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SKAGIT COUNTY, WASH.  
**FILED**

MAR 3 2000

PHYLLIS COOLE-MCKEEHEN, CO. CLERK  
By                      Deputy

IN SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

MAVIS ADAIR and ROBIN M. ADAIR,

Plaintiffs,

v.

SHARLEEN BAUM (aka SUSAN BAUM) and  
UNKNOWN JOHN DOES,

Defendants.

No. 98-2-00113-8

SUSAN BAUM, aka SHARLEEN BAUM, a  
single woman,

Third Party Plaintiff,

v.

MARK CRESS and JANE DOE CRESS,  
husband and wife,

Third Party Defendants.

JUDGMENT / ORDER  
UPON AGREED SETTLEMENT

**I. JUDGMENT / ORDER**

THIS MATTER coming on before the undersigned judge of the above-entitled court on the agreement of Mavis Adair, a single woman, and Robin M. Adair, hereinafter "Adair", being represented by their attorney John Kamb, Jr, of Kamb and Kamb, and Sharleen Susan Baum, hereinafter "Baum", being represented by her attorney Patrick M. Hayden, in settlement the issues between said parties in this matter, the parties having agreed to this settlement on the record, at time of trial, now therefore,

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Kathy Hill, Skagit County Auditor  
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rick M. Hayden  
Lawyer  
P.O. Box 454,  
-Woolley, 98284  
(360) 855-1811

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IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

1. The agreement of the parties hereby approved as reasonable, and shall be binding on said Adair and Baum, their heirs, devisees, and successors in interest to the real property at issue herein. The Court hereby finds that there is no reason for delay in entry of this judgment. Therefore, this Order shall constitute a final judgment between Adair and Baum as to the matters set forth in this Order pursuant to CR 54(b).

2. As between Adair and Baum, Mavis Adair, a single woman, and Robin M. Adair, as his separate property, shall have and is hereby awarded all right, title and interest in and to that real portion of the property identified as Adair Tract 3 and the Baum parcel on that survey recorded in Auditor's file No. 9611120100 and described as follows:

That portion of the following described real property lying Southerly of a line measured eight (8) feet Southerly of and parallel to the Southerly outside wall of the Baum residence as situated on the ground (said residence is partially located on said parcel, as shown in the survey recorded in Skagit County Auditor's File No. 9611120100):

A. Beginning at the meander corner on the section line between Sections 25 and 26; thence North 306.5 feet to an iron peg on the North side of the County road; thence along the North boundary line of the said County road South 58° 75' West, 682.7 feet to the true point of beginning, which is the intersection of the Southwest corner of the tract of land conveyed to Mollie E. Buchanan by Deed dated July 10, 1937 recorded August 1, 1938 in Volume 175 of Deeds, page 171; thence North 27° West along the West line of said Buchanan tract and said line extended, 180 feet to the true point of beginning; thence North 27 ° West 65 feet, more or less, to the corner of the property being the "corner" referred to in Deed from Frank O. Olson, et al, to Walter W. Darsch and Laverna Darsch, husband and wife, dated August 15, 1944, recorded September 28, 1944 as Auditor's File No. 374758; thence North 76° 45' West, 46 feet; thence Southeasterly to the Northwest corner of the tract 2 described above and approximately 100 feet from the point of beginning; thence North 58° 45' East to the true point of beginning. Situate in the County of Skagit, State of Washington.

B. That Portion of Government lot 1, described as follows, beginning at a point on the East line of Section 26, which lies North 0° 0 minutes, East 306.50 feet from Government meander line corner, thence South 54° 45 minutes West 682.7 feet thence North 27° 00 minutes West 160.0 feet to the NW corner of that certain tract conveyed under Auditor file number 673679. Said point being the true point of beginning for this description. Thence North 2° 57 minutes 30 seconds West 82.20 feet to the Northerly line of that certain tract of land conveyed to John F. Beaman. Thence South 71° 23 minutes West along the Northerly line of said Beaman Tract, 33.85 feet to the NW corner of said tract;

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1 thence South 27° 00 minutes, East 80 feet to true point of beginning. Also known as Tax  
2 23B in Section 26, Township 35, Range 9. Situated in the County of Skagit, State of  
3 Washington.

