



200308220011
Skagit County Auditor

8/22/2003 Page

1 of 11 8:46AM

Return Address:

George E. Benson
Keithly, Weed, Graafstra & Benson, P.S., Inc.
21 Avenue A
Snohomish, WA 98290

Document Title: Lis Pendens

Reference Number of Related Document: Mortgage Filing No. 199908100016

Grantor: Dynes Farms, Inc., Riverview Farms, Charles Dynes and A.W. Dynes,
partners, A.W. Dynes, Charles Dynes and Elizabeth Dynes
(Other defendants listed on page 2.)

Grantee: Northwest Farm Credit Services, PCA, a corporation
(assignee)

Legal Description: ptn Blk. 130-132, 1st Add. To Burlington; ptn Lots 72, 78,
& 79, Burlington Acreage Property; ptn SE 1/4 SW 1/4, 10-35-6; ptn N
1/2, 15-35-6; ptn Gov. Lot 4, 25-35-4; ptn SE 1/4 SE 1/4, 26-35-4; ptn Gov.
Lot 1, 35-35-4; ptn Gov. Lot 4, 36-35-4 E.W.M.

(Full legal description of Skagit County Property found on pages 2 through 9.)

Assessor's Property Tax Parcel Numbers:

| | | | |
|-------------------|--------|-------------------|--------|
| 4077-130-006-0108 | P72169 | 4077-131-001-0101 | P72171 |
| 4077-131-002-0001 | P72172 | 4077-131-003-0000 | P72173 |
| 4077-132-003-0008 | P72179 | 3867-000-072-0207 | P62771 |
| 3867-000-072-0306 | P62772 | 3867-000-079-0002 | P62821 |
| 4077-131-005-0008 | P72175 | 4077-132-004-0106 | P72181 |
| 350610-3-009-0006 | P40972 | 350615-2-001-0001 | P41227 |
| 350615-1-002-0002 | P41220 | 350615-1-001-0003 | P41219 |
| 350425-0-021-0100 | P37615 | 350426-4-003-0004 | P37709 |
| 350436-0-005-0107 | P38402 | 350435-0-001-0102 | P38371 |
| 3867-000-078-0607 | P62812 | | |

1
2
3
4
5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

6 NORTHWEST FARM CREDIT SERVICES,)
7 FLCA, a corporation,)

8 Plaintiff,)

9 vs.)

NO. 03-2-00376-2

10 DYNES FARMS, INC., a Washington)
corporation, formerly known as Dynes Poultry)
11 Farms, Inc., successor by merger to Broadview)
Farms, Co., d/b/a Broadview Farms;)
12 RIVERVIEW FARMS, a Washington general)
partnership, formerly known as Dynes Lyman)
Farms and Dynes Poultry Farms, CHARLES)
13 DYNES, also known as CHARLES G.)
DYNES, and A.W. DYNES, also known as)
14 ARTHUR WILLIAM DYNES, general)
partners; A.W. DYNES and SHARON)
15 DYNES, husband and wife, and their marital)
community; CHARLES DYNES and)
16 ELIZABETH DYNES, also known as)
17 ELIZABETH C. DYNES, husband and wife,)
and their marital community; JAMES H.)
18 DYNES and PEGGY H. DYNES, husband and)
19 wife, and their marital community; FIRST)
AMERICAN TITLE INSURANCE)
20 COMPANY, a California corporation;)
UNITED STATES OF AMERICA, acting)
21 through the Internal Revenue Service;)
NORTHWEST FARM CREDIT SERVICES,)
22 PCA; and OCCUPANTS NUMBERS 1)
23 through 20,)

24 Defendants.)

LIS PENDENS

(Covering Real Property
in Skagit County & Island
County)



200308220011
Skagit County Auditor

8/22/2003 Page 2 of 11 8:46AM

25
26 LIS PENDENS (Covering Real Property
in Skagit County & Island County) - 1
27 DYNES/PCA.LIS/0214912

LAW OFFICES OF
KEITHLY, WEED, GRAAFSTRA,
AND BENSON, INC., P.S.
21 AVENUE A
SNOHOMISH, WA 98290-2962
(360) 568-3119; FAX (360) 568-4437

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

NOTICE IS HEREBY GIVEN:

1. An action affecting the title to the real property hereinafter described has been commenced, and is now pending in the Superior Court of the State of Washington for Skagit County, as Cause No. 03-2-00376-2. In said action, defendant Northwest Farm Credit Services, PCA, has filed a crossclaim for foreclosure of a mortgage.

