

AFTER RECORDING MAIL TO:

ERON M. BERG, Esq.  
325 Pine Street, Suite A  
Mount Vernon, WA 98273



200401070082

Skagit County Auditor

1/7/2004 Page

1 of

4 2:02PM

---

Document Title:

**EXTINGUISHMENT OF EASEMENT AGREEMENT**

Grantors:

**DANIEL E. DOWNING and ALIN G. DOWNING, husband and wife**

Grantees:

**PUBLIC**

Legal Description:

Abbreviated legal: Parcel No. 5: Section 13, Township 34 North, Range 1 E.W.M., North  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ ; together with a portion of North  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  thereof.

Parcel No. 6: Section 13, Township 34 North, Range 1 E.W.M., South  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ .

Skagit Count Assessor's tax parcel nos.: 340113-009-0207 and 340113-4-008-0008.

AFTER RECORDING MAIL TO:

ERON M. BERG, Esq.  
325 Pine Street, Suite A  
Mount Vernon, WA 98273

### EXTINGUISHMENT OF EASEMENT AGREEMENT

THIS AGREEMENT is made this 22 day of December, 2003, by the following parties:

**DANIEL E. DOWNING and ALIN G. DOWNING**, husband and wife, who are the owners of those parcels of real estate located in Skagit County, Washington, which are fully and legally described in Exhibit "A", which is attached hereto as page 4 and made a part of this document by this reference; and which parcels of property are referenced herein as the "**Downing Parcel No. 5**" and the "**Downing Parcel No. 6**", respectively. The abbreviated legal description of said parcels are as follows:

Parcel No. 5: Section 13, Township 34 North, Range 1 E.W.M., North  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ ; together with a portion of North  $\frac{1}{2}$ , SW  $\frac{1}{4}$ , SW  $\frac{1}{4}$ , SE  $\frac{1}{4}$  thereof.

Parcel No. 6: Section 13, Township 34 North, Range 1 E.W.M., South  $\frac{1}{2}$ , SE  $\frac{1}{4}$ , SE  $\frac{1}{4}$ , SW  $\frac{1}{4}$ ,

which parcels are also known as Skagit County Assessor's tax parcel nos. 340113-009-0207 and 340113-4-008-0008, respectively.

**WHEREAS**, the parties desire to enter into an agreement extinguishing an easement granted for the benefit of Downing Parcel No. 5, over and across a portion of Downing Parcel No. 6.

**NOW, THEREFORE**, for and in consideration of mutual benefits of a nonmonetary nature, including the extinguishments contained herein, the parties do hereby state the following:

1. **EXTINGUISHMENT OF EASEMENT.** The above referenced owners of the Downing Parcel No. 5 do hereby extinguish certain easement rights for ingress, egress, and utilities that affect and run over, under and across the Downing Parcel No. 6. The easements hereby extinguished are referenced in that certain Declaration of Easements, Protective Covenants, and Road and Well Maintenance Provisions, recorded July 15, 1996, as Auditor's No. 9607150132, and are shown and referenced as a portion of Taggart Quarry Road in that certain survey recorded on July 15, 1996, as Auditor's No. 9607150009, records of Skagit



County, Washington. More particularly, the centerline of the easements hereby extinguished are described on the face of said survey map and labeled as line 21, curve 1, line 22, line 23, curve 2, line 24, curve 3, line 25, curve 4, curve 5, line 26, and line 27, respectively.

## 2. BINDING NATURE OF AGREEMENT.

(a) Affected parties. Except as otherwise herein provided, each and every extinguishment thereof contained herein shall run with the land, and shall be binding upon the parties and their respective successors and assigns, and shall inure to the benefit of the owners of the referenced parcels and to their respective successors and assigns.

(b) No Dedication to Public. Nothing contained in this Agreement shall be deemed to be a gift or dedication of any portion of the above described properties to the general public or for any public use or purpose whatsoever.

IN WITNESS WHEREOF, the parties have caused this document to be executed as of the day and year first written above.

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

  
DANIEL E. DOWNING

JAN 07 2004

  
ALIN G. DOWNING

Amount Paid \$  
Skagit County Treasurer  
Deputy

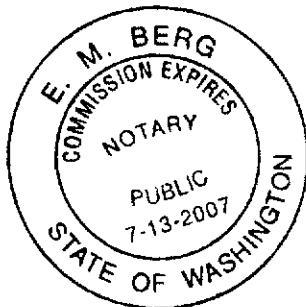
STATE OF WASHINGTON ) By: 


) ss.

COUNTY OF SKAGIT )

On this 23 day of December, 2003, before me, the undersigned, a notary public in and for the State of Washington, duly commissioner and sworn personally appeared DANIEL E. DOWNING and ALIN G. DOWNING to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



  
Notary Public in and for the State of  
Washington, residing at La Conner.

My commissioner expires 7-13-07



200401070082

Skagit County Auditor

**EXHIBIT "A"**

**SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON**

**DOWNING PARCEL NO. 5**

The North Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian;

TOGETHER WITH that portion of the North Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 13 lying Westerly of an existing gravel roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington;

EXCEPT all that portion described as follows:

Commencing at the South Quarter corner of said Section 13;

thence North 1°59'50" East along the North-South centerline of said Section 13, a distance of 660.90 feet to the Northeast corner of the South Half of the Southeast Quarter of the Southwest Quarter of said Section 13, being the true point of beginning;

thence North 88°09'09" West along the North line of said South Half of the Southeast Quarter of the Southwest Quarter a distance of 332.07 feet to the Southwest corner of the East Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of said Section 13;

thence South 2°07'49" West a distance of 30.00 feet;

thence South 88°09'09" East parallel to the said North line of the South Half of the Southeast Quarter of the Southwest Quarter a distance of 577.11 feet, more or less, to the Westerly line of an existing gravel road, being that roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington;

thence North 20°47'28" West a distance of 32.76 feet to the North line of the South Half of the Southwest Quarter of the Southeast Quarter of said Section 13;

thence North 88°12'39" West along said North line of the South Half of the Southwest Quarter of the Southeast Quarter, a distance of 202.20 feet, more or less, to the true point of beginning.

**DOWNING PARCEL NO. 6**

The South Half of the Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 13, Township 34 North, Range 1 East of the Willamette Meridian;

TOGETHER WITH that portion of the south Half of the Southwest Quarter of the Southwest Quarter of the Southeast Quarter of said Section 13 lying Westerly of an existing gravel roadway as set forth in an easement to Earl and Teresa Rodgers by instrument recorded under Auditor's File No. 610687, records of Skagit County, Washington.

