

After recording return to:  
Kenneth D. Miller  
PO Box 662  
Burlington, WA 98233



200512160008  
Skagit County Auditor

12/16/2005 Page 1 of 6 8:47AM

P49765, P49700

21-36-4

## AMENDMENT TO REAL ESTATE CONTRACT

THIS AGREEMENT is entered into between Daniel Baker, a single man; Thomas J. Miller and Lillian Miller, husband and wife, and Kenneth Miller and Phyllis Miller, husband and wife.

### I. RECITALS

1. On August 25, 2003, Daniel Baker entered into a purchase and sale agreement for real property with Thomas J. Miller and Lillian Miller. The agreement included a fulfillment deed, and was recorded under Skagit County Auditor's File No. 200308250157.
2. The purchase and sale agreement was contingent upon the buyer, Daniel Baker, obtaining approval for a subdivision of the property which would create three (3) lots. The parties extended the original 120 day time limit to establish the subdivision by a separate agreement executed on February 22, 2004, a copy of which is attached as Exhibit A.
3. As the subdivision has not been approved, the parties wish to amend their agreement to facilitate the final plat approval. Kenneth and Phyllis Miller will take over responsibility for obtaining final plat approval for the subdivision in exchange for ownership of Lot 2 upon approval. Lot 3 shall be deeded to Desiree Husselbee as previously agreed. Daniel Baker shall retain ownership of Lot 1.

### AGREEMENT

In consideration of mutual benefit, the parties agree as follows:

- A. Kenneth Miller and Phyllis Miller shall assume responsibility for completing the plat application ("short CARD").
- B. Kenneth Miller and Phyllis Miller shall bring the taxes for the subject property current.

C. Upon final approval of the subdivision, Daniel Baker, Thomas Miller and Lillian Miller shall execute a Quit Claim Deed in favor of Kenneth Miller and Phyllis Miller for that portion of real property shown as Lot 2 on Exhibit "A" to Addendum One to Real Estate Contract (see p. 9 of 11, Skagit County Auditor's File No. 200308250157). A proposed Quit Claim Deed is attached as Exhibit B. The parties have reviewed the proposed Quit Claim Deed as to form and agree to amend it as needed, sign and record it along with the appropriate documents relating to the transfer of Lot 3 to Desiree Husselbee pursuant to the February 22, 2004 agreement.

Daniel Baker 12-9-05  
Daniel Baker Date

Thomas J. Miller  
Thomas J. Miller Date

Lillian Miller 12-7-2005  
Lillian Miller Date

Kenneth Miller  
Kenneth Miller Date

Phyllis Miller 12-9-05  
Phyllis Miller Date

12-09-05

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

EXCISE  
TAX PAID  
ON 8-25-03  
ON ORIGINAL  
REAL ESTATE  
CONTRACT  
RECEIPT NO#  
4283 U  
AMOUNT OF \$1109<sup>25</sup>

DEC 16 2005

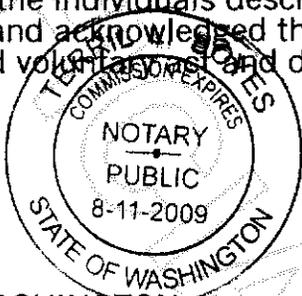
Amount Paid \$  
Skagit Co. Treasurer  
By



200512160008  
Skagit County Auditor

STATE OF WASHINGTON )  
COUNTY OF SKAGIT )SS

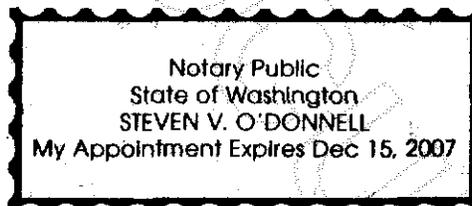
I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this 9<sup>th</sup> day of December, 2005, personally appeared before me Kenny Miller, Phyllis Miller and Daniel Baker, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



Terri L Boyas  
Terri L Boyas  
Commission Exp 8/11/09

STATE OF WASHINGTON )  
COUNTY OF SKAGIT )SS

I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



STATE OF WASHINGTON )  
COUNTY OF King )SS

I, the undersigned, a notary public in and for the State of Washington, hereby certify that on this 7<sup>th</sup> day of December, 2005, personally appeared before me Thomas J. Miller and Lillian L. Miller, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed and sealed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Steven V. O'Donnell  
Steven V. O'Donnell  
Notary Public



200512160008  
Skagit County Auditor

EXHIBIT A

FEBRUARY 22, 2004 AGREEMENT



200512160008

Skagit County Auditor

THIS AGREEMENT is entered into between, Daniel Baker, a single man; Christopher Husslbe and Desiree Husslbe, husband and wife; and Thomas J. Miller and Lillian Miller, husband and wife.

### I. RECITALS

1.1 WHEREAS on August 25, 2003, Daniel Baker and Thomas J. Miller and Lillian Miller entered into a purchase and sale agreement for real property under Skagit County Auditor File number 200308250157.

1.2 WHEREAS said agreement was contingent on transfer of Lot 3 of 3 by Daniel Baker to Desiree Husslbe upon subdivision and plat approval by Skagit County.

1.3 WHEREAS it remains the parties intent that Lot 3 be transferred in accordance therewith; however, final plat approval is still pending with Skagit County.

### II. AGREEMENT

NOW THEREFORE the parties hereto agree as follows:

2.1 Tax Reporting of Allocations. The parties agree that Lot 1 and Lot 2 are valued at \$72,000.00 and shall report the sale and purchase of the real property for all federal, state, local and foreign tax purposes in a manner consistent with the allocation set forth in this Section.

2.2 The 120 days referred to in Paragraph 4 of the Purchase and sale agreement recorded August 25, 2003 under Skagit County Auditor File number 200308250157 is hereby extended until such time as the final plat is approved by Skagit County.

2.3 The parties have reviewed the proposed Quit Claim Deed, attached hereto as Exhibit A; and Well Easement, attached hereto as Exhibit B, as to form and agree to sign and record it as the last document.

Date: 2/22/04

Daniel Baker  
Daniel Baker

Date: 2-22-04

Christopher Husslbe  
Christopher Husslbe

Date: Feb 22 2004

Desiree Husslbe  
Desiree Husslbe

Date: 2-22-04

Thomas J. Miller  
Thomas J. Miller

Date: Feb 22 2004

Lillian Miller  
Lillian Miller



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**EXHIBIT B**

**PROPOSED LOT 2 QUIT CLAIM DEED**



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Skagit County Auditor