



200907010002

Skagit County Auditor

7/1/2009 Page 1 of 7 9:33AM

When recorded return to:

Craig Sjostrom
411 Main Street
Mount Vernon, Washington 98273

Decree Quieting Title

Grantor: The Claus Family Corporation

Grantee: Donald L. Berkey & Jean L. Berkey, h/w

Legal Description: ptn Tract 3, "Deception Pass Waterfront Tracts"

Additional Legal Description Located on Page 2

Assessor's Property Tax Parcel or Account No.: P64866; P64867

Reference Nos of Documents Assigned or Released: N/A

SKAGIT COUNTY, WASH
FILED

JUN 29 2009

NANCY K. SCOTT, CO. CLERK
Deputy

ORIGINAL

SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY

DONALD L. BERKEY and JEAN L. BERKEY,)

Plaintiffs,)

vs.)

THE CLAUS FAMILY CORPORATION, a
Washington corporation,)

Defendant.)

No. 07-2-00751-5

STIPULATED DECREE QUIETING
TITLE

COME NOW THE PARTIES HEREIN, by and through their respective
undersigned attorneys, and STIPULATE as follows:

I. STIPULATION

A. Plaintiffs are the owners of the property located in Skagit County,
Washington, and described as follows:

Tract 4 and the West 1/2 of Tract 5, Deception Pass Waterfront Tracts, as
per the plat thereof recorded in Volume 5 of Plats, page 26, records of
Skagit County, Washington, TOGETHER WITH tidelands of the second
class lying in front of, adjacent to, or abutting thereon.

B. Defendant is the owner of the property located in Skagit County,
Washington, and described as follows:

Tract 3, Deception Pass Waterfront Tracts, as per the plat thereof
recorded in Volume 5 of Plats, page 26, records of Skagit County,

STIPULATED DECREE QUIETING
TITLE - 1

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7 9:33AM

1 Washington, TOGETHER WITH tidelands of the second class lying in
2 front of, adjacent to, or abutting thereon.

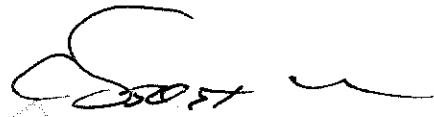
3 C. The two parcels described above are adjacent to one another. In the area of
4 the common boundary, a rock seawall/bulkhead, rock wall, and wood fence have been in
5 place for a number of years. These structures encroach onto Defendant's property to a
6 certain extent.

7 D. Plaintiffs commissioned a survey of their parcel, said survey having been
8 recorded under Skagit County Auditor's File No. 200508100085. The survey disclosed
9 the encroachment described above.

10 E. The parties have reached an agreement as to resolution of all of the issues
11 present in this matter, and, as a consequence, the following Decree Quieting Title ought to
12 be entered.

13 DATED this 9 day of June, 2009.

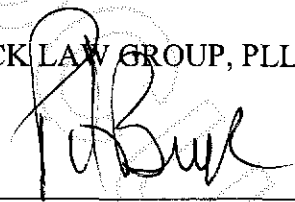
14 By


Craig Sjostrom, WSBA #21149
Attorney for Plaintiffs Donald and Jean
Berkey

16 DATED this 8th day of June, 2009.

18 THE BUCK LAW GROUP, PLLC

20 By


Peter L. Buck, WSBA #5060
Attorney for Defendant The Claus Family
Corporation

22 //

23 //

24 //

25 //

STIPULATED DECREE QUIETING
TITLE - 2

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II. DECREE

Based on the foregoing Stipulation, IT IS HEREBY ORDERED, ADJUDGED
AND DECREED AS FOLLOWS:

1. The property in dispute and which is now the subject of this Stipulated
Decree Quieting Title is described as follows:

That portion of Tract 3, Plat of "Deception Pass Waterfront Tracts", as
per plat recorded in Volume 5 of Plats, page 26, records of Skagit
County, Washington, more particularly described as follows:

Commencing at the Northeast corner of said Tract 3, also being the
Northwest corner of Tract 4, Plat of "Deception Pass Waterfront Tracts";
thence South 13°06'40" West along the common line between said
Tracts 3 and 4, for a distance of 63.96 feet to a rebar set per Record of
Survey recorded under Skagit County Auditor's File No. 200508100085
and being the TRUE POINT OF BEGINNING;
thence South 26°29'12" West for a distance of 10.57 feet;
thence South 11°42'18" West for a distance of 24.25 feet;
thence South 15°40'42" West for a distance of 61.74 feet;
thence South 17°25'34" West for a distance of 29.61 feet;
thence South 12°22'29" West for a distance of 10.26 feet;
thence South 10°17'42" West for a distance of 25.51 feet;
thence South 76°53'20" East for a distance of 5.46 feet, more or less, to a
point bearing South 13°06'40" West from the TRUE POINT OF
BEGINNING;
thence North 13°06'40" East along said common line between Tracts 3
and 4, Plat of "Deception Pass Waterfront Tracts" for a distance of
161.47 feet, more or less, to the TRUE POINT OF BEGINNING.

ALSO tidelands of the second class extended to the line of extreme low
tide and situate in front of, adjacent to, or abutting the sidelines of the
last courses extended on the above-described premises.

A map showing the area in question is attached hereto for illustrative purposes as Exhibit
A.

2. Title to the above-described property shall be and hereby is quieted in
Plaintiffs, exclusive of Defendant or anyone claiming through or under Defendant.

