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200706280013
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Please print or type information **WASHINGTON STATE RECORDER'S Cover Sheet** (RCW 65.04)

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. Judgment 2. _____
3. _____ 4. _____

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page _____ of document

Grantor(s) (Last name, first name, initials)

1. Baumann Ruedi
2. _____

Additional names on page _____ of document.

Grantee(s) (Last name first, then first name and initials)

1. Shubert, Stephen M. 2. Brown, Schuyler and Helen
3. Sanford, Roy and Venetta

Additional names on page _____ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range)

A tract of land Twenty (20) feet square in the Southeast
corner of the Southwest Quarter of the Northeast Quarter
Additional legal is on page 4 of document.

Assessor's Property Tax Parcel/Account Number

☐ Assessor Tax # not yet

assigned

P102691; P43885; P43884; P43882; P43865; P43869; P43850;
P43867;

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2007 JUN -7 AM 9: 23

JUDGE SUSAN K. COOK
Trial Date: May 16, 2007

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

**STEPHEN M. SHUBERT and NORMA
CARTER, husband and wife, and ROY A.
SANFORD and VENETTA SANFORD,
husband and wife, and SCHUYLER
BROWN and HELEN BROWN, husband
and wife,**

Plaintiffs,

v.

RUEDI F. BAUMANN, a single man,

Defendant.

No. 04-2-01219-1

JUDGMENT

I. JUDGMENT SUMMARY

Judgment Creditors:	Stephen M. Shubert, Roy and Venetta Sanford, and Schuyler and Helen Brown
Judgment Debtor:	Ruedi F. Baumann
Principal Judgment Amount:	\$5,453.00
Continuing Sanctions:	\$25.00 per day until removal of fence by Ruedi F. Baumann or the Plaintiffs
Interest Rate after Judgment:	12%
Attorneys' Fees:	\$ 0.00
Costs:	\$ 0.00
Attorneys for Judgment Debtor:	Patrick Hayden
Attorney for Judgment Creditors:	Michael D. Brandt

JUDGMENT - 1

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II. ORDER

This matter was tried from May 16, 2007 to May 17, 2007, the Honorable Susan K. Cook presiding. Plaintiffs Stephen M. Shubert, Roy and Venetta Sanford, and Schuyler and Helen Brown appeared through their attorney of record, Michael D. Brandt of Brandt Law Group. Defendant Ruedi F. Baumann appeared through his attorney of record, Patrick M. Hayden.

The parties presented evidence and testimony to Judge Susan K. Cook, and on May 17, 2007 Judge Cook made her rulings, which are contained in the Findings of Fact and Conclusions of Law entered in this matter. Consistent with the Findings of Fact and Conclusions of Law in this action, the Court enters judgment as follows:

1. Monetary Relief. Plaintiffs Shubert and Sanford are awarded judgment against defendant Ruedi Baumann in the amount of \$5,453.00.

2. Continuing Sanctions. Plaintiffs Shubert and Sanford are awarded \$25.00 per day ^{beginning June 8, 2007} against defendant Ruedi Baumann until defendant Baumann or the Plaintiffs remove the fence erected by defendant Baumann in the easement area in dispute in this matter.

3. Interest. Plaintiffs Shubert and Sanford are awarded interest on the amount of this judgment at the rate of twelve percent (12%).

4. Brown Title. Plaintiffs Schuyler Brown and Helen Brown have acquired title by adverse possession and the doctrine of mutual recognition and acquiescence to that portion of the real property described in Finding of Fact 1.9 of the Findings of Fact and Conclusions of Law (hereinafter "FF&CL") filed in this matter, which is ^{that portion of Parcel A} located West of the fence line depicted on the Record of Survey recorded in Skagit County Auditor's File No. 200201240246, a copy of which is attached to the FF&CL as Exhibit 7, and on the illustration prepared by Petersen Land Surveying, attached to the FF&CL as Exhibit 8. The location of the fence is found to be as shown on the Record of Survey, and is situated between 15.3 and



1 17.6 feet East of the common surveyed property line, lying south of the south line
2 of the County Road (Van Horn Lane) extended easterly. All right, title and interest
3 of defendant Ruedi Baumann in said described ^{portion of Parcel A} ~~property~~ West of the fence line is
4 hereby quieted in Schuyler Brown and Helen Brown.

5 5. Shubert and Sanford Express Easements. Plaintiff Stephen M.
6 Shubert and plaintiffs Roy Sanford and Venetta Sanford are the current owners of
7 the real property benefitted by the O'Conner easement described in Findings of Fact
8 1.13, 1.14., and 1.16 of the FF&CL. Plaintiff Stephen M. Shubert and plaintiffs Roy
9 Sanford and Venetta Sanford have the right to use the twenty (20) foot north-south
10 strip and the twenty foot square parcel for ingress and egress to and from the
11 benefitted property under the terms of the O'Conner non-exclusive easement.
12 Plaintiff Stephen M. Shubert has the right to use the twenty (20) foot east-west strip
13 and the twenty foot square parcel for ingress and egress to and from the benefitted
14 property under the terms of the O'Conner non-exclusive easement. The twenty (20)
15 foot north-south strip, the twenty foot square parcel, and the twenty (20) foot east-
16 west strip are depicted on the Record of Survey recorded in Skagit County Auditor's
17 File No. 200201240246, a copy of which is attached to the FF&CL as Exhibit 7, and
18 on the illustrations prepared by Petersen Land Surveying, attached to the FF&CL
19 as Exhibits 8 and 9.

