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**Skagit County Auditor** 12/31/2013 Page

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Craig Siostrom 1204 Cleveland Ave. Mount Vernon, Washington 98273

# Agreement Re: Easements

**GUARDIAN NORTHWEST TITLE CO.** 

Grantors:

(1) Lope D. Malaki & Loretta J. Malaki, h/w

ACCOMMODATION RECORDING ONLY

(2) Windward Real Estate Services, Inc.

(3) The Family Trust created Under the Last Will and Testament of

M9787-1

Frederick D. Schmidt, deceased

Grantees:

(1) Lope D. Malaki & Loretta J. Malaki, h/w

(2) Windward Real Estate Services, Inc.

(3) The Family Trust created Under the Last Will and Testament of

Frederick D. Schmidt, deceased

Legal Description: TRACTS 1-4 S/P 94-008, (PTN N ½ SW ¼ 16-33-4); TRACTS 1-4 S/P 93-057 (PTN N ½ SW ¼ 16-33-4); S ½ NW ¼, & N½ SW ¼, & SW ¼ SE ¼ 14-33-4; S ½ NW ¼, & SW ¼ NE ¼ 15-33-4; N 1/2 (EXC. SW 1/4 NW 1/4) 16-33-4; PHASES 1-3 PER AF#201105190048.

Assessor's Property Tax Parcel or Account Nos.: P16627; P16628; P16637; P16638; P16643; P16668; P16677; P16701; P16707; P96039; P109016; P109017; P109105; P109106

Reference Nos. of Documents Assigned or Released: 9312200182; 9603290057; 9603290058; 9604010105; 9607180042; 9607180043.

THIS AGREEMENT is made by and between Lope D. Malaki & Loretta J. Malaki, h/w ("Malakis"); Windward Real Estate Services, Inc. ("Windward"); the Schmidt Family Trust, created per the Last Will of Frederick D. Schmidt, ("Schmidt Trust"); to be effective on 7. /8 - , 2013. This Agreement Re: Easements is part of the terms and conditions of the Agreement Regarding Resolution of Sinnes Road and Related Easements.

## Recitals

Malakis are the owners of the real estate described as follows ("Malaki property") a.

> Tract 1, Short Plat No. 94-008, approved March 25th, 1996 and recorded under Skagit County Auditor's File No. 9603290058, in Volume 12 of Short Plats, page 89, records of Skagit County, Wash., being a portion of the North 1/2 of the

Agreement Re: Easements

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No monetary Consideration REAL ESTATE EXCISE TAX

lastment DEC 31 2013

Amount Pald \$ Skaait Co. Treasurer

Southwest 1/4 of Section 16, Township 33 North, Range 4 West, W.M.

(P16677)

b. Windward is the owner of the real estate described as follows ("Windward property"):

Parcel A:

Tracts 2, 3 & 4, Short Plat No. 94-008, approved March 25th, 1996 and recorded under Skagit County Auditor's File No. 9603290058, in Volume 12 of Short Plats, page 89, records of Skagit County, Wash., being a portion of the North ½ of the Southwest ¼ of Section 16. Township 33 North, Range 4 West, W.M.

(P109106; P16668)

Parcel B:

Tracts 1-4 inclusive, Short Plat No. 93-057, approved March 25th, 1996 and recorded under Skagit County Auditor's File No. 9603290057, in Volume 12 of Short Plats, page 88, records of Skagit County, Wash., being a portion of the North 1/2 of the Southwest 1/4 of Section 16, Township 33 North, Range 4 West, W.M.

(P109016; P16667)

Parcel C:

See attached Exhibit A

(P16701; P16707)

The Schmidt Trust is the owners of the property described as follows ("Schmidt c. property")

See attached Exhibit B

- The two Short Plats (viz. 93-057 and 94-008) show access easements for the lots created d. thereby, styled as Sinnes Court, a private road. However, the actual as-built location of Sinnes Court varies to some degree from the location as set forth on the said plats.
- The Schmidt Trust is benefitted by an easement crossing over Tracts 1 & 2 of Short Plat e. 94-008, per an easement recorded under Skagit County AFN 9607180043, and also granted an easement to Windward's predecessor over a portion of the Southeast ¼ of the

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Northwest ¼ of Section 16, Township 34 North, Range 4 East, W.M., under Skagit County AFN 9607180042.

- f. An access and utilities easement was conveyed by one of Windward's predecessors to another of Windward's predecessors, over Sinnes Court as set forth in Short Plat 93-057. such easement having been recorded under Skagit Couny AFN 9312200182.
- In addition, Windward's predecessors each recorded Declarations of Easements, g. Covenants and Road Maintenance Agreements, under Skagit County AFN's 9604010105 and 9604010106. These documents referenced the easements in their incorrect locations.
- h. The parties wish to alter the descriptions of the said easements to match the roadways as the same actually exist, or as are planned, and execute this instrument to that end.

# Agreement Releasing & Granting of Easements

Now, therefore, in consideration of the mutual promises and covenants set forth herein, the sufficiency of which is acknowledged by all parties, IT IS HEREBY AGREED AS FOLLOWS:

1. Malakis hereby release and quit claim to Windward all of their interest in and to any and all easements over, across and under the real property as described in Exhibit C.

See attached Exhibit C

2. Malaki hereby grants and conveys to Windward, and Windward's successors and assigns, a perpetual non-exclusive easement for ingress, egress and utilities, benefitting the Windward property, over, across under and through the following described real property:

See attached Exhibit D

3. Windward hereby releases and quit claims to Malaki all of its interest in and to the following real property:

See attached Exhibit E

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4. Malakis hereby release and quit claim to Windward all of their interest in and to any and all easements over, across and under the real property as described in Exhibit G.

