

AFTER RECORDING MAIL TO:
Law Office of Cole & Cole, P.C.
P. O. Box 249
Stanwood, WA 98292



200911060074
Skagit County Auditor

11/6/2009 Page 1 of 2 1:51PM

TEMPORARY EASEMENT

GRANTORS:	MARK D. SMITH and YOLANDA M. SMITH, husband and wife, and SUE C. SHIELDS, a single woman
GRANTEE:	MARK D. SMITH and YOLANDA M. SMITH, husband and wife, and SUE C. SHIELDS, a single woman
ASSESSOR'S TPN:	P112756, P17818, P17819, P17820

KNOW ALL MEN BY THESE PRESENTS that MARK D. SMITH and YOLANDA M. SMITH ("Smith"), husband and wife, and SUE C. SHIELDS ("Shields"), a single woman, as owners in fee simple of an interest in the lands described herein, hereby declare this covenant and easement and places the same on record:

1. The Smiths are the owners of the real estate situated in Skagit County, State of Washington, legally described as follows ("Smith Property"):

The South $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 33 North, Range 4 East, W.M., EXCEPT that portion conveyed to Skagit County for road purposes by deed dated March 25, 1963, and recorded March 26, 1963, under Auditor's File No. 633726.

Tax Parcel Numbers: P112756, P17818, P17819

Situated in Skagit County, Washington State.

2. Shields is the owner of the real estate situated in Skagit County, State of Washington, legally described as follows ("Shields Property"):

The North $\frac{1}{2}$ of the South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 33 North, Range 4 East, W.M., EXCEPT that portion conveyed to Skagit County for road purposes by deed dated March 25, 1963, recorded March 26, 1963, under the Auditor's File No. 633726, records of Skagit County, Washington.

Tax Parcel Number: P17820

Situated in Skagit County, Washington State.

3. For no monetary consideration, Smith herein establishes, declares and grants to Shields the following temporary exclusive easement:

That portion of the Smith Property located to the North of the existing fence that runs between the Smith and Shields Properties, as depicted on the survey recorded under Skagit County Auditor's file No. 200711150013.

4. For no monetary consideration, Shields herein establishes, declares and grants to Smith the following temporary exclusive easement:

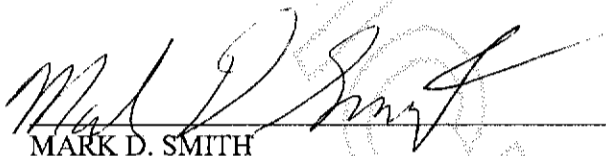
That portion of the Shields Property located to the South of the existing fence that runs between the Shields and Smith Properties, as depicted on the survey recorded under Skagit County Auditor's file No. 200711150013.

5. Waive Claims of Title by Adverse Possession. The Parties hereby agree to waive any and all claims of title by adverse possession pertaining to any portion of the common boundary line between the Smith Property and the Shields Property.

6. Attorney's Fees and Venue. In the event it becomes necessary to commence a lawsuit to enforce any of the terms of the easement agreement, the party substantially prevailing in said litigation shall be entitled to recover their reasonable attorney's fees and costs of said lawsuit as part of the judgment awarded therein. The venue of said lawsuit shall be in Skagit County, Washington.
7. Run with the Land. The easement hereby established, the restrictions hereby imposed, and the agreements herein contained shall run with the land and shall inure to the benefit of, and be binding upon the parties hereto and their respective heirs, successors and assigns, including, without limitation, all subsequent owners of the Smith Property and the Shields Property and all persons and entities claiming under them.
8. Termination. This easement shall terminate and be of no further force and effect at such time as the fence becomes non-functional, is fully replaced, or destroyed.

Dated this 9 day of Sept, 2009.

Owners of Smith Property:


MARK D. SMITH


YOLANDA M. SMITH

STATE OF WASHINGTON)
COUNTY OF Skagit)
SNOHOMISH)

ss:

On this date MARK D. SMITH and YOLANDA M. SMITH appeared before me and they acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument, and that they are authorized to do so.

SUBSCRIBED AND SWORN to before me this 9 day of Sept, 2009.

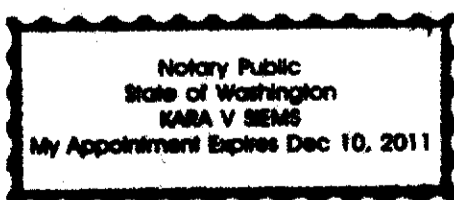


STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

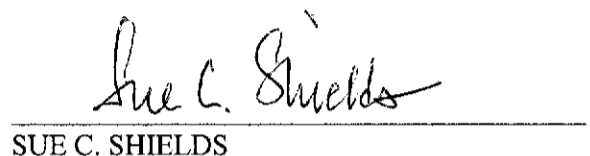
ss:

On this date SUE C. SHIELDS appeared before me and she acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument, and the she is authorized to do so.

SUBSCRIBED AND SWORN to before me this 16th day of September, 2009.



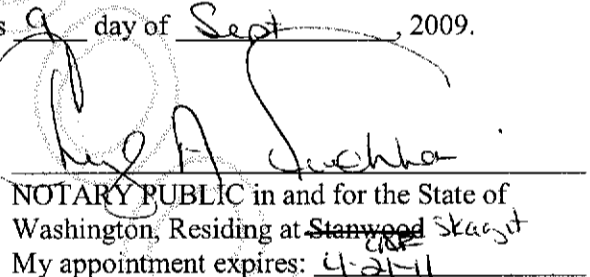
Owner of Shields Property

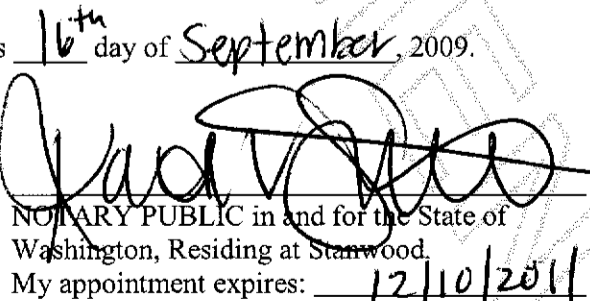

SUE C. SHIELDS

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 06 2009

Amount Paid \$ 0
Skagit Co. Treasurer
By man Deputy


NOTARY PUBLIC in and for the State of
Washington, Residing at Stanwood Skagit
My appointment expires: 4-21-11


NOTARY PUBLIC in and for the State of
Washington, Residing at Stanwood
My appointment expires: 12/10/2011



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Skagit County Auditor