3. Notwithstanding the foregoing, it is the intention of the Parties, and of this

STIPULATED DECREE QUIETING
TITLE - 3

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1 Decree, that the wood fence and the north to south bulkhead to be on the Defendant's side
2 of the new boundary line, and for the seawall/bulkhead which runs generally in an east to
3 west direction and perpendicular to the north to south bulkhead, as well as the rock
4 retaining wall adjacent to Plaintiffs' garage, be on Plaintiffs' side of the new boundary
5 line. Further, Plaintiffs shall have an exclusive easement for the preservation,
6 maintenance and/or repair of the rock facing along that section of the north to south
7 bulkhead which rock facing matches that on the east to west seawall/bulkhead located east
8 of and perpendicular to the property line on Plaintiffs' property.

9 4. Each party shall bear their own costs.

10
11 ENTERED this 29 day of June, 2009.

12
13 Dave Needy
JUDGE

14 Presented by:

15
16 By Craig Sjostrom
Craig Sjostrom, WSBA #21149
17 Attorney for Plaintiffs Donald and
Jean Berkey

18 Approved for entry by:

19 THE BUCK LAW GROUP, PLLC

20
21 By Peter L. Buck
Peter L. Buck, WSBA #5060
22 Attorney for Defendant The Claus
Family Corporation

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STIPULATED DECREE QUIETING
TITLE - 4

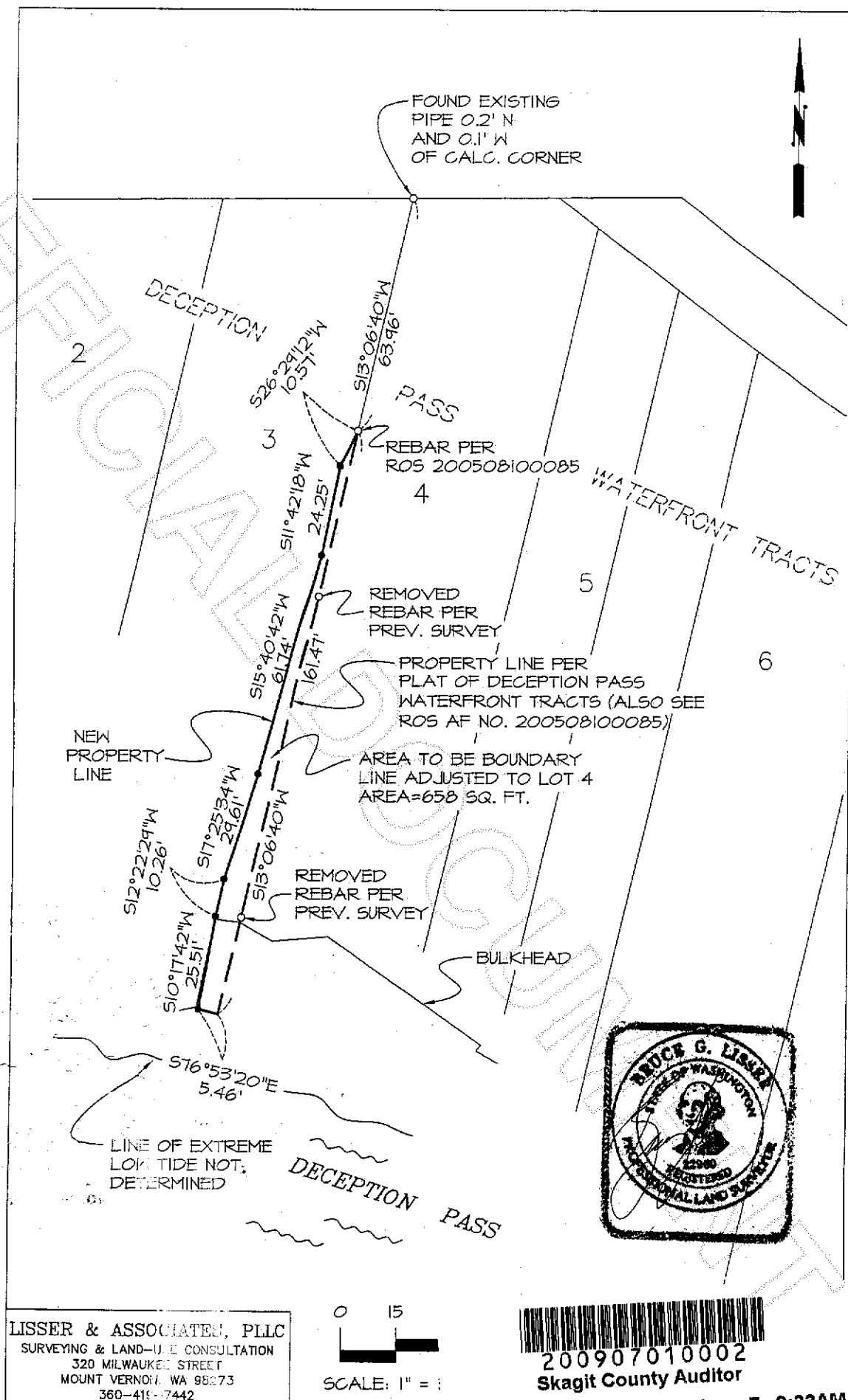
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Skagit County Auditor

EXHIBIT B

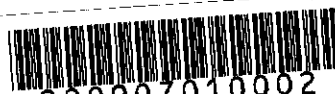


State of Washington, } ss.
County of Skagit

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 on this day of

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Court at my office at Mount Vernon this 1 day of July, 2009. Nancy K. Scott, County Clerk

By [Signature]
Deputy Clerk



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Skagit County Auditor