

Return address:

Ed & Bernice Goodman  
13777 GOODMAN LANE  
ANACORTES, WASH. 98221



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1/20/2012 Page 1 of 22 11:14AM

Document Title: ORDER  
FINDINGS OF FACT, EASEMENTS

Reference Number :

Grantor(s):  additional grantor names on page \_\_\_

1. Michael & Mary Goodman
- 2.

Grantee(s):  additional grantee names on page \_\_\_

1. Edward & Bernice Goodman
- 2.

Abbreviated legal description:  full legal on page(s) \_\_\_

Lot 2 SP 55-80

Assessor Parcel / Tax ID Number:  additional tax parcel number(s) on page \_\_\_

P19259 (SP 55-80)

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2012 JAN 18 PM 3:09

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

EDWARD M. GOODMAN and BERNICE S. )  
GOODMAN, husband and wife, )

Plaintiffs, )

No: 10-2-00587-3

vs. )

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

MICHAEL J. GOODMAN and MARY F. )  
GOODMAN, husband and wife, and )  
CHANCE GOODMAN, a single man, and )  
TYSON GOODMAN, a single man, )

Defendants. )

**THIS MATTER** having come before the court for a bench trial, the Plaintiffs being represented by C. Thomas Moser, Defendants MICHAEL J. GOODMAN and MARY F. GOODMAN then represented by attorney Robert Butler, but now appearing pro se, the following matters having occurred prior to trial:

**PRETRIAL PROCEEDINGS**

A. The action was commenced by Plaintiffs against Defendants MICHAEL J. GOODMAN and MARY F. GOODMAN on March 26, 2010.

FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER - 1

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ORIGINAL

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UNOFFICIAL DOCUMENT

1 B. Based on additional allegation of events that occurred after the Complaint was filed, a  
2 First Amended Complaint was filed on April 13, 2010 and CHANCE GOODMAN and TYSON  
3 GOODMAN were added as defendants. Plaintiffs filed a Second Amended Complaint on May  
4 27, 2010

5 C. Upon motions of CHANCE GOODMAN and TYSON GOODMAN the court entered  
6 a motion bifurcating this matter for trial, ordering that only allegations related to the claims of  
7 quiet title and declaratory judgment could proceed to trial until all criminal allegations against  
8 CHANCE GOODMAN and TYSON GOODMAN were resolved.

9 D. CHANCE GOODMAN and TYSON GOODMAN filed Counterclaim and third party  
10 claims against additional parties.

11 E. This matter proceeded to trial on March 28, 2011, and the court having reviewed the  
12 evidence, listened to witness testimony and argument of counsel and the court also making a site  
13 visit now makes the following:  
14

15 **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

16 **I. Background**

17 1. The property which is the subject matter of this dispute is situated in unincorporated  
18 Skagit County between Campbell Lake Road and Lake Campbell.

19 2. Ruth Goodman and her husband J.J. Goodman originally owned the land which at that  
20 time consisted of approximately 26 acres. Campbell Lake Road formed the northern boundary of  
21 the parcel and Campbell Lake was the southern boundary.

22 3. J.J. and Ruth Goodman had three sons, Joe (the oldest), Ed (the middle) and Mike (the  
23 youngest). All three boys were raised in the family home on the 26 acres.  
24

25 FINDINGS OF FACT, CONCLUSIONS OF  
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1 4. During the time the three boys were growing up there was only one residence on the  
2 property, the family home, which was adjacent to Campbell Lake Road.

3 5. During the time the three boys were growing up they played on and explored every  
4 part of the 26 acres and were quite familiar with the topography and characteristics of the  
5 property.

6 6. A logging road existed on the property but prior to 1979 vehicle traffic was not  
7 possible to the top of the hill or down to the beach.

8 7. Campbell Lake Road is the only public access to the subject property.

9 8. Sometime prior to 1977, J.J. Goodman passed away.

10 9. After J.J.'s death, Ruth Goodman continued to reside in the family home on Campbell  
11 Lake Road.

12 10. The three Goodman sons married, had families of their own, but continued to reside,  
13 for the most part, in Skagit County.

