

ROBERT D. KAPLAN  
ATTORNEY AT LAW  
2300 SMITH TOWER  
506 2ND AVENUE  
SEATTLE, WASHINGTON 98104  
(206) 682-1948  
FAX (206) 682-9937

January 13, 1997

Mrs. Florence Walker  
5407 37th Avenue S.W.  
Seattle, WA 98126

Dear Mrs. Walker:

I represent and am writing on behalf of the Friends of the Walker Rock Garden. I have previously contacted Mr. Atkins regarding this matter, but he indicated that he only represented you in drafting the notice to vacate sent to the Friends.

As I think you know, the Friends of the Walker Rock Garden was incorporated in the State of Washington as a nonprofit corporation on July 21, 1988. It is a public charity which has been granted tax exempt status by the Internal Revenue Service. Donations to the organization are deductible by the donor from their federal income taxes.

The organization was formed to lease, purchase and preserve the garden created by Milton Walker adjacent to your home. In order to do this, the organization entered into a lease on February 7, 1994, with you, the owner of the property. The lease included an option to purchase the property. Therefore, the work done by the organization in repairing and improving the garden, was done with the intention of purchasing the garden under the terms of the lease. Contributions were received with that understanding. The Friends thought that at the time the lease was entered into, the contents of the lease were discussed not only with you and George, but with the other children in the family too. The lease was discussed with your lawyer and the terms

Mrs. Florence Walker  
January 13, 1997  
Page 2.

were negotiated with the lawyer participating.

Since entering into the lease, the garden has been operated under the terms of that lease. All of the money received from visitors has either gone into the preservation of the garden or into a fund to purchase the garden for preservation. The Friends of the Walker Rock Garden have not violated the lease in any manner, including, but not limited to the payment of rent.

During the nearly three year period of the lease, the organization has devoted hundreds of hours to the preservation and restoration of the garden. In addition, almost five thousand dollars has been spent on maintaining the garden. This money is money that was received by the charitable organization to further its charitable purposes. No money received by the organization has been spent for other than the purposes for which the organization was organized, and for which it has been granted tax exempt status.

Throughout the term of the lease, and for the years prior to the leasing of the property, the organization and its members have tried to work with you in a cooperative manner. This has permitted hundreds and hundreds of people to tour the garden and see the product of Milton's work. Had the organization not been there to preserve the garden, you and George would not have had the time or energy to maintain the garden. The Friends of the Walker Rock Garden has no other purpose other than to maintain the garden and to preserve it. If the lease is terminated, and the organization were to no longer have a right to purchase the garden, the organization would distribute its funds to another charitable organization of like purpose and dissolve. The outreach programs that the organization has developed and fostered, would no longer be carried on by the volunteers who have worked with the organization. None of the Friends of the Walker Rock Garden are paid for their

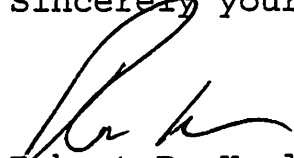
Mrs. Florence Walker  
January 13, 1997  
Page 3.

work; they are all volunteers who want to preserve Milton Walker's wonderful garden.

It is the hope of the Friends of the Walker Rock Garden, that the Walker family does want the garden maintained in perpetuity. The Friends of the Walker Rock Garden are prepared to continue to work to allow that to happen. However, if the family feels that the participation of the volunteers involved with the Friends of the Walker Rock Garden, and the rock garden itself, are of no cultural or historic value, then the organization would consider abandoning the project. In spite of the desire to keep the garden forever as a public resource, the Friends of the Walker Rock Garden do not want a fight with the family.

The family must decide and determine whether they want the Friends of the Walker Rock Garden to continue with the lease and the purchase. The Friends of the Walker Rock Garden must have an answer by January 31, 1997 from the entire family. There are expenses which would have to be paid at the beginning of February and repairs which must be made to the Garden. None of these things can be done until you have decided what you want to do. That is why your decision must be received by January 31.

Sincerely yours,



Robert D. Kaplan

cc: Nancy Worden  
Sandy Adams