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Document Title:

Judgment

Reference Number :

Grantor(s):

☐ additional grantor names on page ____.

1. Donald R. Molitor
2. Emma Jean Molitor

Grantee(s):

☐ additional grantee names on page ____.

1. Betty Lois Prothero
- 2.

Abbreviated legal description:

☐ full legal on page(s) ____.

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page ____.

COUNTY
FILED

DEC 15 1999

Willis Cook-McKenna, Co. Clk

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

DONALD R. MOLITOR and EMMA
JEAN MOLITOR, husband and wife,

No. 97-2-01674-9

Plaintiffs,

vs.

JUDGMENT

BETTY LOIS PROTHERO, a
single person,

Defendant.

THIS MATTER having come on regularly for trial before the Honorable Susan K. Cook of the Skagit County Superior Court on October 18, 19 and 20, 1999 and plaintiffs appearing personally and by and through their attorney of record, Bradford E. Furlong; defendant appearing personally and by and through her attorney of record, Mary K. Stephens of Marsh Mundorf Pratt & Sullivan; and the parties having presented testimony in support of their respective claims and defenses; and the Court having considered all of the testimony and exhibits introduced at the trial, the records and files herein, the trial briefs of the parties, and having heard argument of counsel, and based thereon deeming itself fully advised in the premises, and having reviewed proposed Findings of Fact and Conclusions of Law and having considered objections thereto, if any, of the parties, and the court having entered its Findings of Fact and Conclusions of Law, NOW, THEREFORE,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

Judgment shall enter in favor of defendant Prothero and against plaintiffs Molitor as follows:

Title in the disputed strip is quieted in favor of defendant Betty Prothero. The boundary line between plaintiffs' property, legally described as:



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MARSH MUNDORF PRATT & SULLIVAN
ATTORNEYS AT LAW, P.S. 1000 1/2 AVENUE, SUITE 100, BELLINGHAM, WA 98201

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PARCELA:

All of Lot 11, less the Northerly 10 feet thereof and the Northerly 20 feet of Lot 10, Block 43, "PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington;

EXCEPT the Northeasterly 40 feet of said premises conveyed to Skagit County by deed dated October 9, 1946, filed October 15, 1946, under Auditor's File No. 397033 and recorded in Volume 213 of Deeds, page 368.

TOGETHER WITH that portion of vacated Lakeside Boulevard adjoining said premises.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

PARCEL B:

That portion of Lots 9 and 10, Block 43, "PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, and that portion of vacated Lakeside Boulevard adjoining said lots, described as follows:

Beginning at a point on the Southwesterly line of that certain 40 foot roadway conveyed to Skagit County by deed dated October 9, 1946, recorded under Auditor's File No. 397033, in Volume 213 of Deeds, page 368, 5.0 feet Southeasterly of the Northwesterly line of said Lot 9; thence Northwesterly along the Southwesterly line of said 40 foot roadway, a distance of 25.0 feet; thence Southwesterly parallel to the Northwesterly line of said Lot 10 and the Northwesterly line thereof extended to the shore line of Big Lake; thence Northeasterly in a straight line to the point of beginning.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

PARCEL C:

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "the Town of Montborne," as per plat recorded in



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Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Jean Nelson by deed recorded October 11, 1972, as AF #775205.

Line "RR": Begin at a point on the North line of the South ½ of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1870; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

and defendant's property, legally described as:

PARCELA:

All of Lot Twelve (12) and the Northerly Ten (10) feet of Lot Eleven (11) Block Forty-three (43) plat of the Town of Montborne as per plat recorded in Volume 2 of plats, page 80, records of Skagit County; TOGETHER WITH that portion of vacated Lakeside Boulevard adjoining said premises EXCEPT the northeasterly Forty (40) feet of said premises conveyed to Skagit County by deed dated October 9, 1946, filed October 15, 1946 as file #397033 and recorded in Volume 213 of Deeds at page 368.

PARCEL B:

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and eastern Railway) lying Westerly of the Line "RR" described below and between the Northeasterly extension of both the Northwesternly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Betty L. Molitor by Deed recorded May 24, 1984, under Auditor's File No. 8405240019.

Line "RR": Begin at a point on the North line of the South ½ of Government Lot 6 of Section 6, Township 33 North, Range 5 East, W.M., which is midway between the centerline of the original 100 foot wide

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AUDITOR



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right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline tract of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

Situate in the City of Mount Vernon, County of Skagit, State of Washington.

The boundary between Betty Prothero and her neighbor to the north is set forth in the Order Granting Summary Judgment entered June 23, 1995 in Skagit County Cause No. 94-2-00917-9.

shall be what is depicted in the survey (recorded August 26, 1993 under Skagit County Auditor's File No. 9308260111 and admitted as Trial Exhibit 1) as the fence line—from the east shore of Big Lake to the west edge of what appears on the survey as S. West View Road (constructed location). The boundary line of the properties from the west edge of what appears as the constructed location of S. West View Road on the survey to the east boundary of the parties' properties shall be the surveyed lines as they appear on the survey.

DONE IN OPEN COURT this 15 day of December, 1999.

Susan K. Cook
JUDGE SUSAN K. COOK

Presented by:

MARSH MUNDORF PRATT & SULLIVAN

Mary K. Stephens
MARY K. STEPHENS, WSBA No. 21679
Attorneys for Defendant

Copy received; Approved for entry:

Bradford E. Furlong
BRADFORD E. FURLONG, WSBA No. 12924
Attorney for Plaintiffs



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State of Washington, } ss.
County of Skagit

I, Nancy K. Scott, 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 instrument is a true and correct copy of the original, consisting of 4 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 19 day of June, 20 03.

Nancy K. Scott, County Clerk.
By Christa Centa
Deputy Clerk