

FILED FOR RECORD AT THE REQUEST OF:

WHEN RECORDED RETURN TO:

BAILEY, DUSKIN, PEIFFLE & CANFIELD, P.S.  
P.O. Box 188  
Arlington, WA 98223



200701050152

Skagit County Auditor

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Our File No: 6573

### UTILITY EASEMENT

**GRANTOR:** CHARLTON, FRED L. & CHARLTON, KIRSTI, H&W

**GRANTEE:** FUNDERBURG, DENNIS M. & FUNDERBURG, ROSEMARIE A.,  
H&W

**LEGAL (Abbrev.):** PTN OF SW1/4 SEC 21 TWP 36 N RGE 4 EWM

**TAX PARCEL:**

P121170

The parties hereto are FRED L. CHARLTON, trustee of the Pauline Charlton Special Needs Trust dated April 12, 2002, and FRED L. CHARLTON and KIRSTI CHARLTON, husband and wife, collectively referred to as "Charlton", and DENNIS M. FUNDERBURG and ROSEMARIE A. FUNDERBURG, husband and wife, hereinafter referred to as "Funderburg."

#### I. RECITALS:

- 1.1 Funderburg purchased from Charlton the following described property:

Lot B2 of SKAGIT COUNTY SHORT PLAT NO. PL04-0297, recorded March 22, 2005, under Auditor's File No. 200503220048, records of Skagit County, Washington; being a portion of Lot B of Skagit County Short Plat No. PL03-0411, recorded September 16, 2003, under Auditor's File No. 200309160141, located in the Southwest Quarter of Section 21, Township 36 North, Range 4 East of the Willamette Meridian,

hereinafter referred to as the "Dominant Property."

1.2. Charlton is the owner of the real property lying north and east of the Funderburg property described in paragraph 1.1, hereinafter referred to as the "Servient Property."

1.3 Funderburg desires an easement to run utilities from Echo Hill Road into the northeast corner of Funderburg's property. Charlton is willing to give such an easement.

## II. CONSIDERATION

2.1 The consideration for this agreement is the mutual benefit to be derived by the parties from the terms and conditions below.

## III. TERMS AND CONDITIONS

3.1 Charlton grants to Funderburg a perpetual non exclusive easement for utilities 20 feet in width, the western boundary of which is described as follows:

Starting at a point 20 feet south of the northeast corner of Lot B2 described in paragraph 1.1 above, on the eastern boundary of said Lot B2; thence northerly along the eastern boundary of said Lot B2 and its extension to the south line of Echo Hill Road.

3.2 The easement shall be to provide the following utilities underground to the Dominant Property: electrical, television, telephone and gas (if available in the future).

3.3 The utility line(s) shall be run in conduit underground and this easement shall include the right to enter upon Grantor's property for the purpose of installing the conduit. The easement area shall be returned to the same condition as it was in prior to installation of the conduit. The conduit shall be no less than two feet from the surface.

3.4 The cost of installation of the utilities and all future repairs shall be solely the responsibility of the Grantee, their heirs, successors and assigns. Grantee, their heirs, successors and assigns, shall hold the Grantor, their heirs, successors and assigns harmless from any and all claims/damages (including reasonable attorney fees and costs) relating to the use of the easement including, but not limited to, the cost of installation of the utilities, and the cost of repair and/or



replacement of the same, unless the damages are caused by *Grantor* or by third parties.



3.5 This easement shall be perpetual and shall run with both the Dominant Property and with the Servient Property. Grantor reserves the right to grant easements to other users over the same area provided use by others does not interfere with Grantee's use and that Grantee shall not be responsible for any costs incurred by others or for damages cause by others to the easement area.

3.6 If required by the utility companies, Grantee shall have the right to assign this easement to the companies. This is a non-exclusive easement for utilities only.

3.7 Grantee shall make a charitable contribution in the name of Pauline Charlton of \$5,000 to Skagit County Fire Protection District 14 (Alger Fire Department).

3.8 Grantee shall reimburse the Grantor for attorney fees incurred in having this agreement reviewed by attorney Steve Shropshire, not to exceed \$450.00.

DATED this 3<sup>rd</sup> day of January, 2007

SKAGIT COUNTY WASHINGTON  
REAL ESTATE LACISE TAX

JAN 05 2007

Approved By  
Skagit Co. Treasurer  
By AP Deputy

Fred L. Charlton, Trustee

Fred L. Charlton, Trustee of the Pauline  
Charlton Special Needs Trust

Fred L. Charlton

Fred L. Charlton

Kirsti Charlton

Kirsti Charlton

Dennis M. Funderburg

Dennis M. Funderburg

Rosemarie A. Funderburg

Rosemarie A. Funderburg

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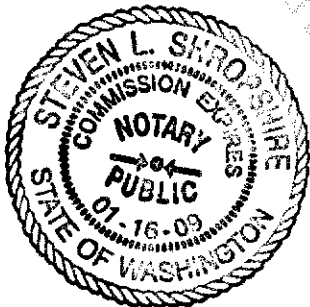
STATE OF WASHINGTON )

: SS

COUNTY OF Whatcom )

On this 3<sup>rd</sup> day of January, 2007, personally appeared FRED L. CHARLTON, to me known to be the individual described in and who executed the within and foregoing instrument, and on oath stated that he was authorized to execute the instrument and acknowledged it as the Trustee of Pauline Charlton Special Needs Trust to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal the day and year last above written.



Steven L. Shropshire  
NOTARY PUBLIC in and for the State of

Washington, residing at Bellingham

My commission expires 1-16-09

Name: Steven L. Shropshire

STATE OF WASHINGTON )

: SS

COUNTY OF Whatcom )

On this day personally appeared before me FRED CHARLTON and KIRSTI CHARLTON, husband and wife, known to me to be the individuals described herein and who executed the within and foregoing instrument, and on oath stated that they are authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposed mentioned in the instrument.

Given under my hand and seal this 3<sup>rd</sup> day of January, 2007

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Steven L. Shropshire  
Notary Public in and for the State of  
Washington, residing at Bellingham  
My commission expires: 1-16-09  
Name: Steven L. Shropshire

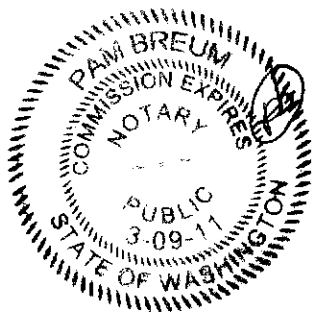
STATE OF WASHINGTON )

: ss

COUNTY OF SNOHOMISH)

On this day personally appeared before me DENNIS M. FUNDERBURG and ROSEMARIE A. FUNDERBURG, husband and wife, known to me to be the individuals described herein and who executed the within and foregoing instrument, and on oath stated that they are authorized to execute the instrument and acknowledged it to be the free and voluntary act of such party for the uses and purposed mentioned in the instrument.

Given under my hand and seal this 28 day of Dec, 2006.



Pam Breum  
Notary Public in and for the State of  
Washington, residing at Stanwood  
My commission expires: 3-9-11  
Name: Pam Breum



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