

RETURN TO:

TERENCE A. PRUIT
Assistant Attorney General
Natural Resources Division
PO Box 40100
Olympia, WA 98504-0100



201112140026
Skagit County Auditor

12/14/2011 Page

1 of

21 11:06AM

Document Title:

JUDGMENT & ORDER

Reference Number: 8812130056, 9202260085, 9505300127, 200209260019

Grantor(s):

additional grantor names on page ____

1. Alexander G. McLaren

2.

Grantee(s):

additional grantee names on page ____

1. State of Washington, Department of Natural Resources

2.

Abbreviated legal description:

full legal on page(s) ____

THAT PORTION OF THE HARBOR AREA OF PLATE NO. 8 ANACORTES HARBOR OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 1 EAST, W.M., LYING IN FRONT OF TRACT 9, AS SHOWN ON THE OFFICIAL TIDE AND SHORE LANDS MAPS ON FILE IN THE OFFICE OF THE WASHINGTON STATE COMMISSIONER OF PUBLIC LANDS as shown on Recorded survey filed under AFN 2002209260019.

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page ____

P119631

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STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT

STATE OF WASHINGTON, by and
through the WASHINGTON STATE
DEPARTMENT OF NATURAL
RESOURCES,

Plaintiff,

v.

ALEXANDER G. MCLAREN, a
Washington individual,

Defendant.

NO. 07-2-02406-1

JUDGMENT

~~PROPOSED~~

JUDGMENT SUMMARY (RCW 4.64.030)

- | | |
|-------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| 1. Judgment Creditor: | State of Washington
Department of Natural Resources |
| 2. Judgment Debtor: | Alexander G. McLaren. |
| 3. Principal Amount of Judgment: | \$76,419.54 |
| 4. Interest to Date of Judgment (July 23, 2010): | \$30,210.16 |
| 5. Attorney Fees Owed to Judgment Creditor State of Washington Department of Natural Resources: | \$63,267.50 |
| 6. Costs: | \$0.00 |
| 7. Other Recovery Amounts: | \$0.00 |

JUDGMENT ~~PROPOSED~~

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Skagit County Auditor

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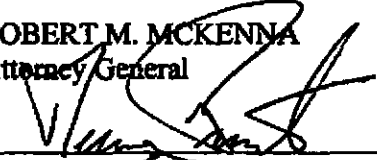
- 1 8. Attorney for Judgment Creditor
State of Washington
- 2 Department of Natural Resources: Attorney General of Washington
per Terence A. Pruitt, Assistant Attorney General
- 3
- 4 9. Attorney for Judgment Debtor: Alexander G. McLaren, pro se
- 5
- 6 10. Attorney Fees, costs, and other recovery amounts shall bear interest at 12 percent per
annum.

7 This matter came before the undersigned judge of the above-entitled Court on July 23,
8 2010. The Defendant, Alexander G. McLaren, was pro se; Plaintiff, Department of Natural
9 Resources, was represented by Robert M. McKenna, Attorney General, per Terence A. Pruitt,
10 Assistant Attorney General. The Court, having considered the evidence presented, having read
11 all memoranda submitted, having heard the arguments and being fully advised as to the
12 premises, now enters this final Judgment and Order on the claims and defenses presented in this
matter.

13 Dated this 23 day of July, 2010.

14 
15 HONORABLE SUSAN COOK
16 SUPERIOR COURT JUDGE

17 Presented by:

18 ROBERT M. MCKENNA
19 Attorney General


20 TERENCE A. PRUITT, WSBA #34156
21 Assistant Attorney General
22 Natural Resources Division
23 *Attorneys for Plaintiff*
Washington State Department of Natural Resources

7/23/10
DATED

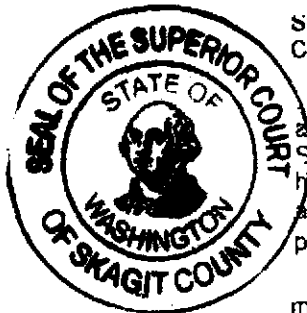
24 Approved as to Form and for Entry by:

25 
26 ALEXANDER G. MCLAREN
Defendant

DATED



UNOFFICIAL DOCUMENT



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 7 day of Dec, 20 11. Nancy K. Scott, County Clerk.

