



200812090040

Skagit County Auditor

12/9/2008 Page

1 of

4 11:42AM

08-34-04 P 116052

Document Title: Temporary Construction Easement
Grantor(s): Salem Lutheran Church
Grantee: Nookachamps, LLC, a Delaware Limited Liability Company
Legal Description: See Exhibit A

In the matter of Hoag Road Dike Construction Project

Temporary Construction Easement and Agreement

THIS EASEMENT AND AGREEMENT is executed on this 28th day of July 2007 by Salem Lutheran Church, herein identified as "Grantor," and Nookachamps, LLC, herein identified as "Grantee," over, under, through, across, and upon real property in Skagit County, Washington, legally described in attached Exhibit A. This easement shall extend to a 30-foot strip beyond the property legally described in attached Exhibit A.

WITNESSETH: Grantor, for and in consideration of MUTUAL BENEFITS, and the covenants and promises of Grantee hereinafter set forth, hereby grants Grantee a temporary construction easement to facilitate the construction of the HOAG ROAD DIKE.

This temporary construction easement include only such rights in the land above described as shall be necessary or convenient for the construction of the Hoag Road Dike and associated drainage and attendant features. The Grantor, their successors and assigns, shall have the right to use said property in any way and for any purpose not inconsistent with the rights herein granted.

To the extent allowed by law, Grantee agrees to indemnify Grantor from and against any and all claims, demands, suits, damages, or loss, or liability arising from Grantee's exercise of the rights granted herein except for such claims, demands, loss or liability arising out of the negligence of Grantor, or Grantors' employees or agents.

This temporary construction easement shall be binding on the parties, their successors, and assigns, in full force and effect until the Project is constructed and accepted as complete by Grantee, or upon the expiration of 36 months from the date of this instrument, whichever event occurs first, PROVIDED THAT Grantee, in its sole discretion may extend this easement for three additional one-years periods.

At Grantor's request, Grantee shall execute a release of easement in a standard form, upon the completion of the Project or upon the termination of this easement and any extensions thereto as provided for herein.

Dated this 28th day of JULY, 2007.

Grantor:

By: *Robert Hart*

Title: FINANCIAL SECRETARY

Grantee

Nookachamps, LLC

By: *Steve Morgan*

Name: Steve Morgan
Co-Managing Member
Nookachamps, LLC

By: *Dan Mitzel*

Name: Dan Mitzel
Co-Managing Member
Nookachamps, LLC

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

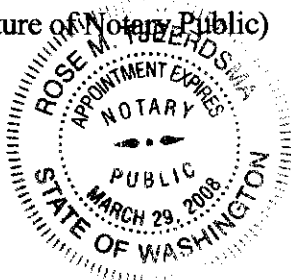
DEC 09 2008

Amount Paid \$ 0
By *MF* Skagit Co. Treasurer Deputy

Attest: Subscribed and sworn to before me, a Notary Public, in and for the State of WA residing at Burlington, on the 28 day of July, 2007.

Rose M. Herdsman

(Signature of Notary Public)



200812090040
Skagit County Auditor

12/9/2008 Page

2 of

4 11:42AM

ACKNOWLEDGMENT

State of California
County of Placer

On December 3, 2008 before me, Julie D. Maddox, Notary Public
(insert name and title of the officer)

personally appeared Steve Morgan
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is~~are~~
subscribed to the within instrument and acknowledged to me that he~~/she/they~~ executed the same in
his~~/her/their~~ authorized capacity~~(ies)~~, and that by his~~/her/their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

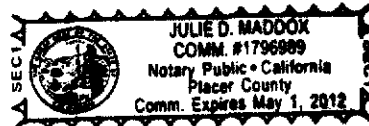
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

J. Maddox

(Seal)



200812090040
Skagit County Auditor

Exhibit A Legal Description

Legal Description For: Dike Parcel P116052
Salem Lutheran Church

That portion of the Southeast Quarter of Section 8, Township 34 North, Range 4 East, W.M., described as follows:

Commencing at the Southeast corner of said Section 8; **thence** North 87° 57' 50" West, along the South line of said Section, 1322.63 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Section 8; **thence** North 0° 02' 09" East, along the West line thereof, 30.02 feet to the North margin of Hoag Road running along the South line of said Southeast Quarter of the Southeast Quarter; **thence** South 87° 57' 50" East, parallel with the South line of said Southeast Quarter of the Southeast Quarter, 68.55 feet, more or less, to the Southwest corner of Lot 1 of the City of Mount Vernon short plat MV 8-94, approved July 1, 1997 and recorded July 1, 1997 under Auditor's File No. 9707010107, records of Skagit County, Washington and the **TRUE POINT OF BEGINNING**; **thence** North 32° 45' 09" East, along the West line of said Lot 1, a distance of 63.47 feet; **thence** South 79° 41' 07" East 46.71 feet; **thence** South 77° 29' 32" East 30.91 feet; **thence** South 71° 09' 06" East 55.45 feet; **thence** South 66° 26' 38" East 37.64 feet; **thence** South 45° 22' 28" East 18.29 feet, more or less, to the North margin of said Hoag Road; **thence** North 87° 57' 49" West, along said margin, 210.60 feet to the **TRUE POINT OF BEGINNING**.

Containing 7,194 square feet, more or less.

Situate in the County of Skagit, State of Washington.



200812090040
Skagit County Auditor

12/9/2008 Page

4 of

4 11:42AM