



200311030408  
Skagit County Auditor

When recorded return to:

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Craig Sjostrom  
411 Main Street  
Mount Vernon, Washington 98273

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**Grantors:** (1) James Casey  
(2) Janet Casey

**Grantees:** (1) Paul Giles  
(2) Holly Giles

**Legal Description:** Tract D, Pointe at Vista San Juan Div. 1

**Assessor's Property Tax Parcel or Account No.:** P83455

**Reference Nos of Documents Assigned or Released:** N/A

**Conveyance:** Order & Judgment

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**SUPERIOR COURT OF THE STATE OF WASHINGTON, SKAGIT COUNTY**

Paul J. Giles and Holly Matchett )  
Giles, husband and wife, )  
 )  
Plaintiffs )  
 )  
v. )  
 )  
James and Janet Casey, husband )  
and wife, )  
 )  
Defendants )  
\_\_\_\_\_ )

NO. 02-2-01302-6

ORDER AND JUDGMENT

THIS MATTER was tried by the Court without a jury in sessions of 6, 7 AND 8 October 2003, the Honorable Michael E. Rickert presiding. Plaintiffs and Defendants appeared personally and through their attorneys of record, Alan R. Souders for the Plaintiffs and Craig D. Sjostrom for the Defendants.

The Court received the evidence and testimony offered by the parties, considered the pleadings filed in the action and heard the oral argument of the parties' counsel. At the conclusion of the trial, the Court rendered an oral decision in favor of the Plaintiffs on their application for partition. The Court made and entered findings of fact and conclusions of law on 31 October 2003.

Consistent with its oral decision and its findings and conclusions of 31 October 2003, and considering Plaintiffs' prayer for judgment of 16 October 2003, the Court enters the following Order, which shall be a final determination of the rights of the parties and have all the finality and effect of a judgment:

(1) Craig Cammock, Esq., referee in this matter by stipulation of the parties, shall partition Tract D, Division One of the Pointe at Vista San Juan by sale, according to the following procedure:



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Law Office of Alan R. Souders  
913 Seventh Street  
Post Office Box 1950  
Anacortes, Washington 98221  
360-299-3060

1 (a) The referee shall select a qualified and licensed real estate  
2 appraiser, provide the appraiser with the Tract D restrictive  
3 covenants recorded under Skagit County Auditor's File Number  
4 200207250062, as well as other covenants which apply to Tract  
5 D and shall cause an appraisal of Tract D to be promptly  
6 conducted.

7 (b) Plaintiffs shall have a first right of refusal to purchase  
8 the 1/12th undivided interest in Tract D held by Defendants  
9 for 1/12th of the appraised value. Within seven days after  
10 receiving and approving such appraisal, the referee shall  
11 advise Plaintiffs and Defendants of the appraised price and  
12 provide Plaintiffs with ten calendar days within which they  
13 may purchase the 1/12th undivided interest of Defendants  
14 James and Janet Casey for 1/12th of the appraised price.  
15 Payment shall be made to the referee within the ten day  
16 period allowed, and if payment is so made, the referee shall  
17 cause an appropriate deed to be executed by the Defendants  
18 conveying such 1/12th interest to the Plaintiffs and record  
19 such deed.

20 (c) If Plaintiffs do not exercise their first right of refusal  
21 within the ten day period allowed, Defendants shall then have  
22 an exclusive right to purchase the 11/12th undivided interest  
23 in Tract D held by Plaintiffs for 11/12ths of the appraised  
24 value. Upon expiration of the ten day period allowed to the  
25 Plaintiffs for the first right of refusal, the referee shall  
26 provide Defendants with ten calendar days within which they  
27 may purchase the 11/12ths undivided interest of Plaintiffs  
28 Paul and Holly Giles for 11/12ths of the appraised price.  
Payment shall be made to the referee within the ten day  
period allowed, and if payment is so made, the referee shall  
cause an appropriate deed to be executed by the Plaintiffs  
conveying such 11/12th interest to the Defendants and record  
such deed.

(d) If neither Plaintiffs nor Defendants exercise their rights as  
laid out above, the referee shall cause a partition sale to  
be conducted. The proceeds of such sale shall be allocated  
11/12ths to the Plaintiffs and 1/12th to the Defendants.

(2) The costs of the referee's services and of appraisal shall be  
borne 11/12ths by the Plaintiffs and 1/12th by the Defendants.

(3) To protect the integrity of the tract consistent with the  
covenants, Skagit County shall not alter or eliminate lot lines  
between tract D and adjacent lot(s), whether by boundary line  
adjustment, aggregation, or any other means, such that the  
boundaries, setbacks, size and territorial integrity of tract D or  
adjacent lots are altered.



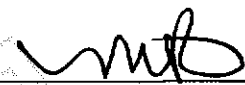
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1 (4) As the prevailing party, Plaintiffs shall be entitled to  
2 payment of their taxable costs and statutory attorney's fee, in the  
3 total amount of \$300, which may be deducted from any payment of  
4 \$300 or greater made to Defendants for their 1/12 interest as set  
5 forth above, or added to Plaintiffs' 11/12 interest in the event  
6 Defendants buy the plaintiffs' interest.

7 (5) The tract D restrictive covenants continue to fully  
8 apply to tract D after partition, and are fully incorporated  
9 herein as if fully set forth, and are enforceable as an order  
10 of this Court as well as through the remedies set  
11 forth therein.

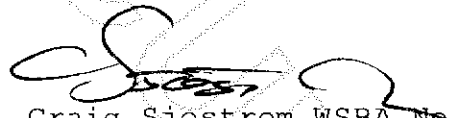
12 Done this 31 day of Oct, 2003.

13  
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15   
16 Michael E. Rickert, Judge

17  
18  
19 Respectfully submitted:

Approved as to form:

20  
21   
22 Alan R. Souders, WSBA No. 26192  
23 Attorney for Plaintiffs

24  
25   
26 Craig Sjoström WSBA No. 21149  
27 Attorney for Defendants



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State of Washington, }  
County of Skagit } ss.

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 3 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 31 day of October

20 03 Nancy K. Scott, County Clerk.

By [Signature]  
Deputy Clerk

By \_\_\_\_\_  
Deputy Clerk