By [Signature]
Deputy Clerk



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Skagit County Auditor

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**STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT**

STATE OF WASHINGTON, by and
through the WASHINGTON STATE
DEPARTMENT OF NATURAL
RESOURCES,

Plaintiff,

v.

ALEXANDER G. MCLAREN, a
Washington individual,

Defendant.

NO. 07-2-02406-1

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
ORDER**

16

THIS MATTER was tried to the Court, without a jury, from May 24 through May 28,
2010, and on June 17, 2010. The Honorable Susan Cook, Superior Court Judge for Skagit
County, presided at the trial. The Claims presented for adjudication were as follows:

1. The extent of the damages owed by Defendant to Plaintiff under RCW 79.02.300 for his unauthorized use of the City of Anacortes Harbor Area to refurbish ships.
2. Whether Defendant must reimburse Plaintiff for Plaintiff's reasonable attorneys' fees and costs incurred in bringing this action.

Appearing at trial were the Plaintiff, Department of Natural Resources (DNR) personally and through counsel, TERENCE A. PRUIT, Assistant Attorney General, and the Defendant, ALEXANDER MCLAREN, Pro Se (Mr. McLaren). The witnesses who were

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FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER

ATTORNEY GENERAL OF WASHINGTON



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Skagit County Auditor

1 called and testified at trial are identified in the witness list attached hereto as Exhibit A. The
2 Exhibits, which were offered, admitted into evidence, and considered by the Court, are set out
3 in the list attached hereto as Exhibit B.

4 Based upon the evidence presented at trial, the Court makes the following Findings of
5 Fact:

6 **L. FINDINGS OF FACT**

7 1. Mr. McLaren purchased the property along the shoreline of the Guemes
8 Channel at 1904 - 7th Street in the City of Anacortes from Samsung America, Inc. in June of
9 2002. Prior to the sale, Samsung conducted a fish-processing operation on the property and the
10 adjacent harbor area, which it leased from DNR.

11 2. Since purchasing the shoreline property, Mr. McLaren has used the abutting
12 harbor area for his ship-refurbishing operations.

13 3. Prior to purchasing the 1904 - 7th Street property, Mr. McLaren was aware of
14 the need to lease the harbor area from DNR. In early 2002, Mr. McLaren met with DNR's
15 land manager Chad Unland to discuss the requirements for leasing the harbor area.
16 Mr. Unland informed Mr. McLaren that leasing would be necessary and described the process
17 to accomplish the task of obtaining a lease. Mr. Unland told Mr. McLaren that he needed to
18 inform DNR of his proposed use for the property through a plan of operations and provide
19 DNR with an application for the use of the harbor area and survey of the harbor area he
20 proposed to use.

21 4. Prior to 2007, Mr. McLaren never provided an application to DNR.
22 Mr. McLaren has never provided a survey or plan of operations for his ship-refurbishing
23 operations to the Department of Natural Resources.

24 5. The parties agree it is appropriate to use the water-dependent rent statute
25 RCW 79.105.240 to calculate the rent Mr. McLaren would have paid if his use of the harbor
26 area had been authorized. Rent under the statute is based on the assessed value of the upland



1 tax parcel used in conjunction with the use of the harbor area. The upland tax parcel must be
 2 waterfront; have some portion which possesses upland characteristics, including fill or other
 3 improvements or alterations that allow for the development of the property as if it were
 4 uplands; and be valued by the county assessor as uplands. The parcel DNR selected, Skagit
 5 County Tax Parcel No. P31524, meets those requirements and is the appropriate upland tax
 6 parcel for purposes of calculating the rental value.

