



200911060075

Skagit County Auditor

AFTER RECORDING MAIL TO: 11/8/2009 Page 1 of 2 1:51 PM  
Law Office of Cole & Cole, P.C.  
P. O. Box 249  
Stanwood, WA 98292

**NO EXCISE TAX  
REQUIRED**

OCT 22 2009

KIRKE SIEVERS, Snohomish County Treasurer

By KIRKE SIEVERS

200910220237 2 PGS  
10/22/2009 1:02pm \$63.00  
SNOHOMISH COUNTY, WASHINGTON

**TEMPORARY EASEMENT**

GRANTORS:	MARK D. SMITH and YOLANDA M. SMITH, husband and wife, and WILLIAM R. SANDERS and ANNE C. SANDERS, husband and wife
GRANTEE:	MARK D. SMITH and YOLANDA M. SMITH, husband and wife, and WILLIAM R. SANDERS and ANNE C. SANDERS, husband and wife
ASSESSOR'S TPN:	Skagit County TPN P17818, P17819, P17820 and Snohomish County TPN 320403-002-007-00

KNOW ALL MEN BY THESE PRESENTS that MARK D. SMITH and YOLANDA M. SMITH ("Smith"), husband and wife, and WILLIAM R. SANDERS and ANNE C. SANDERS ("Sanders"), husband and wife, 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 ½ of the South ½ of the Southwest ¼ of the Southwest ¼ 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.

Skagit County Tax Parcel Numbers: P112756, P17818, P17819

Situated in Skagit County, Washington State.

2. The Sanders are the owners of the real estate situated in Snohomish County, State of Washington, legally described as follows ("Sanders Property"):

The North ½ of Government Lot 4, Section 3, Township 32 North, Range 3 East, W.M.

Snohomish County Tax Parcel Number: 320403-002-007-00

Situated in Snohomish County, Washington State.

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

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

4. For no monetary consideration, the Sanders herein establish, declare and grant to Smith the following temporary exclusive easement:

That portion of the Sanders Property located to the North of the existing fence that runs between the Smith and the Sanders 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 Sanders 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 Sanders 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.

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

### Owners of Sanders Property

WILLIAM R. SANDERS

YOLANDA M. SMITH

Anne C. Sanders  
ANNE C. SANDERS

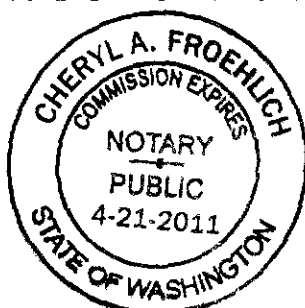
STATE OF WASHINGTON

Skagit CAR)  
COUNTY OF 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.



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

STATE OF WASHINGTON )

COUNTY OF SNOHOMISH )

**SS:**

On this date WILLIAM R. SANDERS and ANNE C. SANDERS 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 is authorized to do so.

SUBSCRIBED AND SWORN to before me this 3 day of Sept, 2009.



NOTARY PUBLIC in and for the State of  
Washington, Residing at Stanwood  
My appointment expires: 9/29/09

*casement*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

NOV 06 2009

Amount Paid ~~0~~  
Skagit Co. Treasurer  
By *man* Deputy



2009-11-09-12  
Skagit County Auditor