14 11. In 1977, Ruth Goodman conveyed the entire 26 acre family farm to Edward and his  
15 wife, Bernice, by way of quit claim deed.

16 12. At the time of the 1977 conveyance, Ed and Bernice were living in Mount Vernon  
17 and Mike Goodman was living in Anacortes.

18 13. The other two brothers, Joseph and Mike Goodman, knew of the conveyance from  
19 their mother to Ed and Bernice Goodman.

20 14. After the conveyance Ruth Goodman continued to live in the family home.

21 15. In 1979, Ed and Mike shared the expense of hiring a surveyor to prepare a short plat  
22 of the 26 acres.  
23  
24  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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1 16. The short plat (No. 55-80) created 4 parcels which are depicted on the survey (Exhibit  
2 #1).

3 17. Lot 1, which bordered Campbell Lake Road, was sold to provide income to Ruth  
4 Goodman. It was later subdivided into 4 lots (Exhibit #27).

5 18. Ruth Goodman continued to reside in the family home on Lot 4.

6 19. Lots 2 and 3 were platted with the anticipation that one of the two would eventually  
7 be conveyed to Mike and wife, Mary and the other retained by Ed and Bernice Goodman.  
8

9 20. During the survey work in preparation of the short plat application it came to the  
10 attention of Ed Goodman and the survey crew that his well was too close to the proposed line  
11 between Lots 2 and 3. Ed told his brother that the proposed line needed to be moved 43 feet  
12 west, but agreed that in exchange for the loss of property to Lot 2 the line would dog leg east to  
13 give Lot 2 more beach front. Mike agreed.

14 21. The survey was completed on May 17, 1980 and recorded with Skagit County on July  
15 28, 1980.

16 22. It was agreed between Mike and Ed that whichever brother first started construction  
17 on a home could have his choice of the two lots (2 & 3). Mike Goodman started construction  
18 first and selected Lot 2.

19 23. On plat map 55-80 is a 60 foot wide right-of-way access from Campbell Lake Road  
20 along the west side of Lot 1, which is now Goodman Lane and part of the shared driveway.  
21

22 24. On plat map 55-80 is a notation that reads "40' EASEMENT FOR ACCESS &  
23 UTILITIES (LOT 3)" printed above parallel dotted lines going east and west connecting Lot 3 to  
24 Goodman Lane.  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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**II. Easement over Driveway to Ed and Bernice Goodman's House**

25. In 1979, Ed and Mike Goodman decided to build a road to access the property.

26. Ed and Mike Goodman hired Craig Construction to do the excavation for the road.

27. The road began at Campbell Lake Road at the northwest corner of the property.

28. The road was constructed along the western property line in a southerly direction (Goodman Lane) and then east along the property line to the top of the hill where Ed and Bernice Goodman planned to build their home.

29. The road then continued south toward the location of Mike and Mary's planned residence and then, at the edge of Campbell Lake, continued east along the water onto Lot 3.

30. The roadway is drawn onto the aerial photograph (Exhibit #22) as a yellow line.

31. Ed and Mike Goodman intended this road to be the access to their future home sites.

32. Mike and Mary Goodman shared the cost of the road excavation done by Craig Construction. Mike and Ed together directed Craig Construction regarding the route the road was to take.

33. Because portions of the road were very steep the fire department required those portions to be paved so that emergency vehicles could access the property. Mike and Ed Goodman hired Valley Paving to grade and pave those areas. The brothers shared the cost of paving the road.

34. The paving was completed in 1979.

35. When the road was completed, it became the first vehicle access to the center of the Goodman property that ever existed. Ruth Goodman and her children celebrated the opening with a banner proclaiming the "Road to Dreams" with a photo taken at the top of the shared



1 driveway, (Exhibit #11). Ruth Goodman was so proud of the driveway that she took her son  
2 Joseph to the road so that he could see it after he returned home from commercial fishing.

3 36. The road built in 1979 included Goodman Lane, the paved driveway up to Lot 3, the  
4 driveway south downhill on Lot 2 to the beach area (portions of which were paved) and the  
5 access to Lot 3 along the edge of Lake Campbell. The construction of the road was completed  
6 before the short plat was approved by the County.

