



200507010123

Skagit County Auditor

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10 1:42PM

**AFTER RECORDING RETURN TO:**

James E. Anderson  
P. O. Box 727  
Anacortes, WA 98221

**AMENDED EASEMENT FOR INGRESS, EGRESS AND UTILITIES**

**GRANTOR:** GILL E. ANDERSON, a married man dealing in his separate property

**GRANTEES:** JAMES L. SHOEMAKE and JO ANN SHOEMAKE, Trustees of the Shoemake Living Trust

**LEGAL DESCRIPTION:** Tracts 11, 12 and 13 of O. LERVICK'S PLAT OF AGATE COVE, according to the plat thereof recorded in Volume 4 of Plats, page 42, records of Skagit County, Washington.

EXCEPT the North 150 feet thereof as measured along the West Survey line thereof and by a line drawn parallel with the North line thereof;

ALSO EXCEPT the Southerly 41 feet thereof; TOGETHER WITH Second Class Tidelands as conveyed by the State of Washington, lying in front of, adjacent to, or abutting thereon.

**TAX I.D. NUMBER:** 3854-000-012-0015; R61693

**RECITALS**

A. THIS AGREEMENT is made and entered into by and between GILL ANDERSON, a married man dealing in his separate property, hereinafter referred to as "Grantor", and JAMES L. SHOEMAKE and JO ANN SHOEMAKE, Trustees of the "Shoemake Living Trust" dated November 10, 1999, hereinafter referred to as the "Grantees"; and

B. Grantees have previously reserved and been granted easement rights over Grantor's property which is described above and also described as parcels B1 and B2 on Exhibit A

AMENDED EASEMENT FOR INGRESS,  
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which is attached hereto and incorporated by reference herein for the use and benefit of Grantees' property which is described as parcels A1 and A2 in said attached Exhibit A and the description of said properties is incorporated by reference herein; and

C. Grantor and Grantees both have a non-exclusive easement for ingress and egress over and across a strip of land 15 feet in width which is referred to and described as parcel A2 and parcel B2 on Exhibit A which is attached hereto and incorporated by reference herein; and

D. Pursuant to a Stipulation to be entered in a proceeding in the Skagit County Superior Court under Case No. 00-2-01615-1 the parties hereto have agreed to amend the existing easement rights of Grantees over, under and across Grantor's property and to grant unto Grantees a non-exclusive two-foot easement on the northern portion of Grantor's property; and

NOW, THEREFORE in consideration of the mutual benefits inuring to each of the parties hereto and the Stipulation referred to above, the parties covenant and agree as follows:

1. Easement for Ingress, Egress, and Utilities.

Grantor hereby grants a perpetual, non-exclusive easement for ingress, egress, and utilities over, under and across Grantor's property described as parcel B1 on Exhibit "A" for the use and benefit of Grantees property described and referred to as parcel A2 on Exhibit A which is attached hereto and incorporated by reference herein. Said easement shall be located in the area legally described on Exhibit "B" which is attached hereto and incorporated by reference herein.

2. Maintenance.

The Grantor and Grantees shall be equally responsible to pay all costs connected with the maintenance of the easement in its existing condition as a gravel easement right-of-way.

3. Use.

The Grantees shall use caution in using the easement for vehicles as the driveway is in close proximity to Grantor's dwelling and areas where Grantor's family recreate.

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4. Ham Shack/Stair Easement.

Grantor grants a perpetual, non-exclusive easement for ingress and egress to Grantees for the purpose of accessing the property to maintain, repair, and/or replace a building called the "ham shack" and the attached stairs which are located on the property vested in Grantees pursuant to the stipulation referred to in Recital D above. Said easement is described on Exhibit C which is attached hereto and incorporated by reference herein and depicted on a survey recorded on the 21st day of April, 2005 under Skagit County Auditor's File No. 200506210003.

5. Separate Property.

Grantor covenants and warrants that his property described as parcels B1 and B2 on Exhibit A was acquired by him and his former wife GAIL ANDERSON and that her interest in the property was subsequently deeded to him. Grantor further covenants and warrants that his present wife, SHELBY PLATT, who has been referred to in the court proceedings referred to in Recital D above as SHELBY ANDERSON, has no interest in the subject property and the same is his sole and separate property.

6. Enforcement.

In the event that either party retains the services of an attorney to enforce the terms of this agreement, the prevailing party shall be entitled to their attorney's fees and costs incurred in enforcing the terms of this easement.

7. Covenant.

This easement shall be construed as a covenant running with the land and shall be binding on the heirs, successors and assigns of the parties.

