



200409280131

Skagit County Auditor

9/28/2004 Page

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5 1:55PM

**AFTER RECORDING RETURN TO:
SKAGIT COUNTY PROSECUTOR'S OFFICE
605 S. THIRD
MOUNT VERNON, WA 98273**

DOCUMENT TITLE: JUDGMENT QUIETING TITLE

DATE SIGNED: 9/24/04

GRANTOR:

James R. Russell etal page 2

GRANTEE:

SKAGIT COUNTY

Parcel No: P116909

Legal Description: The North 1/2 of the following described property:

The North 466.69 feet of the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 6, Township 34 North, Range 10 East, W.M.; EXCEPT the West 466.69 feet thereof.

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2004 SEP 24 AM 10:03

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

SKAGIT COUNTY, a municipal corporation,
 Plaintiff,
 v.
 JAMES R. RUSSELL, JOSH W. RUSSELL,
 CARL H. RUSSELL, LAWRENCE D. RUSSELL,
 GERTRUDE M. BERTALAN,
 the Heirs and Devisees of the Estate of
 FRED C. RUSSELL, deceased, and the Heirs
 and Devisees of J.H. SMITH, deceased, being
 all of the Shareholders of Hamilton Farm &
 Timber Company, a Dissolved Corporation,
 and DOE 1 through Doe 50,
 And All Persons Unknown, Claiming Any Legal
 Or Equitable Right, Title, Estate, Lien, or
 Interest in Certain Real Property which is the
 Subject of this Quiet Title Action,
 Defendants.

NO. 04-2-00285-3
JUDGMENT QUIETING
TITLE TO REAL
PROPERTY



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The Court finds:

A Summons and Complaint in this action were served by publication, pursuant to prior court order, and said publication was completed on April 1, 2004;

The time within which defendants were required to appear and plead has expired; and defendants have not appeared. No answer, motion (except plaintiff's

JUDGMENT QUIETING TITLE
TO REAL PROPERTY
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SKAGIT COUNTY PROSECUTING ATTORNEY
605 S. 3RD ST. - Courthouse Annex
Mount Vernon, WA 98273
Phone: (360) 336-9460
Fax: (360) 336-9497

ORIGINAL

1 motion for order of default and default judgment), or other pleading has been served
2 or filed in this action; and that the default of defendants, and each of them, has been
3 entered; and

4 The court has read the accompanying declarations of Judy L. Kiesser and John
5 Flowers, which refer to, attach and/or incorporate by reference documents which are
6 admissible under ER 1005 concerning recorded documents and statements of
7 relatives of Defendants, which are admissible under ER 804(b) as exceptions to the
8 hearsay rule concerning personal or family history, and the files of Plaintiff Skagit
9 County, which are admissible as business records under ER 904(a)(6) concerning
10 trustworthy documents and/or ancient documents over 20 years old under ER 901(8),
11 and the release of all right, title or interest in said real property, if any, by the Quit
12 Claim Deeds signed and notarized by each of said named Defendants' known heirs,
13 and said evidence proves by a preponderance of the evidence the allegations in the
14 Complaint respecting prior ownership of said real property by the named Defendants
15 who received ownership of this real property in 1954 from their dissolved corporation,
16 Hamilton Farm & Timber Company, the prior death of each named Defendant, and the
17 adverse possession by Plaintiff Skagit County for more than ten (10) years pursuant to
18 RCW 4.16.020(1), without challenge to its possession and control from any one, and
19 the court being satisfied that Plaintiff Skagit County has met the requirements of RCW
20 4.16.020(1), that by a preponderance of the evidence the allegations of the complaint
21 are true and that the relief asked for should be granted.

22 Therefore, on motion of John Flowers, Deputy Prosecuting Attorney, attorney
23 for plaintiff Skagit County,

24 It is ordered, adjudged, and decreed:

25 **IT IS ORDERED, ADJUDGED, AND DECREED:**

26
27
28 JUDGMENT LIFTING TITLE
TO RE,
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1 1. That plaintiff Skagit County owns in fee simple and is entitled to quiet
2 possession of that parcel of land situated in the County of Skagit, State of
3 Washington, and described as follows:

4 The North 1/2 of the following described property:

5 The North 466.69 feet of the Northwest 1/4 of the Southeast 1/4 of the
6 Northwest 1/4 of Section 6, Township 34 North, Range 10 East, W.M.;
7 EXCEPT the West 466.69 feet thereof.

8 2. That plaintiff Skagit County's title to the real property is forever quieted
9 against all claims or demands of Defendants JAMES R. RUSSELL, JOSH W.
10 RUSSELL, CARL H. RUSSELL, LAWRENCE D. RUSSELL, GERTRUDE M.
11 BERTALAN, the Heirs and Devisees of the Estate of FRED C. RUSSELL, deceased,
12 and the Heirs and Devisees of J.H. SMITH, deceased, and any person claiming under
13 any of said Defendants to any estate, right, title, lien or interest in the real property;


14 3. That said above-named Defendants and any person claiming under said
15 Defendants, or any of them, is permanently enjoined from asserting any claim or
16 interest in or to the real property or any part of it.

17 Dated: 24 Feb 04

18 
19 JUDGE COURT COMMISSIONER

20
21 Presented by:
22 SKAGIT COUNTY PROSECUTING ATTORNEY

23
24 By John Flowers
25 JOHN FLOWERS, WSBA #24315
26 Civil Deputy

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TO REAL PROPERTY
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UNOFFICIAL DOCUMENT

State of Washington, }
County of Skagit } ss.

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 3 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 27 day of Sept:
2004. Nancy K. Scott, County Clerk.

By D. H. Lockwood
Deputy Clerk



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