7  
8 37. After the road was completed in 1979 but before the short plat of 1980, Ed and  
9 Bernice Goodman put a trailer at the top of the hill where they planned to build a home. They  
10 used the trailer when they worked on the property and for recreation.

11 38. Mike Goodman knew the road to Ed and Bernice's building site was there when Lot 2  
12 was conveyed to him.

13 39. From 1979 until March 2010, Ed and Mike Goodman shared the work and expense of  
14 maintaining the shared driveway, including grading, mowing, cleaning, snow blowing and  
15 spreading gravel.

16 40. Ed Goodman has graded the road down to Campbell Lake.

17 41. Ed and Bernice Goodman conveyed Lot 2 of Short Plat 55-80 to Mike and Mary  
18 Goodman on September 8, 1980 by quit claim deed. The deed was prepared by Ed Goodman  
19 using a legal description from another document.

20 42. The 1980 quit claim deed contains no express language reserving an access easement  
21 for the benefit of Lot 3.  
22  
23  
24  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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1 43. At the same time the quit claim deed was executed Ed Goodman prepared a separate  
2 "easement" document which he and Mike both signed in front of a notary. There is no legal  
3 description of the road on that document and Mary Goodman did not sign it.

4 44. The Quit Claim Deed was given to Michael Goodman, who recorded the document  
5 with the Skagit County Auditor the same day it was signed.

6 45. Ed Goodman did not record the "easement" document until 1993. He attached a hand-  
7 drawn depiction of the road to the document at the request of the auditor's office at the time he  
8 recorded it.

9 46. On plat map 55-80 is a 20 foot wide easement on the east side of Lot 4 that connects  
10 Campbell Lake Road to Lot 3. The easement is denoted as "20' NON-EXCLUSIVE  
11 EASEMENT FOR ROAD AND UTILITIES PURPOSES".

12 47. This 20 foot wide easement could be used by Ed and Bernice Goodman to reach the  
13 northern part of Lot 3.

14 48. The topography of Lot 3 prevents vehicle access from the 20 foot easement on Lot 4  
15 to the home on the top of the hill on Lot 3.

16 49. There is a boggy area along the base of the hill on the north side that makes that area  
17 impassable most of the year. Both J.J. and Joe Goodman have gotten vehicles struck in that  
18 boggy area and have been towed out.

19 50. In addition, the slope of the hill on the north side is extremely steep and a vehicle  
20 could not be taken up that hill to the house.

21 51. The hill extends from the eastern property line of Lot 3 to the western property line.  
22  
23  
24  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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1 52. There is no other practical or feasible access for vehicles or pedestrians to Lot 3 from  
2 a public road other than the shared driveway as constructed and maintained by the parties in  
3 1979. There is no evidence to suggest that the 20 foot access along Lot 4 was ever intended to be  
4 a right-of-way for the Edward Goodman home on top of the rock on Lot 3.

5 53. The topography of the land was taken into consideration during the short plat and  
6 survey process to create an access for both Lots 2 and 3 across the 60' right of way that would  
7 become Goodman Lane from Campbell Lake Road. The only feasible access to the natural  
8 building site on top of the rock that dominates the landscape of the property was by the shared  
9 driveway as constructed by the parties in 1979.  
10

11 54. Ed Goodman has never asked Mike Goodman's permission to use the road to get to  
12 his house.

13 **III. Easement Down to Beach and Across Lakefront to Lot 3**

14 55. The road built by Ed and Mike Goodman in 1979 continued down to the lakefront on  
15 Lot 2 and then east across the edge of the lake to Lot 3.

16 56. Ed and Mike Goodman built the road with the intent that it would be used to get to  
17 and from their residences and the lake.

18 57. In 1979 Craig Construction cleared the road across the beach front to a large rock on  
19 Lot 3 where the car was forced to stop.

20 58. Mike Goodman was present when the Craig Construction caterpillar work was done.

21 59. The road along the beach front is now two tire tracks with grass on both sides and  
22 down the middle. (Exhibit #41)  
23

24 60. The road along the beach front still extends from Lot 2 onto Lot 3. (Exhibit #14)  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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1 61. The road is a gravel base that has been overgrown with grass. Mike requested that  
2 grass be allowed to grow on the road and agreed to mow it.

