

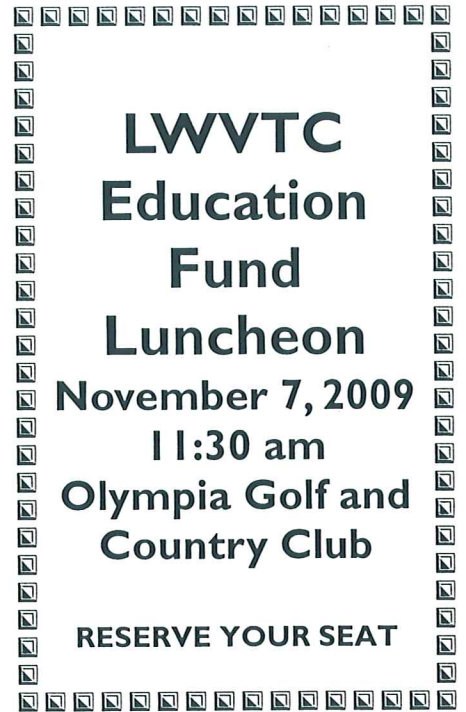
*President's Column* **Education Fund Luncheon**

The annual fundraiser luncheon is fast approaching and we hope you have plans to attend. We have 12 table captains who are making phone calls and sending out invitations. If we don't call you, pick up the phone and call us. The speaker is Dr. Peter Goldmark, Commissioner of Public Lands and his speech will be on issues important to Thurston County, including the question of whether Capital Lake should continue as a lake or be returned to an estuary. We imagine that there will be members and attendees on both sides of this issue. Some may have ecological concerns and others historical preferences and others still want to look

at the economics of the choices. What ever your position on this issue, take this opportunity to listen and ask questions of Dr Goldmark.

This luncheon is the primary fundraiser for the Education fund, the tax-deductible arm of the League. Your participation will permit the continued vitality of our programs. Besides, the location is really beautiful, the view of the Sound and Mt Rainier is just what you see on the cover of the invitation! Want an invitation? Call Zena: 360-951-8445.

*Marilyn Funk*  
LWVTC President


  
**LWVTC**  
**Education**  
**Fund**  
**Luncheon**  
**November 7, 2009**  
**11:30 am**  
**Olympia Golf and**  
**Country Club**  
  
**RESERVE YOUR SEAT**

## A reminder from our state President

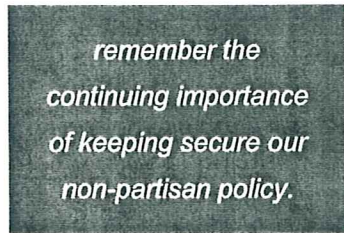
**From:** LWVWA  
[mailto:lwwwa@lwwwa.org]  
**Sent:** Friday, September 18, 2009 12:20 PM  
**To:** 'LWVWA'  
**Subject:** Non-partisan policy

TO: Local League Leaders,

As we go into yet another election season, we all need to remember the continuing importance of

keeping secure our non-partisan policy. When any of us are asked to disseminate information from coalitions and groups, we need to dig deep into exactly what is being requested and to make sure that any emails forwarded do not

contain reference to any political party or partisan candidate.



If you have any questions, please contact either Kim Abel, [kba-bel@comcast.net](mailto:kba-bel@comcast.net), (1st Vice President and Lobby Team chair) or me. Thank you.

**Linnea Hirst**  
LWVWA President

## Cool Thurston Café: Taking Action on Climate Change

**When:** Tuesday, October 27th, from 6:30 pm - 9:00 pm

**Where:** Olympia Community Center, 222 Columbia St. NW

**RSVP:** Barb Scavezze, 360-878-9901, [barb@scavezze.com](mailto:barb@scavezze.com);

Jennifer Kenny [jennifermkenny@gmail.com](mailto:jennifermkenny@gmail.com); or, [www.coolthurstoncampaign.ning.com](http://www.coolthurstoncampaign.ning.com).

Workshop runs 7-8:30, doors open 6:30-9:00 to visit information booths & enjoy refreshments, before & after workshop. Bring your own mug..

At the Café, attendees will learn how to take action on climate change by joining an EcoTeam, calculating their carbon footprint, and taking on "Cool Lifestyle Practices" and creating "Cool Household Systems" that reduce carbon emissions while saving money.

*Barb Scavezze*

## Summary of Court of Appeals Decision in Veldheer v. Premier Communities (Case No. 37557-5-II, August 25, 2009)

In October 2005, the Veldheers purchased a Premier home located in the Cooper Crest subdivision, a Triway Enterprises, Inc. development that was marketed as low impact, in part because storm water was to be managed naturally by certain soil characteristics and infiltrated into the freshwater wetland adjacent to Cooper Crest in accordance with the plat approved by the City of Olympia. The Veldheers and many of their neighbors eventually noticed problems in their homes, including water accumulating in the crawl spaces. On October 24, 2006, the Veldheers complied with the notice provisions of their 2-10 Homebuyers Warranty that gave Premier 60 days to repair, or at its option, pay for the cost of repairing defects such as this. Premier did not make any repairs to the crawl space for eight months after the Veldheers first reported the water intrusion problem, so the Veldheers requested arbitration on July 10, 2007, in accordance with their 2-10 Homebuyers Warranty. In addition to their arbitration request, the Veldheers filed a

complaint in Thurston County Superior Court on August 31, 2007 against Premier and its bonding companies, in accordance with Washington's Contractor Registration Act. This lawsuit was stayed pending the outcome of arbitration.

After an arbitration hearing on February 12, 2008, the arbitrator awarded the Veldheers \$32,500 damages for breach of the waterproofing section of the 2-10 Homebuyers Warranty, as well as \$536.60 for some defective tiling in their kitchen. Premier declined to pay such damages, so the Veldheers sought enforcement of the award in their Superior Court action. The Superior Court confirmed the arbitrator's award and awarded attorneys fees to the Veldheers on March 21, 2008. Premier appealed this judgment on April 4, 2008. Nearly a year and half later on August 25, 2009, the Court of Appeals upheld the arbitration award, most of the attorneys' fee award, and

*Meanwhile, Triway Enterprises is attempting to repair and amend the soil characteristics on 56 lots.*

awarded the Veldheers the attorneys fees incurred for the appeal. The total attorneys' fee award exceeds the damages award.

The case illustrates the difficulty of enforcing warranties against a recalcitrant builder, who often has a deeper pocket than the homebuyer and whose warranties contain many procedural hurdles. In this case, the Veldheers persevered and justice was done, but many of their neighbors have been frustrated in their claims by procedural barriers or lack of the means to pay lawyers' fees for two years pending the outcome.

Meanwhile, Triway Enterprises is attempting to repair and amend the soil characteristics on 56 lots that were found not to be in conformance with the adopted plat under a plan approved by the City of Olympia.

*Clydia Cuykendall*

## Maxine Krull

Former Thurston County and state League President, Maxine Krull, died September 6; services for her were held on September 25.

Maxine was born and grew up in Utah and married Kenneth Krull in 1942. During the war, she became a certified welder. After settling in Spokane she joined the League of Women Voters be-

cause she was impressed with the League's ability to discuss issues from different points of view, and with civility.

Maxine was especially active in voter registration and the issue of petition gathering. She worked for Governor Spellman and for several years as the legislative liaison to the Department of Employment Security. She was President of

the Thurston County League from 1967 to 1969 and President of the League of Women Voters of Washington from 1973 to 1977.

In lieu of flowers, donations can be made in her name to a number of different charities, including the League of Women Voters Education Fund.

*Mary Murphy*