

When Recorded Please Return To:  
**LAWRENCE A. PIRKLE**  
321 W. Washington, Suite 300  
Mount Vernon, WA 98273  
(360) 336-6587



201012230072

Skagit County Auditor

12/23/2010 Page 1 of 6 1:50PM

**DOCUMENT TITLE:** MEMORANDUM OF LEASE

**REFERENCE NUMBER(S):**

**GRANTORS:** NICOLAAS VAN DER VIS  
ELISABETH W. VAN DER VIS

**GRANTEE:** BIRINGER NURSERY, L.P.

**ABBREVIATED LEGAL DESCRIPTION:**

ALL PARCELS ARE LOCATED IN SECTION 35 TWN 34N R 3WM BEING A  
PORTION OF THE FOLOWING: NW1/4 SW1/4; SE1/4 NW1/4; SW1/4 NW1/4;  
NW1/4 NW1/4; SW1/4 NE1/4; SW1/4 NE1/4; NW1/4 NE1/4

**ASSESSOR PARCEL / TAX ID NUMBER:** P23192; P23200; P23191; P23188;  
P23178; 23174; P23172

## MEMORANDUM OF LEASE

THIS MEMORANDUM OF LEASE, dated as set forth below, between NICOLAAS VAN DER VIS and ELISABETH W. VAN DER VIS, husband and wife, 17310 Kamb Road, Mount Vernon, Washington 98273 (hereinafter "Landlord") and BIRINGER NURSERY, L.P., a Washington Limited Partnership, c/o LAWRENCE A. PIRKLE, 321 W. Washington, Suite 300, Mount Vernon, Washington 98273, (hereinafter "Tenant").

Landlord and Tenant entered into a Lease Agreement, dated February 20, 2007 pursuant to which Landlord Leased to Tenant and Tenant Leased from Landlord that certain land (hereinafter "Premises") containing approximately 180 acres of agricultural land (located in the County of Skagit, State of Washington) the legal description of the entire premise, which is set forth on Exhibit "A" attached hereto. The Premises being leased each year is comprised of 100 acres as indicated by Exhibit "B", located at 17310 Kamb Road, Mount Vernon, Washington.

The term of this Lease shall be for Five (5) years commencing upon March 1, 2007 and expiring at the end of the period, subject to Tenant's options to renew. The Lease was amended contemporaneously with the signing of this Memorandum.

This Memorandum is not a complete summary of the Lease Agreement and should not be used in interpreting provisions of the Lease Agreement. In the event of conflict between this Memorandum and the Lease Agreement, the Lease Agreement shall control. This Memorandum is executed solely for the purpose of recording and making public notice of the existence of the Lease Agreement and any amendments thereto.

IN WITNESS WHEREOF, the parties have executed this instrument dated as set forth below.

### LANDLORD:

Nick van der Vis  
NICOLAAS VAN DER VIS

Elizabeth van der Vis  
ELIZABETH W. VAN DER VIS

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 28 2010

Amount Paid \$  
By MF Skagit Co. Treasurer Deputy

12-16-2010

Date

12-16-2010

Date

### TENANT:

BIRINGER NURSERY, L.P.

By: Josef W. Biringer  
JOSEF W. BIRINGER, General Partner

By: Mary Ann Biringer  
MARY ANN BIRINGER, General Partner

12-16-2010

Date

12-16-10

Date

Memorandum of Lease

ORIGINAL

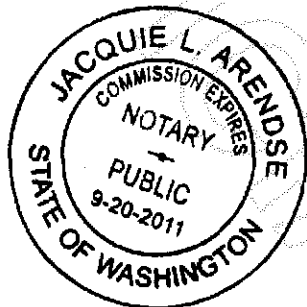


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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that NICOLAAS VAN DER VIS and ELISABETH W. VAN DER VIS are the persons who appeared before me and said persons 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.

GIVEN under my hand and official seal this 16 day of December, 2010.



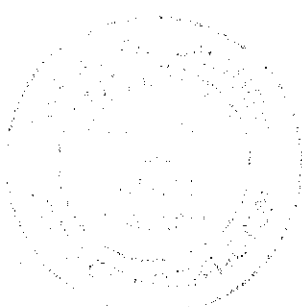
Jacquie L. Arendse  
(Notary's printed name)

Jacquie L. Arendse  
NOTARY PUBLIC in and for the  
State of Washington,  
Residing at Mt Vernon  
My Commission expires: 9/20/2011

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this day personally appeared before me JOSEF W. BIRINGER and MARY ANN BIRINGER, to me known to be General Partners of BIRINGER NURSERY, L.P., a Washington Limited Partnership, and acknowledged the said instrument to be the free and voluntary act and deed of said General Partners for the uses and purposes therein mentioned, and on oath stated that JOSEF W. BIRINGER and MARY ANN BIRINGER were authorized to execute said instrument on behalf of said Partnership.

GIVEN under my hand and official seal this 16<sup>th</sup> day of DECEMBER, 2010.