4 All subject to any easement or easements as provided in Chapter 129, Session Laws of  
5 the State of Washington of 1959.

6 Further, Baum shall remove all vehicles, the deck, and other personal property from the  
7 above-described real property awarded to Adair within 60 days of entry of the order.

8 3. As between Adair and Baum, Sharleen Susan Baum shall have and is hereby  
9 awarded all right, title and interest in and to that portion of the real property identified as Adair  
10 Tract 3 and the Baum parcel on that survey recorded in Auditor's file No. 9611120100 and  
11 legally described as follows:

12 That portion of the following described real property lying Northerly of a line measured  
13 eight (8) feet Southerly of and parallel to the Southerly outside wall of the Baum residence  
14 as situated on the ground (said residence is partially located on said parcel, as shown in the  
15 survey recorded in Skagit County Auditor's File No. 9611120100) and lying Easterly of  
16 the as-built fence line running from the iron bolt in the dead tree Southerly to the  
17 Southeast Corner of the Cress parcel consisting of 0.52 acres as shown on the above-  
18 referenced survey, and running Northerly as identified in Section 3 of the companion order  
19 entered in this cause on October 27, 1999.

20 A. Beginning at the meander corner on the section line between Sections 25 and 26;  
21 thence North 306.5 feet to an iron peg on the North side of the County road; thence  
22 along the North boundary line of the said County road South 58° 75' West, 682.7 feet to  
23 the true point of beginning, which is the intersection of the Southwest corner of the tract  
24 of land conveyed to Mollie E. Buchanan by Deed dated July 10, 1937 recorded August 1,  
25 1938 in Volume 175 of Deeds, page 171; thence North 27° West along the West line of  
26 said Buchanan tract and said line extended, 180 feet to the true point of beginning; thence  
27 North 27 ° West 65 feet, more or less, to the corner of the property being the "corner"  
28 referred to in Deed from Frank O. Olson, et al, to Walter W. Darsch and Laverna Darsch,  
29 husband and wife, dated August 15, 1944, recorded September 28, 1944 as Auditor's File  
No. 374758; thence North 76° 45' West, 46 feet; thence Southeasterly to the Northwest  
corner of the tract 2 described above and approximately 100 feet from the point of  
beginning; thence North 58° 45' East to the true point of beginning. Situate in the  
County of Skagit, State of Washington.

B. Portion of Government lot 1, described as follows, beginning at a point on the East  
line of Section 26, which lies North 0° 0 minutes, East 306.50 feet from Government  
meander line corner, thence South 54° 45 minutes West 682.7 feet thence North 27° 00

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1 minutes West 160.0 feet to the NW corner of that certain tract conveyed under Auditor  
2 file number 673679. Said point being the true point of beginning for this description.  
3 Thence North 2° 57 minutes 30 seconds West 82.20 feet to the Northerly line of that  
4 certain tract of land conveyed to John F. Beaman. Thence South 71° 23 minutes West  
5 along the Northerly line of said Beaman Tract, 33.85 feet to the NW corner of said tract;  
6 thence South 27° 00 minutes, East 80 feet to true point of beginning. Also known as Tax  
7 23B in Section 26, Township 35, Range 9. Situated in the County of Skagit, State of  
8 Washington.

9 All subject to any easement or easements as provided in Chapter 129, Session Laws of  
10 the State of Washington of 1959.

11 4. Baum shall have and is hereby awarded a perpetual license for her existing sewer  
12 or septic tank, drain field, and utility lines, to the extent, if any, such system is now located on the  
13 real property of Adairs, together with the right to enter onto said property, as reasonably  
14 necessary, for purposes of repair and maintenance of said utilities. This order shall not expand the  
15 areas affected by the existing sewer or septic tank, drain field and utility lines on Adairs' real  
16 property beyond the area actually impacted by the utilities and fixtures, and the area reasonably  
17 necessary for repair and maintenance. This license shall be binding on and inure to the benefit of  
18 the heirs, devisees, successors and assigns of Adair's and Baum, and shall be a covenant running  
19 with the land, until abandoned by Baum or her successors in interest.

