

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



200403180090

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 RCW 36.32.120(10) and 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 #200401140053, against the following described premises situated in Skagit County, Washington, to wit:

Lots 20 and 21, Block 2, Plat of Alger, according to the plat thereof recorded in Volume 4 of Plats, page 9, records of Skagit County, Washington.

PROPERTY ADDRESS: 18616 Abbey Place, Bellingham, WA 98229
TAX ID # 4042-002-021-0003 PARCEL # P70379

The owner/reputed owner of which is Daryl Baumgartner, 18616 Abbey Place, Bellingham, WA 98229.

Said amended lien is claimed as security for performance of that certain settlement agreement dated February 26, 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.

SETTLEMENT AGREEMENT

Daryl Baumgartner ("Violator"), and Skagit County, a municipal corporation ("the County"), hereby agree as follows:

On September 18, 2002, the Skagit County Planning and Permit Center issued and served on Violator a Notice and Order to Abate Public Nuisance and on October 15, 2003, a Supplemental Notice and Order to Abate, true and correct copies of which are 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 \$1,000.00 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

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to pay the remaining balance of \$1,000.00 in payments at the rate of \$100.00 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. The Planning and Permit Center also accepts credit card payments, but Violator is required to come to the Planning and Permit Center in person to pay payments by credit card. If at any time Violator wishes to pay the remaining balance and have the lien released early, the County will give Violator a 10% discount on the remaining balance.

Violator also agrees to correct or abate to the reasonable satisfaction of the County by April 30, 2004, the following public nuisance:

SCC14.16.310(4)(r) Storage of unlicensed/inoperable vehicles in a Rural Village Residential zone without the required Hearing Examiner's Special Use Permit

Violator also agrees that if the above-listed public nuisance is 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



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Attachment A



PLANNING AND PERMIT CENTER

TOM KARSH, DIRECTOR

GARY R. CHRISTENSEN, AICP
Assistant Director
Community Planning

KENDRA SMITH, ASLA, AICP
Assistant Director
Community Development

BILL DOWE, CBO
Building Official
Permit Center

September 18, 2002

CERTIFIED MAIL

NOTICE AND ORDER TO ABATE

Daryl Baumgartner
1120 W Bakerview Road
Bellingham WA 98226

CASE NUMBER: CE02-0154

SUBJECT: Property located at 18616 Abbey Place Bellingham WA 98226

DESCRIPTION: Assessor's Account Number: 4042-002-021-0003 P70379

Pursuant to Title's 14 and 15 of the Skagit County Code (SCC), Code Compliance Officer Carolyn Spies conducted a site visit on June 13, 2002. The site visit was in response to a Request for Investigation received at the Skagit County Planning & Permit Department. The site visit noted a large accumulation of junk and trash, including inoperable vehicles which is considered a public nuisance. A number of inoperable/unlicensed vehicles in a Rural Village Residential zone without the required Hearing Examiners Special Use Permit. Three recreational vehicles on site, constituting a campground, not a permitted use in the Rural Village Residential zone. A mobile home onsite in a condition that constitutes an unsafe structure. A Notice of Violation was mailed certified on August 13, 2002 and signed for received on August 24, 2002.

The violation(s) noted are as follows:

1. 12.16.180 SCC A large accumulation of junk and trash (including inoperable vehicle(s), boats) has been established on site and is considered to be a public nuisance as well as a harborage for vectors.
2. 14.16.310(4)(r)SCC Storage of unlicensed/inoperable vehicles in a Rural Village Residential zone without the required Hearing Examiners Special Use Permit (see attached).
3. 14.16.310 Three recreational vehicles on site, constitutes a campground which is not permitted in a Rural Village Residential zone.
4. 15.04.020(5)SCC (102 UBC) Unsafe structure – dilapidated Mobile Home on site.



Notice and Order to Abate
Daryl Baumgartner – CE02-0154
September 18, 2002
Page 2 of 2

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

1. Condition noted in #1 above, constitutes a junkyard by definition and is not a permitted use on land zoned Rural Village Residential. Commence clean up immediately and remove all solid waste by October 18, 2002.

2. Remove all unlicensed/inoperable vehicles by October 18, 2002.

-OR-

3. Apply for a Hearing Examiner's Special Use Permit by October 18, 2002.

4. Remove all recreational vehicles by October 18, 2002

5. The unsafe structure is hereby declared to be a public nuisance and shall be abated by removal from the site by October 18, 2002.

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 subordinate to all other liens.

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.

If you have any questions regarding this notice, please contact the undersigned at (360) 336-9410.

