

Filed for Record at the Request of:

Aaron M. Rasmussen
Attorney at Law, P.S.
1101 Eighth Street, Suite A
Anacortes, WA 98221



200904080090

Skagit County Auditor

4/8/2009 Page 1 of 8 1:41PM

DOCUMENT TITLE: Judgment

GRANTORS: Dan Yount and Erin Yount, Husband and Wife

GRANTEE: Eugene Landers and Myrtle Landers, Husband and Wife, and
Julie Berig, a married individual dealing in her separate property

ABBREVIATED LEGAL DESCRIPTION: PTN E 1/2 SW 1/4 SE 1/4 AKA TR 3 S/P#2-
86 AF#8607240003 INC M/H 12950184U JEFRI 85 40X14 FOR 89

ASSESSOR'S TAX/PARCEL ID: 340111-4-005-0201 / P19200

RECORDING NUMBER OF RELEASED DOCUMENT: 200903120001

FULL LEGAL DESCRIPTION

Lot 3, Short Plat No. 2-86, approved July 18, 1986, recorded July 24, 1986 in
Volume 7 of Short Plats, pages 101 and 102, under Auditor's File No. 8607240003,
and being a portion of the West 1/2 of the Southeast 1/4, Section 11, Township 34
North, Range 1 East, W.M.

Situate in the County of Skagit, State of Washington.

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2009 APR -8 PM 1:30

SUPERIOR COURT OF THE STATE OF WASHINGTON FOR SKAGIT COUNTY

EUGENE LANDERS and MYRTLE
LANDERS, Husband and Wife, and JULIE
BERIG, a married individual dealing in her
separate property,

Plaintiffs,

vs.

DAN YOUNT and ERIN YOUNT, Husband
and Wife,

Defendants.

No. 09-2-00568-3

**ORDER OF DEFAULT, DEFAULT
JUDGMENT FOR COURT COSTS,
DECLARATORY JUDGMENT, AND
PERMANENT INJUNCTION**

JUDGMENT SUMMARY

JUDGMENT CREDITORS:

EUGENE LANDERS and MYRTLE
LANDERS, Husband and Wife
JULIE BERIG, a married individual as her
separate estate

ATTORNEYS FOR PLAINTIFFS/
JUDGMENT CREDITORS:

Law Office of Aaron M. Rasmussen, P.S.
1101 Eighth Street, Suite A
Anacortes, Washington 98221
(360) 293-3018

JUDGMENT DEBTORS:

DAN YOUNT and ERIN YOUNT,
Husband and Wife

JUDGMENT AMOUNT
(Consisting solely of Costs of Suit):

\$450.00

Plaintiff shall be entitled to post-judgment interest at the statutory rate of 12% per annum.

Law Office of

**ORDER OF DEFAULT
AND DEFAULT JUDGMENT - 1**



200904080090
Skagit County Auditor

1 The Court, having reviewed the motion for default judgment and the affidavit of Aaron
2 M. Rasmussen in support thereof, and the records and pleadings filed herein, and being fully
3 advised that the defendants have been regularly served with process, are properly within the
4 jurisdiction of this Court, and have failed to answer the plaintiff's complaint filed herein, and it
5 appearing that plaintiff is entitled to judgment herein it is hereby
6

7 **ORDERED, ADJUDGED AND DECREED**, as to plaintiff's cause of action, that
8 defendants are in default and the plaintiffs, EUGENE LANDERS and MYRTLE LANDERS,
9 husband and wife, and JULIE BERIG, a married individual dealing in her separate property,
10 shall have judgment against defendants DAN YOUNT and ERIN YOUNT and their marital
11 community as follows:
12

13 **I. DECLARATORY JUDGMENT**

14 It is hereby ordered, adjudged, and decreed that:

15 (a) Plaintiffs have an enforceable access and utility easement over and
16 across Lots 3 and 4 of Short Plat 2-86 in Skagit County, as depicted in said Short Plat (true
17 copy attached hereto as Exhibit A), which was approved on July 18, 1986 and recorded with
18 the Skagit County Auditor on July 24, 1986 under Auditor's File Number 8607240003.
19

20 (b) Said easement is for the benefit of all lots in said Short Plat, and it runs
21 with the land at law to benefit and burden present and future owners of those lots.
22

23 (c) Said easement allows the easement holders, including Plaintiffs, to
24 maintain and use the affected land as a driveway, including but not limited to vehicular and
25 pedestrian access, clearing of any and all vegetation therein situated, and improving the road
26 surface. Said easement also allows the easement holders, including Plaintiffs, to install utilities
27 through the affected land, so long as such utilities do not unreasonably interfere with the use of
28

**ORDER OF DEFAULT
AND DEFAULT JUDGMENT - 2**



200904080090

Skagit County Auditor

1 the affected land as a driveway.