See attached Exhibit G

5. Malaki hereby grants and conveys to The Schmidt Trust, and it's successors and assigns, a perpetual non-exclusive easement for ingress, egress and utilities, benefitting the Schmidt property, over across and through the following described real property;

See attached Exhibit H

6. The Schmidt Trust hereby releases and quitclaim to Malaki all of its interest in and to the following real property:

See attached Exhibit I

7. The Schmidt Trust hereby grants and conveys to Malaki, and Malaki's successors and assigns, a perpetual non-exclusive easement, benefitting the Malaki property, for ingress, egress and utilities over, across under and through the following described real property:

See attached Exhibit K

8. Windward hereby releases and quitclaims to The Schmidt Trust all of its interest in and to the following real property:

See attached Exhibit L

9. The Schmidt Trust hereby releases and quitclaim to Windward all of its interest in and to the following real property:

See attached Exhibit N

10. The Schmidt Trust hereby grants and convey to Windward, and Windward's successors and assigns, a perpetual non-exclusive easement, benefitting the Windward property, for ingress, egress and utilities over, across under and through the following described real property:

See attached Exhibit O

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\$111.00 4 of 40 2:13PN 11. Windward does hereby grant and convey to Schmidt, and Schmidt's successors and assigns, a perpetual non-exclusive easement, benefitting the Schmidt property, for ingress, egress and utilities over, across under and through the following described real property:

See attached Exhibit P

Said easement will be replaced by public ROW when it is accepted by and dedicated to Skagit County.

- 12. There are intentionally no exhibits F, J, and M hereto.
- 13. Windward does hereby extinguish and conveys to itself the easement recorded under Skagit County AFN 9312200182, and the provisions of this instrument relating to merger shall not be applicable to the said easement.
- 14. The two Declarations of Easements, Covenants and Road Maintenance Agreements, recorded under Skagit County AFN's 9604010105 and 9604010106, are hereby modified so as to make them apply to and govern the easements herein granted, and not the property described therein. The remaining provisions of the said Declarations shall continue in full force and effect except as otherwise modified by this Agreement and/or the new plat referenced in Paragraph 17 below.
- 15. Any or all of the easements herein granted may in the future be dedicated to public use, and no party hereto (or such party's heirs, successors and/or assigns) shall object to such dedication.
- 16. If any of the properties benefitted by any or all of the easements herein granted are subdivided (by plat or otherwise), or their boundaries are adjusted or otherwise altered, or the said properties are combined with each other in any respect, in whole or in part, the easements herein granted shall continue in full force and effect with respect to each constituent portion of the said properties. In addition, in the event any properties described herein (or portions thereof) that are currently in different ownership come into common ownership in the future, the easements herein granted are not intended to, and shall not, merge into the underlying fee title, and further shall be deemed in any case to have automatically been re-granted and re-conveyed immediately upon severance of the ownership of the property in question.
- 17. This Agreement shall be construed under the laws of the State of Washington. If any portion of this Agreement is rendered unenforceable by a court of competent jurisdiction,

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the remaining portions thereof shall continue to be fully enforceable.

- 18. If a dispute should arise among any interested party and concerning the provisions of this Agreement, the same shall be resolved by arbitration, by one arbitrator, pursuant to RCW 7.04A as the sole and exclusive remedy, regardless of the monetary amount at issue or the nature of the relief sought. In such an action, the arbitrator shall have authority to award reasonable attorney's fees and court costs to any party, in the arbitrator's discretion.
- 18. An amendment to the aforementioned Short Plats is being recorded contemporaneously herewith, under Skagit County AFN \_\_\_\_\_\_ which shall include the revisions to the various easements noted above and the elimination of the "Drainage Easement" and "Exclusive Easement to PUD No. 1 of Skagit County for construction, maintenance and operation of a booster station" currently shown on the Malaki Property. The said Amendment is fully incorporated herein by reference, provided that any inconsistences between this instrument and the said Amendment shall be resolved in favor of the said amendment.

EXECUTED by the parties:

LOPE D. MALAKI

ORETTAI. MALAKI 9-17-13

WINDWARD REAL ESTATE SERVICES, Inc.

By Jim Tosti, President

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The Family Trust created Under the Last Will and Testament of Frederick D. Schmidt, deceased Edward B O'Conner, Co-Trustee The Family Trust created Under the Last Will and Testament of Frederick D. Schmidt, deceased Doyle E. Schmidt, Co-Trustee STATE OF WASHINGTON :ss COUNTY OF SKAGIT On this day personally appeared before me Lope D. Malaki, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned. GIVEN under my hand and official seal this NOTARY PUBLIC in and for the State of Washington, residing at My commission expires: 2014 Name: Douglas H. STATE OF WASHINGTON ) Agreement Re: Easements Page 7

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STATE OF WASHINGTON	)
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COUNTY OF SKAGIT	)

On this day personally appeared before me Loretta J. Malaki, to me known to be one of the individuals described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as

her free and voluntary act and deed for the uses and purposes therein mentioned. and official seal this 1 day of  $4v_{6}v_{5} \neq ..., 2013$ . NOTARY PUBLIC in and for the State of Washington, residing at Bellingha Un. My commission expires: 2014 Name: Dayks T. Rubertson STATE OF WASHINGTON) COUNTY OF King On this <u>12</u> day of Ayr 4, 2013, before me personally appeared <u>Jawes Tosti</u>, to me known to be the <u>president</u> of Windward Real Estate Services, Inc., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation. IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and year first above written. NOTARY PUBLIC in and for the State of Washington, residing at Kirklan My commission expires: 3/6/17 Name: Awrew