7 6. Skagit County Tax Parcel No. 31524 is used in conjunction with Mr. McLaren's
 8 use of the harbor area. The parcel abuts the harbor area Mr. McLaren uses and would have
 9 leased from DNR. On a daily basis, Mr. McLaren's ^{workers} ~~employees~~ utilized the parcel to access
 10 the ships on which they were working. The ^{workers} ~~employees~~ go back and forth across the parcel.
 11 They use the parcel to store materials from the vessels in the harbor area. They take materials
 12 off the ships and store that debris on the dock. Mr. McLaren has equipment on the dock,
 13 including moveable items such as forklifts. There is even a photograph of an automobile
 14 parked on the dock on the parcel. There is simply no question that the parcel is used in
 15 conjunction with Mr. McLaren's use of the harbor area.

16 7. Skagit County Tax Parcel No. P31524 has upland characteristics. The
 17 improvements and alterations on the parcel allow it to be developed as if it were uplands, and it
 18 has been assessed as uplands. The parcel has been improved with hundreds of pilings, and, in
 19 fact, the vast majority of the parcel is improved. Page 2 of Exhibit 18 shows that the parcel is
 20 covered in vast majority by pilings, docks, and buildings. Only a small portion of the parcel is
 21 unimproved. There are hundreds of pilings on the parcel. The pilings support a dock, which is
 22 covered with concrete. There are office buildings, bathrooms, and a shop on Parcel
 23 No. P31524. Vehicles drive back and forth on Parcel No. P31524. The parcel is used in the
 24 same fashion as if it were dry land. Parcel No. P31524 has upland characteristics.

25 8. Skagit County Tax Parcel No. P31524 is a waterfront parcel under any ordinary
 26 meaning of the term. The parcel is adjacent to the water. The dock on the parcel is on top of



1 the water and allows access to the water from adjacent land. It is therefore within the
2 definition of "waterfront."

3 9. Skagit County Tax Parcel No. P31524 is valued as uplands by the county
4 assessor. It is apparent from the tax assessment on Parcel No. P31524 that the tax assessor
5 agrees that the parcel is uplands and that the assessor has valued the parcel accordingly. The
6 tax assessment of the parcel is consistent with other improved shoreline parcels. As the
7 testimony established, the tax assessed value of Parcel No. P31524 is consistent with the
8 valuation of dry land parcels used for similar purposes in the vicinity.

9 10. Mr. McLaren argues that Skagit County Tax Parcel No. P31537 should have
10 been used for purposes of calculating the value of his use of the harbor area instead of Parcel
11 No. P31524. Parcel No. P31537 is not the appropriate parcel to use primarily because the
12 majority of the parcel is not used in conjunction with Mr. McLaren's use of the harbor area.
13 The majority of the parcel is steep hillside which is undevelopable. Only a very small portion
14 of the parcel is utilized for anything associated with the use of the harbor area. In addition,
15 Parcel No. P31537 is not the appropriate parcel to use because the low assessed value of the
16 parcel would result in a rent that would be so nominal as to be unconscionable.

17 11. The appropriate damage calculations are set forth in Exhibit 27 provided by
18 DNR. Mr. McLaren did not challenge the approach DNR used in calculating the damages as
19 set forth in Exhibit 27. Mr. McLaren challenged the numbers that DNR put into the formula
20 but not the formula itself. Accordingly, Exhibit 27 correctly sets forth the damage calculation
21 that should be used.

22 12. DNR correctly calculated the square footage of harbor area occupied by
23 Mr. McLaren to be 22,230 square feet. The dock used by Mr. McLaren occupies
24 14,475 square feet of harbor area, and Mr. McLaren's ships occupy 7,755 square feet of harbor
25 area, for a total of 22,230 square feet. Mr. McLaren argued that he does not use all of the
26 harbor area. Clearly based on the evidence presented, the amount of harbor area used for



1 Mr. McLaren's ships has been very conservatively estimated at 7,755 square feet. The ships
 2 have moved from being moored side by side to being moored end to end on the dock. The area
 3 occupied by the ships could easily have been doubled beyond the 7,755 square feet used to
 4 calculate the damages.

5 With respect to the dock, the footprint of the dock is 14,475 square feet, and that is the
 6 appropriate number for calculating damages. Mr. McLaren has occupied every square inch of
 7 the 14,475 square feet of the dock in the harbor area. From the photographic evidence
 8 presented, it is clear that Mr. McLaren at one point in time occupied every square inch of the
 9 dock in one way or another.