3 62. The only other access from the home on Lot 3 to the lake front is a foot path which is  
4 very difficult. The path is almost straight up and down.

5 63. The difference in elevation between the home on Lot 3 and the lake front is 350 feet.

6 64. Ed and Bernice Goodman, their family and visitors have regularly used the road  
7 across Lot 2 for access to their beach front since the road was built in 1979. This use has  
8 included driving vehicles on the road to Lot 3's beach front.

9 65. The road across the beach front of Lot 2 was apparent when Lot 2 was conveyed to  
10 Mike and Mary Goodman in 1980.

11 66. Ed Goodman has never asked permission of Mike Goodman to use the road down to  
12 and across the lake front.

13 67. In 1981, Ed Goodman had a dock constructed and floated across Lake Campbell and  
14 installed on the lake front on Lot 3. The dock was floated across the lake instead of being  
15 brought down the road because 30 foot long beams were used in the dock.

16  
17 **IV. Easement for Septic System**

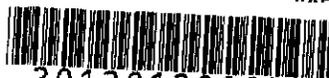
18 68. In 1979, Edward Goodman hired Ted Antesten to prepare and design a septic system.  
19 The septic permit application was filed and approved by the County in 1979. (Exhibit #20)

20 69. Ed Goodman installed the 900 Gallon septic tank and drain field in the location  
21 depicted on page 5 of Exhibit #20.

22 70. Ed Goodman's septic system was not installed on Lot 3 because Lot 3 did not perc.  
23 Lot 3 is on a big rock.

24  
25 **FINDINGS OF FACT, CONCLUSIONS OF  
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1 71. In 1979, Edward and Michael Goodman together worked to install utilities in and  
2 adjacent to the shared driveway, installing pipes and cables for electricity, telephone and septic  
3 line that partially followed the shared driveway. The brothers shared the cost of the utilities, with  
4 the exception of the septic line which was paid for by Edward Goodman.

5 72. Ed and Bernice Goodman paid the entire expense of the septic system installed in  
6 1979. Mike Goodman was not asked to contribute to this expense.

7 73. Mike Goodman did not help with the installation of the septic system in 1979 but he  
8 knew about the installation and was around while the system was being installed.

9 74. Plat Map 55-80 depicts a "drain field easement" on Lot 2. The easement is depicted  
10 by a dotted line forming a square and is located north of the road which goes to Ed and Bernice  
11 Goodman's residence. The descriptive wording adjacent to the square reads "DRAIN FIELD  
12 EASEMENT 100' X 100' (Lot 3)."

13 75. The location of the drain field easement on the plat map and the location of the septic  
14 tank and drain field depicted on page 5 of Exhibit #20 are the same.

15 76. The installation of the septic tank and drain field was done in April of 1979 and  
16 required 2 1/2 hours of backhoe work.

17 77. The trench to connect the septic tank to Ed and Bernice Goodman's intended home  
18 site was dug in June, 1979 and required 5 hours of backhoe work. It is adjacent to the road.  
19 White PVC clean-out pipes were visible above ground in places along this trench after it was  
20 filled.  
21

22 78. Michael Goodman used the septic tank installed by Ed Goodman twice as a dump  
23 station for his trailer in 1981-82.  
24

25 FINDINGS OF FACT, CONCLUSIONS OF  
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1 79. Michael Goodman has been in Ed Goodman's home many times and is aware that the  
2 home has functioning toilets. He is aware that Ed Goodman's home uses a septic system.

3 80. Ed Goodman connected a trailer to the septic system in 1982 and connected their  
4 home to the system in 1991. It has been used continuously from 1982 until it was destroyed in  
5 March, 2010.

6 81. In order to reach his intended home site or the lake front Mike Goodman would have  
7 to drive past the location where the septic system was installed and past the white PVC clean  
8 outs.  
9

10 82. Joseph Goodman enjoyed use of the subject property by permission of his brothers  
11 after Lot 2 was conveyed to Michael Goodman. He sometimes came to the property to pick  
12 flowers and plants for a small garden business he and wife operated in Anacortes. He recalls that  
13 sometime in the 90's he came to the property to find some cedar poles that he thought were in a  
14 wooded area on Lot 2 for construction of a swing set for his children. His brother Michael saw  
15 him on the property and after discussing what he was doing Michael advised him to "be careful  
16 of Eddie's drain field" when driving on the old logging road in the wooded area.

