

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



200405130086

Skagit County Auditor

5/13/2004 Page 1 of 14 11:38AM

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 30, 2004, as document #200401300078, against the following described premises situated in Skagit County, Washington, to wit:

Lot 2. of Skagit County Short Plat No. 94-027, as approved September 23, 1994, and recorded September 30, 1994, in Volume 11 of Short Plats, Page 120, under Auditor's File No. 9409300052, records of Skagit County, Washington, being a portion of the Northeast quarter of the Southeast quarter of Section 21, Township 33 North, Range 6 East, W.M., and the North half of the Southwest quarter of Section 22, Township 33 North, Range 6 East, W.M.

PROPERTY ADDRESS: 33479 West Shore Drive, Mount Vernon, WA 98274
TAX ID #: 330622-1-001-0201 PARCEL NO.: P106765

The public nuisance is briefly described as follows:

Skagit County Code (SCC) 14.16.420 – Storage of Automobiles, Travel Trailers, Boats, Box Cars/Metal Shipping Containers and Automobile Parts on Land Zoned Secondary Forest – Natural Resource Lands

SCC 14.16.420(2)(p) – Recreational Vehicle on site used as a Permanent Dwelling.

The owner/reputed owner of which is Heye Special Needs Trust, FBO Sanders-Griffith Dylan Lee Waller K/Griffith D. Trustees, P.O. Box 15, Mount Vernon, WA 98273.

Said amended lien is claimed as security for performance of that certain settlement agreement dated May 12, 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: May 12, 2004

SKAGIT COUNTY
PLANNING AND PERMIT CENTER

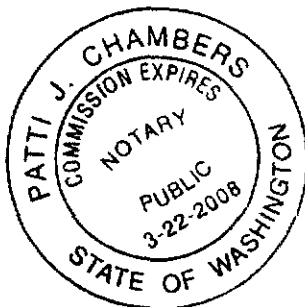
BY

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

DATED: May 12, 2004.



Patti J. Chambers

(Signature)

Patti J. Chambers

Print Name

My appointment expires: 3/22/08



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RECEIVED

MAY 11 2004

SKAGIT COUNTY
PROSECUTING ATTORNEY

SETTLEMENT AGREEMENT

DANIEL L. GRIFFITH, and THE HEYE SPECIAL NEEDS TRUST, and each of them (hereinafter collectively called "Violator"), and Skagit County, a municipal corporation ("the County"), hereby agree as follows:

On January 27, 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 30, 2004, the County recorded a Public Nuisance Lien in the amount of \$70,000.00 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 \$2,500.00, 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 public nuisance lien. *within 10 days.*

In consideration for this reduction in the amount of civil penalties, Violator agrees to pay the remaining balance of \$2,500.00 in payments at the rate of \$50.00 per month on the 15th

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day of each month, beginning July 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 provide proof of ownership and to remove and legally transfer, legally re-locate or legally dispose of all inoperable and/or unlicensed vehicles from the subject property by June 1, 2004, including those vehicles on the property belonging to other parties.

Subject to at least seven (7) days advance notice to the Violator by the County of the date and time, Violator grants permission to representatives of the County to go onto the subject property at all reasonable times between the date of this Settlement Agreement and June 1, 2004, to inspect, photograph and take soil samples to check for the presence of contaminants or other illegal waste products, and if contaminants or other illegal waste products are found, Violator agrees to immediately begin cleaning up said contaminants or other illegal waste products in accordance with the directions and procedures given to Violator by the County Environmental Health Department, and to complete said clean up within ninety (90) days after the Violator first receives written notice from the County of said contamination or other illegal waste products. In the event that said contamination or other waste products are so extensive or serious that it is more properly within the jurisdiction of the State Department of Ecology, the County shall so notify Violator and the State Department of Ecology of said contamination and illegal waste product, and Violator agrees

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to promptly follow the directions and procedures of the State Department of Ecology. It is specifically understood and agreed that the County has no authority to bind the State Department of Ecology concerning said contamination and illegal waste products. The County gives only its recommendations to the State Department of Ecology on such matters.

The County and Violator also agree that if the above-listed public nuisance(s) are corrected or abated to the satisfaction of Skagit County by said deadline, the above-listed total settlement amount shall be reduced by 50% and the amount of the monthly payments shall also be reduced by 50%, and thereafter Violator shall be given credit for payments actually made under this Settlement Agreement.

