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Skagit County Auditor

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SKAGIT COUNTY, WASH  
**FILED**

JAN 27 2006

NANCY K. SCOTT, CO. CLERK

By:

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

**JESSE F. BERGER and CAROL L.  
EDWARD**, husband and wife,

Plaintiffs,

No. 03-2-00209-0

v.

**STIPULATION AND ORDER  
FOR DISMISSAL FOR QUIET TITLE  
FOR A PORTION OF PROPERTY  
CLAIMED**

**PHILIP E. MORAN and VIRGINIA L.  
MORAN**, husband and wife,

Defendants.

**I. STIPULATION OF FACTS**

The Plaintiffs, JESSE F. BERGER and CAROL L. EDWARD, husband and wife, by and through their attorney, the Law Office of Paul W. Taylor, Inc., P.S., and Defendants PHILIP E. MORAN and VIRGINIA L. MORAN, by and through their attorney, Steven E. Nicol, OF Youngquist & Betz, hereby stipulate to the following facts:

1.1. Plaintiffs, JESSE F. BERGER and CAROL L. EDWARD, husband and wife, own real property in Skagit County legally described in as follows:

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STIPULATION AND ORDER -1

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Law Office of Paul W. Taylor, Inc., P.S.

20888 Eric Street

Mount Vernon, WA 98274

Phone: (360) 416-6900

Fax: (360) 428-0990

**ORIGINAL**

That portion of the Southwest Quarter of the Northwest Quarter of Section 27, Township 35 North, Range 9 East, W.M., described as follows:

Beginning at the West quarter corner of said Section 27; thence North 00°34'40" West along the West line of said Section 27, a distance of 505.00 feet; thence North 89°25'20" East, a distance of 308.00 feet to the true point of beginning; thence continue North 89°25'20" East, a distance of 494.53 feet; thence North 00°34'40" West, a distance of 440.48 feet; thence South 89°25'20" West, a distance of 494.53 feet; thence South 00°34'40" East, a distance of 440.48 feet to the true point of beginning.

Together with an easement for access and utilities lying 10 feet on each side of the following described centerline:

Beginning at the West quarter corner of said Section 27, Township 35 North, Range 9 East, W.M.; thence North 00°34'40" West along the West line of said Section 27, a distance of 633.49 feet; thence North 89°25'20" East, a distance of 308.00 feet to the true point of beginning of this centerline; thence South 85°04'41" West, a distance of 87.99 feet to the beginning of a curve to the left having a radius of 200.00 feet; thence along the arc of the curve through a central angle of 81°30'55" an arc distance of 284.52 feet; thence South 3°33'46" West, a distance of 194.97 feet to the Northerly line of State Highway 20, being the terminal point of the easement.

Situate in the County of Skagit, State of Washington.

1.2 Defendants PHILIP E. MORAN and VIRGINIA L. MORAN, husband and wife, own real property in Skagit County legally described as follows:

The Southwest Quarter of the Northwest Quarter of Section 27, Township 35 North, Range 9 East, W.M. TOGETHER WITH that portion of the Southwest Quarter of the Northwest Quarter and that portion of the Northwest Quarter of the Southwest Quarter of Section 27, Township 35 North, Range 9 East, W.M., lying Northeasterly of the county road (now state Highway) as the same existed on April 6, 1948, except that portion thereof conveyed to the State of Washington for highway purposes by Deed dated

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December 7, 1953 and recorded February 1, 1954 under Auditor's File No. 497726.

EXCEPT the following described tract of land: That portion of Southwest Quarter of the Northwest Quarter of Section 27, Township 35 North, Range 9 East, W.M., described as follows:

Commencing at the West Quarter corner of said Section 27; thence North 0°34'40" West along the West line of said Section 27 a distance of 505.00 feet; thence North 89°25'20" East a distance of 308.00 feet to the true point of beginning; thence continue North 89°25'20" East a distance of 494.53 feet; thence North 00°34'40" West a distance of 440.48 feet; thence South 89°25'20" West a distance of 494.53 feet; thence South 00°34'40" East a distance of 440.48 feet to the true point of beginning.