17 83. After the 1979 septic system was destroyed, Ed Goodman installed an alternative  
18 system on Lot 3 east of his home. The old location is still needed, however, as a reserve drain  
19 field required by the County.  
20

21 84. Ed Goodman has never asked Mike Goodman for permission to use the septic system  
22 installed on Lot 2.

23 85. The parties and their children peacefully co-existed on Lots 2 and 3 until March 2010.  
24 On or about March 2010, Michael Goodman desired to build an accessory dwelling unit on his  
25

FINDINGS OF FACT, CONCLUSIONS OF  
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1 property and investigated the possibility of constructing the unit in the general area of this septic  
2 system that served the Edward Goodman home on Lot 3.

3 86. On March 5, 2010, Edward Goodman began an inspection of the septic system on the  
4 north side of the shared driveway with the intention of doing maintenance and improvements,  
5 when Michael Goodman saw him as he drove along the driveway. Michael Goodman stopped  
6 and the brothers had a discussion about that system that became the conflict that started this  
7 action.

8  
9 87. Plaintiffs obtained temporary restraining orders against Defendants which are still  
10 valid today, restraining any action to change the status quo for either the septic system or shared  
11 driveway.

12 88. Before the temporary restraining orders were served, the septic system was damaged.

13 89. On March 26, 2010, Michael Goodman and one of his sons prepared a document that  
14 was an effort to revoke the easement signed September 8, 1980 and recorded in 1993. The  
15 document was recorded by Michael Goodman on March 26, 2010, in an effort to declare the  
16 easement on Lot 2 to be invalid. (Exhibit #26)

17 **CONCLUSIONS OF LAW**

18 1. Prior to 1980, Lots 2 and 3 were owned by Edward and Bernice Goodman and thus  
19 there was unity of title.

20 2. In 1980, Edward and Bernice Goodman quit-claimed Lot 2 to Mike and Mary  
21 Goodman retaining Lot 3 and thus the requirement of subsequent separation has been met.

22 3. Before the conveyance there was usage existing between Lots 2 and 3 that, had they  
23 then been separately owned, would have been easements.  
24

25 FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER - 12

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1 4. The usage was apparent.

2 5. The usage was reasonably necessary.

3 6. An easement implied from prior use has been established by the Plaintiffs as to the  
4 roadway constructed in 1979, including Goodman Lane and the roadway down to and across the  
5 lake front of Lot 2, and as to the septic system installed as described on page 5 of Exhibit 20.

6 7. A survey should be done on the roadway and septic system. The costs of the survey  
7 should be shared equally between the parties.

8 8. A document containing the legal description of the roadway and the septic system  
9 should be prepared from the survey and recorded with the County.

10 9. The Defendants' real property, legally described in attached Exhibit A, is burdened by  
11 the easements further identified in this Order and the easements are covenants running with the  
12 land for the benefit of, and appurtenant to, Plaintiffs' real property which is legally described in  
13 attached Exhibit B.  
14

15 Based upon the foregoing Findings and Conclusions, and a survey having been ordered  
16 by the Court on May 19, 2011, the Court makes the following:

17 **ORDER**

18 **IT IS HEREBY ORDERED ADJUDGED and DECREED** that the relief requested in  
19 Plaintiffs' Second Amended Complaint is granted:  
20

21 **1) IT IS FURTHER ORDERED** that declaratory judgment in favor of Plaintiffs is  
22 granted by which the Plaintiffs, their successors and assigns, have a non-exclusive easement and  
23 the right to use the shared driveway, as now identified in the legal description and survey in  
24

25 FINDINGS OF FACT, CONCLUSIONS OF  
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1 attached **Exhibit C** to this Order, for ingress and egress, for utilities and for all purposes that  
2 such driveway was used by Plaintiffs since 1979;