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STATE OF WASHINGTON)
COUNTY OF Sudians ()
On this / E/L day of, 2013, before me personally appeared Edward B. O'Conner, to me known to be the Co-Trustee of the The Family Trust created Under the Last Will and Testament of Frederick D.
known to be the Co-Trustee of the The Family Trust created Under the Last Will and Testament of Frederick D.
Schmidt, deceased, and acknowledged that he signed the said instrument, as his free and voluntary act and deed on
behalf of the said Trusts, for the uses and purposes therein mentioned, and on oath stated that he was authorized to
execute said instrument.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and
year first above written.
year first above written.  CAPE  ONOTARY  WITNESS WHEREOF Thave nereunto set my hand and arrixed my ornicial seal the day and year first above written.  WITNESS WHEREOF Thave nereunto set my hand and arrixed my ornicial seal the day and year first above written.  WITNESS WHEREOF Thave nereunto set my hand and arrixed my ornicial seal the day and year first above written.
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WOTARY MOTARY DI IRI IC in and for the State of Weekington, reciding at
TARY PUBLIC in and for the State of Washington, residing at
My commission expires: 1/13/2014 Name: Deffect of Carefact
Name: Jeffy (cp/3)
STATE OF WASHINGTON)
COUNTY OF Shot min is.
On this 180 day of, 2013, before me personally appeared Doyle E. Schmidt, to me known to be the Co-Trustee of the The ramily Trust created Under the Last Will and Testament of Frederick D. Schmidt,
be the Co-Trustee of the The family Trust created Under the Fact Will and Testament of Frederick D. Schmidt
deceased, and acknowledged that he signed the said instrument, as his free and voluntary act and deed on behalf of
the said Trusts, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute
said instrument.
IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal the day and
year first above written. CAPS
year first above written. CAPE NOTARY PUBLIC in and for the State of Washington, residing at
WOTARY ON MOTARY WEIGHT IN THE State of Washington, raciding at
WOTARY PIBLIC in and for the State of Washington, residing at
My commission expires: (///// acy
Name: 10/10c, 17. Card 32

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#### Parcel A

Lot 3 of Skagit County Short Plat No. 13-89, Approved July 12, 1989 and recorded July 18, 1989 in Book 8 of Short Plats, Pages 144 and 145, Records of Skagit County, Washington; being a portion of government Lot 1 of Section 16, Township 33 North, Range 4 East, W.M.

## Parcel B

The Northwest 1/4 of the Southeast 1/4 and the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 33 North, Range 4 East, W.M.; Except all County roads; and also Except that portion lying Southerly of the following described line: Beginning at the intersection of the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 18 with the Northeasterly line of Tract B of Short Plat No. 14-80, approved May 9, 1980 and recorded May 12, 1980 under Auditor's File No. 8005120013 in Volume 4 of Short Plats, Page 87, Records of Skagit County, Washington; thence S 41°00'00" E along the North line of said Short Plat to the Northwesterly corner of Tract 31 of the Plat of "Hermway Heights", as per Plat recorded in Volume 9 of Plats, Page 63, records of Skagit County, Washington, thence Easterly along the North line of said Plat to the Northeasterly corner of Tract 30 of said Plat; thence South along the East line of said plat to the Northerly line of a 45 foot radius cul-de-sac of the Hermway Heights Road, as delineated on the face of that certain Survey recorded under Auditor's File No. 8003110134, in Volume 3 of Surveys, Page 22, Records of Skagit County, Washington; thence easterly along the Northerly line of the culde-sac to the intersection of said cul-de-sac with the Northerly line of Parcel 2 as delineated on the face of said Survey; thence along the Northerly line of Parcel 2 of said survey to the Northerly line of the Lake Sixteen Road, as delineated on the face of said survey; thence Southwesterly along the Northerly line of said Lake Sixteen Road to the intersection of said line with the Northerly line of Lot 1 of Skagit County Short Plat No. 30-88, approved September 13, 1988 and recorded September 21, 1988 under Auditor's File No. 8809210018 in Volume 8 of Short Plats, pages 88 and 89, records of Skagit County, Washington; thence Northeasterly along the Northerly line of said Lot 1 of said Short Plat No. 30-88 to the East line of the Southwest 1/4 of the Southeast 1/4 of said Section 16 and the terminus of said line.

## Parcel C

That portion of that certain 30 foot wide Easement for Ingress and Egress delineated on the face of Skagit County Short Plat No. 13-89, approved July 12, 1989 and recorded July 18, 1989, as Auditor's File No. 890718001, in Book 8 of Short Plats, Pages 144 and 145, lying within Government Lot 2 of Section 18, Township 33 North, Range 4 East, W.M., Except that portion thereof lying within that certain Tract conveyed to Public Utility District No. 1, by deed recorded November 9, 1984, as Auditor's File No. 8411090006.

# Parcel D

That portion of that certain 30 foot wide Easement for Ingress and Egress delineated on the face of Skagit County Short Plat No. 13-89, approved July 12, 1989 and recorded July 18, 1989, as Auditor's File No. 890718001, in Book 8 of Short Plats, Pages 144 and 145, lying within Government Lot 2 of Section 18, Township 33 North, Range 4 East, W.M., Conveyed to Public Utility District No. 1, by deed recorded November 9, 1984, as Auditor's File No. 8411090006.

#### Parcel E

That portion of that certain 30 foot wide Road and Pipeline Easement conveyed to Public Utility District No. 1 of Skagit County, by Deed recorded October 28, 1968 as Auditor's File No. 690228, that lies within the Southwest 1/4 of the Southeast 1/4 of Section 16, Township 33 North, Range 4 East; W.M., and lies Northerly of Lot 1, of Skagit County Plat No. 30-88, approved September 13, 1988, as Auditor's File No. 8804210018, in Book 8 of Short Pats, Pages 68 and 69.

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#### Parcel F

That portion of that certain 30 foot wide Road and Pipeline Easement conveyed to Public Utility District No. 1 of Skagit County, by Deed recorded October 28, 1968 as Auditor's File No. 690228, that lies in the Southwest 1/4 of the Southeast 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 33 North, Range 4 East, W.M., and lies Northerly of Lot 1, of Skagit County Plat No. 30-88, approved September 13, 1988, as Auditor's File No. 8804210018, in Book 8 of Short Pats, Pages 68 and 69; or lies between the West line of said Lot 1 (to the North of Lot 2, of said Short Plat) and the Easterly line of the Hermway Heights Road.