10 13. Mr. McLaren has argued that he moved out of portions of the long white
 11 building on the dock and, therefore, he should not be charged for the entire square footage of
 12 the dock. Mr. McLaren's argument is a little like spending a night in a motel room, then going
 13 down to the front desk in the morning and telling the front desk clerk that you should only pay
 14 half the room rate because you only slept in one of the beds. Given Mr. McLaren's use of the
 15 dock, no one else could use it. Mr. McLaren's use of the dock excludes others from the entire
 16 dock. Mr. McLaren is occupying the entire dock whether he chooses to make use of the space
 17 inside the building on the dock or not. Moreover, DNR would not have leased the dock
 18 piecemeal. DNR's lease was available for the whole dock only. Accordingly, the number of
 19 square feet that one uses when leasing the dock is determined by the area of the entire dock on
 20 a take-it-or-leave-it basis. There is no reasonable way for DNR to determine what portions of
 21 the building are being used at any point in time. Mr. McLaren has at least one office in the
 22 building, at least one bathroom in the building, and a shop in the building. Mr. McLaren's
 23 workers use the building, day-in and day-out. There is simply no way to allocate only a
 24 portion of the building to Mr. McLaren's use. He is using the entire thing. The footprint of
 25 the dock is appropriate for the calculation of trespass damages.

26



1 14. Treble damages under RCW 79.02.300 may be avoided by a trespasser only if
 2 he or she did not know or have a reason to know that he or she lacked authorization to be there.
 3 In this case, Mr. McLaren does not have any hope of convincing a reasonable fact finder that
 4 he was unaware that his occupancy of the harbor area was unauthorized. Mr. McLaren was
 5 informed by Chad Unland quite early on that his use of the harbor area was unauthorized and
 6 that he was required to move. The demand was repeated over and over and over again during
 7 the period of time of his trespass. Mr. McLaren knew he lacked authorization.

8 15. Mr. McLaren claims that he thought he owned the portion of the dock in the
 9 harbor area and therefore his occupancy of the harbor area was somehow authorized. Even if
 10 Mr. McLaren's claim were true, it is not clear how his conclusion would follow. Nonetheless,
 11 Mr. McLaren's claim is not true. In December 2002, DNR provided Mr. McLaren with a copy
 12 of its lease with Samsung America in effect when Mr. McLaren purchased the property.
 13 Section 4.2 of the lease clearly provides that, upon termination of the lease, ownership of all
 14 improvements revert to DNR. Mr. McLaren was made aware that the lease was going to be
 15 terminated by DNR and he allowed that to happen. At the point in time when the lease
 16 terminated, all improvements reverted to DNR. Mr. McLaren had in his possession all of the
 17 information necessary to know that DNR owned the harbor area improvements. In fact,
 18 Mr. McLaren knew prior to January 1, 2005, and, at all relevant points in time, was aware that
 19 he had no authorization to be on the portion of the dock over the land owned by the
 20 Department of Natural Resources.

21 **II. CONCLUSIONS OF LAW**

22 1. Damages for Mr. McLaren's occupation of the property at issue in this case are
 23 established by RCW 79.02.300. For purposes of calculating damages, the value of
 24 Mr. McLaren's occupation of the property at issue is set by RCW 79.105.240. DNR properly
 25 calculated the damages as set forth in Exhibit 27.
 26



1 2. DNR selected the proper upland tax parcel to calculate the value of
 2 Mr. McLaren's occupation of the property under RCW 79.105.240. The statute requires DNR
 3 to use the upland tax parcel used in conjunction with Mr. McLaren's use of the harbor area.
 4 The parcel must be waterfront and have some portion with upland characteristics, including fill
 5 or other improvements or alterations that allow the parcel to be developed as uplands, and
 6 valued as uplands. The parcel used by DNR, Skagit County Tax Parcel No. P31524, meets
 7 these requirements. The parcel is a waterfront parcel with upland characteristics and is used in
 8 conjunction with the use of the harbor area. It is the appropriate parcel.