3 **2) IT IS FURTHER ORDERED** that declaratory judgment in favor of Plaintiffs is  
4 granted by which the Plaintiffs, their successors and assigns, have an easement for use of the  
5 septic system area, as now identified in the legal description and survey attached as **Exhibit D** to  
6 this Order, for a septic system and drain field area or reserve septic system area to service  
7 Plaintiffs' Lot 3 such that Defendants' Lot 2 is burdened by the easement granted to Plaintiffs by  
8 this Order;

9  
10 **3) IT IS FURTHER ORDERED** that title is quieted in Plaintiffs, their successors and  
11 assigns, against Defendants, their successors and assigns, as to the easement for shared driveway  
12 as identified in the legal description and survey in attached **Exhibit C** to this Order, for the uses  
13 and purposes identified in this order;

14 **4) IT IS FURTHER ORDERED** that title is quieted in Plaintiffs, their successors and  
15 assigns, against Defendants and their successors and assigns, as to the easement for the septic  
16 system in the septic easement area identified in the legal description and survey in attached  
17 **Exhibit D**, for the uses and purposes of installing, repairing, improving, or maintaining a septic  
18 system as otherwise described in this order;

19 **5) IT IS FURTHER ORDERED** that the easements identified in this Order and legally  
20 described in attached Exhibits **C and D** are on Defendants' property, legally described in  
21 attached **Exhibit A**, and are covenants running with the land and are appurtenant to Plaintiffs'  
22 property, legally described in attached **Exhibit B**; and  
23  
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FINDINGS OF FACT, CONCLUSIONS OF  
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1 6) IT IS FURTHER ORDERED that Defendants, their family, agents, successors and  
2 assigns are now permanently enjoined from in any manner harming, hindering, blocking,  
3 restricting or preventing Plaintiffs, their family, guests, successors and assigns from using the  
4 shared driveway easement and septic easement.

5 DATED this 18 day of January 2012.

6  
7 *Susan K Cook*

8 JUDGE SUSAN K. COOK

9  
10 Presented by:

11 *[Signature]*

12 C. Thomas Moser, WSBA #7287  
13 Attorney for Defendants

14 Entry Approved:

15 *[Signature]*

16 Michael Goodman, Pro Se

17  
18 Mary Goodman, Pro Se

19  
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25 FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER - 15

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**Exhibit A  
Defendants' Real Property**

1  
2  
3 Lot 2, REVISED SHORT PLAT NO. 55-80, approved January 4, 1982, recorded January 4,  
4 1982, in Volume 5 of Short Plats, page 160, under Auditor's File No. 8201040011; and being a  
5 portion of Government Lot 3 and the Northeast ¼ of the Southwest ¼ of Section 12, Township  
34 North, Range 1 East, W.M.

6 TOGETHER WITH all Second Class Tidelands lying in front of, adjacent to, or abutting upon  
7 said premises as conveyed by the State of Washington by deed recorded in Volume 127 of  
Deeds, page 279, records of Skagit County, Washington.

8 Situate in the County of Skagit, State of Washington.  
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FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER - 16

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**Exhibit B  
Plaintiffs' Real Property**

1  
2  
3 Lot 3, REVISED SHORT PLAT NO. 55-80, approved January 4, 1982, recorded January 4,  
4 1982, in Volume 5 of Short Plats, page 160, under Auditor's File No. 8201040011; and being a  
5 portion of Government Lot 3 and the Northeast ¼ of the Southwest ¼ of Section 12, Township  
34 North, Range 1 East, W.M.

6 TOGETHER WITH all Second Class Tidelands lying in front of, adjacent to, or abutting upon  
7 said premises as conveyed by the State of Washington by deed recorded in Volume 127 of  
Deeds, page 279, records of Skagit County, Washington.

