation,

Claimant,

vs.

CESAR VARELA,

Assessment Lien

Respondent.

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Bryce H. Dille, Attorney for Claimant

2010 Caton Way, SW Ste. 101

Olympia, WA 985502 Telephone: 360-350-0270

STATE OF WASHINGTON

COUNTY OF THURSTON

Bryce H. Dille, being sworn, says: I am the attorney of the claimant, above named; I have read or heard the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivlous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

Bryce H. Dille

Notary on Following Page

Assessment Lien

2204320

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of November 2023.

Notary Public
State of Washington
KJERSTA E BYNUM
LICENSE # 23020250
MY COMMISSION EXPIRES
MAY 18, 2027

Printed Name: Kjersta Bynum

NOTARY PUBLIC State of Washington My commission expires: 05/18/2027