9 3. Skagit County Tax Parcel No. P31537 is inconsistently assessed with
 10 Mr. McLaren's use of the harbor area under WAC 332-30-123(3)(e) because a majority of the
 11 parcel is undeveloped land not used in conjunction with his use of the harbor area. The parcel
 12 is also inconsistently assessed with Mr. McLaren's use of the harbor area because the low
 13 assessed value of the parcel would result in a rent that is so nominal as to be unconscionable.

14 4. Treble damages are appropriate in this case under RCW 79.02.300. Treble
 15 damages under the statute can be avoided only if Mr. McLaren did not know or have reason to
 16 know that he lacked authorization to use the harbor area. DNR informed Mr. McLaren early
 17 on that his use of the harbor area was unauthorized and demanded that he move. DNR
 18 repeated the demand over and over.

19 5. Pursuant to Section 4.2 of DNR's lease with Samsung, the improvements in the
 20 harbor area reverted to DNR upon termination of the Samsung lease. Mr. McLaren received a
 21 copy of the lease in December 2002. Mr. McLaren knew DNR intended to terminate the lease
 22 and allowed termination to happen. DNR became the owner of the harbor area improvements
 23 when it terminated the lease with Samsung. Mr. McLaren had all of the information necessary
 24 to know that, when DNR terminated the lease, DNR became the owner of the portion of the
 25 dock in the harbor area. Mr. McLaren knew prior to January 1, 2005, and, at all relevant points
 26



1 in time, was aware that he had no authorization to use the portion of the dock in the harbor
2 area.

3 6. DNR is entitled to prejudgment interest on its damage award. DNR's damage
4 claim is liquidated. The claim is based on the square footage of harbor area that DNR has
5 proven Mr. McLaren used. The formula for calculating the damages based on the square
6 footage is set forth in statute. The calculation of the damages is only a matter of putting pencil
7 to paper. No discretion is required.

8 7. DNR is entitled to its reasonable attorneys' fees and costs in pursuing this
9 action under RCW 79.02.300.

10 8. The Court hereby adopts any Finding of Fact that may be later determined to be
11 a Conclusion of Law.

12 WHEREFORE, consistent with the above Findings of Fact and Conclusions of Law,
13 the Court enters the following final ORDERS:

14 1. Plaintiff's claims for trespass damages are hereby granted.

15 2. Defendant Alexander G. McLaren shall pay Plaintiff the amount of \$105,352.93
16 in damages for his unauthorized use of the City of Anacortes harbor area through May 31,
17 2010, and interest on the amount thereafter at the rate of 12 percent per annum.

18 3. Defendant shall pay Plaintiff its reasonable attorneys' fees and costs in pursuing
19 this action and interest on such amounts at the rate of 12 percent per annum from the date of
20 entry of judgment.

21 4. The Court shall reserve jurisdiction to enter a supplemental judgment on
22 damages based on Plaintiff's restoration costs once Plaintiff has been restored to possession of
23 the property and for resolution of any other issues the Court deems necessary.

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1 5. Final judgment shall enter against Defendant consistent with the above final
2 orders set forth herein.

3 DATED this 23 day of July, 2010.

4
5 Susan K Cook
6 HONORABLE SUSAN COOK
Superior Court Judge

7 Presented by:

8 ROBERT M. MCKENNA
Attorney General

9
10 [Signature]
11 TERENCE A. PRUIT, WSBA #34156
12 Assistant Attorney General
Natural Resources Division
Attorneys for Plaintiff

13
14 Approved as to form:

15 dna
16 ALEXANDER G. MCLAREN
17 Defendant Pro Se



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**STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT**

STATE OF WASHINGTON, by and
through the WASHINGTON STATE
DEPARTMENT OF NATURAL
RESOURCES,

Plaintiff,

v.

ALEXANDER G. MCLAREN, a
Washington individual,

Defendant.