#### Parcel G

A non-exclusive Easement for Ingress, Egress and Utilities over, across and under Sinnes Road as delineated on Lot 1 of Skagit County Short Plat No. 93-057, approved March 25, 1996 and recorded March 29, 1996 as Auditor's File No. 9603290057 in Volume 12 of Short Plats, Page 88, Records of Skagit County, Washington, being a portion of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 33 North, Range 4 East, W.M.

#### Parcel H

A non-exclusive Easement for Ingress, Egress and Utilities over, across and under Sinnes Road as delineated on Lot 2 of Skagit County Short Plat No. 94-008, approved March 25, 1996 and recorded March 29, 1996 as Auditor's File No. 9603290058 in Volume 12 of Short Plats, Page 89, Records of Skagit County, Washington, being a portion of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 33 North, Range 4 East, W.M.

#### Parcel I

A non-exclusive Easement for Ingress, Egress and Utilities over, across and under Sinnes Road as delineated on Lot 1 of Skagit County Short Plat No. 94-008, approved March 25, 1996 and recorded March 29, 1996 as Auditor's File No. 9603290058 in Volume 12 of Short Plats, Page 88, Records of Skagit County, Washington, being a portion of the Northeast 1/4 of the Southwest 1/4 of Section 18, Township 33 North, Range 4 East, W.M.

# Parcel J

A non-exclusive Easement for Ingress, Egress and Utilities over, across and under an Easterly extension of Sinnes Road in the Southeast 1/4 of the Northwest 1/4 of Section 16, Township 33 North, Range 4 East, W.M., as established by Document recorded July 18, 1996 as Auditor's File No. 9607180042.

Situate in County of Skagit, State of Washington.

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Exhibit A - Page 2 of 2 5-31-13

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The Southwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter, and the Northeast Quarter of the Southwest Quarter, and the Northwest Quarter of the Southeast Quarter, and the Southwest Quarter of the Southeast Quarter, Section 14, also the Southwest Quarter of the Northeast Quarter, and the Southeast Quarter of the Northeast Quarter, and the Southwest Quarter of the Northwest Quarter, and the Southeast Quarter of the Northwest Quarter, Section 15, ALSO the North half, except the Southwest Quarter of the Northwest Quarter, Section 16, all in Township 33, Range 4 East W.M., situate in Skagit County, Washington.

5-31-13 Exhibit B - Page 1 of 1



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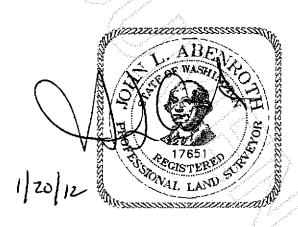
806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF
EXISTING SHORT PLAT EASEMENTS

January 20, 2012

All easements for ingress, egress, utilities, access, drainage, and water service, over, under and through Lots 1 through 4 of Short Plat 93-057, approved March 25, 1996 and recorded in Volume 12 of Short Plats at page 88 under Skagit County Auditor's File No. 9603290057 being located in a portion of the northeast quarter of the southwest quarter of Section 16, Township 34 North, Range 3 East, W.M.;

TOGEHTER WITH all easements for ingress, egress, utilities, access, drainage, water service and water booster station, over, under and through Lots 1 through 4 of Short Plat 94-008, approved March 25, 1996 and recorded in Volume 12 of Short Plats at page 89 under Skagit County Auditor's File No. 9603290058 being located in a portion of the north half of the southwest quarter of Section 16, Township 34 North, Range 3 East, W.M.



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No. of Lot 様がはらせ Exhibit C-1 to Easement Agreement 7-18-13 S & Y 40 BYOFS MG. 808 Meleof St., Sedro-Mediay, Mr. Tro-Phone: (360) 855-2121 FAI: (360) 855-18

EXHIBIT C-2



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806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF

ACCESS AND UTILITY EASEMENTS OVER THE MALAKI PROPERTY

January 20, 2012

Easements for ingress, egress and utilities over, under, and through the following described portions of Lot 1 of Skagit County Short Plat No. 94-008 filed in Volume 12 of Short Plats at page 89 under Auditor's File No. 9603290058.

A 70 foot wide strip of land lying 30 feet right and 40 feet left of a centerline describes as commencing at the northwest corner of the northeast quarter of the southwest quarter of Section 16, Township 33 North, Range 4 East, W.M.; thence N 00°01'38"W along the west line of the southeast quarter of the northwest quarter of said Section 16, a distance of 32.95 feet to the initial point of this centerline description, said point being on a curve to the right having a radius of 500 feet and from which the radius point bears S 11°30'49"W; thence easterly along said curve through a central angle of 12°41'36", and an arc distance of 110.77 feet; thence S 65°47'35"E, a distance of 351.03 feet to a point on the southeasterly line of said Lot 1 which lies N 68°53'52"E, a distance of 463.94 feet from the angle point in the south line of said Lot 1 and the terminus of this centerline description.

Together with beginning at a point on the southeasterly line of said Lot 1 which lies N 68°53'52"E, a distance of 384.67 feet from the angle point in the south line of said Lot 1; thence N 33°44'39"W, a distance of 17.78 feet; thence N 57°30'44"W, a distance of 117.47 feet to ABE a point on the southerly line of the above

