



Kala Point News & Views

July 2011

Serving our Community with Information

member's rights. that's a joke right?

Members have no effective rights!

The basic rights of the Members of the Kala Point Homeowners Association, (KPOA), are delineated by the explicit and implied terms of the CC&Rs, the Contract between the Members and the Association. The KPOA Board of Directors is charged with the responsibility to manage the Association in accordance with the Contract. When the Board disregards the Contract there is no effective or realistic means for the Members to contest the Board's actions principally because of community complacency.

Three supposed means for Members to cause the Board to comply with the Contract and represent the interests of the Members as a whole are:

- Election of Board Directors
- Member initiated resolutions
- Litigation (as a last resort)

Let us examine the ineffectuality of each of those means for controlling the actions of the Board.

The Contract provides for the election of Board Directors. Every year the Members still get to elect three Directors to represent them. They base their election decisions on the statements of the candidates. But what happens? Society as a whole is composed of leaders, followers and the disinterested. The Board is a microcosm of society. Quickly after being elected Directors assume their roles as leaders or followers. Unfortunately, the leaders seem to be more interested in protecting and enhancing the power of the Board rather than addressing the rights and desires of the Members. The followers perform their role by supporting the leaders. How many times have recent Boards unanimously supported the leaders in decisions addressing contentious issues affecting the rights of Members or the power of the Board? Why no objections? Are the leaders always right?

The Board has recently effectively eliminated Member initiated resolutions as a means for Members to express themselves.

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Managing Editors:

Jay Burcham

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Contributing writers include other named and unnamed individuals, all owners within the community, expressing their own viewpoints in this forum. Articles without a byline are presented by the editorial staff.

Please feel free to participate in any way, from submitting articles and/or opinions to volunteering in some capacity. Thanks and we look forward to your input. Email us at contact@tpnewsletter.com.

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The Board now must agree with proposed resolutions before they will be submitted for a vote by the Members. Their recent actions demonstrated conclusively that the resolutions will not be judged on their merit but rather if the Board agrees with them or interprets them as a threat to the Board's power. Since most resolutions have the effect of imposing some limitation on the powers of the Board the right to have member submitted resolutions is essentially a Member right of the past. The Members can no longer unilaterally express themselves either by changing the Contract or providing the Board with an insight into the opinion of the Members as a whole. While denying a resolution of a capricious nature finds few objectors, suppressing resolutions of merit is a blatant example of the Board's ability to impose its power with impunity. Shame on the Board!

The Contract, (CC&Rs, Article XX, Section I) and Washington State Law, (RCW 64.38.050) entitles Members to seek any remedy provided by law. But is this a practical means of addressing the

Board's disregard for Member's contractual rights. The cost of litigation is prohibitively high. A Board Director recently essentially stated: "sue us but we have more money than you do". Yes, they have the Members assessment monies and the insurance the Members are funding to suppress the rights of the Members. Does an individual Member or a group of Members have the resources they are willing or able to expend in pursuing a legal remedy for the misuse of the Board's power? Probably not!

So Members, through indifference or the realization that you have no effective recourse without expending an effort, allow the Association, as managed by the Board, to continue to trample on and erode your rights. So Board Directors, continue to follow those leaders who disregard the rights of your fellow Members in their agenda to protect and enhance the power of the Board and pursue their own opinions concerning what is right for the Kala Point community of owners. Seems like the "Big Brother" philosophy of governing a complacent electorate is not only doing well but thriving!

oh my achin' ... part II



Last time we talked about back pain and what makes our backs vulnerable to injury; inactivity is often the case, but also poor sleeping positions, slouching, or bad habits such as smoking...so let's talk a little more about how we can reduce back pain:

Reducing Stress: How It Helps Backs- Stress doesn't cause back pain on its own, but it can drain your health in a number of ways. It ages you faster, weakens your immune system, increases your blood pressure, and makes it harder to control your weight because stress often leads to unhealthy food choices. What's more, stress causes muscle tension that can make back pain worse. And stress may slow your recovery because unchecked stress makes it

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harder for your body to bounce back from injury. But you don't have to let stress get the best of your back. Adequate sleep and exercise, and a nutrient-rich diet all boost the body's stress-coping abilities. And regularly practicing a few simple stress-reduction techniques will help your body cope better with the physical effects of stress.