NO. 07-2-02406-1

WITNESSES

The following witnesses testified during trial in the above-captioned matter which was held on May 24 through May 28, 2010, and on June 17, 2010:

1. Chad Unland, Natural Resource Specialist, State Lands Section, Southeast Region, 713 Bowers Road Ellensburg, WA 98926-9301
2. Justin Holt, Aquatic Land Surveyor, Land Survey Unit, Engineering and General Services Division, Washington Department of Natural Resources, 1111 Washington Street SE, PO Box 47030, Olympia, WA 98504-7030
3. Terry Curtis, Certified Photogrammetrist, Photogrammetry Supervisor, Resource Mapping Section, Engineering and General Services Division, Washington State Department of Natural Resources, 1111 Washington Street SE, PO Box 47030 Olympia, WA 98504-7030
4. Brenda Werden, Natural Resource Specialist, Orca Straits Region, Aquatics District, Washington Department of Natural Resources 919 N. Township Street Sedro Woolley, WA 98284
5. Joann Gustafson, Assistant District Manager, Orca Straits Region, Aquatics District, Washington Department of Natural Resources 919 N. Township Street Sedro Woolley, WA 98284
6. Alexander G. McLaren, Defendant, 1904 - 7th Street, Anacortes, WA, 98221

WITNESSES



**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY**

EXHIBIT LIST

State of Washington

CASE NUMBER: 07-2-02406-1

Plaintiff,

v

Alexander McLaren

Defendant.

JUDGE: Susan K. Cook

Clerk: B. Avery

DATE: May 24, 2010

EXHB #	Marked Pl	Def	Admt	Mus	Reject	With- drawn	Not Offered	DESCRIPTION OF EXHIBIT	Blo Hazard	Over Sized
1)	✓		✓					November 20, 2002 f/DNR to Mr. McLaren		
2)	✓		✓					Color Photo of Harbor Area		
3)	✓		✓					color photo of one of Mr. McLaren's Vessels.		
4)	✓		✓					color photo of harbor area		
5)	✓		✓					Color photo of harbor		
6)	✓		✓					Color photo of debris on dock		
7)	✓		✓					Color photo of harbor area		
8)	✓		✓					Letter 12/20/02 to Mr. McLaren regarding new lease from DNR		
9)	✓		✓					2/5/03 letter to Mr. McLaren from Mr. Unland		
10)	✓		✓					4/30/04 letter to Mr. McLaren from Mr. Unland		
11)	✓		✓					Application mailed to Mr. McLaren		
12)	✓		✓					Copy of 2008 letter to Mr. McLaren f/Attorney General's office		
13)	✓		✓					Justin Holt's work & educational experience		
14)	✓		✓					Exhibit Map of Samsung Harbor Area		
15)	✓		✓					Record of Survey for Samsung America, Inc Lease No. 22-002634		
16)	✓				✓			Charts of bearings and distances of harbor area		

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201112140026
Skagit County Auditor

EXHIBIT B

EXHB #	Marked Pl	Def	Admit	Illus	Reject	With- drawn	Hot Offered	DESCRIPTION OF EXHIBIT	Bio Hazard	Over Sized
17)	✓		✓					Special Warranty Deed (Island Title Company) from Samsung to Alexander McLaren		
18)	✓		✓					Exhibit Map that depicts land titled to McLaren from Samsung		
19)	✓		✓					Copy of Skagit County Assessor's Parcel Search		
20)	✓		✓					Photographs of measurements of ships occupying Anacortes harbor area		
21)	✓		✓					Print outs of entire area frames used to extract information by Mr. Curtis (photographs)		
22)	✓		✓					Photographs obtained from Skagit County i-map website.		
23)	✓		✓					Copy of an enlarged photo taken by DNR and Dept of Ecology of ships docked at harbor area		
24)	✓						✓	Aerial photograph of harbor area		
25)	✓		✓					Photos of property taken by Ms. Werner		
26)	✓		✓					Photos of property taken by Ms. Werner		
27)	✓		✓					Water - Dependent Rent Calculator		
28)	✓		✓					Skagit County Parcel History Map		
29)	✓		✓					Skagit County Assessor Parcel Details		
30)	✓		✓					Inflation Adjustment Indexes - and Real Rates of Return		
31)	✓		✓					Skagit County Assessor Parcel Details; Parcel no 31530		
32)	✓		✓					Skagit County Assessor's Parcel Search for Parcel no 31537		
33)	✓		✓					Record of Survey for Samsung America Inc Lease No. 22-002834		
34)	✓		✓					Itemized Cost of Recovery		
35)	✓				✓			United States Coast Guard Vessel Details		
36)	✓						✓	9/5/07 Letter to Mr. McLaren from Attorney General		
37)		✓	✓					Lease authorizing Samsung's use of property		
38)		✓	✓					Assignment document offered to Mr. McLaren in 2002		
39)		✓	✓					Commercial lease document offered to Mr. McLaren in 2002		
40)		✓			✓			Pulsan's Lease Agreement.		
41)		✓			✓			Notice of Assignment for Mr. Pulsan		
42)		✓			✓			2002 Letter addressed to Mr. Unland		

