2 0 0 4 0 1 2 6 0 1 7 6 Skagit County Auditor 1/26/2004 Page 1 of 6 1:31PM

Document Title: Easement
Reference Number: Re-record 9904760153 with Charges
Grantor(s): [] additional grantor names on page
1. Brigham, Bill
2. Brigham, Jan
Grantee(s): [] additional grantee names on page
1. Henderson, Elzada
2. Future owners
Abbreviated legal description: [] full legal on page(s)
MH DRFLIA724380234 Sandpointe 77 Wex14
Montborne, block 39, Lot 697
Assessor Parcel / Tax ID Number: [] additional tax parcel number(s) on page
P108725 4135-039-007-0000

99 APR 26 P1 59 Return Address: BILL BRIGHAM 216 Garden of Eden Rd Sedro Woolley, WA 98284 P-89422 LAND TITLE COMPANY OF SHAGIT COUNTY Document Title(s) (or transactions contained therein): Easement Reference Number (s) of Documents assigned or released: on page of ___ of document Grantor(s) (Last name, First, Middle Initial) SKAGIT COUNTY WASHINGTON REAL COUNTY EXCISE TAX Brigham, Bill Brigham. Jan JAN 2 6 2004 Additional names on page _ _of document. An ... !! Paid \$ Grantee (S) (Last name, First, Middle Initial) Future Owners 2. Additional names on page _ Legal description: (Lot, block, plat name, section-township-range) Ptn Lots 4-21 Block 39 TOWN OF MONTBORNE

SKUL

9904260153

Assessor's Property Tax Parcel Account Number(s):

Additional legal is on page __

4136-C11-CC7-0000

BK 1979PG0569



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DECLARATION OF EASEMENT WITH JOINT MAINTENANCE PROVISIONS

This Declaration is made this 26th day of April, 1999 by Bill Brigham and Jan Brigham, husband and wife, hereinafter called Declarant.

WITNESSETH:

Declarant is the owner of that certain tract described on the attached Exhibit A, and

WHEREAS; Declarant has plans to subdivide the property so described into three separate parcels, and

WHIREAS: There is currently in existence a driveway/roadway from State Highway 9 to the parcels to be created, which driveway/roadway is commonly known as Brigham Lane, and

WHEREAS; Declarant wishes to establish a non-exclusive easement for ingress, egress and utilities over Brigham Lane and to establish provisions for the joint use and maintenance of the same;

NOW, THEREFORE; Declarant hereby conveys to the present and future owners of any future lot to be subdivided from the main tract described in Exhibit "A" attached hereto a non-exclusive easement for ingress, egress and utilities over, under and across the existing driveway/roadway known as Brigham Lane.

Declarant and any future owner of a portion of the property described on Exhibit "A" attached hereto hereby covenant and agree, one with the other, that all maintenance and repair of the roadway which exists for the benefit of the properties to be created, shall be shared between the present and future owners thereof, their heirs, successors and assigns, in direct proportion to their relative use of said roadway.

Declarant further covenants and agrees that should there be a disagreement as to the necessity of any maintenance or repair, each party in ownership at the time of the disagreement shall select a licensed engineer, who together will select a third licensed engineer, and they shall determine whether the disputed maintenance or remain is required to maintenance or remain in the maintenance of the second sec maintenance or repair is required to maintain the roadway in a safe and passable manner. The costs of said engineers shall be born exclusively by the non-prevailing party.

Declarant further covenants and agrees that this agreement shall be binding upon themselves, their heirs, successors and assigns and shall be a covenant running with the lands described herein.

Made and executed the day and date above written.

SKAGIT COUNTY WASHINGTON

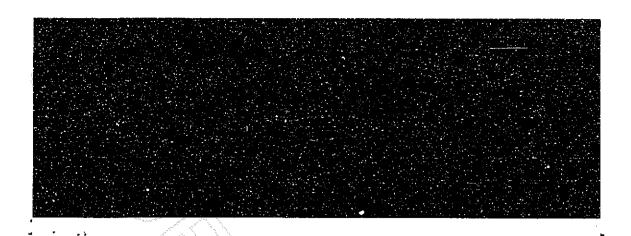
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STATE OF WASHINGTON

County of Skagit

I hereby certify that I know or have satisfactory evidence that Bill Brigham and Jan Brigham are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this <u>26</u> day of April, 1999.

Kanan Q 3 Notary Public in and for of Washington, residing.

My appointment expires 3-1-0

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DESCRIPTION:

PARCEL "A":

The North % of Lot 4 and all of Lot 5 and Lot 17 through 21, inclusive, Block 39, "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.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

Lots 5 through 9, inclusive, Block 11, "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE IN SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situate in the 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 Easterly of the centerline of said right of way and between the Southwesterly extensions of both the Southeasterly line of Lot 5, Block 11, and the Northwesterly line of Lot 9, Block 11, as said lines are delineated on "PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE IN SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

EXHIBIT "A"

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STATE OF WASHINGTO	J		
I, Auditor of Skagit (County, State	of Washing!	on, do hereby
certify that the foregoing copy	of <u>EASEN</u> trom the rec	ord, as the s	_is a true and ame appears in
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35 -10 99 () 47(0 () 1970;	: Francoide Af :	Skanit Gount	v. Washington,
IN TERTIMONY WHEREO	F i hereunto	set pay hand	and seal of my
office this day of	of (XXO)	er, bu	<u></u>
N. Brummett	By	ane Fro	olr
Au	ditor		

200401260176 Skagit County Auditor