Mind-Body Back Pain Relief- Here are some simple activities you can do regularly to help keep stress from aggravating back troubles:

Deep breathing: Taking deep, controlled breaths helps calm your mind and sends relaxation cues to the rest of your body — including your back.

Progressive muscle relaxation: Progressively flexing and relaxing each muscle in your body is a great way to relieve muscle tension.

Guided imagery: Picturing yourself in a calm, pleasant environment — like on a deserted beach or in a sunny flower garden (where is our summer by the way!!!)— can instantly put you in a comfier frame of mind

Protect Your Back When Seated- Practicing good body mechanics, even when you're seated or at rest, can help prevent future back pain and injuries. Pay attention to these:

Your chair: Your best choice is a straight-backed chair in which you can sit up straight, with your shoulders back and in line with your hips. If your chair doesn't have low back support, add your own with a small pillow or another type of lumbar support.

The floor: Try to keep your feet shoulder-width apart when seated. Ideally, your knees will have a 90-degree angle. **If your feet don't comfortably rest flat on the floor, use a foot rest.**

Protect Your Back When Standing or Moving- Being mindful of how you move and use your body can help take strain off your back. Here are some tips for minding your moves:

When standing: Distribute your weight evenly between your feet, and don't lock your knees. Keep your shoulders back and relaxed, with your head lifted squarely over your center of gravity — not tilting forward.

When lifting objects: Be realistic about how much weight you can comfortably lift. Break things down into smaller loads if you can. And don't try to lift heavy objects above waist level. **Lifting heavy objects with bad technique is one of the top causes of back pain.**

When exercising: Use exercise equipment only if you understand how to. Ask a trainer to guide you. Consider using lighter weights and just doing extra repetitions.

Protect Your Back When Sleeping- Ever wake up with a sore neck or back? It's important to listen to your body when you get into bed. Use pillows that create a comfortable angle for your neck. Your pillow should keep your head and neck in line with your spine.

Sleeping on your side with your knees bent helps reduce curvature in the spine. Placing a pillow between your knees can take additional strain off your back. Or, if you sleep on your back, place a

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pillow under your knees. And keep in mind that a firmer mattress will typically offer better back support.

5 Steps to a Better Back

Research shows that about two-thirds of people who experience acute back pain will have another episode of it within the next 12 months. But if you take these five proactive steps to protect and strengthen your back, you could reduce your chances of that fate:

1. **Stay active** so your body remains strong and your weight stays under control.
2. **Strengthen the core muscles** that support your spine.
3. **Step on the scale**, and work toward shedding any extra pounds, which will help take pressure off your spine.
4. **Get a grip on stress** to help keep muscle tension from contributing to back pain.
5. **Improve your posture** to baby your spine and prevent injuries.

I hope this information has been helpful. If you have any questions, or would like to make an appointment with a personal training to get proper exercises for your lower back and core, call or email me.

Till then, as always, please feel free to contact me via email at:

evergreenfitness@qwestoffice.net We're just around the corner! **Michelle**

a word about the directors eligibility resolution

As Modified This Resolution Has Faults

This commentary addresses Resolution # 2011-3 which imposes eligibility requirements for KPOA Board Directors.

Without the approval of this amendment to the CC&Rs anyone can serve on the Board of Directors. Consequently individuals with no obligations associated with being a member of KPOA and/or no strong ties to the Kala Point community could be elected or appointed to the Board of Directors. Reference: Bylaws, Article VI, Directors, Section I. During the early days of the Association this may have been a valid means of acquiring Directors with the required qualifications to develop a viable Association. This is no longer the case because the current Members now as a group possess all of the necessary education, training and experience required to manage the Association.

The resolution as originally presented to the Board required Directors to be Members. The Board would not forward the resolution to the Members for their vote without adding that residents, even though not Members, were also eligible to be Board Directors. This seriously changes the intent of the resolution for us, the Members, to have individuals manage the Association who would also be fully subject to the actions of the Board. Including residents who are not Members seriously weakens the resolution. *How do you like not being allowed to vote on a proposed resolution unless edited by the Board?* Based on the comments of the Board during the working session of 5 April it was obvious that the Directors wanted to add residents because two

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of the present Directors are not Members but are residents. It was an emotional reaction on the part of the Board without consideration of the ramifications of their position. The service of the non-members on the Board is appreciated and the resolution was in no way intended to be derogatory toward those Directors or minimize their service to the Association.

