

When Recorded Return to:

John E. Poffenbarger
Stoel Rives LLP
600 University St., Suite 3600
Seattle, WA 98101



200706280106
Skagit County Auditor

6/28/2007 Page 1 of 10 11:40AM

Notice of Continuance
Land Classified as Current Use or Forest Land
Chapter 84.34 and 84.33 Revised Code of Washington

Grantor(s)/Sellers: Fohn Land II L.L.C.

Grantee(s) Purchasers: Fohn Land III L.L.C.

Mailing address: 13752 Chilberg Lane

City, State, Zip: Mount Vernon, WA 98273 Phone No: 360-466-3647

Assessor's Parcel No: See Schedule 1 Levy code: _____

Property address: Various P23089

Legal description: See Exhibit A

S 33
T 34
R 3

Date of sale or transfer: June 5, 2007 Date of notice: _____

Reference numbers of documents assigned or released: 750306, 763871, 762843,

Interest in property: Fee Owner Contract Purchaser Other 851549, 763398,
762101, 762171, 788907

If the new owner(s) of land that is classified as current use or designated as forest land wish 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 84.33.140, 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.

For Official Office Use Only
Auditor's Recording No: _____ Excise Tax No: _____

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

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

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, wetland, 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 parcel of land or contiguous parcels of land in the same ownership of twenty or more acres: (i) devoted 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 or contiguous parcels of land in the same ownership of at least five acres but less than twenty acres devoted primarily to agricultural uses which has produced 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
For the purposes of (b) above, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs.
- c. any parcel of land that is less than five acres devoted primarily to agricultural uses which has produced 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 farm and agricultural land is classified pursuant to RCW 84.34.020 (e) 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 parcels 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 parcel or contiguous parcels of land in the same ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes. Timber land means the land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

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;
 - 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;
 - k. The sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993. The date of death shown on a death certificate is the date used.



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

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

I/we declare that I am/we are aware of the liability of removal of this land from designated forest land and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, not greater than nine, equal to the number of years the land was designated as forest land.

The compensating tax shall not be imposed if the removal of designation resulted solely from:

- a. transfer to a government entity in exchange for other forest 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;
- c. a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;
- d. the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e. 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 use of such land;
- f. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- g. the creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040;
- h. the sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993. The date of death shown on a death certificate is the date used.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Fohn Land III L.L.C.

By: Joseph L. Fohn Member 6-21-07
Property Owner Date

13752 Chilburg Lane, Mount Vernon, WA 98273
Address

Property Owner Date

Address

Property Owner Date

Address



Schedule 1

Real Property Tax Parcel Numbers

Assessed Values

340333-2-010-0002	P23089	12,700.
340333-2-011-0100	P23090	25,400.
340333-3-001-0001	P23091	37,400.
340333-3-002-0216	P23095	14,600.
340333-4-005-0112	P23113	6,400.
340333-3-002-0513	P23100	16,900.
340333-4-005-0013	P23111	6,400.
340333-2-001-0003	P23078	25,600.
340333-2-003-0001	P23080	17,100.
340333-4-003-0007	P23108	25,200.
340333-4-004-0006	P23109	25,200.
340333-2-007-0106	P23086	62,000.
340333-4-007-0102	P23115	95,600.



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Skagit County Auditor

EXHIBIT A

Parcel 1: Lot 2 of Skagit County Short Plat No. 48-88, approved November 3, 1988 and recorded November 4, 1988, under Auditor's File No. 8811040006 in Book 8 of Short Plats, Page 82, records of Skagit County, Washington, being a portion of the Northwest 1/4 of the Northwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M. and a portion of the Southwest 1/4 of the Southwest 1/4 of Section 28, Township 34 North, Range 3 East, W.M.

EXCEPT that portion of said Lot 2 of Skagit County Short Plat No. 48-88, approved November 3, 1988 and recorded November 4, 1988, under Auditor's File No. 8811040006, in Book 8 of Short Plats, Page 82, records of Skagit County, Washington, described as follows:

That portion of the Southwest 1/4 of the Southwest 1/4 of Section 28, Township 34 North, Range 3 East, W.M., described as follows:

Beginning at the Southwest corner of said Section 28;
thence East along the Section line 338 feet, more or less, to the point where the road and slough intersect;
thence Northerly and Westerly along the Southerly bank of the Slough to the West line of said Section;
thence South 156 feet, more or less, to the point of beginning;

EXCEPT road and ditch rights of way;

EXCEPT from all of the above that portion conveyed to Skagit County for road purposes by deed recorded February 27, 1963 under Auditor's File No. 632581.

