

When Recorded Return to:



200602170046
Skagit County Auditor

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NOTICE OF CONTINUANCE
LAND CLASSIFIED AS CURRENT USE OR FOREST LAND

Chapter 84.34 And 84.33 Revised Code of Washington

Grantor(s) Donald I. Moe and Erin L. Moe, husband and wife, and Gerald N. Moe and Janice Moe, husband and wife,

Grantee(s) Moe Brothers, L.L.C., a Washington limited liability company

Legal Description

See attached Exhibit "A"

S 25
T 34
R 3

Assessor's Property Tax Parcel or Account Number P22681, P22683, P22684, P22729, P22743, P22744, P22746

Reference Numbers of Documents Assigned or Released 710488, 744189, 752423, 9604050060, 794012

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) Moe Brothers, L.L.C., a Washington limited liability company

Address 16707 Penn Road
Mount Vernon, WA 98273

Phone No. 360-391-4289

Excise Tax No. _____

File No. _____

Taxing District _____

Date of Sale or Transfer 2 1 10 100

Date of Notice 2 1 10 100

Interest in Property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other

To inquire about the availability of this notice in an alternate format for the visually impaired or in a language other than English, please call (360) 753-3217. Teletype (TTY) users may call (800) 451-7985

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retains the current use classification as ☒ Open Space Land, ☒ Farm and Agricultural Land, ☐ Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetlands, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.



3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification resulted solely from:
 - a) transfer to a government entity in exchange for other land located within the state of Washington;
 - b) a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
 - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
 - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
 - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
 - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district; metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;
 - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees;
 - h) removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
 - i) the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or
 - j) the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

B CLASSIFICATION UNDER CHAPTER 84.33 RCW. I/we request that this land retain its ☐ classification or ☐ designation as forest land and I am/we are aware of the following definition of forest land:

FOREST LAND means and is synonymous with timber land and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.

REV 64 0047-3 (1/03/00)



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Skagit County Auditor

PARCEL A:

The South 519.7 feet of the North 1056 feet Government Lot 6, Section 25, Township 34 North, Range 3 East, W.M.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

PARCEL B:

South 16 rods of Government Lot 6, Section 25, Township 34 North, Range 3 East, W.M.

EXCEPT for IRVING MOE SHORT PLAT 25-81, described as follows:
Beginning at a point on the West line of Penn County Road, which is 16 rods North of the South line of said Government Lot 6; thence West 116.50 feet; thence South 200 feet; thence East to the West line of aforesaid Penn County Road; thence North along said West line to the point of beginning, Section 25, Township 34 North, Range 3 East, W.M.

TOGETHER WITH Government Lot 7, Section 25, Township 34 North, Range 3 East W.M.;

EXCEPT that portion of Government Lot 7, Section 25, Township 34 North, Range 3 East, W.M. lying west of the east right of way margin of Penn Road.

AND EXCEPT that portion thereof conveyed to Skagit County for road purposes, by Deed dated February 6, 1913, and recorded under Auditor's File No. 95053.

AND ALSO EXCEPT dike, ditch and road rights-of-way;

BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

PARCEL C:

That portion of Government Lot 7, Section 25, Township 34 North, Range 3 East, W.M. lying west of the east right of way margin of Penn Road.

EXHIBIT "A"
(consisting of 3 pages)



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EXCEPT the following described tract:

BEGINNING at the intersection of westerly right-of-way line of County road which runs North and South along Dike of Diking Improvement District No. 1 and the Northerly line of a second County Road running East and West along the South line of said Section 25, said point of intersection being 20 feet North of said Section line;
thence West along the Northerly line of County road 208 feet;
thence North at right angles 208 feet;
thence East parallel with the South line of said Section to Westerly line of first mentioned County road;
thence Southerly along said Westerly line to the POINT OF BEGINNING.

AND EXCEPT that portion thereof conveyed to Skagit County for road purposes, by Deed dated February 6, 1913, and recorded under Auditor's File No. 95053.

AND ALSO EXCEPT dike, ditch and road rights-of-way;

BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

PARCEL D:

That portion of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 34 North, Range 3 East W.M., described as follows:

Beginning at a point where the South line of the Jungquist County Road intersects the West line of said subdivision; thence East 330 feet along the South line of the County Road to the true point of beginning; thence East 359 feet; thence South at right angles 252 feet; thence West 359 feet, more or less, to a point 330 feet East of the West line of said subdivision; thence North 252 feet to the true point of beginning.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

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PARCEL E:

The Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 34 North, Range 3 East, W.M., EXCEPT the West 330 feet thereof; AND ALSO EXCEPT the South 742.5 feet thereof (45 rods); AND ALSO EXCEPT the as built and existing Jungquist County road running along the North line thereof; AND ALSO EXCEPT the North 252 feet of the West 359 feet of the remainder; AND ALSO EXCEPT Drainage District No. 15 ditch right-of-way as conveyed by document recorded under Auditor's File No. 345780, records of Skagit County, Washington.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

PARCEL F:

The South 45 rods (742.5 feet) of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 34 North, Range 3 East, W.M., EXCEPT the West 20 rods (330 feet) thereof; AND ALSO EXCEPT Drainage District No. 15 ditch right-of-way as conveyed by document recorded under Auditor's File No. 345780 in Volume 185 of deeds, page 116, records of Skagit County, Washington.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

PARCEL G:

The South 792 feet of the West 20 rods (330 feet) of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 25, Township 34 North, Range 3 East, W.M., EXCEPT the South 10 feet thereof.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

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