Other than the contractual rights in this Settlement Agreement, Violator hereby and for his heirs, executors, administrators, successors and assigns releases, acquits, and forever discharges Skagit County and its Commissioners, officers, elected officials, agents or employees, including Carolyn Spies, of and from any and all claims, actions, causes of action, demands, rights, property damages, costs, expenses and compensation whatsoever in connection with the disputes described in this Settlement Agreement concerning subject property.

As security for the performance of this Settlement Agreement by Violator, the County shall record an Amended Public Nuisance Lien on subject property.

Violator also agrees that if the above-listed public nuisances are not corrected or abated to the satisfaction of the County by said deadlines or if any of the above-listed payments is over 30 days late the 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 abate said public nuisances, to

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collect the new increased balance of said civil penalties, foreclose on said public nuisance lien, obtain a court order for the foreclosure sale of said real property and an attachment of wages, if any, of Violator.

Dated: May 12th, 2004.


DANIEL L. GRIFFITH, Violator


THE HEYE SPECIAL NEEDS TRUST

By: 
DANIEL L. GRIFFITH, Co-Trustee, Violator

By: 
KEVIN K. WALLER, Co-Trustee

By: 
KEVIN K. WALLER, Trustor

SKAGIT COUNTY

BY: 
Code Enforcement Officer
Planning & Permit Center

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that DANIEL L. GRIFFITH, as Violator and Co-Trustee, is the person who appeared before me, and said person acknowledged that

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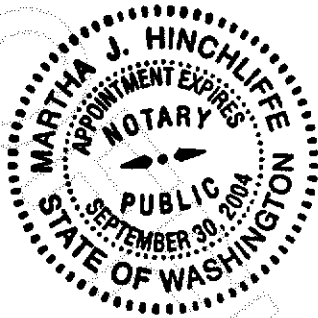
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he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 5/7/04



Martha J. Hinchliffe
(Signature)

Martha J. Hinchliffe
Print Name

My appointment expires: 9/30/04

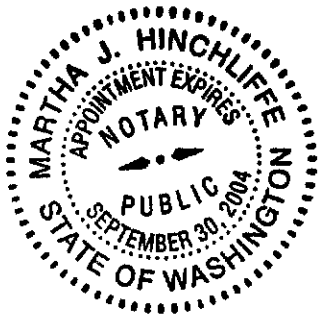
STATE OF WASHINGTON)

) ss.

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that KEVIN K. WALLER, as Co-Trustee and Trustor, 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: 5/7/04



Martha J. Hinchliffe
(Signature)

Martha J. Hinchliffe
Print Name

My appointment expires: 9/30/04

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UNOFFICIAL DOCUMENT

Attachment A



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Skagit County Auditor



PLANNING AND PERMIT CENTER

GARY CHRISTENSEN, INTERIM DIRECTOR

GARY R. CHRISTENSEN, AICP
Assistant Director
Community Planning

KENDRA SMITH, ASLA, AICP
Assistant Director
Community Development

BILL DOWE, CBO
Building Official
Permit Center

January 27, 2003

CERTIFIED MAIL

NOTICE AND ORDER TO ABATE

Heye Special Needs Trust
FBO Sanders-Griffith Dylan Lee
Waller K/Griffith D Trustees
Dan Griffith
PO Box 15
Mount Vernon WA 98273

CASE NUMBER: CE02-0098

SUBJECT: Property located at 33479 West Shore Drive Mount Vernon

DESCRIPTION: Assessor's Account Number: 3306221-001-0201 Parcel 106765

Pursuant to Title's 14 and 15 of the Skagit County Code (SCC), Carolyn Spies Code Compliance Officer issued a Notice of Violation on January 9, 2003. The Notice of Violation was mailed certified and signed for received on January 22, 2003 by Dan Griffith. Mr. Dan Griffith was in the Planning and Permit Center on January 22, 2003 and signed received for a copy of the Notice of Violation.

The violation(s) noted are as follows:

1. 14.16.420SCC Aerial photos show (approx.) 50 - 60 vehicles plus, auto parts, boats, travel trailers and several large box/metal shipping containers on the above referenced property.
2. 14.16.420(2)(p)SCC Recreational vehicle on site used as a permanent dwelling.