2 (d) Because Defendants are entitled to the wood product from any trees
3 cleared from the portion of the easement overlying their Lot 3, Plaintiffs are within their rights
4 to place any vegetation removed from that portion of the easement upon the unencumbered
5 portion of Lot 3, so long as it is placed reasonably close to the easement boundary and does not
6 block Defendant's driveway.

7 (e) Interference with Plaintiff's rights to maintain and use the easement,
8 including contacting law enforcement authorities to prevent such maintenance or use, runs
9 counter to Plaintiff's legal rights and should be enjoined. Therefore:
10

11 II. PERMANENT INJUNCTION

12 It is further ordered, adjudged, and decreed that:

13 (a) Defendants, and any successors in interest to Lot 3 of Short Plat 2-86,
14 legally described below, are permanently enjoined from interfering with Plaintiff's reasonable
15 use and maintenance of the access and utility easement over Lots 3 and 4 of said Short Plat,
16 The clearing of any and all vegetation in said easement, installation of utilities not inconsistent
17 with use of the easement as a road, maintenance and improvement of the affected land for road
18 purposes, and use of the easement for vehicular access to the other lots within said Short Plat
19 shall not be deemed as unreasonable use and maintenance. Lot 3 is legally described as
20 follows:
21

22 Lot 3, Short Plat No. 2-86, approved July 18, 1986, recorded July 24, 1986 in
23 Volume 7 of Short Plats, pages 101 and 102, under Auditor's File No.
24 8607240003, and being a portion of the West 1/2 of the Southeast 1/4, Section 11,
25 Township 34 North, Range 1 East, W. M.

26 Situate in the County of Skagit, State of Washington.

27 (b) In the event that Defendants, or either of them, contacts the Skagit

Law Office of

28 **ORDER OF DEFAULT
AND DEFAULT JUDGMENT - 3**



200904080090
Skagit County Auditor

1 County Sheriff or other law enforcement authorities to report that Plaintiffs, or any of them, are
2 illegally cutting trees or otherwise clearing vegetation from their property, when Plaintiffs, or
3 any of them, are cutting trees or otherwise clearing vegetation within said easement, then
4 Defendants will be in violation of the terms of this Injunction.
5

6 **III. JUDGMENT FOR COURT COSTS**

7 It is further ordered, adjudged, and decreed that:

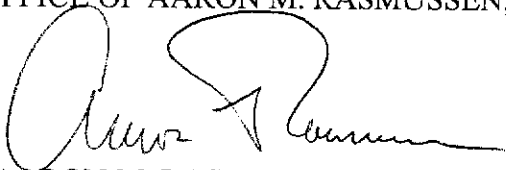
8 Plaintiffs shall have judgment against Defendants DAN YOUNT and ERIN YOUNT
9 and their marital community, in the amount of \$450.00, consisting of the Superior Court filing
10 fee of \$200.00, process service in the amount of \$50.00, and statutory attorney fees in the
11 amount of \$200.00. Said judgment shall bear interest at the rate of 12% per annum until paid in
12 full.
13

14 DATED this 8 day of April, 2009.

15
16 
17 JUDGE/COURT COMMISSIONER
18

19 Presented by:

20 LAW OFFICE OF AARON M. RASMUSSEN, P.S.

21
22 By: 

23 AARON M. RASMUSSEN, WSBA # 29496
24 Attorney for Plaintiffs
25
26
27

28 ORDER OF DEFAULT
AND DEFAULT JUDGMENT - 4



200904080090

Skagit County Auditor

860724-0003

1001 1001

SECRET FILE NO. 7-23-84
DATE 7-23-84

QUARTER DECLARATION:
I, JOHN J. VANDI, SECRETARY OF THE BOARD OF THE SKAGIT COUNTY AUDITOR, DO HEREBY CERTIFY THAT THIS SHORT SUBDIVISION IS BASED UPON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF SKAGIT COUNTY SHORT SUBDIVISION ORDINANCE NO. 15344, AND THAT THE CORNERS AND DISTANCES ARE SHOWN CORRECTLY THEREON.

John J. Vandi
JOHN J. VANDI
CERTIFICATE NO. 7416

DATED IN BOSTON, JULY 16, 1986.

SUBDIVISION'S CERTIFICATE:

I, JOHN J. VANDI, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT THIS SHORT SUBDIVISION IS BASED UPON AN ACTUAL SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF SKAGIT COUNTY SHORT SUBDIVISION ORDINANCE NO. 15344, AND THAT THE CORNERS AND DISTANCES ARE SHOWN CORRECTLY THEREON.