20 6. Shubert Prescriptive Easement for Ingress and Egress. Plaintiff
21 Stephen M. Shubert has a non-exclusive prescriptive easement for ingress and
22 egress to and from the real property described in Finding of Fact 1.5 of the FF&CL
23 over the twenty (20) foot strip described in Findings of Fact 1.13 and 1.14 of the
24 FF&CL, and legally described as:

25 A tract of land Twenty (20) feet square in the Southeast corner of the
26 Southwest Quarter (SW ¼) of the Northeast Quarter (NE ¼)

27 and



1 The East Twenty (20) feet of that part of the Northwest Quarter (NW
2 ¼) of the Southeast Quarter (SE ¼) lying North of the old county road.

3 7. Shubert Prescriptive Easement for Drainage. Plaintiff Stephen M.
4 Shubert has a non-exclusive prescriptive easement for drainage, as currently
5 constructed and maintained, over the portion of the twenty (20) foot strip east of the
6 roadway described in Findings of Fact 1.13 and 1.14, and in Conclusion of Law 2.4,
7 all of the FF&CL. To that end, Shubert may continue to mow that area and to
8 maintain current drainage measures to keep water from entering the roadway.
9 Shubert may not construct a ditch across the current spur road created by
10 Baumann, identified on the illustrations prepared by Petersen Land Surveying,
11 attached hereto as Exhibits 8 and 9, as "Baumann logging access gravel road."
12 Shubert may also continue to mow the portion of the twenty (20) foot strip west of
13 the roadway described in Findings of Fact 1.13 and 1.14 of the FF&CL.
14
15
16

17 8. Shubert Prescriptive Easement for Drainage. Plaintiff Stephen M.
18 Shubert has a non-exclusive prescriptive easement for drainage, as currently
19 constructed and maintained, over:
20

21 THE WEST 15.3 FEET OF THE NORTH 230.0 FEET
22 OF THE NORTHEAST QUARTER OF THE
23 SOUTHEAST QUARTER OF SECTION 13,
TOWNSHIP 35 NORTH, RANGE 8 EAST, W.M.,

24 that area cross-hatched in the illustration prepared by Petersen Land Surveying,
25 attached to the FF&CL as Exhibit 11, including the mowed area and the maintained
26 ditch described in Findings of Fact 1.19 and 1.20 of the FF&CL, up to the northern
27



1 extension of the fence separating the Baumann and Brown properties described in
2 Finding of Fact No. 1.12 of the FF&CL. To that end, Shubert may continue to mow
3 that area, trim brush, and take appropriate drainage measures to keep water from
4 entering the roadway described in Findings of Fact 1.13 and 1.14 of the FF&CL.
5

6 9. Sanford Adverse Possession Claim. The claim of Roy Sanford and
7 Venetta Sanford for title to the twenty (20) foot strip described in Findings of Fact
8 1.13 and 1.14 of the FF&CL and to the mowed area and maintained ditch described
9 in Findings of Fact 1.19 and 1.20 of the FF&CL is denied.

10 10. Baumann Rights of Use. Defendant Ruedi Baumann, ^{he to the} and ^{hustle to the} his ^{eastment area}
11 successors in interest, have the right to reasonable use for access and other uses
12 of the area encumbered by the reserved and prescriptive easements, subject to the
13 rights of Sanford and Shubert and their successors in interest to use the easement
14 areas as described in Conclusions of Law 2.3 - 2.6 of the FF&CL. Baumann may
15 not erect any fences in the easement areas. Neither party shall unreasonably
16 interfere with the use of the easement area by the other parties, as provided herein.
17

18 11. Denial of Remaining Claims. The remaining claims and
19 counterclaims of the parties should be denied.
20

21 12. Costs and Attorneys' Fees. Except as provided below, each
22 party shall pay their own costs and attorneys' fees.
23

24 13. Baumann Remains in Contempt of Court. Defendant Baumann
25 remains in contempt of Court, as the fence he was ordered to remove has not been
26 removed, ^{His contempt may be cured by removal of the fence} and he has not paid the Plaintiffs the money described in Findings of Fact
27 ^{by any party.} 1.30 and 1.31 of the FF&CL that he was ordered



14. Removal of Fence. Plaintiffs Shubert and Sanford may have the fence removed at defendant Baumann's reasonable cost. A bill for such removal, including any costs to Plaintiffs to have Sheriff's officers keep the peace during the process, shall be provided to defendant Baumann's counsel and shall be paid by defendant Baumann in certified funds to Plaintiffs' attorney within seven (7) calendar days of such provision of the bill. The fence shall be placed on defendant Baumann's property east of the easement area described in Conclusion of Law 2.6 of the FF&CL.

15. *The existing ditch location is an established **

DONE IN COURT this 7 day of June, 2007. *PMH*

Susan K Cook
Judge Susan K. Cook

Presented by:

BRANDT LAW GROUP

By: *Michael D. Brandt*
Michael D. Brandt, WSBA #20901
Attorney for Plaintiffs
Stephen Shubert, Norma Carter,
Roy and Venetta Sanford, and
Schuyler and Helen Brown

** easement location. Shubert's right to mow is a right to maintain the easement, which shall not interfere with Baumann's right to reasonably enlarge the driving area.*

Approved as to form:

Patrick M. Hayden

Patrick M. Hayden, WSBA #11061



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 12
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 this 28th day of June,
20 07. Nancy K. Scott, County Clerk

By Nancy K. Scott
Deputy Clerk



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Skagit County Auditor