8. Merger.

That upon the filing of this document with the Skagit County Auditor's Office the easement rights previously reserved and granted to Grantees on the Grantor's property described and referred to as parcels B1 and B2 on Exhibit "A" pursuant to the Real Estate Contract recorded under Skagit County Auditor's File No. 794614, and reserved in a Warranty Deed recorded under Skagit County Auditor's File No. 8607030071, shall be merged into the easement referred to in paragraph 1 above and described on Exhibit B. Said easement shall be restricted to the area described on Exhibit B and

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paragraph 1 above and described on Exhibit B. Said easement shall be restricted to the area described on Exhibit B and the area depicted on the survey map referred to paragraph 4 above. The result of this merger is that the Grantees' easement rights described in the foregoing documents has been relocated to the area described on Exhibit B.

DATE:

9/5/05

GILL E. ANDERSON

DATE:

JAMES L. SHOEMAKE - Trustee

DATE:

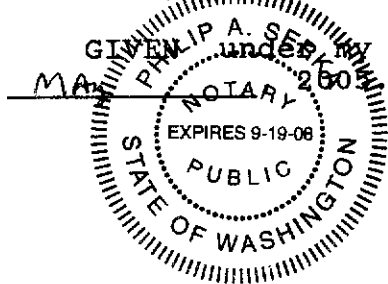
JO ANN SHOEMAKE - Trustee

STATE OF WASHINGTON )

) ss

COUNTY OF Whatcom )

On this day personally appeared before me GILL E. ANDERSON to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.



Gill E. Anderson  
Notary Public in and for the State of  
Washington, residing at Anacortes.  
My appointment expires: 9/19/08

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the area depicted on the survey map referred to paragraph 4 above. The result of this merger is that the Grantees' easement rights described in the foregoing documents has been relocated to the area described on Exhibit B.

DATE: \_\_\_\_\_

GILL E. ANDERSON

DATE: 4/11/05

James L. Shoemaker  
JAMES L. SHOEMAKE - Trustee

DATE: 4/11/05

Jo Ann Shoemaker  
JO ANN SHOEMAKE - Trustee

CALIFORNIA )  
STATE OF ~~WASHINGTON~~ )  
COUNTY OF RIVERSIDE ) SS

On this day personally appeared before me GILL E. ANDERSON to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

Notary Public in and for the State of Washington, residing at Anacortes.  
My appointment expires: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

AMENDED EASEMENT FOR INGRESS,  
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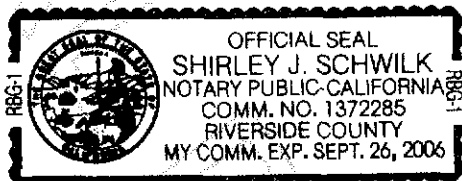
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STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss

On this day personally appeared before me JAMES L. SHOEMAKE and JO ANN SHOEMAKE to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11<sup>th</sup> day of APR, 2005.

Shirley J. Schwilk  
Notary Public in and for the State  
of CA, residing at DESERT HOT.  
My appointment expires: SP63  
SHIRLEY J. SCHWILK  
(Printed Name)



SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUL 01 2005

Amount Paid \$ 0  
Skagit Co. Treasurer  
By Lp Deputy

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EXHIBIT "A"

PARCEL A1:

The North 150 feet of the following described tract, as measured along the West survey line thereof and by a line drawn parallel to the North line thereof:

Tracts 12 and 13 of O. Lervick's Plat of Agate Cove, West Beach-Guemes Island, Skagit Co., Wash., as per plat recorded in Volume 4 of Plats, page 42, records of Skagit County; INCLUDED in said description is the second class tideland portion of the above described property as shown in the Plat;

PARCEL A2:

A non-exclusive easement for ingress and egress and utilities over and across a strip of land 15 feet in width, the center line of which is a line drawn parallel to and 7 1/2 feet East of the West line of Lervick Avenue extended Northerly across Lots 10 to 13, inclusive, of said Plat.

EXCEPT the North 150 feet of said Lots 12 and 13 above described;

PARCEL B1:

Tracts 11, 12 and 13 of O. LERVICK'S PLAT OF AGATE COVE, according to the plat thereof recorded in Volume 4 of Plats, page 42, records of Skagit County, Washington;

EXCEPT the North 150 feet thereof as measured along the West Survey line thereof and by a line drawn parallel with the North line thereof;

ALSO EXCEPT the Southerly 41 feet thereof;

TOGETHER WITH Second Class Tidelands as conveyed by the State of Washington, lying in front of, adjacent to, or abutting thereon.

PARCEL B2:

A non-exclusive easement for ingress and egress over and across a strip of land 15 feet in width (the center line of which is a line drawn parallel with and 7 1/2 feet East of the West line of Lervick Avenue extended Northerly) across Tract 10 and the Southerly 41 feet of Tract 11, O. LERVICK'S PLAT OF AGATE COVE, according to the plat thereof recorded in Volume 4 of Plats, page 42, records of Skagit County, Washington.

Situate in Skagit County, Washington.