The resolution as now submitted for a vote by the members will allow anyone who is a non-member resident, including renters, to be a Board Director. Remember the Board can select Directors to fill vacancies so a non-member could be appointed. It wouldn't require a Member vote. *Do you really want to be managed by individuals who will not be affected by the decisions they are a party to?*

Members have three choices with respect to voting on this resolution:

1. Vote for the resolution because although failing the basic intent of the proposer to be managed only by Members it does prevent "outsiders", (non-members who are non-residents) from being Board Directors.
2. Vote against the resolution because it fails to limit Board Director eligibility only to Members. Consequently, non-Members, as Directors, can propose and/or vote to impose financial obligations and regulatory restraints on Members which do not apply to themselves as non-Members.
3. Don't vote! Unfortunately at least 25% of the Members historically choose this non-participatory, disinterested, complacent approach to exercising their Member rights and responsibilities. **Please don't choose not to vote.**

pickleball for seniors



Thousands of seniors across the nation are playing the racket game that crosses ping pong with tennis called pickleball. Many seniors have taken up

the sport in their retirement years but it is also played by school children and top athletes. **It is an easy sport to learn** and most everyone can play the game after just a short time of hitting the ball back and forth across the net. However, it is also a sport where you can keep learning new strokes and increasingly sophisticated strategies for years on end. Pickleball can provide solid exercise without undue exertion.

This mini-tennis game was created during the summer of 1965 on Bainbridge Island.

The original purpose of the game was to provide a sport for the entire family, according to co-inventors U.S. Congressman Joel Pritchard, William Bell, and Barney McCallum.

Pickleball began one summer afternoon in 1965 on Bainbridge Island, outside Seattle. Former U.S. Rep. Joel Pritchard devised a lawn game to amuse his children. It involved a plastic ball, a ping pong paddle and a weedy badminton court.

Whether you are a beginner, brushing up on skills, desiring mild exercise or just social fun- We want you! Most important is to have lots of fun!

If you would like to get on the email roster for when we play contact Don Meister at 379-1880 or dsmeister@q.com.

Letter to the editors

Subject: Response to President's Column in May 2011 Kala Pointer

KPOA Board President Dick Schulte used his column in the May 2011 Kala Pointer to address the Board's recent denial to advance nine Member submitted resolutions to a vote by the Members.

The following is a personal response to that column and the initiation of the new process established by the Board to suppress the right of the Members to limit the actions of the Board by introducing new CC&Rs content through the resolution process. I also address several questions to you the Members for your consideration.

I proposed six of the nine resolutions submitted for a vote by the Members in conjunction with the July 2011 Member's Annual Meeting and strongly endorsed another and this response concerns those seven resolutions. The resolutions I submitted were serious attempts to improve the management of the Association and protect the interests of the Members. The two resolutions addressing issues also submitted for a vote in December 2010 were significantly changed in content including a change recommended by the Finance Committee and comments by the Board.

I strongly protest the implication set forth in the President's Column that the resolutions I am addressing "did not make sense and were not implementable" which is the criteria put forth for denying a vote by the Members. I resent President Schulte characterizing the submitted resolutions as not well thought out and poorly written in his official correspondence to a Member. I guess if he doesn't agree with a resolution that is how he views them. *Have you as a Member read the subject resolutions? Do you think they do not make sense, are not implementable, are not well thought out and are poorly written?*

On 5 April I participated in a working session of the Board which was held to discuss the nine submitted resolutions for the purpose of understanding the content and rationale for the resolutions and exchange ideas. I, perhaps naively, thought the basic purpose of the working session was to judge if the resolutions had merit. Instead, the intent was obviously to determine if the Board agreed with the resolutions and that was the criteria adopted for denying their advancement to a vote by the Members.

As a result of the working session I withdrew the resolution addressing the Membership Agreement based on an assurance by the General Manager that non-compliance with that requirement was being addressed. I changed the resolution requiring Board Directors to be Members by adding residents to the eligibility requirement, responsive to Board input, and that resolution alone has been advanced for a vote by the Members.