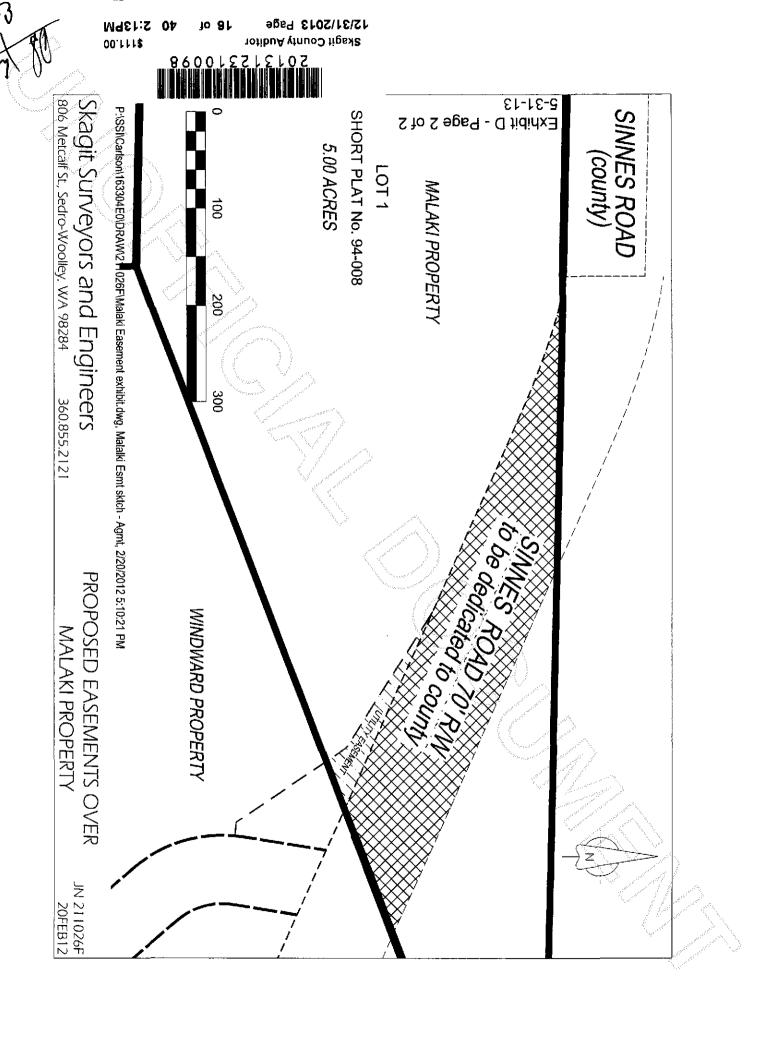
described 70 foot wide strip; thence S 65°47'35"E along the southerly line of said 70 foot wide strip, a distance of 157.39 feet to a point on the southeasterly line of said Lot 1; thence S 68°53'52"W along the southeasterly line of said Lot 1, a distance of 37.07 feet to the point of beginning of this description.

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806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF
EXISTING SHORT PLAT EASEMENTS

January 20, 2012

All easements for ingress, egress, utilities, access, drainage, and water service, over, under and through Lots 1 through 4 of Short Plat 93-057, approved March 25, 1996 and recorded in Volume 12 of Short Plats at page 88 under Skagit County Auditor's File No. 9603290057 being located in a portion of the northeast quarter of the southwest quarter of Section 16, Township 34 North, Range 3 East, W.M.;

TOGETHER WITH all easements for ingress, egress, utilities, access, drainage, water service and water booster station, over, under and through Lots 1 through 4 of Short Plat 94-008, approved March 25, 1996 and recorded in Volume 12 of Short Plats at page 89 under Skagit County Auditor's File No. 9603290058 being located in a portion of the north half of the southwest quarter of Section 16, Township 34 North, Range 3 East, W.M.

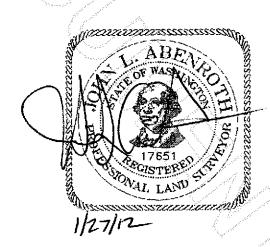


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EXHIBIT 5-1



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# EASEMENT LEGAL DESCRIPTION FOR SCHMIDT ESTATE OF A PORTION OF THE SINNES ROAD EXTENSION

May 20, 1996

An easement for ingress, egress, and utilities which lies over, under, and through that portion of the southeast quarter of the northwest quarter of Section 16, Township 33 North, Range 4 East, W.M., which lies 30 feet on each side of the following described centerline:

Commencing at the southwest corner of the southeast quarter of the northwest quarter of said Section 16; thence N 00°01'37"W along the west line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road; thence N 88°45'32"W along said centerline, a distance of 35.93 feet to the point of beginning of this centerline description, said point being the point of curvature of a curve to the right having a radius of 300.00 feet and a chord bearing of S 74°43'36"E; thence along said curve through a central angle of 28°03'51" and an arc length of 146.94 feet; thence S 60°41'41"E, a distance of 263.39 feet to the end of this centerline description.

Situated in Skagit County, Washington.

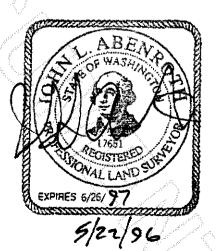
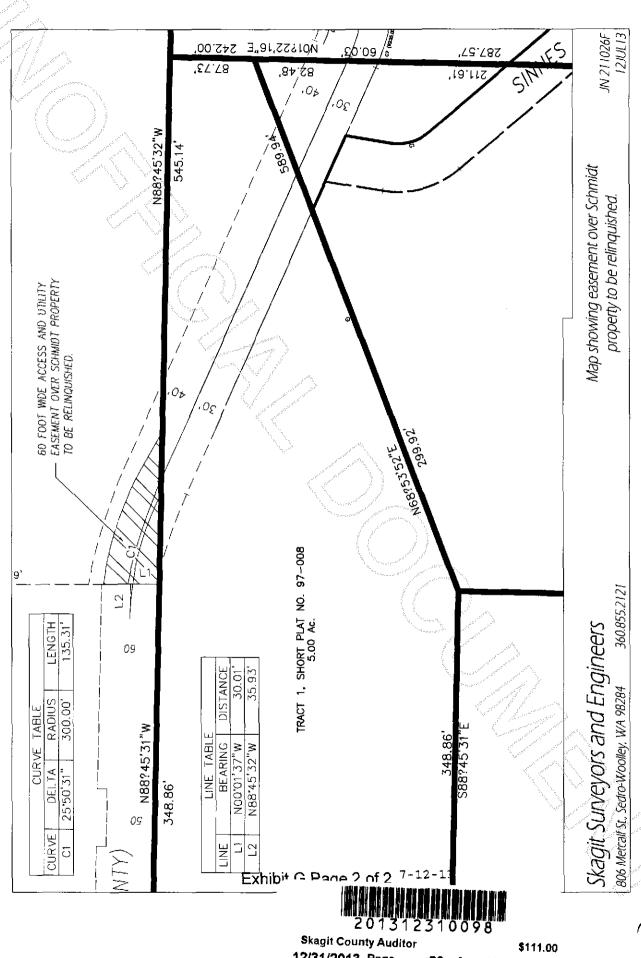