Property in Open Space

The property herein is subject to farm and agricultural classification pursuant to agreement recorded February 27, 1975, under Auditor's File Numbers 763398 and 813965. The Grantee herein agrees to continue said classification and assume any penalties, or interest thereon, which may result from withdrawal from said classification.



Parcel 2: The East 30 acres of the following described tract:

The South 75 rods of the South 1/2 of the Northwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M., EXCEPT that portion thereof lying South and West of the County road, ALSO EXCEPT that portion lying within the boundaries of the following described tract of land:

Beginning at a point 5.75 chains North of the quarter post between Sections 32 and 33, Township 34 North, Range 3 East, W.M.; thence North 14 chains; thence South 4° East 9.25 chains; thence South 14° East 1.65 chains; thence South 9 1/2° East 2.20 chains; thence South 51 1/2° West 1.80 chains to the point of beginning, EXCEPT County road and ditch rights-of-way, ALSO EXCEPT those portions conveyed to Skagit County by Deeds dated October 7, 1950, and November 14, 1963, recorded under Auditor's File Nos. 452180 and 643261.

ALSO EXCEPT the South 10 feet of the East 10 feet thereof, together with an easement for ingress and egress over and across the South 10 feet of the East 10 feet of the above described parcel and over and across the North 10 feet of the East 10 feet of the following described real property:

That portion of the North 1/2 of the North 1/2 of the Southwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M., lying Easterly of the Chilberg Road as it existed on January 16, 1967, EXCEPT dike and ditch rights-of-way, EXCEPT that portion, if any, lying within the West 12 rods of the North 6 rods 11 feet of the Northwest 1/4 of the Southwest 1/4 of said Section, AND EXCEPT that portion thereof conveyed to Skagit County for road purposes by deed recorded, under Auditor's File No. 700272.

Parcel 3: That portion of the South 75 rods of the South 1/2 of the Northwest 1/4 of said Section 33, lying Easterly of a line established in Judgment Quieting Title, filed July 12, 1982, in Skagit County S.C. 82-2-00174-3 and Westerly of the West line of Parcel "2" described above.

Parcel 4: The East 30 Acres of the South half (S 1/2) of the North half (N 1/2) of the Southeast Quarter (SE 1/4) of Section Thirty-Three (33), Township Thirty-Four (34) North, Range Three (3), E.W.M., EXCEPT road.

SUBJECT To Easement, including the terms and conditions thereof:

Grantee: Public Utility District No. 1 of Skagit County,
Washington, its successors or assigns

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Skagit County Auditor

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Dated: August 27, 1953
Recorded: September 8, 1953
Auditor's No.: 492443
Purpose: Pipe or pipes, line or lines for the transportation of water
Area Affected: The Easterly 20 feet of the above described tract of land

Parcel 5: That portion of the North 1/2 of the North 1/2 of the Southwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M., lying Easterly of Chilberg Road as it existed on January 16, 1967, EXCEPT dike and ditch rights-of-way, EXCEPT that portion, if any, lying within the West 12 rods of the North 6 rods 11 feet of the Northwest 1/4 of the Southwest 1/4 of said Section, AND EXCEPT that portion thereof conveyed to Skagit County for road purposes by deed recorded under Auditor's File No. 700272.

Parcel 6: The South 10 feet of the East 10 feet of the Southeast 1/4 of the Northwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M.

Parcel 7: The North 605.43 feet of the following described tract of land:

The South 75 rods of the South half of the Northwest quarter of Section 33, Township 34 North, Range 3 East, W.M., EXCEPT that portion thereof lying South and West of the county road, ALSO EXCEPT that portion lying within the boundaries of the following described tract of land:

Beginning at a point 5.75 chains North of the quarter post between Sections 32 and 33, Township 34 North, Range 3 East, W.M.; thence North 14 chains; thence South 4° East 9.25 chains; thence South 14° East 1.65 chains; thence South 9 1/2° East 2.20 chains; thence South 51 1/2° West 1.80 chains to the place of beginning. EXCEPT county road and ditch rights of way, ALSO EXCEPT those portions conveyed to Skagit County, by deeds dated October 7, 1950 and November 14, 1963 recorded under Auditor's File Nos. 452180 and 643261. ALSO EXCEPT the East 30 acres thereof.

