



201002040030

Skagit County Auditor

2/4/2010 Page

1 of

5 11:55AM

WHEN RECORDED RETURN TO:

Land Title and Escrow

P.O. Box 445

Burlington, WA 98233

LAND TITLE OF SKAGIT COUNTY

135602-SE

DOCUMENT TITLE(S):

Lease Modification

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

87004100039/200406150119

GRANTORS:

RICHARD JERRY BENSON and SHARON A. BENSON, husband and wife

GRANTEES:

Snohomish Indian Reservation

ABBREVIATED LEGAL DESCRIPTION:

Lot 7, Morris Dan Trs.

TAX PARCEL NUMBER(S):

5106-000-007-0000, P95855

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

LEASE MODIFICATION

Allotment: 122-34-1

Lease Number: 122 2044679109

It is hereby agreed by and between Richard (Jerry) Benson and Sharon A. Benson, Lessee(s), and the George Oguiladt (Morris Dan) Landowners, Allotment No.122-34-1, Swinomish Indian Reservation, Lessors, that Lease Number 122 2044679109 covering Lot 8, of Govt. Lot 1, Section 34, Township 34 North, Range 2 East, Willamette Meridian, Skagit County, Washington, be modified for the following reasons:

- To revise how and when the subject lease is adjusted,
- To resolve a rental adjustment appeal before the IBIA, and
- To modify the term of the lease.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

FEB 04 2010

The lease is modified as follows:

Amount Paid \$
Skagit Co. Treasurer
By AKM Deputy

A. Lessors and Lessees acknowledge that Lessees have paid rent in the following amounts: \$6,810 (July 2007 includes tideland), \$13,500 (July 2008), and \$6,800 (July 2009). Lessors and Lessees agree that Lessees owe \$10,637.23 (plus interest) in back rent within 30 days of the approval of this Lease Modification. The exact amount of interest will be determined based upon when it is paid. Lessors and Lessees agree that Lessees will pay \$11,872.60 in annual rent due July 16, 2010, to cover annual rent through May 31, 2011. In 2011, the annual rental amount will be adjusted according to revised Provision 7 set out below. For the year 2011 and forward, the annual rent will be due on June 1st of each year.

B. Provisions 7 and 15 of the existing lease are deleted and replaced by the following provision 7:

7.1 Rental Adjustment. Rent shall be adjusted every fourth year starting on June 1, 2011, for the remaining term of this lease. Except for years 2023, 2035, and 2047, rent will be adjusted by increasing or decreasing the most recent annual rent by a percentage calculated as follows:

- a. The percentage change will be the median percentage change in the assessed land-only values of the 252 waterfront and water view properties identified in the attached chart. Except for 2011, this percentage change will be the difference between (i) the assessed land-only values for the 252 properties as of the most recent year in which the annual rent was set for Lease 4467, and (ii) the assessed land-only values for the 252 properties as of the year in which the adjustment is



201002040030
Skagit County Auditor

ORIGINAL

effective. For example, the adjustment effective on June 1, 2015, and will be based on the median percentage change in the assessed land-only values between the years 2011 and 2015. For 2011, the adjustment will be based upon the median percentage change in the assessed land-only values between the 2007 and 2011.

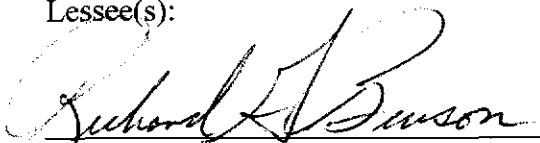
- b. Skagit County's assessed land values will be used to determine the percentage change in this process. The 252 parcels in the attached chart will be tracked to calculate that percentage change. If any of these parcels changes its use from residential it will be deleted from the list. If any parcel is subdivided, it will be deleted from the list for the next adjustment, but the newly created parcels will again be included on the list as soon as Skagit County tax assessments based upon two successive physical inspections of each parcel are known.

7.2 Rental Adjustment. For the years 2023, 2035, and 2047, the Bureau of Indian Affairs will adjust the rent using an appraisal to determine fair annual rental of the leased lot. The appraiser shall follow the Uniform Standards of Professional Appraisal Practice (USPAP).

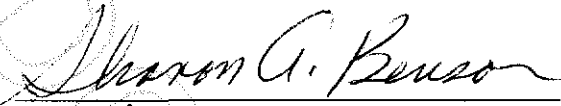
C. Provision 14 of the lease is deleted and the term of the lease is extended to May 31, 2059.

This modification does not change any terms, conditions, or stipulations, except as specifically set forth herein.

Lessee(s):

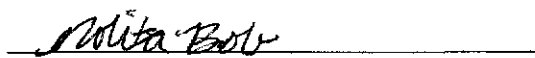


Richard Benson (Lessee)
10113 Avon Allen Road
Bow, Washington 98232



Sharon A Benson (Lessee)
10113 Avon Allen Road
Bow, Washington 98232

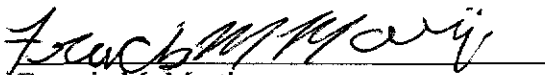
Trust Signatories:



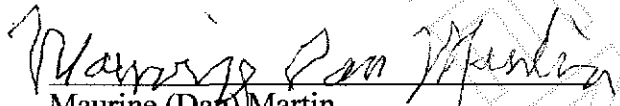
Nolita Bob
Post Box 617
La Conner, Washington 98257
Ownership Percentage: 0.0740740741



Ernest John Jr.
2661 Scott Road
Bellingham, Washington 98226
Ownership Percentage: 0.0722222222



Francis M. Martin
Post Office Box 401
La Conner, Washington 98257
Ownership Percentage: 0.1666666667



Maurine (Dan) Martin
Post Office Box 654
La Conner, Washington 98257
Ownership Percentage: 0.1666666667



201002040030
Skagit County Auditor

Marcella D. Jones

Judith R. Joseph, Superintendent **ACTING**
Per 25 CFR 162.601 – Minors
Ownership Percentage: 0.0001322751
Ownership Percentage: 0.0208333333
Total Percentage: .0209656084

Janice Edwards

Janice Edwards
Post Office Box 1444
Ferndale, Washington 98248
Ownership Percentage: 0.0740740741

Russell F. Kaubin Jr.

Russell F. Kaubin Jr.
Post Office Box 1190
Ferndale, Washington 98248-1190
Ownership Percentage: 0.0722222222

TOTAL PERCENTAGE: 0.6468915344

The modification is hereby approved and declared to be made in accordance with the law and the rules and regulations prescribed by the Secretary of the Interior thereunder, and now in force.

Approved pursuant to 209 DM 8, 230 DM 1, 3 IAM 4, 4A and 25 CFR Part 162.

1/26/01

Date

ACTING

Marcella D. Jones

Superintendent
Puget Sound Agency



201002040030
Skagit County Auditor

Area	Pnumber
ShelterBay	P69080
ShelterBay	P69081
ShelterBay	P69082
ShelterBay	P69083
ShelterBay	P69084
ShelterBay	P69085
ShelterBay	P69086
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ShelterBay	P69124
ShelterBay	P69125
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W.Shore	P20590
W.Shore	P20591

Area	Pnumber
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Area	Pnumber
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Area	Pnumber
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201002040030

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