Exhibit G Page 1 of 2

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Skagit County Auditor

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12/31/2013 Page

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# SKAGIT SURVEYORS AND ENGINEERS

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF
EASEMENT TO SCHMIDT OVER MALAKI PROPERTY

January 18, 2012 Rev'd June 16, 2013

A non-exclusive easement for ingress, egress and utilities over, under and through the 70 foot wide strip of land for Sinnes Road crossing Tract 1 of Short Plat No. 94-008 filed in Volume 12 of Short Plats at page 89 under Skagit County Auditors File No. 9603290058, lying 30 feet south and 40 feet north of the following described centerline: Beginning at a point on the west line of the southeast quarter of the northwest quarter of Section 16, Twp. 33 N., Rng. 4 E., W.M. which lies N 00°01'38"W, a distance of 32.95 feet from the southwest corner thereof which point is on a curve concave to the southwest and from which the radius point bears S 11°30'49" W, a distance of 500 feet; thence along said curve through a central angle of 12°41'36", and an arc distance of 110.77 feet; thence S 65°47'35"E, a distance of 483.01 feet to the terminus of this line description.

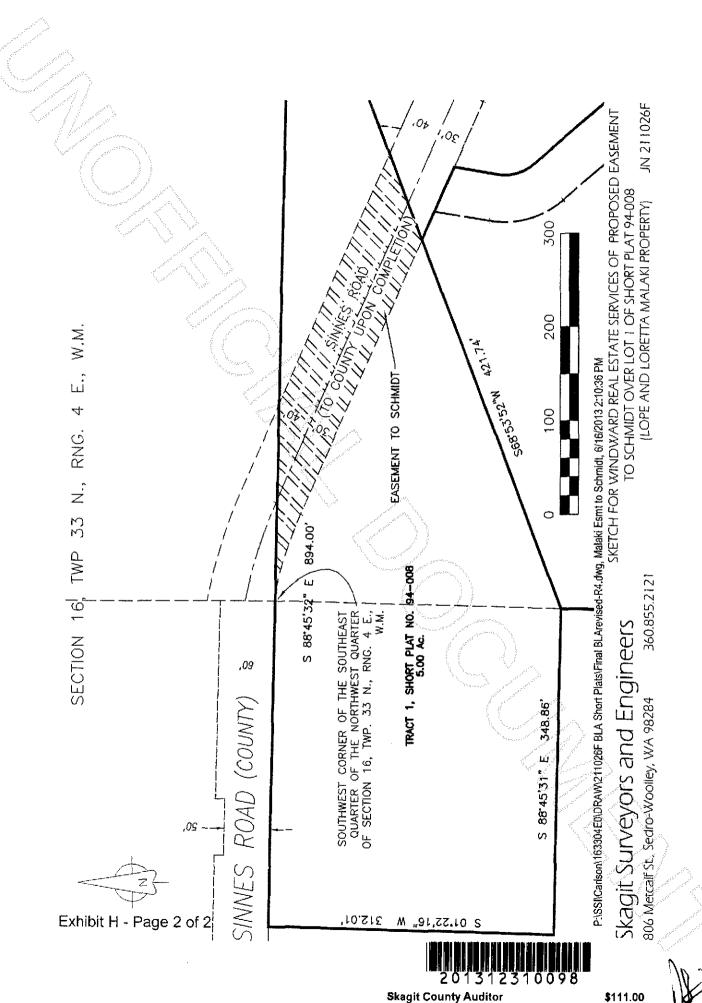


Exhibit H - Page 1 of 2



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806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION FOR WINDWARD REAL ESTATE SERVICES

PRIOR EASEMENT FOR STINES ROAD TO BE RELINQUISHED BY SCHMIDT ESTATE

December 9, 2011

An easement for ingress, egress, and utilities 60 and 100 feet wide over, under, and through the northeast quarter of the southwest quarter of Section 16, Township 33 North, Range 4 East, W.M., the centerline of which is described as follows:

Commencing at the southwest corner of the southeast quarter of the northwest quarter of said Section 16; thence N 00°01'37"W along the west line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road; thence N 88°45'32"W along said centerline, a distance of 35.93 feet, to the point of beginning of this centerline description of the 60 foot wide easement, said point being the point of curvature of a curve to the right having a radius of 300.00 feet, a chord bearing of S 74°43'36"E; thence along said curve through a central angle of 28°03'51" and an arc length of 146.94 feet; thence S 60°41'41"E, a distance of 263.39 feet to point "A"; thence continuing S 60°41'41"E, a distance of 50 feet to the terminus of the centerline of the 60 foot wide easement. Beginning at Point "A" being the initial point of the centerline of the 100 foot wide easement; thence N 29°18'19"E, a distance of 30.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet;

thence along said curve through a central angle of 85  $\emptyset$  14'57" and an arc length of 148.79 feet; thence N 55°56'38"W, a distance of 228.99 feet to the terminus of the centerline of the 100 foot wide easement.