Sincerely,



Carolyn Spies
Code Compliance Officer



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Skagit County Auditor

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Daryl Baumgartner
 1120 W Bakerview Road
 Bellingham WA 98226

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 X *[Signature]* Addressee

B. Received by (Printed Name) C. Date of Delivery
Sherric Jacobson *9-23-02*

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label) **7001 2510 0005 7183 6828**

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0005 7183 6828
 9829 6828
 5000 0752 7001

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark Here

Sent to *Daryl Baumgartner*
 Street, Apt. No.,
 or PO Box No. *1120 W BAKERVIEW RD*
 City, State, ZIP+4 *B'HAM WA 98226*

PS Form 3800, January 2001

See Reverse for Instructions



200403180090
 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

October 15, 2003

CERTIFIED MAIL

SUPPLEMENTAL NOTICE AND ORDER TO ABATE

Daryl Baumgartner
18616 Abbey Place
Bellingham WA 98229

CASE NUMBER: CE02-0154

SUBJECT: Property located at 18616 Abbey Place Bellingham

DESCRIPTION: Assessor's Account Number: 4042-002-021-0003 Parcel P70379

Pursuant to Title's 14 and 15 of the Skagit County Code (SCC), Code Compliance Officer Carolyn Spies conducted a site visit on June 13, 2002. The site visit was in response to a Request for Investigation received at the Skagit County Planning & Permit Department. The site visit noted a large accumulation of junk and trash, including inoperable vehicles which is considered a public nuisance. A number of inoperable/unlicensed vehicles in a Rural Village Residential zone without the required Hearing Examiners Special Use Permit. Three recreational vehicles on site, constituting a campground, not a permitted use in the Rural Village Residential zone. A mobile home onsite in a condition that constitutes an unsafe structure. A Notice of Violation was mailed certified on August 13, 2002 and signed for received on August 24, 2002. A Notice and Order to Abate mailed certified, signed for received on September 23, 2002. Carolyn Spies conducted a site visit on October 29, 2002 and an extension of two months was given to resolve violations. Carolyn Spies conducted a site visit on February 13, 2003, case forwarded to the Skagit County Prosecuting Attorney for further action. A letter was mailed on March 4, 2003 from the Skagit County Prosecuting Attorneys office to contact within 10 days. Mr. Baumgartner requested an additional 6 weeks to come into compliance, extended to April 28, 2003. A site visit conducted by Carolyn Spies on May 13, 2003 noted a number of violations remain.

The violation(s) noted are as follows:

1. 12.16.180 SCC A large accumulation of junk and trash (including inoperable vehicle(s), boats) has been established on site and is considered to be a public nuisance as well as a harborage for vectors.



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Notice and Order to Abate
CE02-0154 Daryl Baumgartner
October 15, 2003
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2. 14.16.310(4)(r)SCC Storage of unlicensed/inoperable vehicles in a Rural Village Residential zone without the required Hearing Examiners Special Use Permit (see attached).
3. 14.16.310 Three recreational vehicles on site, constitutes a campground which is not permitted in a Rural Village Residential zone.
4. 15.04.020(5)SCC (102 UBC) ~~Unsafe structure—dilapidated Mobile Home on site.~~ Resolved

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

1. Condition noted in #1 above, constiutes a junkyard by definition and is not a permitted use on land zoned Rural Village Residential. Commence clean up immediately and remove all solid waste by October 31, 2003.
2. Remove all unlicensed/inoperable vehicles by October 21, 2003.

-OR-

3. Apply for a Hearing Examnier's Special Use Permit by October 21, 2003.
4. Remove all recreational vehicles by October 21, 2003.
5. ~~The unsafe structure is hereby declared to be a public nuisance and shall be abated by removal from the site by October 18, 2002.~~ Resolved

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.



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Notice and Order to Abate
CE02-0154 Daryl Baumgartner
October 15, 2003
Page 3 of 3

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.

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.

If you have any questions regarding this notice, please contact the undersigned at (360) 336-9410.

Sincerely,



Carolyn Spies
Code Compliance Officer



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Skagit County Auditor

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SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Daryl Baumgartner
 18616 Abbey Place
 Bellingham WA 98229

2.

PS

COMPLETE THIS SECTION ON DELIVERY

- A. Signature Agent
 Addressee
- B. Received by (Printed Name) C. Date of Delivery
 Daryl Baumgartner 10-20
- D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.
4. Restricted Delivery? (Extra Fee) Yes

102595-02-M-08351

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

7001 2510 0005 5182 4227

Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement R)	
Restricted Deliv (Endorsement R)	
Total Postage	
Sent To	Daryl Baumgartner
Street, Apt. No., or PO Box No.	18616 Abbey Place
City, State, ZIP+4	Bellingham WA 98229

Postmark Here

PS Form 3800, January 2001 See Reverse for Instructions



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Attachment B

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



200401140053
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:

Lots 20 and 21, Block 2, Plat of Alger, according to the plat thereof recorded in Volume 4 of Plats, page 9, records of Skagit County, Washington.

PROPERTY ADDRESS: 18616 Abbey Place, Bellingham, WA 98229
TAX ID # 4042-002-021-0003 PARCEL # P70379

The owner/reputed owner of which is Daryl Baumgartner, 18616 Abbey Place, Bellingham, WA 98229.

Said lien is claimed for the civil penalties of \$100 per day for the dates of October 31, 2003, through January 7, 2004 for the total sum of \$6,700 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 13, 2004

SKAGIT COUNTY
PLANNING AND PERMIT CENTER

BY Carolyn Spies
Carolyn Spies
Code Enforcement Officer



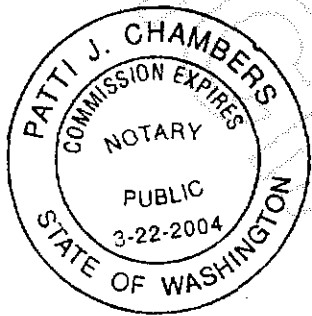
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STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

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 13, 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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