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Skagit County Auditor

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10 10:36AM

When recorded return to:

Craig Sjostrom
1204 Cleveland Ave.
Mount Vernon, Washington 98273

Judgment
10-2-01214-4

Grantor: John Bumgarner & Cindy Bumgarner, h/w

Grantees: Dennis Bumgarner & Elizabeth Bumgarner, h/w

Legal Description: Lots 1& 2, Block 1, Cape Horn

Assessor's Property Tax Parcel or Account Nos.: P63156; P63155

Reference Nos of Documents Assigned or Released: N/A

2011 APR 15 PM 3:55

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

JOHN BUMGARNER and CINDY
BUMGARNER, husband and wife,

Plaintiffs,

vs.

DENNIS BUMGARNER and ELIZABETH
BUMGARNER, husband and wife,

Defendants.

Case No.: 10-2-01214-4

STIPULATION
AND JUDGMENT

THIS MATTER coming on before the Hon. John Meyer, Judge of the Skagit County Superior Court, the Plaintiffs being represented by Craig Sjostrum, and the Defendants being represented by Patrick M. Hayden, the parties having resolved their issues through a settlement conference, and the court having reviewed the files and records herein and being fully advised in the premises, now, therefore,

I. STIPULATION

The undersigned attorneys hereby stipulate to entry of the Findings of Fact and Judgment in settlement of this matter.

Dated: April 11, 2011.

Dated: March 25, 2011.

Craig Sjostrum, WSBA#21149
Attorney for Plaintiffs

Patrick M. Hayden, WSBA #11061
Attorney for Defendants

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II. FINDINGS OF FACT

Pursuant to the foregoing Stipulation, the court makes the following Findings of Fact:

1. The Plaintiffs are John Bumgarner and Cindy Bumgarner, husband and wife.
2. The Defendants are Dennis Bumgarner and Elizabeth Bumgarner, husband and wife.
3. The Plaintiffs own real property situated in Skagit County, described as follows:

The Northeasterly 100 feet of Lots 1 and 2, Block "T" of "CAPE HORN ON THE SKAGIT" as per plat recorded in Volume 8 of Plats, pages 92 through 97, inclusive, records of Skagit County, the Southwesterly line of said Northeasterly 100 feet being measured parallel with and 100 feet Southwesterly of the Northeasterly line of said Lots 1 and 2.

Situated in the County of Skagit, State of Washington.

4. The Defendants own real property situated in Skagit County, described as follows:

Lots 1 and 2, Block "T" of "CAPE HORN ON THE SKAGIT" as per plat recorded in Volume 8 of Plats, pages 92 through 97, inclusive, records of Skagit County, EXCEPT the Northeasterly 100 feet thereof, the Southwesterly line of said Northeasterly 100 feet being measured parallel with and 100 feet Southwesterly of the Northeasterly line of said Lots 1 and 2.

TOGETHER WITH a non-exclusive easement for ingress, egress and building setback purposes over, across and under the Southwesterly 12 feet of the Northwesterly 150 feet of said excepted Northeasterly 100 feet;

ALSO TOGETHER WITH a non-exclusive 10 foot wide easement for waterline purposes centered upon the existing waterline which runs approximately across said excepted Northeasterly 100 feet along the original line between said Lots 1 and 2.

Situated in the County of Skagit, State of Washington.

5. The property of Plaintiffs is burdened by easements which benefit the property of Defendants. These easements are described and illustrated on the survey recorded under Skagit County Auditor's File No. 200808110107, and are elsewhere of record.

6. Conflict has arisen between the parties which is related to these easements, and is set forth in the pleadings of the parties. The parties agree to resolve this conflict by entry of the sub-attached Judgment.

III. JUDGMENT

Pursuant to the foregoing Stipulation and Findings of Fact,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

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1. Plaintiffs shall relocate Defendants' waterline, box and meter from its existing location to a connection box on Mountain View Lane, and install a new water line along the Southwesterly side of Defendants' driveway to the intersection of the existing water line. The waterline shall be a one inch (1") line of Schedule 80 PVC pipe installed by a licensed contractor. Installation shall minimize disturbance of Defendants' landscaping. This work shall be completed within ninety (90) days, and upon completion the water line easement over Plaintiffs' property shall be extinguished. Defendants shall provide a quit-claim deed to Plaintiffs evidencing such extinguishment upon request.