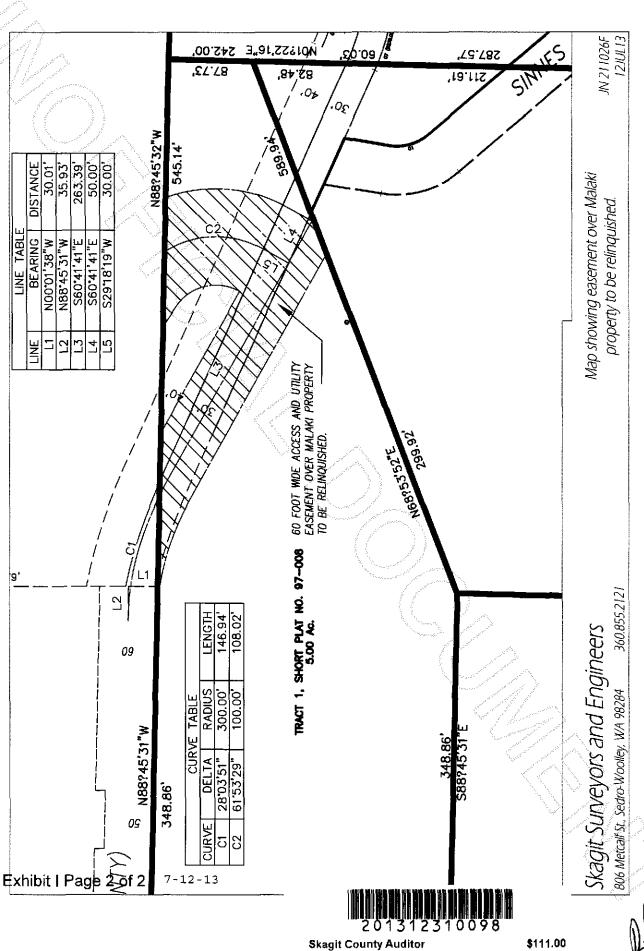
All as described in that certain easement conveyance to The Estate of Frederick D. Schmidt filed under Auditors File No. 9607180043, records of Skagit County.

Exhibit I Page 1 of 2 7-12-13

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\$111.00 Skagit County Auditor 12/31/2013 Page 2:13PM 23 of



**Skagit County Auditor** 

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# SKAGIT SURVEYORS AND ENGINEERS

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF

EASEMENT FOR SINNES ROAD TO BE ACQUIRED FROM SCHMIDT ESTATE

January 18, 2012

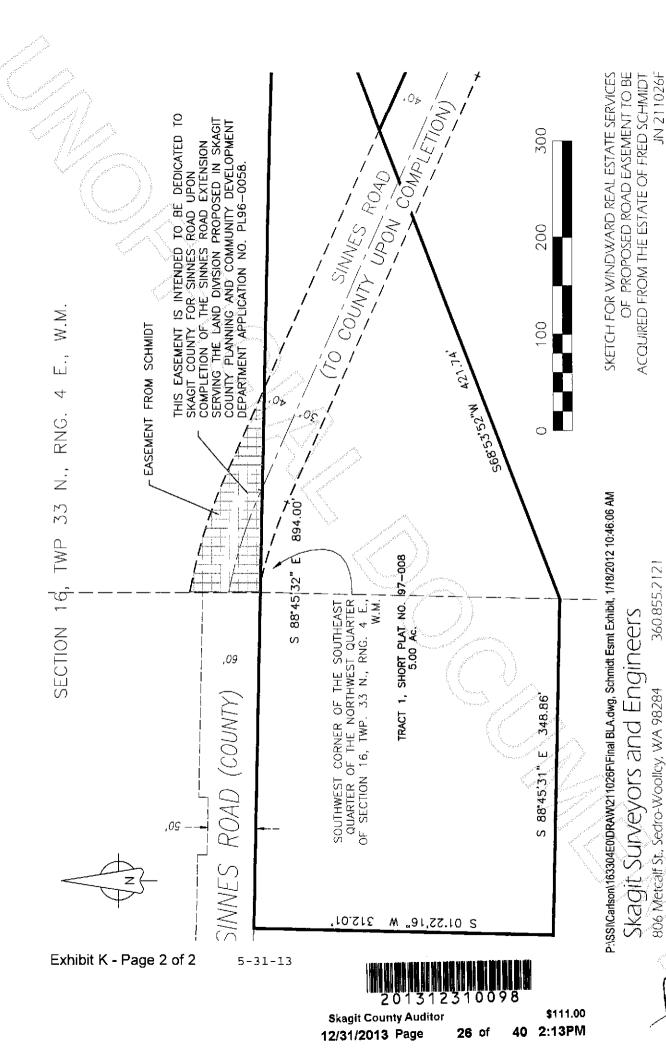
Beginning at the southwest corner of the southeast quarter of the northwest quarter of Section 16, Township 33 North, Range 4 East, W.M.; thence N 00°01'38"W along the west line of said subdivision, a distance of 73.72 feet to a point on a curve to the right having a radius of 540.00 feet from which the radius point bears S 10°38'54"W; thence easterly along said curve through a central angle of 13°33'32", and an arc distance of 127.79 feet; thence S 65°47'35"E, a distance of 97.79 feet to the south line of said southeast quarter of the northwest quarter; thence N 88°45'32"W along said south line, a distance of 210.85 feet to the point of beginning of this description.



Exhibit K - Page 1 of 2 5-351-13 Page



Skagit County Auditor 12/31/2013 Page \$111.00 25 of 40 2:13PM 80 B



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# EASEMENT LEGAL DESCRIPTION FOR SCHMIDT ESTATE OF A PORTION OF THE SINNES ROAD EXTENSION

May 20, 1996

An easement for ingress, egress, and utilities which lies over, under, and through that portion of the southeast quarter of the northwest quarter of Section 16, Township 33 North, Range 4 East, W.M., which lies 30 feet on each side of the following described centerline:

Commencing at the southwest corner of the southeast quarter of the northwest quarter of said Section 16; thence N 00°01'37"W along the west line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road; thence N 88°45'32"W along said centerline, a distance of 35.93 feet to the point of beginning of this centerline description, said point being the point of curvature of a curve to the right having a radius of 300.00 feet and a chord bearing of S 74°43'36"E; thence along said curve through a central angle of 28°03'51" and an arc length of 146.94 feet; thence S 60°41'41"E, a distance of 263.39 feet to the end of this centerline description.

Situated in Skagit County, Washington.