20 5. Neither party is obligated to obtain a survey of the boundaries described in this  
21 Stipulation; *provided*, that as between themselves, both Adair and Baum shall abide by the survey  
22 recorded in Skagit County Auditor's File No. 9611120100, as to the locations of their properties  
23 subject to the awards herein. The Court notes the difference between the legal descriptions of the  
24 Adair tract in the two surveys performed by Michael Mowrer and Associates recorded in Skagit  
25 County Auditor's File No, 9611120100 and 9611140069. The dividing line between the  
26 properties awarded to the parties shall be measured from the Southerly outside wall of the Baum  
27 residence as situated on the ground on the date of entry of this judgment, and shall not measured  
28 from the surveyed property corners, should there be any conflict as to location of the parcels.  
29 This judgment shall not prohibit Adair from asserting any claim to other property not awarded to  
Baum, including the "gap in title" noted on the survey.

6. Each party shall bear their own costs and attorney fees herein.

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1           7.       Except as provided herein, the claims and counterclaims of Adair and Baum  
2 against each other are hereby dismissed with prejudice.

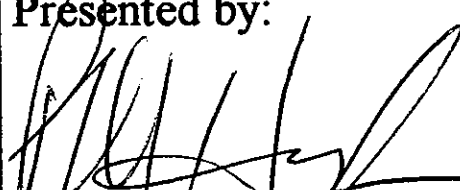
3           8.       Adair and Baum shall exchange quite claim deeds and other documents as  
4 necessary to effect this stipulation and order, provided a recorded, certified copy of the order  
5 herein shall be effective to convey title to their respective interest. If required, the parties shall  
6 cooperate to present this Stipulation and Order to the Skagit County Planning and Permit Center  
7 for approval as a Boundary Line Adjustment. Baum shall pay the boundary line adjustment fee  
8 for purposes of combining any portion of the undefined Adair parcel with her property, if such fee  
9 is assessed.

10           9.       The property divided by the parties herein shall be combined with their adjoining  
11 parcels, and shall not constitute a separate building lot without compliance with the Skagit County  
12 subdivision ordinance.

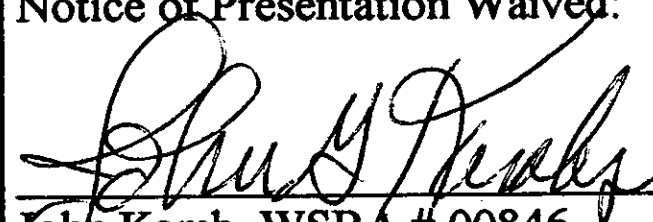
13           Dated this 3 day of March, 2000.

14  
15   
JUDGE / COMMISSIONER

16 Presented by:

17   
18 Patrick M. Hayden, WSBA # 11061  
19 Attorney for Baum

20 Approved for Entry;  
21 Notice of Presentation Waived:

22   
23 John Kamb, WSBA # 00846  
24 Attorney for Adairs

25  
26  
27 Murphy Evans, WSBA #26293  
Attorney for Cresses

28  
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**BOUNDARY ADJUSTMENT**

Reviewed and approved  
in accordance with S.C.  
Code Chapter 14.12.

  
SKAGIT CO. PLANNING DEPT.

Date: 4/7/2000



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BOUNDARY ADJUSTMENT  
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NO POSTAGE  
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IN THE  
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IF MAILED  
IN THE  
UNITED STATES

State of Washington, } ss.  
County of Skagit

I, Phyllis Coole-McKeenhan, County Clerk of Skagit  
County and ex-officio Clerk of the Superior Court  
of the State of Washington for the County of Skagit,  
do hereby certify that the foregoing document is a  
true and correct copy of the original consisting of  
5 pages now on file in my office.

Attest: I, Phyllis Coole-McKeenhan, have hereunto set  
my hand and official seal of said Court at my  
office at Mount Vernon this 22 day of Mar,  
2000 Phyllis Coole-McKeenhan, County Clerk

By Luster D. Denta  
Deputy Clerk



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Kathy Hill, Skagit County Auditor