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Skagit County Auditor

EXHB #	Marked Pl	Def	Admit	Mis	Reject	With- drawn	Not Offered	DESCRIPTION OF EXHIBIT	Bio Hazard	Over Sized
43)		✓					✓	Shannon Point Seafood's DNR leasehold		
44)		✓					✓	2/20/03 Fax from Mr. McLaren to Mr. Unland		
45)		✓					✓	2/20/03 Letter from Mr. McLaren to Mr. Unland		
46)		✓	✓					Canceled check No. 1727		
47)		✓					✓	6/1/04 Letter from Mr. McLaren to Mr. Unland		
48)		✓					✓	Draft Proposed Terms of Settlement		
49)		✓					✓	Email from Mr. Fruit to Mr. Hughes		
50)		✓					✓	Email from Mr. Fruit to Mr. Hughes		
51)		✓					✓	Rent Interest and Leasehold Excise Tax		
52)		✓					✓	Declaration of Terrance Fruit		
53)		✓					✓	Plaintiff's Response to Defendant's Motion to Dismiss Case Per Settlement Agreement		
54)		✓					✓	Declaration of Chad Unland		
55)		✓	✓					Declaration of JoAnn Gustafson filed in cause no. 07-2-02406-1		
56)		✓					✓	Photo of dock; rotted pile cap		
57)		✓					✓	Photo of dock; advanced rotted pile cap		
58)		✓					✓	Photo dock; rotted pile cap causing separation		
59)		✓					✓	Photo of SW Corner of T-dock rotted pile cap		
60)		✓					✓	Photo of dock; new end cap		
61)		✓					✓	Photo of dock; broken wood pilings		
62)		✓					✓	Photo of dock w/damaged pilings		
63)		✓					✓	Photo of new steel pilings		
64)		✓	✓					Photo of dock		
65)		✓	✓					Photo of dock whole in surface.		
66)		✓	✓					Photo depicting caved in portion of building		
67)		✓	✓					Photo of exterior of building		
68)		✓	✓					Photo of interior of building		

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EXHB #	Marked Pl	Def	Admit	Ilus	Reject	With- drawn	Not Offered	DESCRIPTION OF EXHIBIT	Bto Hazard	Over Sized
69)		✓	✓					Photo of kayaks near dock		
70)		✓	✓					Photo of boat near the eastside of the T dock		
71)		✓					✓	Photo of large holding tank		
72)		✓					✓	Photo of McLaren ships		
73)		✓					✓	Photo of McLaren ships		
74)		✓			✓			1/16/2009 Letter re: Settlement Proposal		
75)		✓					✓	12/19/2002 letter from Mr. McLaren to Mr. Unland		
76)		✓			✓			01/17/2009 letter from Mr. McLaren to Mr. Pruitt		
77)		✓			✓			Settlement Proposal; Letter outlining lease requirements		
78)		✓	✓					Samsung survey		
79)		✓					✓	Drawing of harbor area on easel pad		✓
80)		✓	✓					Aquatic land lease offered to Mr. McLaren		
81)		✓					✓	RCW 79.02.300		
82)		✓						RCW 79.105.330		
83)	✓		✓					RCW 79.105.240		
84)	✓		✓					WAC 33-30-133		
85)	✓		✓					Photo of DNR's dock and proposed lease land		
86)	✓		✓					RCW 79.115.100		
87)	✓		✓					Alex McLaren Exhibit 8 22-084389		
88)		✓	✓					Purchase and Sale Agreement for property		
89)		✓	✓					12-19-2002 Letter re: demand for copy of existing lease		
90)		✓	✓					01-22-2003 Letter		
91)		✓	✓					Faxed Letter from Mr. McLaren to Chad Unland		
92)		✓	✓					02-20-2003 Letter from Mr. McLaren to Chad Unland		
93)		✓	✓					03-21-2003 faxed letter from Mr. McLaren to Chad Unland		
94)		✓	✓					08-01-2004 letter F/McLaren to Unland		