2. The plaintiff in said action is Northwest Farm Credit Services, FLCA, a corporation. The defendants are Dynes Farms, Inc., a Washington corporation, formerly known as Dynes Poultry Farms, Inc., successor by merger to Broadview Farms, Co., d/b/a Broadview Farms, Riverview Farms, a Washington general partnership, formerly known as Dynes Lyman Farms and Dynes Poultry Farms, Charles Dynes, also known as Charles G. Dynes, and A.W. Dynes, also known as Arthus William Dynes, general partners, A.W. Dynes and Sharon Dynes, husband and wife, and their marital community, Charles Dynes and Elizabeth Dynes, also known as Elizabeth C. Dynes, husband and wife, and their marital community, James H. Dynes and Peggy H. Dynes, husband and wife, and their marital community, First American Title Insurance Company, a California corporation, United States of America, acting through the Internal Revenue Service, Northwest Farm Credit Services, PCA, and Occupants Numbers 1 through 20.

3. The object of defendant Northwest Farm Credit Services, PCA's cross-claim in the above entitled action is to foreclose a mortgage in favor of defendant Northwest Farm Credit Services, PCA against the real property described below. The action affects the following described property located within Skagit County, Washington, and Island County, Washington:

SKAGIT COUNTY PROPERTY LEGAL DESCRIPTION:

PARCEL A:

The East ½ of Lot 6, Block 130, together with the North ½ of vacated Cedar Street adjacent which reverted thereto by operation of law; the East ½ of Lot 1, together with the South ½ of vacated Cedar Street adjacent which reverted thereto by operation of law and all of Lot 2 and the West ½ of Lot 3, Block 131, and Lots 2 and 3, Block 132, "FIRST ADDITION TO BURLINGTON, SKAGIT CO.,

**LIS PENDENS (Covering Real Property
in Skagit County & Island Coun
DYNES/PCA.LIS/0214912**



200308220011

Skagit County Auditor

LAW OFFICES OF
Y. WEED, GRAAFSTRA,
AND BENSON, INC., P.S.
21 AVENUE A
NOHOMISH, WA 98290-2962
568-3119; FAX (360) 568-4437

1 WASH." as per plat recorded in Volume 3 of Plats, page 11, records of Skagit
2 County, Washington.

3 Situate in the City of Burlington, County of Skagit, State of Washington.

4 PARCEL B:

5 That portion of Tracts 72 and 79, "PLAT OF THE BURLINGTON ACREAGE
6 PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of
7 Skagit County, Washington, lying Easterly of the right of way of the Great
8 Northern Railway Company, EXCEPT road and dike rights of way.

9 ALSO, the West 1/2 of Lots 4 and 5, Block 131, and Lot 4, Block 132, EXCEPT
10 the Westerly 50 feet thereof conveyed to Great Northern Railway Company for
11 right of way, as conveyed by deed dated April 15, 1909 and recorded April 27,
12 1909, under Auditor's File No. 73368 in Volume 76 of Deeds, page 561, "FIRST
13 ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded
14 in Volume 3 of Plats, page 11, records of Skagit County, Washington.

15 Situate in the County of Skagit, State of Washington.

16 PARCEL C:

17 The Southeast 1/4 of the Southwest 1/4 of Section 10, EXCEPT the North 20 feet
18 thereof conveyed to Skagit County for road purposes by deed dated May 15, 1913,
19 and recorded February 3, 1914, under Auditor's File No. 100640, in Volume 96 of
20 Deeds, page 92, records of Skagit County; that portion of the Northeast 1/4 of the
21 Northwest 1/4 of Section 15, lying North of the North line of Old Highway 17A as
22 conveyed to the State of Washington by deed dated July 5, 1938, and recorded
23 September 6, 1938 under Auditor's File No. 305470, in Volume 175 of Deeds, page
24 303, records of Skagit County; the Northwest 1/4 of the Northeast 1/4 of Section
25 15, EXCEPT that portion lying within the boundaries of Old Highway 17A as
26 conveyed to the State of Washington by deed dated July 5, 1938, and recorded
27 September 6, 1938, under Auditor's File No. 305470, in Volume 175 of Deeds,
page 303, records of Skagit County; the Northeast 1/4 of the Northeast 1/4 of
Section 15, EXCEPT that portion, if any, lying within the as built and existing
County road commonly known as Cabin Creek Road running along the East line
thereof; all in Township 35 North, Range 6 East, W.M.