TRANSFEROR'S CERTIFICATE:

I HEREBY CERTIFY THAT ALL TAXES, RELEVATIONS, LAYERS, AND OTHERS HAVE BECOME A LIEU UPON THE LANDS HEREIN DESCRIBED HAVE BEEN FULLY PAID AND DISCHARGED, ACCORDING TO THE RECORDS OF THE OFFICE, UP TO AND INCLUDING THE YEAR 1986, 1986.

THIS 16th DAY OF JULY, 1986.

Robert L. Lyle
TREASURER OF SKAGIT COUNTY

BY: DEPUTY TREASURER

CERTIFICATE OF TITLE:

RECORDED THIS DAY OF 1986, UNDER AUDITOR'S FILE NO. 1001, RECORDS OF SKAGIT COUNTY, WASHINGTON.

EXHIBIT A



THE VITERS AND BUILDING SHORT SUBDIVISION IS APPROVED IN ACCORDANCE WITH THE PROVISIONS OF THE SKAGIT C SUBDIVISION ORDINANCE NO. 15344, THIS 16th DAY OF JULY, 1986, AT THE REQUEST OF JOHN J. VANDI, SKAGIT COUNTY PLANNING DIRECTOR.

AUDITOR'S CERTIFICATE:

FILED FOR RECORD THIS DAY OF JULY, 1986, AT THE REQUEST OF JOHN J. VANDI, SKAGIT COUNTY PLANNING DIRECTOR.

SKAGIT COUNTY AUDITOR

ADDITIONAL INFORMATION: JUNE 7/11/86

LANDERS' SHORT PLAT

PART OF E1/2 SW1/4 SE1/4 - SEC. 11, TWP. 34N, RB. 1 EW.M
SKAGIT COUNTY, WASHINGTON

EXHIBIT A: SHORT PLAT	
PREPARED FOR: 241 SHAW ST. BOSTON, MA 02111	FILE NO. 1001
DATE: 7/16/86	APPROVED BY: [Signature]
DESCRIPTION: N/A	DRAWING NO. 1



- REMARKS:
- 1) THE INFORMATION SHOWN ON THIS "SHORT PLAT" WAS BASED ON THE FOLLOWING SOURCES:
 - a) FIRST AMERICAN TITLE COMPANY'S "SHORT PLAT CERTIFICATE" NO. 16384.
 - b) INFORMATION FROM THE VARIOUS RECORDS AND UNRECORDED "DEEDS" AND "EXEMPT" OF APPLICABLE, NEIGHBORING PROPERTIES.
 - c) WHEN PLAT, NEIGHBORING WELLS, MAPS OF SUFFICIENT QUANTITY AND THE QUALITY FOR NEIGHBORING PROPERTIES IS NOT PROVIDED TO THE AUDITOR, THE DATA SHOULD BE BASED ON INVESTIGATIONS AS TO THE AVAILABILITY OF SAID DATA.
 - d) REASONABLE BELIEF THAT THE DATA SHOULD BE BASED ON INVESTIGATIONS AS TO THE AVAILABILITY OF SAID DATA.
 - e) REASONABLE BELIEF THAT THE DATA SHOULD BE BASED ON INVESTIGATIONS AS TO THE AVAILABILITY OF SAID DATA.
 - 2) ALL LOTS ARE NUMBERED WITH 1/4" LINES AND CANT, UNLESS NOTED OTHERWISE.
 - 3) THE SUBDIVISION OF THESE TRACTS, ALSO THE CONSTRUCTION OF BUILDINGS AND DRIVEWAYS ETC., ARE SUBJECT TO THE APPROVALS OF THE APPROPRIATE COUNTY OFFICIALS.
 - 4) THE MAINTENANCE OF PRIVATE ROADS ARE THE RESPONSIBILITY OF THE LOT OWNERS AND SHALL BE IN DIRECT RELATIONSHIP TO THE USAGE OF THE ROADS.
 - 5) THE CORNERS AND DISTANCES OF "PLATCE" (A-1/4/1/4/1/4) DOES NOT CORRESPOND WITH THE ACTUAL SUBDIVISION DATA OF THE SKAGIT COUNTY PLANNING DIRECTOR.
 - 6) THE EXISTING POWER AND TELEPHONE LINES DO NOT FOLLOW THE PLATTED CERTAIN PROPERTY LINE DUE TO THE SKAGIT SECTION.
 - 7) "SHORT PLAT" COUNTY MAP WAS RE-ESTABLISHED BY THE BOARD OF THE SKAGIT COUNTY COMMISSIONERS ON DECEMBER 14, 1981, BY RESOLUTION NO. 1001, RECORDED UNDER A.P. 15344, IN VOLUME 630 OF "OFFICIAL RECORDS" AT PAGE 273, RECORDS OF SKAGIT COUNTY, WASHINGTON.



200904080090
Skagit County Auditor

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 _____ 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 _____ day, 2009. Nancy K. Scott, County Clerk



200904080090
Skagit County Auditor