8 Situate in the County of Skagit, State of Washington.  
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FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND ORDER - 17

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*easement*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

10-25-11

Goodman

Centerline of the existing road

20.00-foot Easement

JAN 20 2012

Amount Paid \$  
Skagit Co. Treasurer  
By *MF* Deputy

A 20.00 foot Easement for ingress, egress and utilities, over, under and across being 10.00 feet on both sides of the following described centerline. Being in a portion of the Southwest Quarter of Section 12, Township 34 North, Range 1 East, WM, the centerline of which is described as follows:

Commencing at the Northwest corner of Lot 2 of Skagit County Short Plat "Revised" 55-80, approved January 4, 1982 and recorded January 4, 1982 in Book 5 of short plats at page 160, under Auditors File No. 8201040011, being a portion of the Southwest Quarter of Section 12, Township 34 North, Range 1 East WM. Said Northwest corner of Lot 2 being marked by a found rebar and cap and the Northeast corner of Lot 2 being marked with a found rebar. The bearing of the line between the found Northwest and Northeast corners of said Lot 2 being South 89° 03' 06" East; Thence South 89° 03' 06" East along the North line of said Lot 2 a distance of 17.82 feet to the centerline of an existing road; Thence Southeasterly along a non-tangent curve concave to the Northeast whose radius point bears North 74° 15' 48" East a distance of 200.00 feet through a central angle of 10° 05' 14" an arc distance of 35.21 feet; Thence continuing along the centerline of the existing road the following courses, South 25° 49' 26" East 1.68 feet; Thence along a curve to the left with a radius of 250.00 feet through a central angle of 16° 17' 35" an arc distance of 71.09 feet; Thence South 42° 07' 01" East 27.18 feet; Thence along a curve to the left having a radius of 350.00 feet through a central angle of 9° 28' 28" an arc distance of 57.88 feet; Thence South 51° 35' 29" East 34.15 feet; Thence South 58° 14' 52" East 72.52 feet; Thence South 59° 48' 05" East 28.16 feet; Thence South 65° 26' 19" East 26.71 feet; Thence South 70° 50' 30" East 3.66 feet; Thence along a curve to the left having a radius of 125.00 feet through a central angle of 20° 12' 20" an arc distance of 44.08 feet; Thence North 88° 57' 11" East 57.54 feet; Thence North 86° 30' 23" East 55.88 feet; Thence North 85° 10' 55" East 23.47 feet; Thence along a curve to the right having a radius of 150.00 feet through a central angle of 19° 48' 35" an arc distance of 51.86 feet; Thence South 75° 00' 30" East 1.81 feet; Thence along a curve to the right having a radius of 200.00 feet through a central angle of 18° 08' 00" an arc distance of 63.30 feet; Thence South 56° 52' 30" East 17.09 feet; Thence along a curve to the right having a radius of 25.00 feet through a central angle of 22° 08' 21" an arc distance of 9.66 feet to a point hereinafter referred to as Point "A"; Thence South 65° 24' 32" East 24.74 feet to the East line of said Lot 2 and the terminus of said centerline description.

**TOGETHER WITH** a 20.00 foot easement for ingress and egress being 10.00 feet on both sides of the following described centerline:

Beginning at the afore described Point "A"; Thence continuing along said curve through a central angle of 40° 35' 18" an arc distance of 17.71 feet; Thence South 5° 51' 09"



201201200053  
Skagit County Auditor

EXHIBIT C

West 57.44 feet; Thence South 6° 45' 32" West 22.99 feet; Thence along a curve to the right having a radius of 45.00 feet through a central angle of 56° 50' 51" an arc distance of 44.65 feet; Thence South 63° 36' 23" West 39.80 feet; Thence South 65° 11' 59" West 35.01 feet; Thence along a curve to the left having as radius of 35.00 feet through a central angle of 64° 14' 48" an arc distance of 39.25 feet; Thence South 0° 57' 12" West 28.46 feet; Thence South 2° 37' 37" East 34.33 feet; Thence South 5° 39' 27" East 15.93 feet; Thence South 9° 51' 02" East 18.11 feet; Thence South 15° 57' 44" East 26.61 feet; Thence along a curve to the right having a radius of 25.00 feet through a central angle of 34° 48' 12" an arc distance of 15.19 feet; Thence South 18° 50' 27" West 14.79 feet; Thence South 14° 52' 48" West 21.58 feet; Thence South 7° 22' 18" West 15.11 feet; Thence along a curve to the left having a radius of 50.00 feet through a central angle of 32° 18' 01" an arc distance of 28.19 feet; Thence South 24° 55' 42" East 23.89 feet; Thence South 25° 40' 50" East 19.34 feet; Thence South 16° 51' 38" East 13.19 feet; Thence along a curve to the right having a radius of 60.00 feet through a central angle of 28° 49' 24" an arc distance of 30.18 feet; Thence South 11° 57' 46" West 39.78 feet; Thence along a curve to the left having a radius of 60.00 feet through a central angle of 49° 58' 42" an arc distance of 52.34 feet; Thence South 38° 00' 56" East 6.55 feet; Thence along a curve to the left having a radius of 125.00 feet through a central angle of 20° 34' 23" an arc distance of 44.88 feet; Thence South 58° 35' 19" East 11.40 feet; Thence along a curve to the left having a radius of 60.00 feet through a central angle of 47° 08' 59" an arc distance of 49.38 feet; Thence North 74° 15' 42" East 21.93 feet; Thence North 69° 21' 32" East 22.82 feet; Thence North 59° 29' 26" East 20.44 feet; Thence North 50° 19' 31" East 20.53 feet; Thence North 39° 07' 14" East 30.78 feet; Thence North 38° 24' 50" East 21.54 feet; Thence North 31° 24' 29" East 29.08 feet; Thence North 32° 26' 32" East 20.47 feet; Thence North 38° 12' 37" East 36.38 feet; Thence North 58° 32' 05" East 26.73 feet more or less to the East line of said Lot 2 and the terminus of said centerline description .