ALSO EXCEPT that portion, if any, lying within the boundaries of the County road
commonly known as Cockreham Island Road, AND EXCEPT that portion of said



premises condemned by the State of Washington for State Highway by decree entered July 11, 1960 in Skagit County Superior Court Cause No. 25060.

Situate in the County of Skagit, State of Washington.

PARCEL D:

That portion of the South ½ of the Northeast ¼ of Section 15, Township 35 North, Range 6 East, W.M., lying Northerly of the Great Northern Railway Company right of way, EXCEPT that portion lying within the boundaries of the as built and existing Cockreham Island County Road, AND EXCEPT that portion lying within the boundaries of Old Highway 17A as conveyed to the State of Washington by deed dated July 5, 1938, and recorded September 6, 1938, under Auditor's File No. 305470, in Volume 175 of Deeds, page 303, records of Skagit County, AND EXCEPT that portion, if any, lying within the boundaries of the as built and existing County road commonly known as Cabin Creek Road, running along the East line of said subdivision.

Situate in the County of Skagit, State of Washington.

EXCEPT from Parcels "C" and "D", those portions conveyed to Skagit County for road by deeds recorded November 6, 1997, under Auditor's File Nos. 9711060047 through 9711060051, inclusive, records of Skagit County, Washington.

PARCEL E:

That portion of Government Lot 4, Section 25, Township 35 North, Range 4 East, W.M., and of Government Lot 4, Section 36, Township 35 North, Range 4 East, W.M., lying South of the centerline of Hart's Slough (sometimes referred to as Batey's Slough), West of the West line of that portion thereof condemned by the State of Washington for Secondary State Highway 1-A by Skagit County Superior Court Cause No. 24376, and lying North of the following described line:

Beginning at a point on the West line of Government Lot 4, Section 36, Township 35 North, Range 4 East, W.M., that is South 0 degrees, 32 minutes 05 seconds East a distance of 227.50 feet from the corner common to Sections 25, 26, 35 and 36, Township 35 North, Range 4 East, W.M.;
thence North 72 degrees 51 minutes 30 seconds East a distance of 776.03 feet to the Westerly right of way line of Secondary State Highway No. 1-A and the terminus of this line description, EXCEPT mineral rights as reserved by the State of Washington in deed dated May 27, 1914, and recorded October 14, 1914, under



Auditor's File No. 104621, in Volume 97 of Deeds, page 593, records of Skagit County, Washington.

ALSO that portion of the Southeast 1/4 of the Southeast 1/4 of Section 26, Township 35 North, Range 4 East, W.M., lying South of Hart's Slough (sometimes referred to as Batey's Slough).

ALSO that portion of Government Lot 1, Section 35, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at a point on the North line of said Section 35, that is South 89 degrees 47 minutes 31 seconds West a distance of 1,323 feet from the Northeast corner thereof;

thence North 89 degrees 47 minutes 31 seconds East a distance of 1,323 feet to said Northeast corner;

thence South 0 degrees 32 minutes 05 seconds East along the East line of said Section a distance of 227.50 feet;

thence South 72 degrees 51 minutes 30 seconds West a distance of 15.96 feet;

thence South 83 degrees 08 minutes 18 seconds West a distance of 207.51 feet;

thence North 82 degrees 56 minutes 36 seconds West a distance of 273.54 feet;

thence South 83 degrees 20 minutes 29 seconds West a distance of 254.25 feet;

thence South 78 degrees 33 minutes 39 seconds West a distance of 251.08 feet;

thence South 83 degrees 51 minutes 38 seconds West a distance of 332 feet, more

or less, to a point directly South of the point of beginning;

thence North a distance of 333 feet, more or less, to the point of beginning.

Situate in the County of Skagit, State of Washington.

PARCEL F:

That portion of the West 1/2 of the West 1/2 of Tract 78, "PLAT OF THE BURLINGTON ACREAGE PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

Beginning at a point on the West line of said Tract 78, which is 254 feet South of the centerline of the County road along the North line thereof, as said road existed on June 15, 1959;

thence East parallel to the centerline of said County road to the East line of the West 1/2 of the West 1/2 of said Tract 78;

thence South along said East line 135 feet;

thence West parallel to the centerline of said County road, 200 feet;



200308220011

Skagit County Auditor

8/22/2003 Page

6 of

11

8:46AM

thence Southwesterly to a point on the West line of said Tract 78 which is 180 feet South of the point of beginning;
thence North along said West line to the point of beginning.

