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200406180029

Skagit County Auditor

6/18/2004 Page

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Document Title: **JUDGMENT**

Reference Number: N/A

Grantor(s):

1. **GEORGE E. STRICKERT**

2. **GEORGE'S PLACE, LLC**

☐ Additional Grantor(s) names on page ____.

Grantee(s):

1. **GRABER LIVING TRUST**

2. **ELROY A. GRABER and CHARLOTTE GRABER**

☐ Additional Grantee(s) names on page ____.

Abbreviated Legal Description:

GL5 31-35-2
GL2-3 32-35-2

☐ Full legal on page(s) ____.

Assessor Parcel / Tax ID Number(s):

1. P33277 / 350231-0-020-0006

2. P33278 / 350231-0-020-0105

3. P33279 / 350231-0-020-0204

4. P33280 / 350231-0-020-0303

5. P33408 / 350231-4-001-0100

6. P33409 / 350231-4-001-0209

☐ Additional tax parcel number(s) on page ____.

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

Honorable Michael E. Rickert

2004 JUN 14 PM 2:30

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR SKAGIT COUNTY

E. ALLEN GRABER and CHARLOTTE
GRABER, husband and wife,

Plaintiffs,

vs.

GEORGE STRICKERT and GEORGE'S
PLACE, LLC,

Defendants.

NO. 02-2-01633-5

JUDGMENT
FOR PLAINTIFFS

This matter was tried to the Court without a jury on May 11 &
12, 2004, the Honorable Michael E. Rickert presiding.
Plaintiffs and Defendants appeared personally and by and
through their attorneys of record, Alan R. Souders and John P.
Livingston for Plaintiffs and Craig D. Sjostrom for Defendants.

The Court received the evidence and testimony offered by the
parties, considered the pleadings filed in this action and
heard the oral argument of the parties' counsel. At the
conclusion of the trial, the Court rendered an oral decision in
favor of the Plaintiffs on their claims to enjoin the
Defendants from exercising their use of an easement through the
Plaintiffs' property. The Court subsequently made and entered

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1 Findings of Fact and Conclusions of Law on

2 ~~2004~~. A copy of these Findings and Conclusions is entered in
3 the file in the cause of action in the office of the Clerk.
4

5 Consistent with its oral decision and its Findings and
6 Conclusions, the Court enters judgment as follows:
7

8 1. Defendants George E. Strickert and George's Place, LLC, as
9 owners of Skagit County parcels P33280 and P33409,
10 respectively, are and shall be permanently enjoined from
11 entering on the Plaintiffs' property, Skagit County parcels
12 P33277, P33278, P33279, and P33408. Defendants are further
13 enjoined from exercising any right to that certain 60 foot
14 easement at issue in this cause of action [so far as it affect
15 the Plaintiffs], said easement described below as:

16 "TOGETHER WITH and SUBJECT TO an easement for ingress,
17 egress and utilities over and across a strip of land 60
18 feet in width, being 30 feet on each side of the following
described centerline:

19 Beginning at the southeast corner of Government Lot 5 of
20 Section 31, Township 35 North, Range 2 East, W.M.; thence
21 north 39°36'45" west a distance of 77.18 feet; thence
22 north 7°12'26" west a distance of 20.0 feet to a point on
23 said centerline and hereafter referred to as Point "A";
24 thence north 82°47'34" east to the westerly line of the
25 State Highway right of way and the true point of beginning
of the centerline of the easement herein described;
thence south 82°47'34" west to the above referred to Point
"A"; thence southwesterly from said Point "A" to a point
of the south line of said Lot 5 that is 165.0 feet west of
the southeast corner of said Lot 5; thence west along the
south line of Government Lot 5 to the southwest corner of
Government Lot 5, the terminal point of said centerline;"

26
27 2. The above referenced easement shall be extinguished insofar
28 as it affects the parcels owned by the parties to this action,

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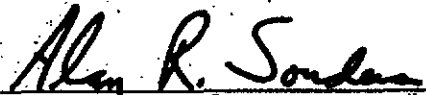
1 or their heirs, successors, and/or assigns, specifically Skagit
2 County Assessor Parcel numbers P33277, P33278, P33279, P33280,
3 P33408 and P33409. See attached legal descriptions for each.
4

5 3. The injunctive relief herein granted shall run with the
6 land and apply to parcels P33277, P33278, P33279, P33280,
7 P33408, and P33409 and every part thereof, binding all current
8 and future owners of said parcels, including their heirs,
9 successors and/or assigns.
10

