After Recording Return To:
Washington State, Department of Natural Resources
Business Systems Support Division
Attn: Special Lands Acquisition
P.O. Box 47014
Olympia, WA 98504-7014

200102150130 , Skagit County Auditor 2/15/2001 Page 1 of 11 3:47:55PM

Reference: Amendment to easement recorded under AFN 9511130019

Grantor/Grantee: J. & P. Richter, T. Weingarten, S. Weingarten, P. & T. Tye, ₹. & K.

Candelario, J. Hellman, K. Merzbacher, & T. Merzbacher (see also page 2)

Legal: Lots 1-10 of Skagit County Short Plat No. 127-78, recorded under AFN 7903200011,

being a ptn. of Govt. Lots 4 & 5 of Section 4, Township 35 North, Range 1 East, W.M.

006-0404, & 350104-1-006-0503

This agreement amends that certain easement recorded under Auditor's File No. 9511130019, records of Skagit County, State of Washington.

ISLAND TITLE COMPANY A19480

Recitals

- A. State of Washington, acting by and through the Department of Natural Resources, (hereinafter referred to as "State"), wishes to purchase lots 7-10 of Plat 127-78 as recorded on March 20, 1979 in Volume 3 of Short Plats, Page 83, under Auditor's File No. 7903200011, records of Skagit County, State of Washington.
- B. State does not anticipate a need, at this time nor in the foreseeable future, to exercise the rights granted to the owners of lots 7-10 under the easement agreement.
- C. The owners of lots 1-6 wish to encourage the State to purchase lots 7-10 and are willing to modify the terms of the easement as it affects lots 7-10 by releasing the State from obligations imposed on lots 7-10 under the easement for any year in which the State does not exercise the rights granted to those lots under the easement.

Agreement

For and in consideration of mutual benefits, receipt of which is hereby acknowledged, the parties agree as follows:

1. State, as owner of lots 7-10, is hereby released from the obligations imposed under section 7 of the agreement as set forth below.

For any year in which the State does not exercise the rights granted under the easement or limits its use to foot traffic, the State shall have no obligation to contribute to the expenses identified under section 7, including but not limited to the obligation to contribute to the cost of comprehensive personal liability insurance, and no portion of an assessment for such expenses shall be charged to the State's lots.

If the State does intend to exercise the rights granted under this easement for vehicular use, it shall give written notice to the owners of lots 1-6 of its intent specifying the period of use. If the State's vehicular use exceeds two trips in any particular one year period, the State shall be liable for its pro rata share of the expenses incurred under section 7 that can be associated with the period of State use. The State's share shall include expenses for work performed prior to the State's use where such work has a useful life that includes the period of use by the State. The State's pro rata share of such expenses incurred for work performed prior to the State use shall be based on the ratio of the period of State's use to the useful life of the work done to the road as determined under generally acceptable accounting principles.

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2001/01/18

- This agreement may be signed in counterpart.
- This agreement shall become effective upon transfer of lots 7-10 to the State.

IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

Dated: 74 2 3	_, 20 <u>0</u> /	Joan Sulte
		JOACHIM RICHTER
Dated: Jun 23	_, 20 <u>_0</u> /	Fatrie Kichten
	'	PATRICIA RICHTER
Dated:	. 20	
		THOMAS J. WEINGARTEN
Dated:	20	
		SUSAN M. WEINGARTEN
Dated:	20	
Dated.	_, 40	PATRICK CHARLES TYE
Dated:	,20	
Dated.	, 20	TONYA ROBISON TYE
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Dateu.	_, 20	ROBERT CANDELARIO
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Dated:	_, 20	KRISTINA L. CANDELARIO
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Dated: Jan 23	_, 20 <u>0</u> /	JESSICA HELLMAN
,		By Joachim Richter, her attorney-in-fact
Dated: Jan 23	.200/	Karin Herzbales
	<u> </u>	KARIN MERZBACHER
L		By Joachim Richter, her attorney-in-fact
Dated:	, 20 <u>0</u> (Thomas Mez bailes
		THOMAS MERZBACHER
		By Joachim Richter, his attorney-in-fact
Dated: Jan 24	<u>,</u> 20 <u>0</u> /	
		SECRET HARBOR SCHOOL
		By: Man (and)

Amendment

Approved as to Form on

James Schwartz

Assistant Attorney General State of Washington

SKAGIT COUNTY WASHINGTON Real Estate Excise Tax PAID

 $\label{lem:continuous} J:\DATA\TRNSACTN\SPECLAND\SLAP\WPDOCS\CYPRESS\Richter\Merzbacher\new_mer0\@innerContinuous.$



, Skagit County Auditor 2/15/2001 Page 2 of 11 3:47:55PM

- 2. This agreement may be signed in counterpart.
- 3. This agreement shall become effective upon transfer of lots 7-10 to the State.

IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

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	THOMAS MERZBACHER
	By Joachim Richter, his attorney-in-fact
Dated:, 20	
	SECRET HARBOR SCHOOL
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	Title:

Amendment

Approved as to Form on

James Lehwart

James Schwartz

Assistant Attorney General State of Washington

200102150130 , Skagit County Auditor

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IN WITNESS HEREOF, the parties have executed this agreement the date and year set forth opposite their respective names.

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		at.	KRISTINA L. CANDELARIO
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			JESSICA HELLMAN
			By Joachim Richter, her attorney-in-fact
Dated		20	
<i></i>			KARIN MERZBACHER
			By Joachim Richter, her attorney-in-fact
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			Title:

Amendment

Approved as to Form on

James Schwartz

Assistant Attorney General

State of Washington

200102150130 , Skagit County Auditor

3:47:55PM

2/15/2001 Page 4 of 11

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			By Joachim Richter, her attorney-in-fact
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Dated:		, 20	THOMAS MERZBACHER
			By Joachim Richter, his attorney-in-fact
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Dated:		, 20	SECRET HARBOR SCHOOL
			By:
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			•

Amendment

Approved as to Form on

James Schwartz

James Schwartz

Assistant Attorney General

State of Washington

200102150130 , Skagit County Auditor 2/15/2001 Page 5 of 11 3:47.

STATE OF WASHINGTON)	
COUNTY OF Stages	
On this day personally appeared before me known to be the individual described in and white instrument and acknowledged that he she they sign act and deed for the uses and purposes therein mer	no executed the within and foregoing ned the same as his her/their free and voluntary
Given under my hand and official seal this	23 day of Jaman, 200/.
DIANE L VEER NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES VIARCH 3, 2002	Notary Public in and for the State of Washington, residing at Cocover. My appointment expires 3-3-02.
STATE OF WASHINGTON)	
COUNTY OF SICOCH)ss	
On this day personally appeared before me known to be the individual described in and whinstrument and acknowledged that he/she/they sign act and deed for the uses and purposes therein mer	no executed the within and foregoing ned the same as his her/their free and voluntary
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200102150130 , Skagit County Auditor 2/15/2001 Page 6 of 11 3:47:55

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STATE OF WASHINGTON) COUNTY OF (CO))ss		
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instrument to be the free and voluntary act and deed and purposes therein mentioned, and on oath stated	d of said non-profit corporation, for the uses that he/she/was they were authorized to	
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instrument to be the free and voluntary act and deed and purposes therein mentioned, and on oath stated	d of said non-profit corporation, for the uses that he/she/was they were authorized to tion.	



2/15/2001 Page

7 of 11

	ACKNOWLEDGEMEN IS
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act and deed for the uses and purpo	ses therein mentioned.
Given under my hand and o	fficial seal this 6 day of February, 2001.
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DIANA L THOMAS Commission # 1.196900	Liane of hom
Notary Public California	Notary Public in and for the State of
Loc Anneles County	Notary Public in and for the State of California Washington, residing at Los Angeles.
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J:\DATA\TRNSACTN\SPECLAND\SLAP\WPDOCS\CYPRESS\RichterMerzbacher\new mer0019 doe 2 0 0 1 0 2 1 5 0 1 3 0 , Skagit County Auditor 2/15/2001 Page 9 of 11 3:47:55PM

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Notary Public State of Washington		Washington, residing at <u>SN</u>	
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	JANET L. ROUND	1904 1100	
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SISSION L. O'	Catherine M. Stolley
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, Skagit County Auditor 2/15/2001 Page 11 of 11 3:4: