

After recording return document to:
SKAGIT COUNTY
PLANNING AND PERMIT CENTER
200 West Washington Street
Mount Vernon, WA 98273



200402110106

Skagit County Auditor

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AMENDED CLAIM OF PUBLIC NUISANCE LIEN

NOTICE IS HEREBY GIVEN that Skagit County hereby amends its public nuisance lien for civil penalties under Skagit County Code Chapter 14.44, with a priority lien position under Skagit County Code Chapter 14.44.160(4), which was recorded on January 14, 2004, as document #200401140054, against the following described premises situated in Skagit County, Washington, to wit:

Lot 23, Block E, "CAPE HORN ON THE SKAGIT," as per plat recorded in Volume 8 of Plats, Pages 92-97, inclusive, records of Skagit County, Washington

PROPERTY ADDRESS: 41507 Center Street, Sedro Woolley, WA 98284
TAX ID # 3868-005-023-0007 PARCEL # P63053

The owner/reputed owner of which is Francine L. Kucera, 41507 Center Street, Sedro Woolley, WA 98284.

The alleged Skagit County Code violations committed by the above party were as follows:

1. SCC 14.34.160(2)(a)(b) – A number of recreational vehicles on site (7), is considered a campground and is not allowed use on land zoned Rural Intermediate without a Hearing Examiner's Special Use Permit.
2. SCC 14.34.160(2)(a)(b) – Recreational vehicles are located in Flood Hazard Zone A-12.

Said amended lien is claimed as security for performance of that certain settlement agreement dated February 5, 2004, in the reduced sums described in said settlement agreement, a copy of which is attached and incorporated by reference.

I hereby declare under penalty of perjury under the laws of the State of Washington that I believe that the amount of the lien and the violations alleged are just, true and correct.

Dated: February 11, 2004

SKAGIT COUNTY
PLANNING AND PERMIT CENTER

BY

Carolyn Spies
Carolyn Spies
Code Enforcement Officer

STATE OF WASHINGTON

)

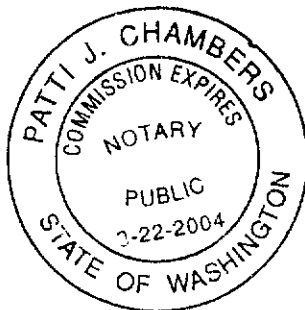
) ss.

COUNTY OF SKAGIT

)

I certify that I know of have satisfactory evidence that Carolyn Spies is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged that he/she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: February 11, 2004



Patti J. Chambers
(Signature)

Patti J. Chambers

(Print Name)

My appointment expires 3/22/04



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SETTLEMENT AGREEMENT

William Nissen and Francine Kucera (Nissen), husband and wife ("Violator"), and Skagit County, a municipal corporation ("the County"), hereby agree as follows:

On October 6 , 2003, the Skagit County Planning and Permit Center issued and served on Violator a Notice And Order To Abate Public Nuisance, a true and correct copy of which is attached hereto as Attachment A and incorporated by reference herein; and

Violator did not correct or abate said public nuisance to the reasonable satisfaction of the County; and

On January 14, 2004, the County recorded a Public Nuisance Lien against said real property, a copy of which is attached hereto as Attachment B and incorporated by reference herein; and

Violator and the County desire to settle this dispute on the following terms and conditions:

The County agrees to reduce said civil penalties to the total sum of \$500.00 provided Violator fully performs Violator's obligations under this Settlement Agreement.

Upon the full performance of Violator's obligations under this Settlement Agreement, the County also agrees to release said special assessment lien.

In consideration for this reduction in the amount of civil penalties, Violator agrees

SETTLEMENT AGREEMENT - 1
KUCERA

ORIG



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to pay the remaining balance of \$500.00 in payments at the rate of \$50.00 per month on the 15th day of each month, beginning March 15, 2004, until the remaining balance is paid in full. Said payments shall be paid to "Skagit County Planning and Permit Center", and mailed or delivered to 200 W. Washington Street, Mount Vernon, WA 98273.

Violator also agrees to correct or abate to the reasonable satisfaction of the County by April 6, 2004, the following public nuisances:

1. SCC14.16.300(4)(e) A number of recreational vehicles on site (7), is considered a campground and is not an allowed use on land zoned Rural Intermediate without a Hearing Examiner's Special Use Permit.
2. SCC14.34.160(2)(a)(b) Recreational vehicles are located in Flood Hazard Zone A-12.

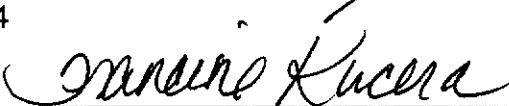
Violator also agrees that if the above-listed public nuisances are not corrected or abated to the satisfaction of the County by said deadline or any of the above-listed payments is over 30 days late, the above-listed total settlement amount shall be doubled, and thereafter Violator shall be given credit for payments actually made under this Settlement Agreement, the new increased balance of said civil penalties shall all be due and payable immediately, and shall bear interest at the rate of 12% per annum from the date the late/missed payment was due, and the County may exercise all remedies available to it to collect the new increased balance of said civil penalties, foreclose on said special assessment lien, obtain a court order for the foreclosure sale of said real property

and an attachment of wages, if any, of Violator.

Dated: 2/5, 2004.

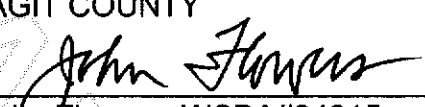

Violator, William Nissen

Dated: 2/5, 2004


Violator, Francine Kucera (Nissen)

SKAGIT COUNTY

BY


John Flowers, WSBA#24315
Civil Deputy Prosecuting Attorney

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that WILLIAM NISSEN is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 2/5/04


(Signature)

Judy L. Kiesser

Print Name

My appointment expires: 11/3/05

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that FRANCINE KUCERA (NISSEN) is the person who appeared before me, and said person acknowledged that

SETTLEMENT AGREEMENT - 3
KUCERA



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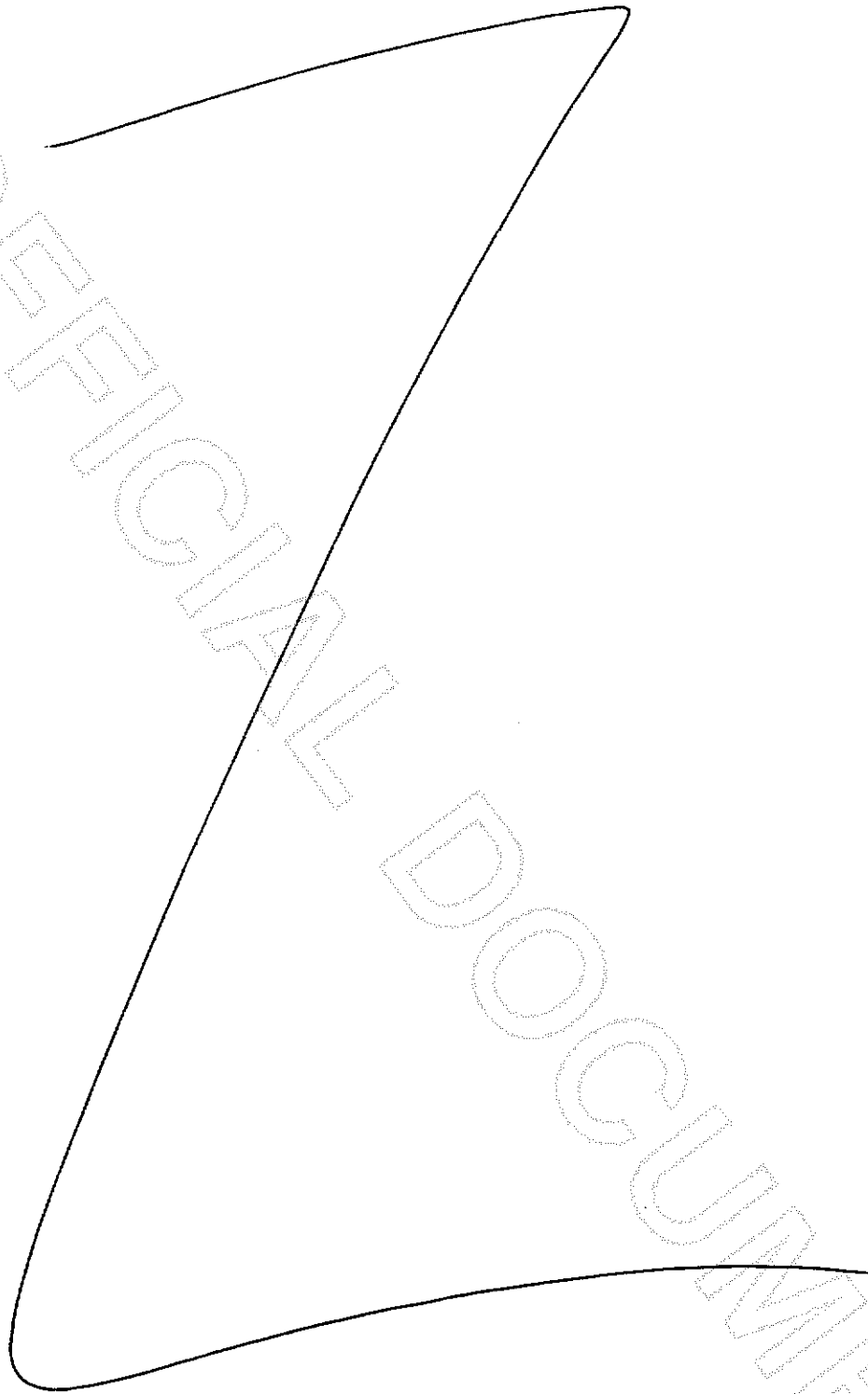
he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 2/5/04

Judy L Kiesser
(Signature)

Judy L Kiesser
Print Name

My appointment expires: 2/3/05



Attachment A



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Skagit County Auditor



PLANNING AND PERMIT CENTER

DAVID W. BLANE, AICP, DIRECTOR

GARY R. CHRISTENSEN, AICP
Assistant Director
Community Planning

KENDRA SMITH, ASLA, AICP
Assistant Director
Community Development

BILL DOWE, CBO
Building Official
Permit Center

Sent to Sheriff for Processing

October 6, 2003

NOTICE AND ORDER TO ABATE

Francine L Kucera
41507 Center Street
Sedro Woolley WA 98284

CASE NUMBER: CE03-0194

SUBJECT: Property located at 41507 Center Street Sedro Woolley

DESCRIPTION: Assessor's Account Number: 3868-005-023-0007 Parcel P63053

Pursuant to Title's 14 and 15 of the Skagit County Code (SCC), Code Compliance Officer Carolyn Spies conducted a site visit on August 8, 2003. The site visit was in response to a Request for Investigation received at the Planning & Permit Center. The site visit noted a number of travel trailers on site. A Notice of Violation was mailed certified on August 20, 2003, returned unclaimed on September 12, 2003. A Supplemental Notice of Violation was mailed certified on August 28, 2003, signed for received on August 30, 2003. A site visit on October 3, 2003 noted a number of recreational vehicles remain.

The violation(s) noted are as follows:

1. SCC14.16.300(4)(e) A number of recreational vehicles on site (7), is considered a campground and is not an allowed use on land zoned Rural Intermediate without a Hearing Examiners Special Use Permit.(see attached)
2. SCC14.34.160(2)(a)(b) Recreational vehicles are located in Flood Hazard zone A-12. (see attached)

The action(s) necessary to correct the violation(s) noted above are:

1. Remove the recreational vehicles from the property by October 17, 2003. (Note: One recreational vehicle is allowed to remain on site)

-OR-



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Francine L Kucera CE03-0194
October 6, 2003
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2. Apply for and submit a complete Hearing Examiners Special Use permit application (if applicable) along with fees to maintain the recreational vehicles on the property, submit by October 17, 2003. A pre-application meeting is required prior to submitting the special use application. Contact the Planning and Permit Center by October 17, 2003 to schedule the meeting.
3. Recreational vehicles shall not be used as permanent dwellings and be on site fewer than 180 consecutive days in any Flood Zone and ready for highway use.

If you fail to comply with this notice in abating all violations as required, within the time allotted, the Director may take the necessary action to cause the corrections to be made. All costs incurred from such actions will be assessed against you and the property and filed as a lien against the property. This matter may also be referred to the Prosecuting Attorney's office for further enforcement action.

NOTE: Skagit County Code, SCC 14.44.030(2), authorizes a civil penalty in the amount of one hundred dollars (\$100.00) per day be charged for each day that such violation continues after there required compliance date. Civil penalties assessed are collected as a special assessment lien and are paramount to all other liens.

That means that a recorded lien for these civil penalties will also be a violation of the requirements of the typical real estate loan and Deed of Trust or Mortgage, and the lender on that loan can start foreclosure proceedings against your property. If you have any questions about that, please contact your bank or other lender on this property.

Appeals of this notice and order must be in writing and must be received within fifteen (15) calendar days of receipt of the notice and order. Appeals will be in accordance with SCC 14.06.

Our main goal is to obtain a prompt correction of the violation(s) and bring closure to this dispute. Otherwise, Skagit County will file a lawsuit to obtain an award of substantial damages against you and to sell the property, foreclose its lien and obtain an injunction. In such a lawsuit, it will be required to name as defendants all persons or companies with an interest in this property, including any banks or other lien holders. A foreclosure sale will require you to move out of the property.



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Francine L Kucera CE03-0194
October 6, 2003
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If you have any questions regarding this notice, please contact the undersigned at (360) 336-9410.

Lawsuits are time-consuming and expensive. It would be in everyone's best interests to correct these violations immediately and reach a settlement for the payment of these civil penalties and avoid the necessity of a lawsuit.

Sincerely,

Carolyn Spies
Code Compliance Officer



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UNOFFICIAL DOCUMENT



Attachment B



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Skagit County Auditor

After recording return document to:
SKAGIT COUNTY
PLANNING AND PERMIT CENTER
200 West Washington Street
Mount Vernon, WA 98273



200401140054
Skagit County Auditor

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PUBLIC NUISANCE LIEN

NOTICE IS HEREBY GIVEN that Skagit County has and claims a public nuisance lien for civil penalties under Skagit County Code Chapter 14.44 against the following described premises situated in Skagit County, Washington, to wit:

Lot 23, Block E, "CAPE HORN ON THE SKAGIT," as per plat recorded in Volume 8 of Plats, Pages 92-97, inclusive, records of Skagit County, Washington

PROPERTY ADDRESS: 41507 Center Street, Sedro Woolley, WA 98284
TAX ID # 3868-005-023-0007 PARCEL # P63053

The owner/reputed owner of which is Francine L. Kucera, 41507 Center Street, Sedro Woolley, WA 98284.

Said lien is claimed for the civil penalties of \$100 per day for the dates of November 15, 2003 to January 7, 2004, for the total sum of \$5,200 as of the date of this lien, plus interest at the rate of 12% per annum, plus any future civil penalties, interest and costs which may accrue against said premises.

I hereby declare under penalty of perjury under the laws of the State of Washington that I believe that the amount of the lien and the violations alleged are just, true and correct.

Dated: January 14, 2004

SKAGIT COUNTY
PLANNING AND PERMIT CENTER

BY *Carolyn Spies*
Carolyn Spies
Code Enforcement Officer



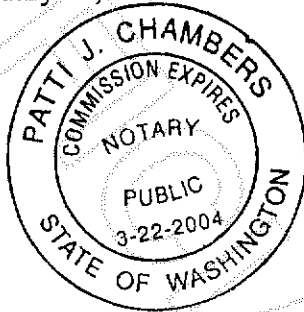
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STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Carolyn Spies is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: January 14, 2004



Patti J. Chambers
Notary Public
Residing in Mount Vernon
My commission expires: 3/22/04
PATTI J. CHAMBERS
(Printed Name)



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