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EXHB #	Marked		Admit	Illus	Reject	With-drawn	Not Offered	DESCRIPTION OF EXHIBIT	Bio Hazard	Over Sized
	Pl	Def								
95)		✓	✓					Letter regarding lease hold.		
96)		✓	✓					Rent Calculations		
97)		✓			✓			Draft proposed settlement terms		
98)		✓	✓					Picture of inside of canary		
99)		✓	✓					Picture of inside of canary		
100)		✓	✓					Picture of inside of canary		
101)		✓	✓					Picture of inside of canary		
102)		✓	✓					Picture of inside of canary		
103)		✓	✓					Picture of inside of canary		
104)		✓	✓					Picture of inside of canary		
105)		✓	✓					Picture of inside of canary		
106)		✓	✓					Packet from Skagit County Tax Assessor		
107)		✓	✓					Photo of dock area		
108)		✓	✓					Photo of damaged dock		
109)		✓	✓					Photo of damaged dock		
110)		✓	✓					Photo of holding tank		
111)		✓	✓					Photo of dock		
112)		✓	✓					Photo of dock		
113)		✓	✓					Photo of dock		
114)		✓	✓					Photo of dock		
115)		✓	✓					Photo of dock		
116)		✓	✓					Photo of dock		
117)		✓	✓					Photo of dock		
118)		✓	✓					Photo of rotted of pilings		
119)		✓	✓					Photo of rotted of pilings		
120)		✓	✓					Photo of rotted pilings		
121)		✓	✓					Photo of rotted pilings		

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EXHB #	Marked PI	Def	Admit	Illus	Reject	With- drawn	Not Offered	DESCRIPTION OF EXHIBIT	Bio Hazard	Over Sized
122)		✓	✓					Photo of rotted pilings		
123)		✓	✓					12-19-2002 Letter to McLaren to Chad Unland		
124)		✓			✓			Washington Desk book definition of uplands		
125)		✓	✓					Enlarged photo of harbor area by photogrammetist		
126)		✓	✓					Enlarged photo of harbor area by photogrammetist		
127)		✓		✓				Photo of south boundary of parcels		
128)		✓		✓				Photo of south boundary of parcels		
129)		✓		✓				Photo of south boundary of parcels		
130)		✓		✓				Photo of south boundary of parcels		
131)	✓		✓					Photo of Guemes Channel		
132)	✓		✓					Photo of doc D52		
133)	✓		✓					Photo of shop and table saw		
134)		✓	✓					Unopened brown envelope		
135)		✓								
136)		✓	✓					Paper sketch		
137)										
138)										
139)										
140)										
141)										
142)										
143)										
144)										
145)										
146)										
147)										
EXHB #	Marked PI	Def	Admit	Illus	Reject	With- drawn	Not Offered	DESCRIPTION OF EXHIBIT	Bio Hazard	Over Sized

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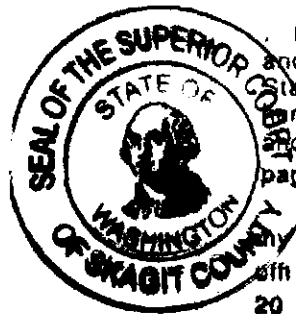
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Skagit County Auditor

UNOFFICIAL DOCUMENT

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 16 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 7 day of Dec 20 11. Nancy K. Scott, County Clerk.

By [Signature]
Deputy Clerk



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Skagit County Auditor