2. The common property line of the parties shall be modified to conform to certain newly-built fences. Plaintiffs have removed the previously-existing fence between the parties, except for the solid fence on the property line at the Southeasterly end, prior to construction of the boundary line fence by Defendants, as part of this settlement. Defendants have built a first class six (6) foot solid, sight-obscuring cedar fence adjacent to the common property line between the property of Plaintiffs and Defendants as modified by this Judgment, as part of this settlement.

3. All right, title and interest of the Plaintiffs in the following real property (Parcels A & B, situated in Skagit County, Washington) is hereby awarded to and quieted in Defendants, as their interest appear, including any after-acquired interest of Plaintiffs:

PARCEL A

The Southwesterly twelve (12) feet of the Northwesterly 120 feet of the following described property:

The Northwesterly 100 feet of Lots 1 and 2, Block "I" of "CAPE HORN ON THE SKAGIT" as per plat recorded in Volume 8 of Plats, pages 92 through 97, inclusive, records of Skagit County, the Southwesterly line of said Northeasterly 100 feet being measured parallel with and 100 feet Southwesterly of the Northeasterly line of said Lots 1 and 2.

Together with the adjacent right-of-way of Mountain View Lane, if any.

PARCEL B

A parcel of land described as follows:

Beginning at the Northeasterly corner of Parcel A described above; thence 120 feet Southeasterly along the Northeasterly boundary of Parcel A to the Southeasterly boundary of Parcel A; thence 1 foot Northeasterly and parallel with the Southeasterly boundary of

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Parcel A; thence Northwesterly to a point 5 feet Northeasterly of the point of beginning on the Southeasterly boundary of Mountain View Lane; thence 5 feet Southwesterly to the point of beginning.

Together with the adjacent right-of-way of Mountain View Lane, if any.

This Parcel B is adjacent to the Northeasterly boundary of Parcel A. The Northeasterly boundary of Parcel B is defined by the approximate location of the as-built fence, to be replaced as set forth in Paragraph 4 below.

Parcels A and B are illustrated on the attached Exhibit A.

Parcel A and Parcel B shall be combined with the property of Defendants and shall not constitute a separate building lot without compliance with the Skagit County subdivision ordinance.

The legal descriptions of Parcel A and Parcel B substantially conform to the Southwesterly and Southeasterly sides of the newly built fences which form a continuous boundary fence between the property of the parties. If there is any conflict between the location of the fences and the legal description herein, then the location of the as-built fences as they exist on the date of this judgment shall control the property boundary. Either party may survey the as-built fences to document the legal description if they desire, at their own expense.

5. The 12 foot (12') easement for ingress, egress and set back, over Plaintiff's property for benefit of Defendants' property, is hereby extinguished, provided that any existing structures shall be vested for purposes of setback requirements, as between the parties.

6. Defendants shall not remove any landscaping on Plaintiffs' property in the construction and maintenance of the fence, without consent of Plaintiffs.

7. All contacts between the parties to coordinate the obligations in this order shall be through their attorneys.

8. The court shall retain jurisdiction over the parties and subject matter of the case until the obligations in this order are implemented, and the Hon. John Meyer shall decide any disputes arising out of this judgment.

9. Both parties shall pay any liens and encumbrances on their property which have priority over this judgment, and indemnify and hold harmless the other party therefore. In the event that the lien holder of either party forecloses a lien in a manner which extinguishes the

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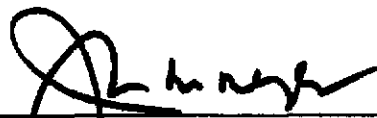
benefits awarded to the other party in this judgment, then the injured party may apply to the court to have this judgment set aside.

10. The rights and obligations in this judgment shall constitute a covenant running with the real property of the parties and shall be binding on the parties, their assigns and successors in interest.

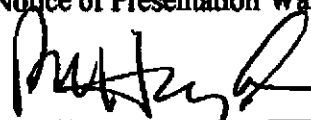
11. Except as expressly modified herein, the right, title and interests of the parties in real property and appurtenances shall not be affected by this judgment.

12. The remaining claims and counterclaims of the parties are hereby dismissed. Each party shall pay their own costs and attorney fees herein.

DATED: 4/14/, 2011.