11 Done this 11 day of June, 2004.
12

13 
14 Michael E. Rickert, Judge
15

16 Respectfully submitted:
17

18 
19 Alan R. Souders, WSBA # 26192
20 Attorney for Plaintiffs

21 Approved as to form:
22

23 
24 Craig D. Sjostrom, WSBA # 21149
25 Attorney for Defendants
26
27
28

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1 **LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33277**

2
3 **TAX ID #: 350231-0-020-0006**

4 A portion of Government Lot 5 in Section 31, and portions of Lots 2 and 3 in Section 32, all
5 in Township 35 North, Range 2 East of the Willamette Meridian, being more particularly
6 described as follows:

7 Beginning at the quarter corner common to Sections 31 and 32, said point being the Southeast
8 corner of Government Lot 5 in Section 31; thence South $0^{\circ}12'$ East along the East line of
9 Section 31 a distance of 164.10 feet to the North line of that certain tract of land conveyed to
10 Oliver Wynkoop by deed recorded in Volume 97 of Deeds, page 176, records of Skagit
11 County, Washington;
12 thence North $89^{\circ}43'$ East along the North line of said tract, 299.12 feet to the Westerly line of
13 the State Highway;
14 thence North $39^{\circ}10'$ West (State bearing is North $38^{\circ}29'30''$ West) along the West line of said
15 State Highway 189.05 to a concrete monument marking the westerly boundary of the State
16 Highway at Engineers Station "T.S. 207 23.7";
17 thence along a spiral curve to the right, following said State Highway right-of-way line 122.0
18 feet;
19 thence South $82^{\circ}47'34''$ West 156.33 feet;
20 thence South $39^{\circ}36'45''$ East 77.18 feet to the point of beginning.
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22
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28

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1 **LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33278**

2 **TAX ID #: 350231-0-020-0105**

3
4 Portion of Government Lot 5, Section 31, Township 35 North, Range 2 E. W. M., and
5 of Government Lot 2, Section 32, Township 35 North, Range 2 E. W. M., as follows:

6 All those portions of:

7 A. The Southeast quarter of Government Lot 5, Section 31, Township 35 North, Range 2
8 East, W. M., EXCEPT State Highway right-of-way and,

9 B. That portion of Government Lot 2, Section 32, Township 35 North, Range 2 East, W.
10 M., EXCEPT State Highway right-of-way, described as follows:

11 Beginning at the intersection of the North line of said Southeast quarter with the West line of
12 Lot 2,
13 thence South 89°43' West for approximately 50 feet to the intersection of the East line of the
14 State Highway, and
15 thence Southeasterly along that line to an intersection with a line running South 0°06' East
16 from the point of beginning, and
17 thence North 0°06' West along that line to the point of beginning,
18 and another parcel beginning at the intersection of the North line of said Southeast quarter
19 with the West line of State Highway;
20 thence South 89°43' West along said North line for approximately 515 feet to the Northwest
21 corner of said Southeast quarter;
22 thence South 0°03' East along the West line of said Southeast quarter for 637.90 feet to the
23 Southwest corner thereof;
24 thence North 89°43' East for 655.80 feet to the quarter corner common to said Sections 31 and
25 32;
26 thence North 39°36'45" West for 77.18 feet;
27 thence North 82°47'34" East for 156.33 feet to the West line of State Highway;
28 thence following the curves and indentations of said West line in a general Northwesterly
direction to the point of intersection with the North line of the Southeast quarter.

Together with and subject to an easement for ingress and egress and utilities over and across a
strip of land 60 feet in width, being 30 feet on each side of the following described center line:

Beginning at the southeast corner of Government Lot 5 of Section 31, Township 35 North,
Range 2 East, W.M.; thence north 39°36'45" west a distance of 77.18 feet; thence north
7°12'26" west a distance of 20.0 feet to a point on said centerline and hereafter referred to as
Point "A"; thence north 82°47'34" east to the westerly line of the State Highway right of way
and the true point of beginning of the centerline of the easement herein described; thence
south 82°47'34" west to the above referred to Point "A"; thence southwesterly from said Point
"A" to a point of the south line of said Lot 5 that is 165.0 feet west of the southeast corner of
said Lot 5; thence west along the south line of Government Lot 5 to the southwest corner of
Government Lot 5, the terminal point of said centerline."

