



200905260165

Skagit County Auditor

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6 9:23AM

Document Title:

Judgment

Reference Number:

Grantor(s):

☐ additional grantor names on page \_\_\_\_

1. David Allan

2.

Grantee(s):

☐ additional grantee names on page \_\_\_\_

1. Bearrach McMonagle

2. Jennifer Glyzinski

Abbreviated legal description:

☐ full legal on page(s) \_\_\_\_

22-36-3 NE SW et al

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page \_\_\_\_

P123887 & P123888

2009 APR -3 AM 11:23

SUPERIOR COURT OF WASHINGTON, FOR SKAGIT COUNTY

BEARRACH McMONAGLE, a single  
person, and JENNIFER GLYZINSKI, a  
single person,

NO. 05-2-02463-4

Plaintiffs,

JUDGMENT

vs.

DAVID ALLAN, as his separate estate,  
and/or DAVID ALLAN and JANE DOE  
ALLAN, husband and wife,

Defendants.

JUDGMENT SUMMARY

1. Cause Number: 05-2-02463-4
2. Judgment Creditor(s): Bearrach McMonagle and Jennifer Glyzinski
3. Judgment Debtor(s): David Allan
4. Principal Judgment: \$125,706
5. Interest: Statutory rate
6. Attorney's fees & costs: \$73,201.11
7. Principal judgment and costs shall bear interest at the statutory rate from date of entry until paid in full.
8. Attorney for Judgment Creditor: John C. Belcher

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JUDGMENT - 1



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**JUDGMENT**

Findings of Fact and Conclusions of Law having been entered, judgment is hereby entered as set forth below.

1. Title is quieted in plaintiffs Bearrach McMonagle and Jennifer Glyzinski to the following described real property ("Plaintiffs' Property"):

The Southeast ¼ of the Northwest ¼ of Section 22, Township 36 North, Range 3, E.W.M., situate in the County of Skagit, State of Washington.

2. Within 30 days of entry of this judgment, defendant David Allan is ordered to remove fences, trailers, boats, junk and other personal property from Plaintiffs' Property.

3. Within 30 days of entry of this judgment, defendant David Allan is ordered to move his pole barn at least 35 feet from Plaintiffs' Property.

4. Within 30 days of entry of this judgment, defendant David Allan is ordered to remove the swale and drainage culvert, which are presently directing water onto Plaintiffs' Property.

5. Within thirty days of entry of this judgment, defendant David Allan is ordered to move his driveway off Plaintiffs' property.

6. Defendant David Allan is ordered to redesign his septic tank/drain field so it will not encroach on Plaintiffs' Property and to respect the setbacks required under applicable Skagit County codes.



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**Belcher | Swanson**  
LAW FIRM, PLLC

900 DUPONT STREET, BELLINGHAM WASHINGTON 98225  
TELEPHONE 360.734.6390 FAX 360.671.0753  
www.belcherswanson.com

1  
2  
3 7. Defendant David Allan is ordered to allow the plaintiffs to do  
4 restorative work on their property, including removing and burning timber/slash  
5 piles, removing fill from the wetland, replanting/mitigating damage to the wetland  
6 and watering/replacing vegetation planted in the wetland for five years after the  
7 planting takes place. Plaintiffs may enter onto Defendant's Property to perform  
8 this work, and defendant will not interfere with plaintiffs and contractors/  
9 consultants hired by plaintiffs to perform this work.  
10

11 8. Defendant David Allan is ordered to cease trespassing and  
12 encroaching upon Plaintiffs' Property and to allow the plaintiffs the quiet  
13 enjoyment of their property.

14 9. Defendant's counterclaim is dismissed with prejudice.

15 10. Paragraphs 1 through 9 are binding upon Defendant David Allan  
16 and all persons claiming by, through or under David Allan on or after April 23,  
17 2007<sup>1</sup> with regard to the following described real property ("Defendant's  
18 Property"):  
19

20 That portion of the northeast  $\frac{1}{4}$  of the southwest  $\frac{1}{4}$  of section 22  
21 township 36 north, range 3 east, W.M. described as follows:

22 Beginning at the center of said section 22; thence due west 80 rods  
23 to a stake on the right bank of the McElroy slough; thence south 22  
24  $\frac{1}{2}$  degrees east 40 rods and 13 links to a stake located at the corner  
25 of a dike on the right bank of said McElroy slough; thence north 62  
26  $\frac{1}{2}$  degrees east a distance of 75 rods more or less, to the point of  
beginning. Except that portion lying within the as built and existing  
Flinn Street.

27 <sup>1</sup> The date of filing the Lis Pendens herein under Skagit County Auditor's No. 200704230080.



As recorded in Skagit County Auditor's File No. 200601060080.

Tax Parcel Nos. 123887 & 123888

11. Plaintiffs are awarded judgment against David Allan in the amount of \$125,706, together with attorney's fees, costs of investigation and litigation-related expenses in the amount of \$73,201.11.

DONE IN OPEN COURT this \_\_\_\_ day of 4/3, 20\_\_.

  
JUDGE

Presented by:  
BELCHER SWANSON LAW FIRM,  
P.L.L.C.

Copy received:


By: 

JOHN C. BELCHER, WSBA #5040  
Lawyer for Plaintiffs

By: 

K. GARL LONG, WSBA #13569  
Lawyer for Defendant

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www.belcherswanson.com

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 of the County of Skagit, do hereby certify that the foregoing is a true and correct copy of the original, consisting of 4 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal at my office at Mount Vernon, this 15 day of April, 2009. Nancy K. Scott, County Clerk

By [Signature]  
Deputy Clerk



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Skagit County Auditor