Five of the seven resolutions were squelched by the Board because they did not approve of their content. The five resolutions placed limits on the



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actions of the Board which seemed more important to the Board than if they had merit and “made sense and were implementable”.

Three of the resolutions addressed issues associated with the bluff common area:

- Establishing specific requirements for approving view maintenance requests.
- Limiting the use of Association funds for bluff mitigation.
- Establishing responsibilities associated with management of water flows onto the bluff.

These resolutions were based on the following fundamental concepts:

- Members do have a contractual right to maintain their views but requesters must ensure their actions do not compromise the bluff.
- Association bluff responsibility should be limited to preventing Member actions detrimental to the bluff’s well being and otherwise allow nature to take its course.
- The Association should not fund actions on the bluff which should be the responsibility of owners who chose to build their home adjacent to a steep bluff.

The Board’s justification for denying these three resolutions is that the Ad Hoc Bluff Committee, (ABC), was addressing bluff issues and it was premature to start changing the rules. It seems that this is the perfect time to let the Board and the ABC know the opinion of the Membership. My conclusion is the Board is not interested in what the Members as a group thinks or want and they consider the collective intellectual power of the Members as less than that of the few Members contributing to the ABC. Has the ABC addressed any of the issues addressed by the

resolutions? At last check it had not. *How would you, a Member, have voted on these three resolutions if you had been given the chance? Do you want your assessment dollars used to protect bluff-side properties?*

The Board also denied the Members from having the opportunity to vote on two resolutions which addressed Member approval requirements for Capital Improvement and Restoration Assess-

Do you as a Member want to impose reasonable controls over the Board’s authority to impose assessments on you?

Shouldn’t you have a say in funding major capital assessments for capital asset enhancements you may think are unnecessary or benefit only a limited number of members and restoration of assets which you may think are no longer needed or worth the cost of restoration?

Would you have liked to vote on these resolutions?

ments. The disagreement I have with the Board represents no minor change! It substantially affects the ease with which these assessments can be levied on the Members. The Board wants to limit the approval to a majority of the votes cast. This means based on the voting quorum requirement of 50%, as few as one-fourth of the Members could commit all Members to substantial assessments. The resolutions required a majority approval of the net total votes, i.e. one half of the Members. The majority of the net total vote’s requirement is already a requirement

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for approving increases of over 15% for the regular annual assessments and for Restoration Assessments. Why does the Board want to establish a different approval requirement for assessments which realistically are wants rather than needed expenditures to maintain operation of the Association? Because they want to have less restraint on spending Member's dollars for maybe desirable but certainly not essential expenditures! Incidentally, the resolutions would have given the Board the authority to spend as much as \$ 60,000 for Capital Improvements and Restorations, at the current regular assessment rate, without requiring member approval, a \$100 assessment for each Member. That seems to give the Board sufficient authority to conduct most of the Association's business. *Do you as a Member want to impose reasonable controls over the Board's authority to impose assessments on you? Shouldn't you have a say in funding major capital assessments for capital asset enhancements you may think are unnecessary or benefit only a limited number of members and restoration of assets which you may think are no longer needed or worth the cost of restoration? Would you have liked to vote on these resolutions?*

In summary, the Board has acted to effectively take away the Member's right to submit resolutions in conjunction with the Member's Annual Meeting for a vote by the Members. This eliminates the practical ability of the Members to impose their will and even their opinion on the Board. The Board has taken this action based on the opinion of the Association's Attorney, an opinion and its legal basis which the Board will not share with its Members.

Submitted by: Jay F. Burcham, KPOA Member

kudos to our tree committee



1. At a recent tree committee site visit a home owner wanted to remove what he considered unsightly fir trees to decrease the shade on his garden area. Lucky for the community the committee stopped him cold in his tracks.



2. The three trees that were refused were unique trees in that they had no limbs for approximately three quarters of their length other than dead limbs and one had a missing top. A crow sometimes sits on one of the dead limbs, so that tree could be considered a dedicated crow perch.

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3. Two of the trees have no foliage from top to bottom on one side. That would certainly put them in a category of unique trees. One tree had wood pecker holes at the bottom indicating possible rot, but that did not deter them for preserving the tree for its uniqueness of missing limbs from top to bottom on one side.

