



200906050137

Skagit County Auditor

6/5/2009 Page 1 of 7 1:20PM

COVER SHEET FOR RECORDING DOCUMENTS

Return to: Chrissy Sprouse
City of Mount Vernon
P.O. Box 809
Mount Vernon, WA 98273

DOCUMENT: STIPULATED FINDINGS OF FACT, CONCLUSIONS OF
LAW, ETC.
In re City of Mount Vernon – College Way/Riverside Drive
(P25984/P25678)

CS **GRANTEE:**
~~GRANTORS:~~ Babette Lena Phillips

GRANTOR: CITY OF MOUNT VERNON

ABBREVIATED LEGAL DESCRIPTION: 17.34.04

AUDITOR'S FILES NO

COMPLETE LEGAL DESCRIPTION ON PAGE:

ASSESSOR'S PARCEL/TAX ID NUMBER: P25984/P25678

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA
2008 JUL 24 PM 1:25

CERTIFIED COPY

SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

In the Matter of the Petition of the City of Mount Vernon to acquire by condemnation certain property and property rights for the improvement of College Way and Riverside Drive, as contemplated by City of Mount Vernon Ordinance No. 3401,

No. 08-2-00768-8

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW,
JUDGMENT AND DECREE OF
APPROPRIATION AS TO
RESPONDENT
BABETTE LENA PHILLIPS

*[In re City of Mount Vernon - College Way/
Riverside Drive (P25984/P25678 - Mt. Vernon
Plaza)]*

CLERK'S ACTION REQUIRED

Petitioner, City of Mount Vernon (the "City"), and Respondent Babette Lena Phillips as Trustee of the Babette Phillips Living Trust ("Babette Lena Phillips") stipulate as follows:

I. JUDGMENT SUMMARY

1.1 AMOUNT OF JUDGMENT

1.1.1	Total amount	\$ 25,930
1.1.2	Previous Payments	\$ 25,930
1.1.3	Costs	\$ - 0 -
1.1.4	Balance remaining:	\$ - 0 -

1.2 JUDGMENT CREDITORS. Babette Lena Phillips, 90 Harper Canyon Road, Salinas, California, 93908; Phone 831-484-1631.

1.3 JUDGMENT DEBTOR. City of Mount Vernon by Kevin Rogerson, City Attorney and P. Stephen DiJulio and Michael S. Schechter, Foster Pepper PLLC, 1111 Third Avenue, Suite 3400, Seattle, WA 98101; Phone 206-447-4400.

STIPULATED ORDER DISMISSING
RESPONDENT BABETTE LENA PHILLIPS - 1

08-9-0164-8



200906050137
Skagit County Auditor

1 1.4 JUDGMENT AMOUNT

2	1.4.1	Balance remaining:	\$ - 0 -
3	1.4.2	Interest owed:	\$ - 0 -
4	1.4.3	Costs	\$ - 0 -
	1.4.4	Total amount due from City:	\$ - 0 -

5 1.5 COSTS. Statutory costs are waived.

6 1.6 LEGAL DESCRIPTION. See attached Exhibit A ("the Property").

7 1.7 SKAGIT COUNTY TAX ACCOUNT NUMBERS: P25984 and P25678.

8 2. INTRODUCTION

9 THIS MATTER came before the undersigned judge of the above-entitled court on the
10 stipulation of the County and Babette Lena Phillips. The City is represented by Kevin
11 Rogerson, City Attorney, and P. Stephen DiJulio and Michael S. Schechter of Foster Pepper
12 PLLC. Babette Lena Phillips appears on her own behalf (pro se). The Court, having received
13 the stipulation of the parties for entry of this judgment and having been advised in the premises;
14 NOW, THEREFORE makes and enters the following judgment ("Judgment").

15 3. PUBLIC USE AND NECESSITY

16 An Order on Public Use and Necessity was entered on May 23, 2008.

17 4. OTHER PARTIES

18 4.1 Babette Lena Phillips is fee owner of a 1/10 undivided interest in the Property.

19 4.2 The other parties to this matter include the remaining fee owners, a tenant,
20 easement grantees, and Skagit County, as indicated in Exhibit B to the Petition for
21 Condemnation. Any interest in the Property held by these other parties is held separately from
22 any interest in the Property held by Babette Lena Phillips. The other parties have no interest in
23 the just compensation received by Babette Lena Phillips or in the Judgment Amount of this
24 Judgment.

25 5. JUDGMENT AND APPROPRIATION

26 5.1 Babette Lena Phillips is a fee owner of an undivided 1/10 or 10% interest in the

STIPULATED ORDER DISMISSING
RESPONDENT BABETTE LENA PHILLIPS - 2

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE WASHINGTON 98101-3299



200906050137
Skagit County Auditor

1 Property.

2 5.2 Babette Lena Phillips agrees that the Fair Market Value of the Property is
3 \$259,300.00 and that 10% of Fair Market Value is \$25,930.

4 5.3 The total just compensation paid by the City to Babette Lena Phillips for and in
5 connection with the taking and damaging of the real property described in the Petition for
6 Condemnation ("Petition") and in Exhibit A attached hereto (the "Property"), together with all
7 improvements thereon, attorney, expert/evaluation fees and interest, if any, is the amount of
8 Twenty-Five Thousand Nine Hundred Thirty Dollars (US \$25,930). The City has paid to
9 Babette Lena Phillips a sum of Twenty-Five Thousand Nine Hundred Thirty Dollars (US
10 \$25,930) as just compensation for and in connection with the taking and damaging of her 1/10
11 undivided interest in the Property, together with all improvements thereon.

