

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



200108140043

, Skagit County Auditor

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## ISLAND TITLE COMPANY

A16257

Reference: Amendment to easement recorded under AFN 200004050002 & amended under AFN 200102150131

Grantor: J. & P. Richter, T. Weingarten, S. Weingarten, P. & T. Tye, R. & K. Candelario, Dept. of Natural Resources (see also page 2)

Grantee: Secret Harbor School & Dept. of Natural Resources

Legal: Ptn. of Govt. Lots 4 & 5 of Section 4, Township 35 North, Range 1 East, W.M. (more fully set forth in easement recorded under AFN 200004050002)

Tax Parcel Nos.: 350104-1-006-0602, 350104-1-006-0701 & 350104-1-006-0800

This agreement amends that certain easement recorded under Auditor's File No. 200004050002 and amended under Auditor's File No. 200102150131, records of Skagit County, State of Washington (hereinafter referred to as "Easement").

### Recitals

A. State of Washington, acting by and through the Department of Natural Resources (hereinafter referred to as "State"), wishes to purchase certain real property located in Skagit County, Washington, the legal description of which is set forth on Exhibit "A" attached hereto (hereinafter referred to as "Property") and incorporated by this reference herein. The Easement is appurtenant to the Property in addition to other parcels identified in Exhibit E to the Easement.

B. State does not anticipate a need to use the Highland Road as described in Auditor's File No. 200004050002 to access the Property and therefore does not wish to be subject to the obligations for maintenance and indemnification imposed on the Grantee under the easement.

C. Grantor and Grantee under the easement wish to encourage the State to purchase the Property and are willing to modify the terms of the easement as it affects the Property by releasing the State from obligations as set forth hereafter.

### Agreement

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

1. State, as owner of the Property or any portion thereof, is hereby released from the indemnification and liability insurance obligation under section 3(e). State is hereby released from the maintenance obligations imposed under section 3(f) for any period in which the State does not use the Highland Road or limits its use to foot traffic. During periods when the State uses this road to access the Property, the State shall share in the maintenance cost of the road in proportion to the State's use.

2. This agreement may be signed in counterpart.

3. This agreement shall become effective upon transfer of any portion of the Property to the State.

4. This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.

5. If any portion of this Agreement shall be invalid, void or illegal, it shall in no way affect, impair or invalidate any of the other provisions hereof.

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

Dated: July 3-01, 2001

Joachim Richter  
JOACHIM RICHTER

Dated: July 3, 2001

Patricia Richter  
PATRICIA RICHTER

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
THOMAS J. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
SUSAN M. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
PATRICK CHARLES TYE

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
TONYA ROBISON TYE

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
FRANK ROBERT CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
KRISTINA L. CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
SECRET HARBOR SCHOOL

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

By: \_\_\_\_\_

Title: \_\_\_\_\_

Easement  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

AUG 14 2001

Amount Paid \$  
By By Skagit Co. Treasurer Deputy

Dated: \_\_\_\_\_, 20\_\_

Amendment  
Approved as to Form on  
\_\_\_\_\_, 20\_\_ by

James Schwartz  
Assistant Attorney General  
State of Washington



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, Skagit County Auditor

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4. This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.

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

Dated: \_\_\_\_\_, 20\_\_

JOACHIM RICHTER

Dated: \_\_\_\_\_, 20\_\_

PATRICIA RICHTER

Dated: \_\_\_\_\_, 20\_\_

THOMAS J. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

SUSAN M. WEINGARTEN

Dated: 7/23, 2001

PATRICK CHARLES TYE

Dated: 7/23, 2001

TONYA ROBISON TYE

Dated: \_\_\_\_\_, 20\_\_

FRANK ROBERT CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

KRISTINA L. CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

SECRET HARBOR SCHOOL

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Dated: \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Amendment

Approved as to Form on

June 19, 2001 by

James Schwartz

Assistant Attorney General

State of Washington



200108140043

Skagit County Auditor

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4. This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.

