

When Recorded Return to:



201007140036
Skagit County Auditor

7/14/2010 Page 1 of 7 11:11AM

Notice of Continuance
Land Classified as Current Use or Forest Land
Chapter 84.34 and 84.33 Revised Code of Washington

Grantor(s)/Sellers: Carol J. Miller, individually, & Carol J. Miller, Pers Rep of Estate of Dan H. Miller, Dec'd

Grantee(s)/Purchasers: Carol J. Miller, a single woman; additional Grantees on Exhibit "B" attached.

Mailing address: 16576 Green Lane

City, State, Zip: Burlington, WA 98233

Phone No: (360) 757-4289

Assessor's Parcel No: P36940,P36958,P36941,P119956,P119963

Address: 19933 Cook Road, Burlington, WA 98233

Legal description: Ptn E 1/2 NE 1/4, 20-35-4 E W.M.; S 1/2 NE 1/4 20-35-4 E W.M.; Ptn Tract 2, Skagit County
SP No. 27-81, 20-35-4 E W.M

See Exhibit "A" attached.

Date of Sale or Transfer:

Date Notice of Continuance

Received by Assessor:

Reference numbers of documents assigned or released:

Interest in property: ☒ Fee Owner ☐ Contract Purchaser ☐ Other

If the new owner(s) of land that is classified as current use or designated as forest land wish to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign before the conveyance is recorded or filed. If the new owner(s) do(es) not desire to continue the classification or designation, all additional tax, interest, and penalty or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.140, will be due and payable by the seller or transferor at the time of sale. Payment in full is required before the conveyance can be recorded or filed. To determine if the land qualifies for continued classification or designation, the county assessor will be consulted. The county assessor has 15 calendar days, from the date all documentation is received, to determine whether the land will continue to qualify for classification or designation.

For Official Office Use Only

Transfer Document
Recording No:

Real Estate
Excise Tax No:

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retain the current use classification as ☐ Open Space Land ☒ Farm & Agricultural Land ☐ Timberland and I am/we are aware of the following land use classifications;

1. OPEN SPACE LAND MEANS EITHER:

- a. any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b. any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetland, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c. any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land" is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a. any parcel of land or contiguous parcels of land that are adjoining and held in the same ownership of twenty or more acres: (i) devoted primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States Department of Agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b. any parcel of land or contiguous parcels of land that are adjoining and held in the same ownership of at least five acres but less than twenty acres devoted primarily to agricultural uses which has:
Produced a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW;
Standing crops with an expectation of harvest within seven years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous year;
Standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous year;
For the purposes listed above, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;
- c. any parcel of land less than five acres devoted primarily to agricultural uses which has produced a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW;
- d. Agricultural land also includes noncontiguous parcels from one to five acres, but otherwise constituting an integral part of farming operations conducted on the land.
Agricultural lands also include land, not to exceed twenty percent of classified land, that has incidental uses compatible with agricultural purposes, and also the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products.
Agricultural lands also include land used primarily for equestrian-related activities including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed. The land must also meet the requirements of (a), (b), or (c) listed above.
- e. Any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the farm and agricultural land is classified pursuant to RCW 84.34.020 (e), if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.



3. **TIMBER LAND MEANS** any parcel or contiguous parcels of land in the same ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes. Timber land means the land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she will pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest must be paid for the preceding seven years.
2. If land is removed from classification because of: a change to a non-conforming use; land is removed immediately upon request of the owner; or land is removed because the owner(s) failed to comply with the two year notice of withdrawal. The owner will be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent on the sum of the additional tax and interest. The additional tax, interest, and penalty must be paid for the preceding seven years and from January 1 of the year of removal up to the date of removal.
3. The additional tax, interest, and/or penalty will not be imposed if the withdrawal or removal from classification resulted solely from:
 - a. transfer to a government entity in exchange for other land located within the state of Washington;
 - b. a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
 - c. a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
 - d. official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
 - e. transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
 - f. acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district, metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250;
 - g. removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees is located;
 - h. removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
 - i. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
 - j. the creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
 - k. The sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993 and the individual(s) or entity(ies) receiving the land from the deceased owner is selling or transferring the land. The date of death shown on a death certificate is the date used; or
 - l. The discovery that the land was classified in error through no fault of the owner.



B. CLASSIFICATION UNDER CHAPTER 84.33 RCW. ☐ I/we request that this land retains its designation as forest land and I am/we are aware of the following definition of forest land.

FOREST LAND is synonymous with designated forest land and means any parcel of land or contiguous parcels of land that are adjoining and held in the same ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber and means the land only.

I/we declare that I am/we are aware of the liability of removal of this land from designated forest land and upon removal a compensating tax will be imposed that is equal to the difference between the amount of tax last levied on the land as "forest land" and an amount equal to the new assessed valuation of the land as of January 1 of the year of removal, multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, not greater than nine, equal to the number of years the land was designated as forest land.

