



200802150027

Skagit County Auditor

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6 10:06AM

When recorded return to:

Craig Sjostrom
411 Main Street
Mount Vernon, Washington 98273

Agreement re: Fence

Grantor: (1) Curt C. Chambers
(2) Mindy Y. Chambers

Grantees: (1) Jason R. Litke
(2) Gennafer E. Litke

Legal Description:

Additional Legal Description Located on Page 2

Assessor's Property Tax Parcel or Account No.: P74739; P74651

Reference Nos of Documents Assigned or Released: N/A

THIS AGREEMENT is made by and between Curt R. Chambers & Mindy Y. Chambers, h/w ("Chambers"), and Jason R. Litke & Gennafer E. Litke, h/w ("Litke").

Recitals

- a. Chambers is the owner of the following-described real property, located in Skagit County, Wash.:

LTS 23-25 BL39 Montborne et al

See Attached Exhibit A

- b. Litke is the owner of the following-described real property, located in Skagit County, Wash.:

See Attached Exhibit B

- c. The two parcels described above adjoin one another.
- d. Litke has erected a fence approximately parallel with the Northwestern boundary of its property, such fence being depicted on a Record of Survey recorded on June 7th, 2006, under Skagit County Auditor's File No. 200606070092. The fence was erected after Litke acquired its interest in its property, which occurred in August, 2005. The fence encroaches onto the Chambers property.
- e. The parties have reached an agreement as to the said fence, wish to memorialize the same, and execute this instrument to that end.

Agreement

Now, therefore, in consideration of the mutual promises and covenants herein set forth, the sufficiency of which is acknowledged by all parties, IT IS HEREBY AGREED AS FOLLOWS:

1. Chambers does hereby grant a license to Litke for the perpetuation of the said fence, upon the terms and conditions herein set forth.
2. There shall be no monetary consideration for the license. The fence shall not be modified, relocated or extended beyond its current location and configuration; provided, that in the event the fence requires substantial repair, i.e. repair involving the replacement of posts or other structural components, Litke or its successors shall rebuild the fence entirely on their side of the property boundary as depicted on the said survey.
3. Chambers and its successors shall not demand the removal or relocation of the fence, except as herein set forth. Litke waives any claim or demand concerning location of the legal boundary between the subject properties based on the existence of the fence, and acknowledges that no adverse or prescriptive rights have arisen or will arise based on the same.
4. Nothing in this Agreement is to be construed as imposing any liability on the part of Chambers for costs, expenses, claims, or damages resulting from the fence.




5. The provisions of this instrument are to be construed as covenants running with the land, and shall be binding in all respects on the parties hereto and their respective heirs, successors and assigns. There are no other agreements, written or verbal, which affect, contradict, or contravene any of the provisions of this instrument. If any portion of this instrument is rendered unenforceable, the remaining portions shall continue in full force and effect.

EXECUTED by the parties hereto, to be effective on 2/11, 2008:


CURT C. CHAMBERS


MINDY Y. CHAMBERS

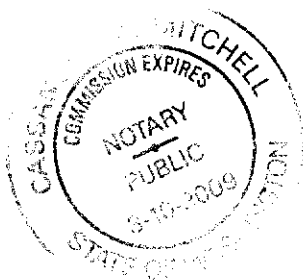

JASON R. LITKE

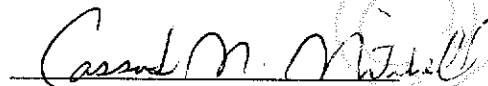

GENNAFER E. LITKE

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me Curt R. Chambers, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11 day of Feb., 2008.




NOTARY PUBLIC in and for the State of Washington, residing at
MT. Vernon
My commission expires: 3-10-09
Name: CASSANDRA M. MITCHELL

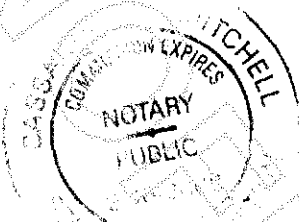
STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me Mindy Y. Chambers, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as



her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 11 day of Feb., 2008.

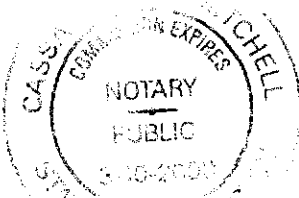


Cassandra M. Mitchell
NOTARY PUBLIC in and for the State of Washington, residing at
MT. Vernon
My commission expires: 3-10-09
Name: CASSANDRA M. MITCHELL

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me Jason R. Litke, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 14 day of Feb., 2008.

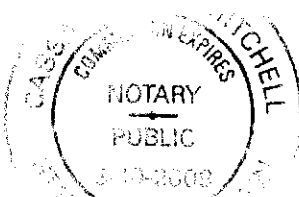


Cassandra M. Mitchell
NOTARY PUBLIC in and for the State of Washington, residing at
MT. Vernon
My commission expires: 3-10-09
Name: CASSANDRA M. MITCHELL

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

On this day personally appeared before me Gennafer E. Litke, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 13 day of Feb., 2008.



Cassandra M. Mitchell
NOTARY PUBLIC in and for the State of Washington, residing at
MT. Vernon
My commission expires: 3-10-09
Name: CASSANDRA M. MITCHELL

CASSANDRA M. MITCHELL



EXHIBIT A Chambers Property

PARCEL A:

Lots 23, 24 and 25, Block 39, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington.

Situated in Skagit County, Washington

PARCEL B:

Lots 1, 2, 3 and 4, Block 11, PLAT OF RESERVE ADDITION TO THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington;

TOGETHER WITH 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 Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the centerline of McClellan Street and the Northwesterly line of Lot 4, Block 11, as said lines are delineated on the plat of RESERVE ADD. TO THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situated in Skagit County, Washington

PARCEL C:

Lots 1 and 22, Block 39, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington.

Situated in Skagit County, Washington

PARCEL D:

That portion of the Southwesterly Half of the alley in Block 39, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, lying Southerly of the common boundary line between Lots 21 and 22 of said block produced, and lying Northerly of the common boundary line between Lots 24 and 25 of said block produced, also all of the alley lying between Lots 1 and 25 of said Block 39, and ALSO TOGETHER WITH the Northwesterly Half of McClellan Street lying Southerly of Therese Street (Highway 9), and lying Northerly 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), adjacent to Block 11 of the plat of RESERVE ADDITION TO THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

Situated in Skagit County, Washington



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EXHIBIT B
Litke Property

Lot 9, 10, 11 and 12, Block 38, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington;

TOGETHER WITH that portion of McClellan Street running Northeasterly and Southwesterly through said plat as acquired in Judgment Quieting Title under Skagit County Superior Court Cause No. 94-2-01244-7, filed September 16, 1996, records of Skagit County, Washington;

EXCEPT therefrom any portion lying within that parcel acquired in Judgment Quieting Title under Skagit County Superior Court Cause No. 94-2-01245-5, filed August 7, 1996, records of Skagit County, Washington;

AND EXCEPT any portion lying within that property conveyed by deed recorded February 24, 1995, under Auditor's File No. 9502240088, records of Skagit County, Washington.

Situated in Skagit County, Washington.



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