

After recording, mail to:
Law office of Paul W. Taylor, Inc., P.S.
20388 Eric Street
Mount Vernon, WA 98274
(360) 416-6900



200603070034
Skagit County Auditor

3/7/2006 Page 1 of 6 9:46AM

DEED FOR EASEMENT

Reference No.: 860833/85120300020
Section, Township and Range: Sec.6,T33N,R5E

Grantor: Virginia M. Hicks

Tax Parcel No./Account No: 4135-042-004-0008/P74675
4135-042-005-0007/P74676

Grantees: Clarence M. VanderGriend Jr.
Lona C. VanderGriend

This Deed of Easement corrects and supersedes Deed of Easement recorded September 22, 2005 under Skagit County Auditor's File no. 200509220220.

This Deed of Easement is made this 17TH day of February, 2006 by the undersigned owner, VIRGINIA M. HICKS, ("Grantor"), and CLARENCE M. VANDERGRIEN JR. AND LONA VANDERGRIEND, husband and wife, ("Grantees"), having, respectively, record interest in the following described properties:

See attached Exhibit "A" (Hicks Property) and "B" (VanderGriend Property)

WITNESSETH:

THAT WHEREAS, Plaintiffs constructed a garage/carport in the fall of 1995 and other a chain link fence was constructed in July 2000. On April 19, 2002 the Defendant requested that the Plaintiffs remove the encroaching structures within thirty (30) days. The Plaintiffs refused to remove the encroaching structures, claiming that Plaintiffs owned the disputed portion of the property pursuant to the doctrine of adverse possession.

THAT WHEREAS on July 18, 2002, the Plaintiffs filed a Complaint against Defendant for Quiet Title, Adverse Possession, and Boundary by Acquiescence. Defendant counterclaimed for Quiet Title, Trespass, and Injunctive Relief.

DECLARATION OF EASEMENT

THAT WHEREAS, on December 8 and 9, 2004 during a trial of the matter, a settlement agreement was agreed to and as a part of that settlement agreement the parties agreed to this Deed of Easement.

NOW WHEREFORE, FOR THE SETTLEMENT OF SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 02-2-01080-9,

DEED FOR EASEMENT:

Grantor does hereby grant a three foot easement over and across the property legally described in attached Exhibit "C" to **Grantees** for the purpose of repair and maintenance Grantees garage/carport, over, across,

Grantor does hereby grant an ingress and egress easement over and across the property legally described in attached Exhibit "D" to **Grantees** for the purpose of access to/from Grantees garage/carport.

Grantees agree that they shall have full responsibility for repair and maintenance of said garage/carport and they shall maintain the easement area in good condition.

The easement contained herein shall be binding upon the parties herein, their successors, heirs, and assigns.

GRANTOR:

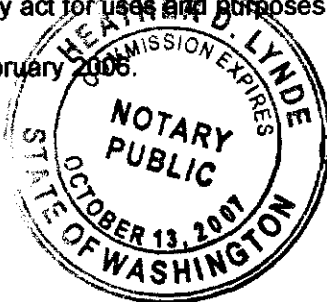
Virginia M. Hicks
VIRGINIA M. HICKS

STATE OF WASHINGTON)

COUNTY OF Yakima)

I certify that I know or have satisfactory evidence that **VIRGINIA M. HICKS**, personally appeared before me, and said persons acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for uses and purposes mentioned in the instrument.

This 17 day of February 2006.



Heather D. Lynde
Notary Public
My commission expires 10/13/07

DECLARATION OF EASEMENT

2



EXHIBIT A
Hicks Property

Lot 3, except the southwesterly 10 feet thereof, and the southeasterly half of lot 4, Block 42, "Plat of the Town of Montborne", according to Plat recorded in volume 2 of Plats, page 80, records of Skagit County, Washington, except that portion conveyed to Skagit County for road purposes.

Together with that portion of vacated Lakeside Boulevard adjoining the westerly end of said lots; and

Together with the following described property:

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extension of the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Milo F. Hicks, et ux, by deed recorded December 30, 1985, as AF #8512300020.

Line "RR": Begin at a point on the North line of the South $\frac{1}{2}$ of Government Lot 6 of Section 6, Township 33 North, Range 5 East, W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the oriental 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

DECLARATION OF EASEMENT

3



200603070034

Skagit County Auditor

3/7/2006 Page 3 of 6 9:46AM

EXHIBIT "B"
VanderGriend Property

Lot 5 and the Northwestern half of Lot 4, Block 42, "Plat of the Town of Montborne", according to Plat recorded in Volume 2 of Plats, Page 80, records of Skagit County, Washington, EXCEPT that portion conveyed to Skagit County for road purposes.