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1 **LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33279**

2 **TAX ID #: 350231-0-020-0204**

3 **Abbreviated Legal: W1/2 NE1/4 NE1/4 SE1/4 LESS S 480FT.**

4
5 The West one half of the Northeast quarter of the Northeast quarter of the Southeast quarter of
6 Section 31, Township 35 North, Range 2 East, W. M., less the South 480 feet

7 **TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities**
8 **over and across a strip of land 60 feet in width, being 30 feet on each side of the following**
9 **described centerline: Beginning at the southeast corner of Government Lot 5 of Section 31,**
10 **Township 35 North, Range 2 East, W.M.; thence north 39°36'45" west a distance of 77.18**
11 **feet; thence north 7°12'26" west a distance of 20.0 feet to a point on said centerline and**
12 **hereafter referred to as Point "A"; thence north 82°47'34" east to the westerly line of the State**
13 **Highway right of way and the true point of beginning of the centerline of the easement herein**
14 **described; thence south 82°47'34" west to the above referred to Point "A"; thence**
15 **southwesterly from said Point "A" to a point of the south line of said Lot 5 that is 165.0 feet**
16 **west of the southeast corner of said Lot 5; thence west along the south line of Government Lot**
17 **5 to the southwest corner of Government Lot 5, the terminal point of said centerline.**

18 **ALSO, TOGETHER WITH and SUBJECT TO an easement for ingress, egress and**
19 **utilities over and across the East 15 feet of the West half of the Northeast quarter of the**
20 **Northeast quarter of the Southeast quarter of Section 31, Township 35 North, Range 2 East,**
21 **W.M., except the North 30 feet thereof, and over and across the West 15 feet of the East half**
22 **of the Northeast quarter of the Northeast quarter of the Southeast quarter, except the North 30**
23 **feet thereof.**

24 **SUBJECT TO an easement affecting a strip of land 24 feet in width, in favor of the**
25 **City of Anacortes, for the purpose of a pipe line, recorded January 14, 1931 under Auditor's**
26 **File No. 240261.**

27 **ALSO SUBJECT TO an easement granted to Puget Sound Power & Light Company, a**
28 **Massachusetts Corporation, dated March 23, 1951 and recorded under Auditor's File No.**
29 **459743 on April 2, 1951, for electric transmission line together with right of ingress and**
30 **egress over Grantor's adjoining property and including covenants against blasting without**
31 **notice.**

32 **ALSO SUBJECT TO an easement affecting a portion of said premises the location of**
33 **which is undeterminable, for the purpose of an anchor guy, in favor of Puget Sound Power &**
34 **Light Company, a Corporation, recorded July 1, 1957 under Auditor's File No. 553207.**

35 **SUBJECT TO relinquishment of right of access to State Highway and of light, view**
36 **and air, under terms of deed to the State of Washington and EXCEPT FOR frontage road as**
37 **provided in said deed, recorded September 19, 1956 under Auditor's File No. 541733.**

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LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33280

TAX ID #: 350231-0-020-0303

The East half of the Southwest quarter of Government Lot 5, Section 31, Township 35 North, Range 2 East; W.M. EXCEPT for a one-acre tract and house, Skagit County Parcel P112877.

TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities over and across a strip of land 60 feet in width, being 30 feet on each side of the following described centerline:

Beginning at the southeast corner of Government Lot 5 of Section 31, Township 35 North, Range 2 East; W.M.; thence north $39^{\circ}36'45''$ west a distance of 77.18 feet; thence north $7^{\circ}12'26''$ west a distance of 20.0 feet to a point on said centerline and hereafter referred to as Point "A"; thence north $82^{\circ}47'34''$ east to the westerly line of the State Highway right of way and the true point of beginning of the centerline of the easement herein described; thence south $82^{\circ}47'34''$ west to the above referred to Point "A"; thence southwesterly from said Point "A" to a point of the south line of said Lot 5 that is 165.0 feet west of the southeast corner of said Lot 5; thence west along the south line of Government Lot 5 to the southwest corner of Government Lot 5, the terminal point of said centerline:

ALSO SUBJECT TO an easement affecting a portion of said premises, the location of which is undeterminable, for the purpose of an anchor guy, in favor of Puget Sound Power and Light Company, a Corporation, recorded July 1, 1957 under Auditor's File No. 553207.

ALSO SUBJECT TO an easement across the south 30 feet of the premises, in favor Robert L. Perry, et al, for the purpose of ingress and egress and utilities, recorded October 26, 1971 and August 22, 1972 under Auditor's File No. 759682 and 772950.

ALSO SUBJECT TO an easement for electric transmission line, together with right of ingress and egress over Grantor's adjoining property and including covenants against blasting without notice, in favor of Puget Sound Power and Light Company, a Massachusetts Corporation, dated March 23, 1951 and recorded April 2, 1951 under Auditor's File No. 459743.