- END OF EXHIBIT "A" -



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EXHIBIT B

November 11, 2004

LEGAL DESCRIPTION FOR PROPOSED EASEMENT

Anderson to Shoemaker Living Trust – Vehicular Access

All that part of that certain tract of land conveyed to Gill Anderson by Quit Claim Deed recorded April 24, 1990 under Auditor's File No. 9004240041, records of Skagit County, Washington, and being a portion of Tracts 11, 12, and 13, "O. Lervick's Plat of Agate Cove, West Beach—Guemes Island, Skagit County, Washington", as per plat recorded in Volume 4 of Plats, page 42, records of said County and State, said part being more particularly described as follows:

Commencing at the Southwest corner of Lot 10, said "O. Lervick's Plat of Agate Cove, West Beach—Guemes Island, Skagit County, Washington", as said point is shown on that certain Record of Survey recorded under Auditor's File No. 200105250015, records of said County and State; **thence** North 01°50'00" East along the West line of said Lot 10 and Lot 11, a distance of 88.61 feet to a point on the South line of said Anderson tract; **thence** South 88°10'00" East along said South line, a distance of 74.27 feet to the **TRUE POINT OF BEGINNING**; **thence** North 72°19'51" West, a distance of 10.65 feet to a point lying on the Westerly line of a strip of land 15.00 feet in width; **thence** along said Westerly line for the following courses: North 53°06'15" West, a distance of 20.64 feet; North 35°35'57" West, a distance of 19.27 feet; North 20°39'33" West, a distance of 9.61 feet; North 19°49'34" West, a distance of 13.50 feet; North 25°54'01" West, a distance of 21.63 feet; and North 11°51'24" West, a distance of 27.90 feet to the North line of said Anderson tract and the Northwest corner of said 15 foot wide strip of land; **thence** South 88°10'00" East along said North line, a distance of 15.44 feet to the Northeast corner of said 15 foot wide strip of land; **thence** along the Easterly line of said 15 foot wide strip of land for the following courses: South 11°51'24" East, a distance of 22.40 feet; South 25°54'01" East, a distance of 20.58 feet; South 19°49'34" East, a distance of 14.19 feet; South 20°39'33" East, a distance of 7.54 feet; South 35°35'57" East, a distance of 15.00 feet; South 53°06'15" East, a distance of 18.34 feet; and South 56°04'35" East, a distance of 10.34 feet; **thence** leaving said Easterly line, South 31°28'05" East, a distance of 11.59 feet to said South line of said Anderson tract; **thence** North 88°10'00" West, a distance of 16.02 feet to the **TRUE POINT OF BEGINNING**;

SUBJECT TO public or private easements, covenants, restrictions, or other encumbrances of record.

Situate in the County of Skagit, State of Washington.



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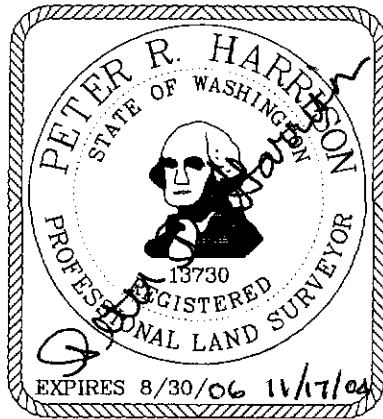


EXHIBIT B - Page Two



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November 11, 2004

# LEGAL DESCRIPTION FOR PROPOSED EASEMENT

## Anderson to Shoemaker Living Trust – Ham Shack Access

All that part of that certain tract of land conveyed to Gill Anderson by Quit Claim Deed recorded April 24, 1990 under Auditor's File No. 9004240041, records of Skagit County, Washington, and being a portion of Tracts 11, 12, and 13, "O. Lervick's Plat of Agate Cove, West Beach—Guemes Island, Skagit County, Washington", as per plat recorded in Volume 4 of Plats, page 42, records of said County and State, said part being more particularly described as follows:

A strip of land 2.00 feet in width, said strip lying Southerly, Easterly, Northerly and Westerly of the following described line:

Commencing at the Southwest corner of Lot 10, said "O. Lervick's Plat of Agate Cove, West Beach—Guemes Island, Skagit County, Washington", as said point is shown on that certain Record of Survey recorded under Auditor's File No. 200105250015, records of said County and State; **thence** North 01°50'00" East along the West line of said Lot 10 and Lot 11, a distance of 147.61 feet to the Northwest corner of said Lot 11; **thence** North 05°35'00" West along the West line of said Lot 12, a distance of 51.68 feet to a point on the North line of said Anderson tract; **thence** South 88°10'00" East along said North line, a distance of 43.08 feet to the **TRUE POINT OF BEGINNING** of said described line; **thence** South 73°56'52" West, a distance of 5.68 feet; **thence** South 15°46'19" East, a distance of 9.83 feet; **thence** North 73°56'52" East, a distance of 23.60 feet; **thence** North 15°46'19" West, a distance of 2.23 feet to said North line and the end of said described line;

SUBJECT TO public or private easements, covenants, restrictions, or other encumbrances of record.

Situate in the County of Skagit, State of Washington.