Situate in the County of Skagit, State of Washington.

| | | |
|-----------------|-------------------|--------|
| Tax Account No. | 4077-130-006-0108 | P72169 |
| Tax Account No. | 4077-131-001-0101 | P72171 |
| Tax Account No. | 4077-131-002-0001 | P72172 |
| Tax Account No. | 4077-131-003-0000 | P72173 |
| Tax Account No. | 4077-132-003-0008 | P72179 |
| Tax Account No. | 3867-000-072-0207 | P62771 |
| Tax Account No. | 3867-000-072-0306 | P62772 |
| Tax Account No. | 3867-000-079-0002 | P62821 |
| Tax Account No. | 4077-131-005-0008 | P72175 |
| Tax Account No. | 4077-132-004-0106 | P72181 |
| Tax Account No. | 350610-3-009-0006 | P40972 |
| Tax Account No. | 350615-2-001-0001 | P41227 |
| Tax Account No. | 350615-1-002-0002 | P41220 |
| Tax Account No. | 350615-1-001-0003 | P41219 |
| Tax Account No. | 350425-0-021-0100 | P37615 |
| Tax Account No. | 350426-4-003-0004 | P37709 |
| Tax Account No. | 350436-0-005-0107 | P38402 |
| Tax Account No. | 350435-0-001-0102 | P38371 |
| Tax Account No. | 3867-000-078-0607 | P62812 |

All situate in the County of Skagit, Washington.

All water and water rights used upon or appurtenant to said property, however evidenced.

Together with any and all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith.

Said property also subject to:

Easement in favor of Public Utility District No. 1, Skagit County, Washington for pipe line, affecting the North 20 feet of Tract 72 of Burlington Acreage Property, lying Easterly of the Westerly line of South Pine Street in the City of Burlington, and said street produced South, dated July 16, 1956, recorded July 17, 1956 under Skagit County Auditor's File No. 538877, Volume 279 of Deeds, page 624.



1
2 Easement in favor of Puget Sound Power & Light Company for two anchor guys,
3 affecting the Northeast 1/4 of the Northwest 1/4 and North 1/2 of the Northeast 1/4,
4 Section 15, Township 35 North, Range 6 East, W.M., the exact location therein not
5 being disclosed on the record, dated July 19, 1957, recorded July 24, 1957 under
6 Auditor's No. 554110, Volume 288 of Deeds, page 260.

7 Easement in favor of Puget Sound Power & Light Company for anchor, affecting
8 the North 1/2 of the Northeast 1/4, Section 15, Township 35 North, Range 6 East,
9 W.M., the exact location therein not being disclosed on the record, dated December
10 27, 1957, recorded December 27, 1957 under Auditor's No. 560068, Volume 291
11 of Deeds, page 497.

12 An easement in favor of Puget Sound Power and Light Company, affecting the
13 portion of said premises and for the purposes stated herein, and incidental purposes,
14 including provision against blasting, for the right, privilege and authority to
15 construct, erect, alter, improve, repair, operate and maintain two electric
16 transmission lines, recorded April 25, 1925, under Auditor's No. 183091,
17 Volume 136 of Deeds, page 304. Affects a strip 100 feet wide in the Southeast
18 1/4 of the Southwest 1/4 of Section 10, Township 35 North, Range 6 East, W.M.,
19 the centerline of which is described as follows:

20 Beginning at a point on the West Line of Section 10, Township 35 North,
21 Range 6 East, W.M., which point is 75.0 feet, more or less, North of the
22 Southwest corner of said Section;
23 thence running North 89 degrees 55 minutes East a distance of 1,630.89
24 feet;
25 thence North 76 degrees 21 minutes East a distance of 1,840.4 feet;
26 thence North 86 degrees 38 minutes East a distance of 1,868.79 feet to a
27 point on the East line of said Section, which point is 614.70 feet, more or
less, North of the Southeast corner of said Section.

Easement in favor of Simpson Timber Company (formerly Simpson Logging
Company) for use of an existing roadway and for other and incidental purposes
stated therein, and the terms and conditions thereof, recorded December 13, 1963
under Auditor's File No. 644301, affecting an existing road running through Parcel
"E" herein, the exact width and location of said road not being disclosed on the
record. Said easement is a correction of easements filed February 5, 1958 and April
3, 1958 under Auditor's File Nos. 561461 and 563682.

Reservation contained in deed from the State of Washington recorded under Skagit
County Auditor's File No. 10462, Volume 97 of Deeds, page 593, reserving to the
grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for



opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of State of Washington or its successor, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above. Affects that portion of Parcel "E" herein lying within Section 36, Township 35 North, Range 4 East, W.M.