The sidelines of said easement shall be extended or trimmed so as to form a continuous line across the grantors ownership.

Situate in the County of Skagit, State of Washington



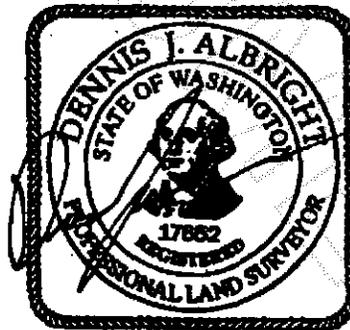
201201200053  
Skagit County Auditor

10-25-11  
Goodman  
Overlay of 100 X 100 Drainfield area.

Commencing at the Northwest corner of Lot 2 of Skagit County Short Plat "Revised" 55-80, approved January 4, 1982 and recorded January 4, 1982 in Book 5 of short plats at page 160, under Auditors File No. 8201040011, being a portion of the Southwest Quarter of Section 12, Township 34 North, Range 1 East. Said Northwest corner of Lot 2 being marked by a found rebar and cap and the Northeast corner of Lot 2 being marked with a found rebar. The bearing of the line between the found Northwest and Northeast corners of said Lot 2 being South 89° 03' 06" East;  
Thence South 0° 57' 41" West along the West line of said Lot 2 a distance of 250.00 feet to the most Westerly, Southwest corner of said Lot 2; Thence South 88° 58' 49" East along the lot line of said Lot 2 a distance of 250.00 feet to the Southwest corner of that certain 40.00 foot easement for access and utilities as shown on said Skagit County Short Plat "Revised" 55-80, approved January 4, 1982 and recorded January 4, 1982 in Book 5 of short plats at page 160, under Auditors File No. 8201040011; Thence North 1° 01' 11" East along the West line of said easement 40.00 feet to a point on the South line of that certain 100 foot by 100 foot drainfield easement as shown on said Short Plat and the **TRUE POINT OF BEGINNING**; Thence South 88° 58' 49" East along the South line of said easement 77.99 feet to the Southeast corner of said easement; Thence North 1° 01' 11" East along the East line thereof 100.00 feet to the Northeast corner of said easement; Thence North 88° 58' 49" West 100.00 feet to the Northwest corner of said easement; Thence South 1° 01' 11" West 100.00 feet to the Southwest corner of said easement; Thence South 88° 58' 49" East 22.01 feet to the **TRUE POINT OF BEGINNING**.

Said 100 by 100 foot easement as shown on said Short Plat is not dimensioned on said short plat and the above is based on a best fit overlay.

Situate in the County of Skagit, State of Washington.



10-25-11



201201200053  
Skagit County Auditor

EXHIBIT   D

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 20 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 20<sup>th</sup> day of January 20 12. Nancy K. Scott, County Clerk.

By Melissa Lynn Peterson  
Deputy Clerk



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Skagit County Auditor