KARIN D. SHOUGH  
(Notary's printed name)

Karin D. Shough  
NOTARY PUBLIC in and for the  
State of Washington,  
Residing at MOUNT VERNON  
My Commission expires: 11-30-2011

Memorandum of Lease



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## EXHIBIT "A"

- That portion of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  less county road and twenty foot strip to Drainage and Irrigation District 15 of Section 35, Township 34,, Range 3, W.M. (Tax Parcel No. P23192/340335-2-006-0006) (39.2 acres);
- That portion of the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  excluding the west five (5) feet to ditch maintained by Drainage and Irrigation District No. 15 and Dike District No. 1 of Section 35, Township 34, Range 3, W.M. (Tax Parcel No. P23200/340335-4-003-0005) (40 acres);
- That portion of the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  less the county road of Section 35, Township 34, Range 3, W.M. (Tax Parcel No. P23191/340335-2-005-0007) (39.4 acres);
- That portion of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 35, Township 34 North, Range 3 East, W. M., described as follows: Beginning at a point on the East line of the County road running along the West line of said Section 35, said point, being 871.2 feet South of the South line of the County road running along the North line of said Section 35; thence North  $1^{\circ}42'37''$  E along said East line of the County road distance of 18.00 feet to the intersection of said East line and an existing fence running East and West ;thence South  $87^{\circ}55'25''$  East along said fence- 170.84 feet thence continuing along said fence and said fence extended South  $88^{\circ}03'21''$  East 826.12 feet to the intersection of said fence with the West line of the East 10 acres of said Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  ; thence South  $0^{\circ}40'40''$  West along said West line of the East 10 acres 10.53 feet; thence North  $88^{\circ}27'35''$  West 997.14 feet to the point of beginning. (Tax Parcel No. P23188/340335-2-003-0009) (11.37 acres);
- That portion of the South sixty (60) rods of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, Township 34, Range 3, W.M. (Tax Parcel No. P23178/340335-1-010-0002) (29.5 acres);
- That portion of the North 19 rods of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 35, Township 34, Range 3, W.M excluding the East 335 feet (Tax Parcel No. P23174/340335-1-008-0006) (6.86 acres);
- That portion of the South  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  located in Section 35, Township 34,, Range 3, W.M. less the ditch belonging to Drainage



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and Irrigation District and Dike District No. 1 less the East 335 feet thereof  
(Tax Parcel No. P23172/340335-1-007-0007) (13.9 acres).

Situate in the County of Skagit, State of Washington.



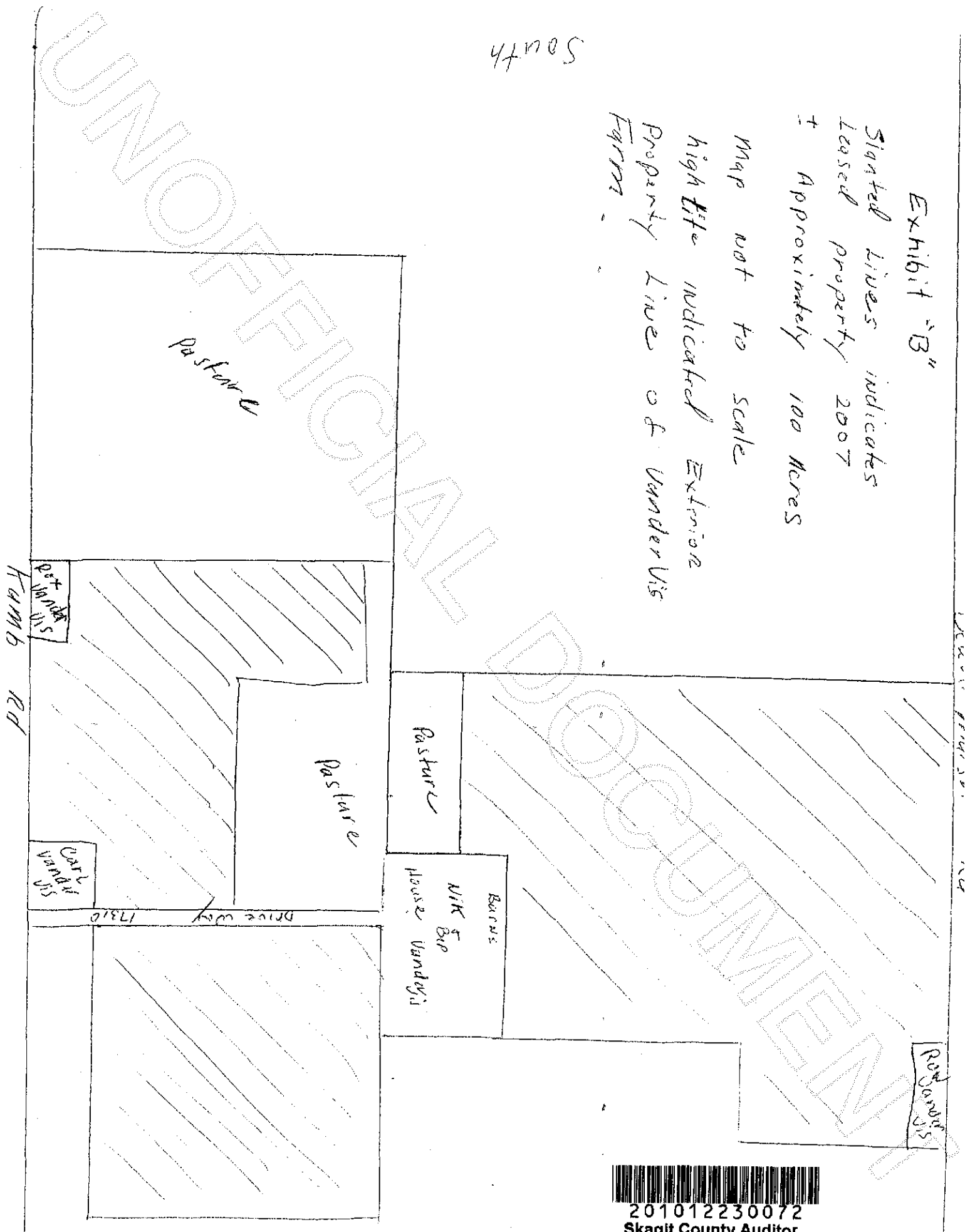
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# Exhibit "B"

Slatted lines indicates  
Leased property 2007  
+ Approximately 100 Acres

Map not to scale  
high tide indicated exterior  
Property lines of Vander Vis  
Farm

South



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