Condemnation by the State of Washington for right of access to State Highway and of light, view and air, by decree entered March 13, 1958, in Skagit County Superior Court Cause No. 24376. Affects Parcel "E".

Any questions that may arise due to shifting or changing in the course of Hart's Slough, also known as Batey's Slough and/or the Skagit River.

Possible rights of third parties to use an existing private road running through Parcel "E" herein, as disclosed by Contract recorded under Auditor's File No. 811861, records of Skagit County.

Possible rights of property owners on the West side of Parcel "E" due to an encroaching fence line as disclosed by Survey recorded January 13, 1975, under Auditor's File No. 812297, in Volume 1 of Surveys, page 123, records of Skagit County.

Oil and gas lease and the terms and conditions thereof, William R. Dynes, or assigns, Lessor, and Seacoast Oil & Gas Company, Inc., Lessee, for a term of 3 years from date and as long thereafter as coal, precious metals, gas or oil can be produced in paying quantities, recorded July 8, 1970, recorded July 8, 1970 under Skagit County Auditor's File No. 740941. Affects Parcels "A" and "B".

Easement in favor of Puget Sound Power & Light Company, a Washington corporation, for the right to construct, operate, maintain, repair, replace and enlarge one or more electric transmission and/or distribution lines, dated May 7, 1986, recorded May 19, 1986 under Skagit County Auditor's File No. 8605190119. Affects the North 10 feet of Parcel "C".

Relinquishment of access to State Highway No. 9 and of light, view and air to the State of Washington by deed recorded May 24, 1991 under Auditor's No. 9105240005.



1
2 Notice of moratorium on non-forestry use of land recorded December 3,
3 1998, under Auditor's File No. 9812310029.
4

5 **ISLAND COUNTY PROPERTY LEGAL DESCRIPTION:**

6 **PARCEL 1:**

7 That portion of the Northwest 1/4 of the Northeast 1/4 of Section 15, Township
8 32 North, Range 1 East W.M., lying South of County Road known as Miller Road,
9 EXCEPT that portion conveyed to Island County by deed recorded March 6, 1925
10 in Volume 35 of Deeds, page 210, records of Island County, Washington, and
11 EXCEPT right of way for County Road along the East line thereof known as Balda
12 Road.

13 Situate in the County of Island, State of Washington.

14 **PARCEL 2:**

15 The Southwest 1/4 of the Northeast 1/4 of Section 15, Township 32 North, Range
16 1 E. W.M.,

17 EXCEPT right of way for County Road along the East line thereof known as Balda
18 Road.

19 Situate in the County of Island, State of Washington.

20 Tax Account No. R13215-330-3290

21 Key 19704 (112)

22 Tax Account No. R13215-425-3310

23 Key 19857 (112)

24 All situate in the County of Skagit, Washington.

25 All water and water rights used upon or appurtenant to said property,
26 however evidenced.

27 Together with any and all tenements, hereditaments and appurtenances
thereunto belonging or used in connection therewith.

LIS PENDENS (Covering Real Prop
in Skagit County & Island County)
DYNES/PCA/LIS/0214912



200308220011

Skagit County Auditor

LAW OFFICES OF
WEED, GRAAFSTRA,
BENSON, INC., P.S.
21 AVENUE A
IOMISH, WA 98290-2962
3119; FAX (360) 568-4437


1
2 Said property also subject to:


3 Reservation of minerals, etc., as provided by Section 7797-56 of Remington's
4 Revised Statutes, as contained in deed from the State of Washington, dated
5 December 15, 1930, recorded December 20, 1930, in Volume 46 of Deeds, page
6 379.

7 An easement granted to Puget Sound Power & Light Company, dated February 27,
8 1935, recorded December 2, 1936, in Volume 50 of Deeds, page 183.

9 4. All persons who in any manner deal with the above-described real estate
10 subsequent to the filing of this Lis Pendens will take subject to the rights of the defendant
11 Northwest Farm Credit Services, PCA as established in said action.

12 Dated this 21 day of August, 2003.

13
14 
15 George E. Benson, WSBA #8352
16 Keithly, Weed, Graafstra & Benson, P.S., Inc.
17 Attorney for Cross-claimant Northwest Farm
18 Credit Services, PCA
19 21 Avenue A
20 Snohomish, Washington 98290
21 (360) 568-3119

22 
23 200308220011
24 Skagit County Auditor
25 8/22/2003 Page 11 of 11 8:46AM