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Dated: \_\_\_\_\_, 20\_\_

JOACHIM RICHTER

Dated: \_\_\_\_\_, 20\_\_

PATRICIA RICHTER

Dated: \_\_\_\_\_, 20\_\_

THOMAS J. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

SUSAN M. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

PATRICK CHARLES TYE

Dated: \_\_\_\_\_, 20\_\_

TONYA ROBISON TYE

Dated: 7-30, 2001

Frank Robert Candelario  
FRANK ROBERT CANDELARIO

Dated: 7-30, 2001

Kristina L. Candelario  
KRISTINA L. CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

SECRET HARBOR SCHOOL

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Dated: \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Amendment

Approved as to Form on

June 19, 2001 by  
James Schwartz

James Schwartz

Assistant Attorney General

State of Washington



200108140043

, Skagit County Auditor

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4. This agreement shall apply to any future acquisitions by the State of Grantor's or Grantee's property encumbered or served by the easement recorded under Auditor's File No. 200004050002.

5. If any portion of this Agreement shall be invalid, void or illegal, it shall in no way affect, impair or invalidate any of the other provisions hereof.

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

Dated: \_\_\_\_\_, 20\_\_

JOACHIM RICHTER

Dated: \_\_\_\_\_, 20\_\_

PATRICIA RICHTER

Dated: \_\_\_\_\_, 20\_\_

THOMAS J. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

SUSAN M. WEINGARTEN

Dated: \_\_\_\_\_, 20\_\_

PATRICK CHARLES TYE

Dated: \_\_\_\_\_, 20\_\_

TONYA ROBISON TYE

Dated: \_\_\_\_\_, 20\_\_

FRANK ROBERT CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

KRISTINA L. CANDELARIO

Dated: \_\_\_\_\_, 20\_\_

SECRET HARBOR SCHOOL

By: \_\_\_\_\_

Title: \_\_\_\_\_

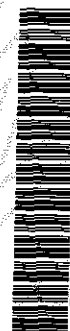
STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Dated: 7/10/11, 20\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Amendment  
Approved as to Form on  
June 19, 2009 by  
James Schwartz  
James Schwartz  
Assistant Attorney General  
State of Washington



200108140043

Skagit County Auditor

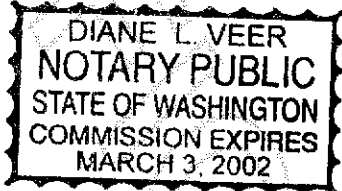
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ACKNOWLEDGEMENTS

STATE OF WASHINGTON )  
COUNTY OF Skagit )ss

On this day personally appeared before me Joachim Richter, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 3 day of July, 2001.



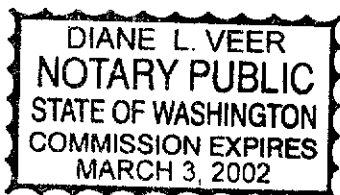
Diane L. Veer  
Notary Public in and for the State of Washington, residing at Anacortes.

My appointment expires 3-3-02.

STATE OF WASHINGTON )  
COUNTY OF Skagit )ss

On this day personally appeared before me Patricia Richter, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 3 day of July, 2001.



Diane L. Veer  
Notary Public in and for the State of Washington, residing at Anacortes.

My appointment expires 3-3-02.

STATE OF WASHINGTON )  
COUNTY OF )

On this day personally appeared before me \_\_\_\_\_, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of Washington, residing at \_\_\_\_\_.

My appointment expires \_\_\_\_\_.



200108140043  
Skagit County Auditor

STATE OF WASHINGTON )  
)ss  
COUNTY OF )

On this day personally appeared before me \_\_\_\_\_, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

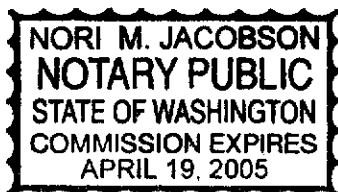
\_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_.

My appointment expires \_\_\_\_\_.

STATE OF WASHINGTON )  
)ss  
COUNTY OF )

On this day personally appeared before me PATRICK CHARLES TYE, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 23<sup>rd</sup> day of July, 2001.



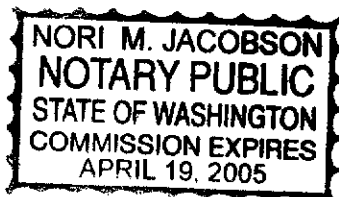
Nori M. Jacobson  
Notary Public in and for the State of  
Washington, residing at LYNNWOOD.

My appointment expires April 19, 2005.

STATE OF WASHINGTON )  
)ss  
COUNTY OF )

On this day personally appeared before me TANYA ROBISON TYE, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 23<sup>rd</sup> day of July, 2001.



Nori M. Jacobson  
Notary Public in and for the State of  
Washington, residing at LYNNWOOD.

