



201210120084

Skagit County Auditor

WHEN RECORDED RETURN TO:

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Earl Roger and Kathleen F. Noar
6067 Central Avenue
Anacortes, WA 98221

DOCUMENT TITLE(S):

Agreement

GUARDIAN NORTHWEST TITLE CO.

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

A104297

GRANTOR:

RKSJ, LLC, a Washington limited liability company

GRANTEE:

Graham J. Siddall and Brenda J. Siddall, Co-Trustees of the Siddall Living Trust dated November 8, 2001

ABBREVIATED LEGAL DESCRIPTION:

Section 2, Township 34 North, Range 1 East, W.M.; Portion West 1/2

TAX PARCEL NUMBER(S):

P128068, 340102-2-001-0100

AGREEMENT

This agreement is made and entered into this 12th day of October, 2012 by and between the Siddall Living Trust – Graham J. Siddall and Brenda J. Siddall, Trustees, hereinafter referred to as “Buyer”, and RKSJ LLC – Earl Roger Noar and Kathleen F. Noar, Members, hereinafter referred to as “Seller”,

Whereas, a common access roadway exists, hereinafter referred to as “Common Roadway”, in order to access Lot 1 and Lot 2 of the Pangea Vista II short plat PL07-0077, Skagit County, hereinafter referred to as “Lot 1” and “Lot 2”; and

Whereas, the “Amended Declaration of Covenants, Conditions, Easements and Restrictions for Pangea Vista II” dated August, 9th, 2010, hereinafter “CCR”, recorded under Skagit County Auditor File number AF201008090096, Article 3.5 “Road and Utility Maintenance” does not address the equitable payment for common roadway improvements, specifically the paving of common roadways; and

Whereas, the Buyer of Lot 2 may wish to pave the Common Roadway; and

Whereas, the paving costs for the Common Roadway that applies to the common access of both Lot 1 and Lot 2, excluding paving costs that are solely for the access of Lot 2, hereinafter “Common Cost”, should be equally shared by the Buyer and the subsequent purchaser of Lot 1;

NOW THEREFORE, IT IS AGREED THAT:

1. Prior to paving the Common Roadway, Buyer will obtain 3 competitive bids from qualified paving contractors for the paving of the Common Roadway. Buyer will provide the Seller with a copy of the bids. The bids will identify that portion of the paving costs that are “Common Cost” versus additional paving costs that are required solely for the access of Lot 2.
2. Buyer and Seller must mutually approve of the selection of the paving contractor, and that the approval will be based upon the lowest cost bid of a qualified contractor, unless both Buyer and Seller agree otherwise.
3. Buyer will provide the Seller with proof of payment of the actual paving costs and the Common Cost thereof.
4. Subject to the above stipulations, fifty percent of the Common Cost will be paid to the Buyer by the subsequent purchaser of Lot 1, or by the Seller, as determined by the Seller, within 30 days of closing of escrow of a Purchase and Sale Agreement between the purchaser of Lot 1 and the Seller.
5. The recovery period under this Agreement shall be ten years from the date of this signed Agreement, after which the costs of paving shall no longer be recoverable.
6. Allocation of subsequent maintenance costs of the Common Roadway are stipulated in the existing CCR document.



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IN WITNESS THEREOF, the parties hereto have executed this agreement on the day and year first above written.

Graham J. Siddall

Graham J. Siddall, Trustee, Siddall Living Trust

Brenda J. Siddall

Brenda J. Siddall, Trustee, Siddall Living Trust

Dated: 10/12, 2012

Dated: 10/12, 2012

Earl Roger Noar

Earl Roger Noar, Member, RKSJ LLC

Kathleen F. Noar

Kathleen F. Noar, Member, RKSJ LLC

Dated: 10/12, 2012

Dated: 10/12, 2012



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State of Washington)

) ss

County of Skagit)

I certify that I know or have satisfactory evidence that **Earl Roger Noar and Kathleen F. Noar** are the persons who appeared before me and said persons acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10-12-12

Vicki L. Hoffman

(Signature)

NOTARY PUBLIC

VICKI L. HOFFMAN

Print Name of Notary

My appointment expires: 10-8-13



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) ss

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I certify that I know or have satisfactory evidence that **Graham J. Siddall and Brenda J. Siddall** are the persons who appeared before me and said persons acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10-12-12

Vicki L Hoffman

(Signature)

NOTARY PUBLIC

VICKI L HOFFMAN

Print Name of Notary

My appointment expires: 10-8-13



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