ALSO EXCEPT the following described tract:

A portion of Southwest Quarter of the Northwest Quarter of Section 27, Township 35 North, Range 9 East, W.M., lying West of the West boundary line of a tract of land conveyed to Darlene T. Boyer by Warranty Deed dated September 7, 1974 and recorded under Auditor's File No. 806977 produced North and South.

TOGETHER WITH a non-exclusive easement for ingress and egress over and across a strip of lands 20 feet in width in the Southwest Quarter of the Northwest Quarter of said Section 27 lying immediately Northerly of and parallel with the Northerly line of Highway 20 and Westerly boundary line of that certain parcel of land conveyed to Darlene T. Boyer by Warranty Deed dated September 7, 1974 and recorded under Auditor's File No. 806977 extended South.

Situate in the County of Skagit, State of Washington.

1.3 That the following described property has been occupied and used by Plaintiffs and their predecessors in interest to a fence line, under claim of title made in good faith, and the Plaintiffs and their predecessor's in interest have made open and notorious and continuous use of the premises for a period of greater than ten years prior to the filing of this action:

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That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 1° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 308.00 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 494.84 feet; thence S 00° 03' 38" E a distance of 5.95 feet; thence S 3° 30' 13" W a distance of 8.74 feet; thence S 89° 44' 37" W a distance of 74.85 feet; thence S 89° 53' 36" W a distance of 131.14 feet; thence N 89° 52' 06" W a distance of 116.25 feet; thence S 89° 56' 58" W a distance of 105.51 feet; thence S 89° 47' 30" W a distance of 65.31 feet; thence N 17° 58' 50" W a distance of 3.75 feet; thence N 0° 00' 41" W a distance of 1.34 feet to the TRUE POINT OF BEGINNING, and

All that portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. Being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 01° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 802.53 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 0.31 feet; thence N 00° 04' 09" W a distance of 280.19 feet; thence S 88° 47' 38" W a distance of 5.87 feet; thence S 01° 12' 22" E a distance of 280.13 feet to the TRUE POINT OF BEGINNING.

Situate in Skagit County, State of Washington.

1.4 That the property legally described in Exhibit "C" of the Plaintiff's complaint has not been possessed by the Plaintiffs and or their predecessors in interest under claim of title made in good faith, nor have the Plaintiffs or their predecessor's in interest made open and notorious and continuous use of the premises for a period of greater than ten years prior to the filing of this action., and therefore no claim of adverse possession can be

#### STIPULATION AND ORDER -4

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maintained with respect to the property so described, except as specifically set forth herein.

## II. AGREEMENT

2.1 Based upon the above Stipulation of Facts, Plaintiffs and Defendants hereby agree that title is quieted in the Plaintiffs to the following legally described property:

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 1° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 308.00 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 494.84 feet; thence S 00° 03' 38" E a distance of 5.95 feet; thence S 3° 30' 13" W a distance of 8.74 feet; thence S 89° 44' 37" W a distance of 74.85 feet; thence S 89° 53' 36" W a distance of 131.14 feet; thence N 89° 52' 06" W a distance of 116.25 feet; thence S 89° 56' 58" W a distance of 105.51 feet; thence S 89° 47' 30" W a distance of 65.31 feet; thence N 17° 58' 50" W a distance of 3.75 feet; thence N 0° 00' 41" W a distance of 1.34 feet to the TRUE POINT OF BEGINNING; and

All that portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. Being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 01° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 802.53 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 0.31 feet; thence N 00° 04' 09" W a distance of 280.19 feet; thence S 88° 47' 38" W a distance of 5.87 feet; thence S 01° 12' 22" E a distance of 280.13 feet to the TRUE POINT OF BEGINNING.

Situate in Skagit County, State of Washington.

to be combined with the following legally described property owned by the Plaintiffs:

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1 That portion of the Southwest Quarter of the Northwest Quarter  
2 of Section 27, Township 35 North, Range 9 East, W.M.,  
described as follows:

3 Beginning at the West quarter corner of said Section 27;  
4 thence North 00°34'40" West along the West line of said  
Section 27, a distance of 505.00 feet; thence North 89°25'20"  
5 East, a distance of 308.00 feet to the true point of beginning;  
6 thence continue North 89°25'20" East, a distance of 494.53  
feet; thence North 00°34'40" West, a distance of 440.48 feet;  
7 thence South 89°25'20" West, a distance of 494.53 feet;  
8 thence South 00°34'40" East, a distance of 440.48 feet to the  
true point of beginning.