12 5.4 As Babette Lena Phillips has already been paid by the City, the balance due
13 from the City is Zero Dollars (US \$0.00) ("Judgment Amount").

14 5.5 Upon entry of this Judgment, recognizing the previous payment made to Babette
15 Lena Phillips by the City, as set forth in Section 6, below, the City shall have all right, title and
16 interest in the Property, and all of Babette Lena Phillips's interest in the Property will be
17 extinguished.

18 5.6 The City may, but need not, further confirm title transfer by recording a
19 warranty deed executed by Babette Lena Phillips. Recording of a warranty deed, or not, does
20 not affect the transfer of Babette Lena Phillips's interest pursuant to this Judgment.

21 **6. JUST COMPENSATION**

22 6.1 The City has made payment in full for just compensation and costs for the
23 Property.

24 6.2 Upon entry of this Judgment, the City shall have all right, title and interest in
25 Babette Lena Phillips's interest in the Property.

26 6.3 Babette Lena Phillips's interest in the Property will be extinguished as of the

STIPULATED ORDER DISMISSING
RESPONDENT BABETTE LENA PHILLIPS - 3

50921796.2

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400
SEATTLE, WASHINGTON 98101-3299
Phone (206) 447-1400



200906050137
Skagit County Auditor

1 date that this Judgment is entered by the Court.

2 **7. JUDGMENT AS TO FEWER THAN ALL OF THE PARTIES**

3 7.1 This Judgment is a Final Judgment as to fewer than all of the parties, namely
4 Babette Lena Phillips.

5 7.2 Babette Lena Phillips has been paid just compensation in full for her undivided
6 individual interests in the Property based on the Fair Market Value of the Property as agreed to
7 by Babette Lena Phillips.

8 7.3 Babette Lena Phillips has no cross-claims or counterclaims pending in this
9 matter.

10 7.4 Babette Lena Phillips does not have any additional rights to be adjudicated in
11 this matter.

12 7.5 There is no just reason for delay of entry of judgment as to Babette Lena
13 Phillips.

14 **8. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

15 Sections 3 through 7 above shall be and hereby are adopted as and made the Findings of
16 Fact and Conclusions of Law. Now, therefore, in accordance with the foregoing Findings of
17 Fact and Conclusions of Law, it is hereby ordered, adjudged and decreed as follows:

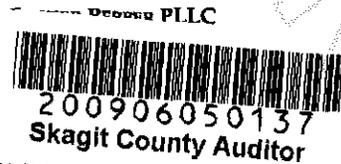
18 **9. JUDGMENT**

19 9.1 Sections 3 through 8 above are incorporated herein by this reference.

20 9.2 Upon entry of this Judgment, the City shall have all right, title and interest in a
21 separate 1/10 interest in the Property as described in the Petition and in Exhibit A attached
22 hereto, and the interest of Babette Lena Phillips in the Property will be extinguished.

23 9.3 The total amount to be paid by the City to Babette Lena Phillips, as payment in
24 full of just compensation, is Twenty-Five Thousand Nine Hundred Thirty Dollars (US \$25,930),
25 with statutory costs waived. The total balance due from the City is \$0.00.
26

STIPULATED ORDER DISMISSING
RESPONDENT BABETTE LENA PHILLIPS - 4



1 9.4 Pursuant to Civil Rule 54(b), this Court recognizes that this Judgment is a final
2 judgment as to fewer than all of the parties. The entry of this Judgment as to fewer than all of
3 the parties is supported by the findings of fact incorporated in this Judgment. There is no just
4 reason for delay of entry of judgment as to Babette Lena Phillips in this matter and entry of this
5 Judgment as to these parties is expressly directed.

6 SO ORDERED this 24 day of July, 2008.

7
8 
9 JUDGE / COURT COMMISSIONER

10 Presented By, and stipulation to entry:

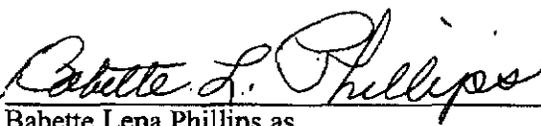
11 MOUNT VERNON CITY ATTORNEY
12 Kevin Rogerson, WSBA No. 31664

13 and

14 FOSTER PEPPER PLLC

15  #31664
16 P. Stephen DiJulio, WSBA No. 7139
17 Michael S. Schechter, WSBA No. 35602
18 Special Assistant City Attorneys

19 Notice of presentation waived,
20 and stipulation to entry:

21 
22 Babette Lena Phillips as
23 Trustee of the Babette Phillips Living Trust
(pro se)

24
25
26
STIPULATED ORDER DISMISSING
RESPONDENT BABETTE LENA PHILLIPS - 5

50921796.2

FOSTER PEPPER PLLC
1111 THIRD AVENUE, SUITE 3400



200906050137

Skagit County Auditor

UNOFFICIAL DOCUMENT

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 5 pages, now on file in the CASE OF STATE OF WASHINGTON

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office at Mount Vernon this 22 day of Jan, 2009. Nancy K. Scott, County Clerk.

By _____
Deputy Clerk



200906050137
Skagit County Auditor