TOGETHER WITH that portion of vacated Lakeside Boulevard adjoining the Westerly end of said Lots; and

TOGETHER WITH the following described property:

That portion of the 100-foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extension of the Northwestern and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne", as per plat recorded in Volume 2 of Plats, Page 80, records of Skagit County, Washington, conveyed to Clarence M. VanderGriend, Jr., et ux, by deed recorded July 18, 1977 as Auditor's File No. 860833.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East, W.M., which is midway between the centerline of the original 100-foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100-foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.



200603070034

Skagit County Auditor

3/7/2006 Page

4 of

6 9:46AM

EXHIBIT "C"

EASEMENT DESCRIPTION

A 3 foot wide exterior maintenance and repair easement bounding the Southwesterly, Southeasterly and Northeasterly walls, extended, of an existing garage, location of which being more particularly described as follows:

Commencing at the Westerlymost corner of the following described tract of land, and which point falls on the Northeasterly line of that 40 foot wide county road described below, thence North 47°38'15"

East along the Northwesternly line of the following described tract of land, a distance of 22.65 feet, more or less, to its intersection with the Southwesterly wall of the existing garage and the TRUE POINT OF BEGINNING of this Easement Description;

thence along the Southwesterly, Southeasterly and Northeasterly walls of said garage on the following courses and distances: South 39°58'46" East, a distance of 4.52 feet; Norm 50°01'14" East, a distance of 30.40 feet; North 39°58'46" West, a distance of 5.79 feet, more or less, to the Northwesternly line of the following described tract of land, which point bears North 47°38' 15" East, a distance of 30.43 feet, more or less from the True Point of Beginning, and which point is the TERMINUS of this Easement Description.

PARCEL "A":

That portion of the 100 foot wide railroad right of way, commonly known as the Northern Pacific Railway (Originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described in judgment and decree quieting title entered May 11, 1992 in Skagit County Superior Court No. 91-2-00070-3 and between the Northeasterly extensions of both the Northwesternly and Southeasterly lines of the following tract of land:

Lot 3, Except the Southeasterly 10 feet thereof, and the Southeasterly Half of Lot 4, Block 42, "Plat of the Town of Montborne" as per Plat recorded in Volume 2 of Plats, Page 80, records of Skagit County, Washington.

EXCEPT the Northeasterly 40 feet of that portion of said Lots 3 and 4 conveyed to Skagit County for road purposes by Deed recorded July 14, 1941, under Auditor's File No. 341750, in Volume 184 of Deeds, Page 341.

Situate in the County of Skagit, State of Washington.



200603070034
Skagit County Auditor

3/7/2006 Page 5 of 6 9:46AM

EXHIBIT "D"

EASEMENT DESCRIPTION

An easement for ingress and egress in front of an existing garage for access from the county road in and out of the garage, described as follows:

Beginning at the Westerlymost corner of the following described tract of land, and which point falls on the Northeasterly line of that 40 foot wide county road described below; thence South 37°42'31" East along the Northeasterly line of said county road, a distance of 2.68 feet, more or less, to the intersection of a line at right angles thereto which bears South 52°17'29" West from the Southeasterly corner of an existing garage; thence North 52°17'29" East along said line, a distance of 22.75 feet, more or less, to the Southeasterly corner of said garage; thence North 39°58'46" West along the Southwesterly wall of said garage, a distance of 4.52 feet, more or less, to the Northwesternly line of the following described tract of land; thence South 47°38' 15" West along said Northwesternly line, a distance of 22.65 feet, more or less, to the Point of Beginning.

PARCEL "A":

That portion of the 100 foot wide railroad right of way, commonly known as the Northern Pacific Railway (Originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described in judgment and decree quieting title entered May 11, 1992 in Skagit County Superior Court No. 91-2-00070-3 and between the Northeasterly extensions of both the Northwesternly and Southeasterly lines of the following tract of land:

Lot 3, Except the Southeasterly 10 feet thereof, and the Southeasterly Half of Lot 4, Block 42, "Plat of the Town of Montborne" as per Plat recorded in Volume 2 of Plats, Page 80, records of Skagit County, Washington.

EXCEPT the Northeasterly 40 feet of that portion of said Lots 3 and 4 conveyed to Skagit County for road purposes by Deed recorded July 14, 1941, under Auditor's File No. 341750, in Volume 184 of Deeds, Page 341.

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DECLARATION OF EASEMENT

6



200603070034

Skagit County Auditor

3/7/2006 Page

6 of

6 9:46AM