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

1. Storage of automobiles, travel trailers, boats, box cars/metal shipping containers and automobile parts is not a permitted use on land zoned Secondary Forest - Natural Resource Lands (see attached). Commence clean up and removal of all items by February 10, 2003

200 West Washington Street • Mount Vernon, WA 98273 • Phor



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2. Recreational vehicles used as a dwelling is not a permitted use on land zoned Secondary Forest - Natural Resource Land. The temporary use of recreational vehicles is permitted only where it is in conjunction with an active Forest Practice Application. Temporary use of recreational vehicles is only allowed under this subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year (see attached). Remove all recreational vehicles by February 10, 2003.

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.

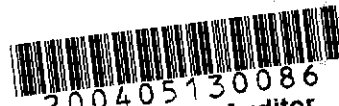
If you have any questions regarding this notice, please contact the undersigned at (360) 336-9410.

Sincerely,



Carolyn Spies
Code Compliance Officer

cc: Paul W Taylor Inc., P.S. Attorney at Law



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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:

Heye Special Needs Trust
FBO Sanders-Griffith Dylan Lee
Waller K/Griffith D Trustees
Dan Griffith
PO Box 15
Mount Vernon WA 98273

2. Article Number
(Transfer from service label)

7001 2510 0005 5182 4913

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-0835

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Dan Griffith

C. Date of Delivery

1-29-03

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

U.S. Postal Service

CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage \$

Certified Fee

Return Receipt Fee
(Endorsement)

Restricted D
(Endorsement)

Total Postage

Sent To

Street, Apt. 1
or PO Box No.

City, State, ZIP+4

Heye Special Needs Trust
FBO Sanders-Griffith Dylan Lee
Waller K/Griffith D Trustees
Dan Griffith
PO Box 15
Mount Vernon WA 98273

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



200401300078
Skagit County Auditor

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CLAIM OF PUBLIC NUISANCE LIEN

NOTICE IS HEREBY GIVEN that Skagit County has and claims a public nuisance lien for civil penalties, with a priority lien position under Skagit County Code Chapter 14.44.160(4), against the following described premises situated in Skagit County, Washington, to wit:

Lot 2. of Skagit County Short Plat No. 94-027, as approved September 23, 1994, and recorded September 30, 1994, in Volume 11 of Short Plats, Page 120, under Auditor's File No. 9409300052, records of Skagit County, Washington, being a portion of the Northeast quarter of the Southeast quarter of Section 21, Township 33 North, Range 6 East, W.M., and the North half of the Southwest quarter of Section 22, Township 33 North, Range 6 East, W.M.

PROPERTY ADDRESS: 33479 West Shore Drive, Mount Vernon, WA 98274
TAX ID #: 330622-1-001-0201 PARCEL NO.: P106765

The public nuisance is briefly described as follows:

Skagit County Code (SCC) 14.16.420 – Storage of Automobiles, Travel Trailers, Boats, Box Cars/Metal Shipping Containers and Automobile Parts on Land Zoned Secondary Forest – Natural Resource Lands

SCC 14.16.420(2)(p) – Recreational Vehicle on site used as a Permanent Dwelling.

The owner/reputed owner of which is Heye Special Needs Trust, FBO Sanders-Griffith Dylan Lee Waller K/Griffith D. Trustees, P.O. Box 15, Mount Vernon, WA 98273.

Said lien is claimed as security for the abatement of a public nuisance and civil penalties of \$100.00 per day, pursuant to County Code 14.44.030(2), for the dates of February 10, 2003 through January 30, 2004, for the sum of \$70,000 as of the date of this lien, 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 30, 2004.

SKAGIT COUNTY
PLANNING AND PERMIT CENTER

BY

Carolyn Spies
Carolyn Spies
Code En



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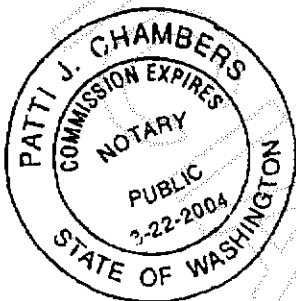
STATE OF WASHINGTON)

) 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 30, 2004



Patti J. Chambers

Notary Public

Residing in Mount Vernon

My commission expires: 3/22/04

Patti J. Chambers

(Printed Name)



200405130086

Skagit County Auditor