My appointment expires April 19, 2005.



200108140043  
Skagit County Auditor

ACKNOWLEDGEMENTS

STATE OF WASHINGTON )  
)ss  
COUNTY OF Island )

On this day personally appeared before me Frank Robert & Kristina L. Condebario, to me known to be the individual Σ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this 30 day of July, 2001.

Paulette J. McNeil  
Notary Public in and for the State of  
Washington, residing at Clinton, Wa.

My appointment expires 11-29-02.

STATE OF WASHINGTON )  
)ss  
COUNTY OF )

On this day personally appeared before me \_\_\_\_\_, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_.

My appointment expires \_\_\_\_\_.

STATE OF WASHINGTON )  
)ss  
COUNTY OF )

On this day personally appeared before me \_\_\_\_\_, to me known to be the individual \_\_\_ described in and who executed the within and foregoing instrument and acknowledged that he/she/they signed the same as his/her/their free and voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_.

My appointment expires \_\_\_\_\_.



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Skagit County Auditor

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STATE OF WASHINGTON )  
 )ss  
COUNTY OF Skagit )

On this day personally appeared before me Brian E. Carcell to me known to be the Executive Director of Secret Harbor School, a Washington non-profit corporation, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said non-profit corporation, for the uses and purposes therein mentioned, and on oath stated that he/she/was they were authorized to execute said instrument for said non-profit corporation.

Given under my hand and official seal this 28 day of June, 2001.

Linda M. Oppe  
Notary Public in and for the State of  
Washington, residing at 1001-38<sup>th</sup> St, Anacortes

My appointment expires 1-19-02.

STATE OF WASHINGTON )  
 )ss  
County of Thurston )

On this 10 day of July, 2001, personally appeared before me DOUG SUTHERLAND, to me known to be the Commissioner of Public Lands, and ex officio administrator of the Department of Natural Resources of the State of Washington, the Department that executed the within and foregoing instrument on behalf of the State of Washington, and acknowledged said instrument to be the free and voluntary act and deed of the State of Washington for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the official seal of the Commissioner of Public Lands for the State of Washington.

IN WITNESS THEREOF, I have hereunto set my hand and seal the day and year first above written.

Alto Nurse  
Notary Public in and for the State of  
Washington, residing at Peace.

My appointment expires 11/5/01.



200108140043

, Skagit County Auditor

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## EXHIBIT A

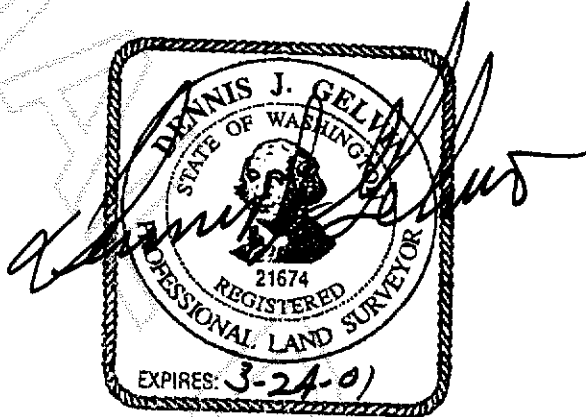
### CYPRESS ISLAND NRCA

#### SECRET HARBOR SCHOOL PARCEL DESCRIPTION

The west half of Government Lot 8, and Government Lot 9 of Section 4, Township 35 North, Range 1 East, Willamette Meridian, Skagit County, Washington, excepting from said Government Lot 9, the west 21.29 acres of said Government Lot, said west 21.29 acres being as monumented and shown on that survey recorded June 10, 1997 in Book 19 of Surveys at Page 127 under Auditor's File No. 9706100063, Skagit County Records,

#### TOGETHER WITH

That portion of the tidelands of the second class described by document recorded April 3, 1915 under Auditor's File number 107270 lying in front of said Government Lot 9, excepting from said tidelands that portion lying in front of the west 21.29 acres of said Government Lot 9, said west 21.29 acres being as monumented and shown on said survey recorded under Auditor's File No. 9706100063, Skagit County Records.



Dennis J. Gelvin, PLS 21674  
Land Description & R/W Specialist  
State Land Survey Unit  
Resource Planning & Asset Management  
PO Box 47060  
Olympia, WA 98504-7060

Dated 4-13-01

FILENAME:L483LOT89TIDE

200108140043  
Skagit County Auditor  
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