ALSO SUBJECT TO relinquishment of right of access to State Highway and of light, view and air, under terms of deed to the State of Washington and EXCEPT for frontage road as provided in said deed, recorded September 19, 1956 under Auditor's File No. 541733.

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LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33408

TAX ID #: 350231-4-001-0100

Abbreviated Legal Description: S 480FT OF W1/2 NE1/4 NE1/4 SE1/4

The South 480 feet of the West one-half of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 31, Township 35 North, Range 2 East, W. M.

TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities over and across a strip of land 60 feet in width, being 30 feet on each side of the following described centerline: Beginning at the southeast corner of Government Lot 5 of Section 31, Township 35 North, Range 2 East, W.M.; thence north $39^{\circ}36'45''$ west a distance of 77.18 feet; thence north $7^{\circ}12'26''$ west a distance of 20.0 feet to a point on said centerline and hereafter referred to as Point "A"; thence north $82^{\circ}47'34''$ east to the westerly line of the State Highway right of way and the true point of beginning of the centerline of the easement herein described; thence south $82^{\circ}47'34''$ west to the above referred to Point "A"; thence southwesterly from said Point "A" to a point of the south line of said Lot 5 that is 165.0 feet west of the southeast corner of said Lot 5; thence west along the south line of Government Lot 5 to the southwest corner of Government Lot 5, the terminal point of said centerline.

ALSO, TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities over and across the East 15 feet of the West half of the Northeast quarter of the Northeast quarter of the Southeast quarter of Section 31, Township 35 North, Range 2 East, W.M., except the North 30 feet thereof, and over and across the West 15 feet of the East half of the Northeast quarter of the Northeast quarter of the Southeast quarter, except the North 30 feet thereof.

SUBJECT TO an easement affecting a strip of land 24 feet in width, in favor of the City of Anacortes, for the purpose of a pipe line, recorded January 14, 1931 under Auditor's File No. 240261.

ALSO SUBJECT TO an easement granted to Puget Sound Power & Light Company, a Massachusetts Corporation, dated March 23, 1951 and recorded under Auditor's File No. 459743 on April 2, 1951, for electric transmission line together with right of ingress and egress over Grantor's adjoining property and including covenants against blasting without notice.

ALSO SUBJECT TO an easement affecting a portion of said premises the location of which is undeterminable, for the purpose of an anchor guy, in favor of Puget Sound Power & Light Company, a Corporation, recorded July 1, 1957 under Auditor's File No. 553207.

SUBJECT TO relinquishment of right of access to State Highway and of light, view and air, under terms of deed to the State of Washington and EXCEPT FOR frontage road as provided in said deed, recorded September 19, 1956 under Auditor's File No. 541733.

JUDGMENT FOR PLAINTIFFS- 8



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Skagit County Auditor

1 **LEGAL DESCRIPTION FOR SKAGIT COUNTY PARCEL NUMBER P33409**

2 **TAX ID #: 350231-4-001-0209**

3
4 The East Half of the Northwest Quarter of the Northeast Quarter of the Southeast Quarter in
5 Section 31, Township 35 North, Range 2, East of the Willamette Meridian;

6 TOGETHER WITH and SUBJECT TO an easement for ingress, egress and utilities
7 over and across a strip of land 60 feet in width, being 30 feet on each side of the following
8 described centerline:

9 Beginning at the southeast corner of Government Lot 5 of Section 31, Township 35 North,
10 Range 2 East, W.M.; thence north $39^{\circ}36'45''$ west a distance of 77.18 feet; thence north
11 $7^{\circ}12'26''$ west a distance of 20.0 feet to a point on said centerline and hereafter referred to as
12 Point "A"; thence north $82^{\circ}47'34''$ east to the westerly line of the State Highway right of way
13 and the true point of beginning of the centerline of the easement herein described; thence
14 south $82^{\circ}47'34''$ west to the above referred to Point "A"; thence southwesterly from said Point
15 "A" to a point of the south line of said Lot 5 that is 165.0 feet west of the southeast corner of
16 said Lot 5; thence west along the south line of Government Lot 5 to the southwest corner of
17 Government Lot 5, the terminal point of said centerline:

18 Situate in Skagit County, Washington.



UNOFFICIAL

DOCUMENT

State of Washington, } ss.
County of Skagit

I, Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 9 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon, this 14th day of June 2004. Nancy K. Scott, County Clerk

By Janette Blord
Deputy Clerk



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Skagit County Auditor