Hon. Joan Meyer, Judge

Jointly presented;
Entry Stipulated to;
Notice of Presentation Waived:



Patrick M. Hayden, WSBA #11061
Attorney for Defendants



Craig Sjostrom, WSBA #21149
Attorney for Plaintiffs



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CB



Exhibit A

Pages 1 and 2



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[Signature] CB

[Signature] DGB

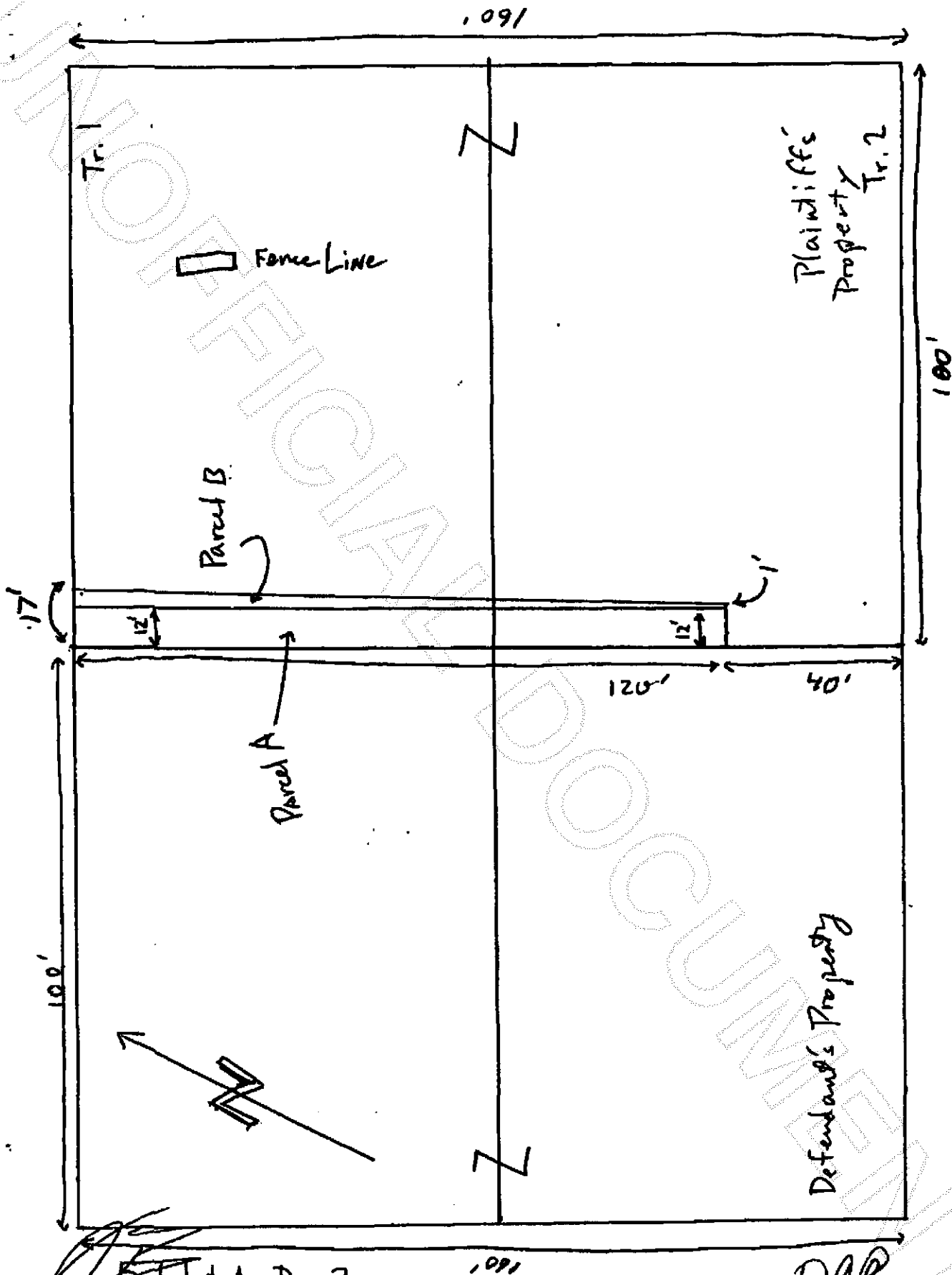


Exhibit A, Page 2

DJB.

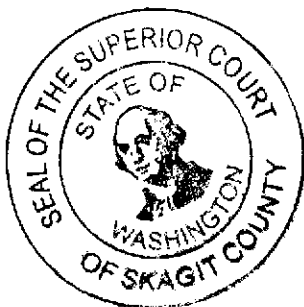


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State of Washington, } ss.
County of Skagit

Nancy K. Scott, County Clerk of Skagit County and ex-officio Clerk of the Superior Court of the State of Washington, for the County of Skagit, do hereby certify that the foregoing instrument is a true and correct copy of the original, consisting of 2 pages, now on file in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at my office at Mount Vernon this 19 day of April, 20 11. Nancy K. Scott, County Clerk.



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