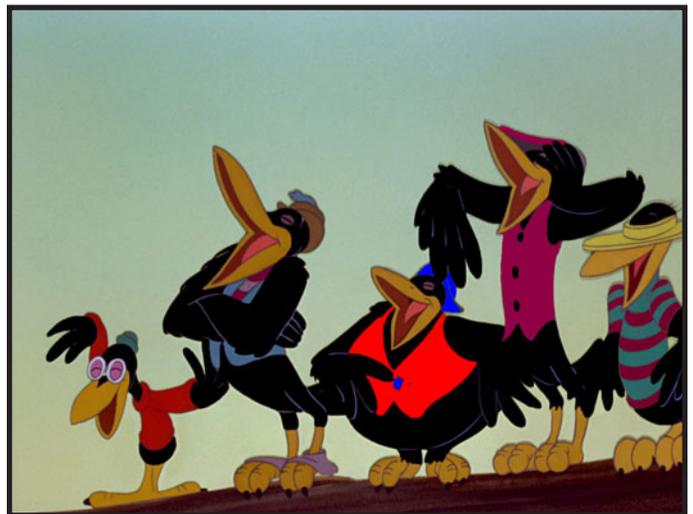


5. It should be pointed out that two committee members abstained from voting at this site visit. In doing so they showed a blatant disregard for the expertise and wisdom of the majority of members and their decision to protect these unique trees.

The community can certainly rest easy at night knowing that we have this knowledgeable tree committee protecting us from such destructive members, and feel grateful that they can now enjoy these trees in to the future.



4. The community is lucky to have such highly qualified individuals on the tree committee dedicated to protecting us from the home owners that would destroy our community by removing such unique trees from their personal property.



6. So kudos for our tree protectors.



Seattle Day Trip

September 7, 2011, Wednesday

The newly forming Kala Point Travel Club has planned a GREAT day trip to Seattle. All Points Travel Charter bus will pick us up at the Clubhouse take care of all our transportation needs for the day.

The DUCK will take us on a tour by land and sea, being an amphibious vehicle and should be a lot of fun.

- 07:15 LV Kala Point Clubhouse
- 08:45 LV Ferry from Bainbridge to Seattle
- 09:30 AR Seattle
- 09:45 AR Fremont District
- 11:00 LV Fremont District
- 11:30 AR Alki Beach for beachcombing
- 12:30 AR Salty's Seafood Grill or brown bag nearby
- 1:30 LV Salty's
- 2:30 AR DUCK
- 3:00 DUCK tour begins, 90 minutes
- 4:30 LV Seattle
- 7:00 AR Kala Point Clubhouse

\$45.00 for transportation without tip

\$30.00 DUCK

\$75.00 for trip without tips and lunch

Once you have paid your fee, it is non-refundable, as we have counted on you to fill a coveted seat. If unable to attend after making payment, feel free to sell it to another fellow traveler and let us know his/her name.

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View from Salty's on Alki Beach



The Duck on its way to explore the Seattle waterfront

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Kala Point News & Views

rhubarb pork chop bake

A nice mix of sweet and tart —a recipe for all that rhubarb in the garden without all the sugar!

Ingredients:

- 4 pork loin chops, cut about 3/4 inch thick
- 2 tablespoons vegetable oil
- 1 1/2 teaspoons minced fresh rosemary
- 1/4 teaspoon salt 1/8 teaspoon pepper
- 2 1/2 cups chopped fresh or frozen rhubarb-
(1/2-inch pieces)
- 4 slices day old bread, crusts removed and cubed
- 3/4 cup packed brown sugar
- 2 tablespoons all-purpose flour
- 1/2 teaspoon ground cinnamon
- 1/4 teaspoon ground allspice



Directions

- ◆ In a large skillet, brown pork chops in oil. Sprinkle with rosemary, salt and pepper.
- ◆ In a bowl, combine the rhubarb, bread cubes, brown sugar, flour, cinnamon and allspice.
- ◆ Place half of the rhubarb mixture in a greased 11-in. x 7-in. x 2-in. baking dish.
- ◆ Top with chops and remaining rhubarb mixture. Cover and bake at 350 degrees F for 30-35 minutes.
- ◆ Uncover; bake 10 minutes longer or until juices run clear.