SUBJECT TO: Easement for ingress, egress and utilities in favor of L. EUGENE JOHNSON disclosed by Skagit County SC 42588, affecting a portion of said premises.

Parcel 8: The South 75 rods of the South 1/2 of the Northwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M.; EXCEPT the East 30 acres thereof; AND EXCEPT that portion thereof lying South and West of the County road; AND ALSO EXCEPT the North 605.43 feet thereof; AND



UNCORRECTED
ALSO EXCEPT that portion lying within the boundaries of the following described tract of land:

Beginning at a point 5.75 chains North of the quarter post between Sections 32 and 33, Township 34 North, Range 3 East, W.M.; thence North 14 chains; thence South 4° East, 9.25 chains; thence South 14° East, 1.65 chains; thence South 9 1/2° East, 2.20 chains; thence South 51 1/2° West, 1.80 chains to the place of beginning; EXCEPT County road and ditch rights-of-way; AND EXCEPT those portions conveyed to Skagit County by Deeds dated October 7, 1950 and November 14, 1963, recorded under Auditor's File Nos. 452180 and 643261.

Parcel 9: An easement for ingress, egress and utilities over, under and across a strip of land described as follows:

The North 605.43 feet of the South 75 rods of the South 1/2 of the Northwest 1/4 of Section 33, Township 34 North, Range 3 East, W.M.; EXCEPT the East 30 acres thereof; AND EXCEPT that portion thereof lying South and West of Best Road, County road. Said Easement being more particularly described as follows:

Beginning at the Northwest corner of said tract of land; thence South 4°33'09" East along the East right-of-way line of the Best Road a distance of 358.74 feet to the true point of beginning of this easement description; thence South 37°27'28" East a distance of 60.75 feet; thence South 8°27'11" East a distance of 44.10 feet; thence South 6°50'37" East a distance of 50.04 feet; thence South 5°41'52" East a distance of 100.02 feet; thence South 18°35'18" East a distance of 4.55 feet to a point on the South line of the above described tract of land; thence South 88°14'20" West along said South line of the above described tract of land a distance of 17.09 feet; thence North 5°07'31" West a distance of 103.59 feet; thence North 6°50'38" West a distance of 50.04 feet; thence North 24°32'05" West a distance of 46.82 feet; thence South 85°26'51" West a distance of 5.00 feet to a point on the East right-of-way line of Best Road; thence North 4°33'09" West along said East right-of-way line of the Best Road a distance of 51.00 feet to the true point of beginning of this property description.

Parcel 10: That portion of the South 1/2 of the North 1/2 of the South 1/2 of Section 33, Township 34 North, Range 3 East, W.M., lying Easterly of the Easterly line of the County road known as the Chilberg Road, EXCEPT that portion thereof lying within the boundaries of the East 30 acres of the South



1/2 of the North 1/2 of the South 1/2 of said Section 33, AND EXCEPT road and ditch rights-of-way.

SUBJECT TO: The previous Grantors', their heirs' and assigns' right to cut or trim on the above described property, trees and brush to maintain an unrestricted view from such Grantors' adjacent real property.

Parcel 11: The North 1/2 of the North 1/2 of the North 1/2 of the Southeast 1/4 of Section 33, Township 34 North, Range 3 East, W.M., EXCEPT Drainage District No. 15 right of way, AND ALSO EXCEPT the as built and existing County road running along the East line thereof commonly known as Bradshaw Road.

The property herein is subject to farm and agricultural classification pursuant to agreement recorded December 22, 1971, under Auditor's File Number 762171. The Grantee herein agrees to continue said classification and assume any penalties, or interest thereon, which may result from withdrawal from said classification.

Parcel 12: The South 1/2 of the North 1/2 of the North 1/2 of the Southeast 1/4 of Section 33, Township 34 North, Range 3 East, W.M., EXCEPT ditch and dike rights of ways; AND ALSO EXCEPT the as built and existing County road running along the East line thereof commonly known as Bradshaw Road.

The property herein is subject to farm and agricultural classification pursuant to agreement recorded December 22, 1971, under Auditor's File Number 762171. The Grantee herein agrees to continue said classification and assume any penalties, or interest thereon, which may result from withdrawal from said classification.