The compensating tax will not be imposed if the removal of designation resulted solely from:

- a. transfer to a government entity in exchange for other forest land located within the state of Washington;
- b. a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power;
- c. a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax will be imposed upon the current owner;
- d. the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e. official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of such land;
- f. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- g. the creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
- h. the sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993 and the individual(s) or entity(ies) receiving the land from the deceased owner is selling or transferring the land.. The date of death shown on a death certificate is the date used;
- i. the discovery that the land was designated in error through no fault of the owner; or
- j. a transfer of a property interest, in a county with a population of more than six hundred thousand inhabitants, to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the land is not used for the purposes enumerated, the compensating tax will be imposed upon the current owner.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Please describe how you intend to use the land for continued classification or designation:*

***The assessor may require additional information from the property owner(s) to determine whether the land will continue to qualify for classification or designation.**

Property Owner	<u>Carol J. Miller</u> CAROL J. MILLER, Individually and as Co-Trustee 16576 Green Lane Burlington, WA 98233	Date	<u>7-2-10</u>
Address			
Property Owner	<u>Marvin Omdal</u> MARVIN OMDAL, Co-Trustee P. O. Box "O" Bow, WA 98232	Date	<u>7-2-2010</u>
Address			



EXHIBIT "A"

Parcel "A" (P36940)

That portion of the East 1/2 of the Northeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at the Northeast corner of said subdivision; thence West along the North line thereof, 882.75 feet; thence south 1,083 feet, more or less, to the Northwest corner of a tract conveyed to C.E. Megee by Deed recorded in Volume 186 of Deeds, page 365; thence East 417 feet to the Northeast corner of said tract; thence South 1,567 feet, more or less, to the South line of the Northeast 1/4; thence East to the East section line; thence North to the point of beginning, EXCEPT roads.

Situate in the County of Skagit, State of Washington.

Parcel "B" (P36941)

That portion of the East 1/2 of the Northeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., described as follows:

Beginning 20 feet North and 53 1/2 rods West of the Southeast corner of the Northeast 1/4; thence North 1,567 feet; thence East 417 feet; thence South 1,567 feet; thence West to the point of beginning.

Situate in the County of Skagit, State of Washington.

Parcel "C" (P119963)

The South 1/2 of the Northeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M.,
EXCEPT the West 874.5 feet thereof,
AND EXCEPT the East 882.75 feet thereof,
ALSO EXCEPT the West 20 feet of the East 445.5 feet of the Southwest 1/4 of the Northeast 1/4 of said Section for private road,
AND EXCEPT public road and drainage ditch rights of way,
ALSO EXCEPT that portion thereof described as follows:

Beginning at a point on the South line of said subdivision, 882.75 feet West of the East 1/4 corner of said Section 20; thence North 170 feet; thence West 150 feet; thence South 170 feet; thence East 150 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.



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Skagit County Auditor

Parcel "D" (P36958)

Tract 2 of Skagit County Short Plat No. 27-81, Revised, approved April 30, 1981, and recorded May 15, 1981, in Volume 5 of Short Plats, page 69, under Auditor's File No. 8105150023,

EXCEPT County road along the North line thereof, said tract being a portion of the Northeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M.,

EXCEPT that portion described as follows:

Beginning at the Northwest corner of Tract 1 of said Short Plat; thence South 89°35'45" East along the North line of said Tract 1, a distance of 345.99 feet to the Northeast corner thereof; thence South 00°28'38" East along the East line of said Tract 1, a distance of 198.87 feet to the Northerly right of way margin of Cook Road; thence South 89°35'45" East along said margin 219.58 feet to a line parallel with and 20.00 feet Westerly of the East line of said Tract 2; thence North 00°28'38" West along said line a distance of 330.00 feet; thence North 89°35'45" West parallel with the North line of said Tract 1, a distance of 565.57 feet to a line parallel with and 20.00 feet Easterly of the Westerly line of said Tract 2; thence South 00°28'38" East along said line a distance of 131.13 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.

Parcel "E" (P119956)

That portion of Skagit County Short Plat No. 27-81, Revised, approved April 30, 1981, and recorded May 15, 1981, in Volume 5 of Short Plats, page 69, under Auditor's File No. 8105150023, said short plat situated in a portion of the Northeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., Skagit County Washington, described as follows:

Beginning at the Northwest corner of Tract 1 of said Short Plat; thence South 89°35'45" East along the North line of said Tract 1, a distance of 345.99 feet to the Northeast corner thereof; thence South 00°28'38" East along the East line of said Tract 1, a distance of 198.87 feet to the Northerly right of way margin of Cook Road; thence South 89°35'45" East along said margin 219.58 feet to a line parallel with and 20.00 feet Westerly of the East line of said Tract 2; thence North 00°28'38" West along said line a distance of 330.00 feet; thence North 89°35'45" West parallel with the North line of said Tract 1, a distance of 565.57 feet to a line parallel with and 20.00 feet Easterly of the Westerly line of said Tract 2; thence South 00°28'38" East along said line a distance of 131.13 feet to the point of beginning.

Situate in the County of Skagit, State of Washington.

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EXHIBIT "B"

GRANTEES:

CAROL J. MILLER, a single woman, as to an undivided 18.69% interest;

CAROL J. MILLER and **MARVIN OMDAL**,
Co-Trustees of the *Dan H. Miller Bypass Trust uwd 10/18/2002*, as to an undivided
66.67% interest, and

CAROL J. MILLER and **MARVIN OMDAL**,
Co-Trustees of the *Dan H. Miller QTIP Trust uwd 10/18/2002*, as to an undivided
14.64% interest



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