9 Situate in the County of Skagit, State of Washington.

10  
11 LAW OFFICE OF PAUL W. TAYLOR, INC., P.S.

12  
13 By: Paul W. Taylor

14 Paul W. Taylor, WSBA#13945

15 Attorney for the Plaintiffs

16 Dated: \_\_\_\_\_

17 YOUNGQUIST & BETZ

18  
19 By: Steven E. Nicot

20 Steven E. Nicot, WSBA# 30427

21 Attorney for Defendants

22 Dated: 1-26-06

23  
24  
25 STIPULATION AND ORDER -6

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II. ORDER

Based on the above stipulation of facts and agreement of the parties, which are hereby collectively designated as the Court's Findings, it is hereby

**ORDERED, ADJUDGED and DECREED** that the property described as follows:

That portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 1° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 308.00 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 494.84 feet; thence S 0° 03' 38" E a distance of 5.95 feet; thence S 3° 30' 13" W a distance of 8.74 feet; thence S 89° 44' 37" W a distance of 74.85 feet; thence S 89° 53' 36" W a distance of 131.14 feet; thence N 89° 52' 06" W a distance of 116.25 feet; thence S 89° 56' 58" W a distance of 105.51 feet; thence S 89° 47' 30" W a distance of 65.31 feet; thence N 17° 58' 50" W a distance of 3.75 feet; thence N 0° 00' 41" W a distance of 1.34 feet to the TRUE POINT OF BEGINNING, and

All that portion of the Southwest quarter of the Northwest quarter of Section 27, Township 35 North, Range 9 East, W.M. Being more particularly described as follows:

COMMENCING at the Southwest corner of said subdivision; thence N 01° 12' 22" W along the West line thereof a distance of 505.00 feet; thence N 88° 47' 38" E a distance of 802.53 feet to the TRUE POINT OF BEGINNING; thence continue N 88° 47' 38" E a distance of 0.31 feet; thence N 00° 04' 09" W a distance of 280.19 feet; thence S 88° 47' 38" W a distance of 5.87 feet; thence S 01° 12' 22" E a distance of 280.13 feet to the TRUE POINT OF BEGINNING.

Situate in Skagit County, State of Washington.

be combined with the following legally described real property owned by Plaintiffs' as set forth below:

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1 That portion of the Southwest Quarter of the Northwest Quarter  
2 of Section 27, Township 35 North, Range 9 East, W.M.,  
described as follows:

3 Beginning at the West quarter corner of said Section 27; thence  
4 North 00°34'40" West along the West line of said Section 27, a  
5 distance of 505.00 feet; thence North 89°25'20" East, a distance of  
6 308.00 feet to the true point of beginning; thence continue North  
7 89°25'20" East, a distance of 494.53 feet; thence North 00°34'40"  
8 West, a distance of 440.48 feet; thence South 89°25'20" West, a  
9 distance of 494.53 feet; thence South 00°34'40" East, a distance of  
440.48 feet to the true point of beginning.

10 Situate in the County of Skagit, State of Washington.

11 and that title is quieted in them against Defendants and all others who claim through them.

12 **Except as provided specifically provided herein, all other claims in the Plaintiffs'**

13 **Complaint are dismissed with prejudice.**

14 DATED this 27 day of Jan 2006  
15 November, 2005.

16 Susan K Cook  
17 JUDGE/COURT COMMISSIONER  
18

19 Presented by:  
20 LAW OFFICE OF PAUL W. TAYLOR, INC., P.S.

21 Paul W Taylor  
22 By: Paul W. Taylor, WSBA#13945  
23 Attorney for the Plaintiffs  
24

25 Copy received; approved as to form;  
notice of presentation waived:

STIPULATION AND ORDER -8

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1  
2 YOUNGQUIST & BETZ  
3

4 By: 

5 Steven E. Nicol, WSBA#30427

6 Attorney for Defendants  
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STIPULATION AND ORDER -9

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UNOFFICIAL DOCS

State of Washington, } ss.  
County of Skagit

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 7 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 WA. 16 day of May, 2006

Nancy K. Scott, County Clerk.  
By [Signature]  
Deputy Clerk



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Skagit County Auditor