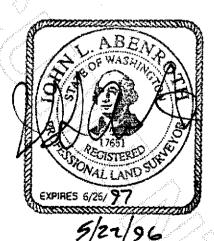


Exhibit L - Page 1 of 1 5-31-13

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Skagit County Auditor 12/31/2013 Page

\$111.00 40 2:13PM AFTER RECORDING RETURN TO:

SHAGIT COLUMN

Keith S. Johnson 2107 Continental Pl., Ste.9 Mount Vernon, WA 98273

00 19 81 JL 3

m-11249

9607180042

REQUEST OF

LAND TITLE COMPANY OF SKAGIT COUNTY

THE GRANTORS, Edward B. O'Connor and Charles R. MacAulay, as Personal Representatives of the Estate of Frederick D. Schmidt, for and in consideration of Granting of Easement rights and no other consideration; convey to David A. Welts, a single man, Residential and Commercial Construction, Inc., a Washington corporation, and Pat Mason Johnson, a married woman, as her separate estate, as the present owners of the properties described in the attached Exhibit "B" and, to the future owners of the properties described on the attached Exhibit "B", regardless of the number of lots that may be created by future subdivisions, a non-exclusive easement for ingress, egress and utilities over, under and across the following described tract:

As attached hereto and by reference made a part hereof.

This Easement Agreement is executed the day of July, 1996.

rdward B. O'Connor, Personal Representative of the Estate of Frederick D. Schmidt

Charles R. MacAdlay, Personal Personal Representative of the Estate of Frederick D. Schmidt

STATE OF WASHINGTON

County of Skagit

SS

I hereby certify that I know or have satisfactory evidence that Edward B. O'Connor and Charles R. MacAulay are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they are authorized to execute the instrument and acknowledged it as the Personal Representatives of the Estate of Frederick D. Schmidt, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated this 16th day of July, 1996.

SKAGIT COUNTY WASHINGTON Real Estate Excise Tax PAID

.m. 18 1966

Stagit County Trasputy

By: Daysty

hrsh M

My appointment expires 5-10-99

State of Washington, residing at

EASEMENT - Page 1

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Skagit County Auditor 12/31/2013 Page 28 of

Notary Public in and for

Montsulle

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# EASEMENT LEGAL DESCRIPTION FOR SCHUIDT ESTATE OF A PORTION OF THE SIRNES ROAD EXTENSION

May 20, 1996

An easement for ingress, egress, and utilities which lies over, under, and through that portion of the southeast quarter of the northwest quarter of Section 16, Township 33 North, Range 4 East, W.M., which lies 30 feet on each side of the following described

Commencing at the southwest corner of the southeast quarter commencing at the southwest corner of the southeast quarter of the northwest quarter of said Section 16; thence N 00°01'37"W along the west line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road: thence N 88'45'32"W along said centerline, a distance of 35.93 feet to the point of beginning of this centerline description, said point being the point of curvature of a curve to the right having a radius of 300.00 feet and a chord bearing of right having a radius of 300.00 feet and a curve to the right having a radius of 300.00 feet and a chord bearing of 5 74'43'36"E; thence along said curve through a central angle of 28'03'51" and an arc length of 146'94 feet; thence 5 60'41'41"E, a distance of 263.39 feet to the end of this centerline description.

Situated in Skagit County, Washington.

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EASEMENT EXHIBIT for Schmidt Estate & David A. Welts ime J, 1996 SCALE: 1 mch = 100 feet SIMMES ROAD EAST-HEST CENTERLINE OF SECTION 16, TOWNSHIP 33 HORTH, RANGE 4 EAST WAL 1/16 CORNER LOT 1 SHORT PLAT No. 94-008 SINNES ROAD EXTENSION LOT 1 SHORT PLAT No. 93-057 \$111.00 40 2:13PM -LOT 2 SHORT PLAT No. 94-008 ਰੱ 30 9607180042 Skagit County Auditor 12/31/2013 Page LOT 2 SHORT PLAT BK 1568 FG 0327

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# SKAGIT SURVEYORS AND ENGINEERS

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION FOR WINDWARD REAL ESTATE SERVICES

PRIOR EASEMENT FOR SINNES ROAD TO BE RELINQUISHED BY SCHMIDT ESTATE

December 9, 2011

An easement for ingress, egress, and utilities 60 and 100 feet wide over, under, and through the northeast quarter of the southwest quarter of Section 16, Township 33 North, Range 4 East, W.M., the centerline of which is described as follows:

Commencing at the southwest corner of the southeast quarter of the northwest quarter of said Section 16; thence N 00°01'37"W along the west line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road; thence N 88°45'32"W along said centerline, a distance of 35.93 feet, to the point of beginning of this centerline description of the 60 foot wide easement, said point being the point of curvature of a curve to the right having a radius of 300.00 feet, a chord bearing of S 74°43'36"E; thence along said curve through a central angle of 28°03'51" and an arc length of 146.94 feet; thence S 60°41'41"E, a distance of 263.39 feet to point "A"; thence continuing S 60°41'41"E, a distance of 50 feet to the terminus of the centerline of the 60 foot wide easement. Beginning at Point "A" being the initial point of the centerline of the 100 foot wide easement; thence N 29°18'19"E, a distance of 30.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet;

thence along said curve through a central angle of 85 ø 14'57" and an arc length of 148.79 feet; thence N 55°56'38"W, a distance of 228.99 feet to the terminus of the centerline of the 100 foot wide easement.

All as described in that certain easement conveyance to The Estate of Frederick D. Schmidt filed under Auditors File No. 9607180043, records of Skagit County.

Exhibit N - Page 1 of 1 5-31-13

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Skagit County Auditor 12/31/2013 Page

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AFTER RECORDING RETURN TO:

Edward B. O'Connor 4010 3010 ave W Sia, Wa 98199

JL 18 P1 100

REQUEST OF -

m-11249

easement

THE GRANTOR, Residential and Commercial Construction, Inc. a Washington corporation as to that portion lying within Lot 1, and David A. Welts, a single man as to that portion lying within Lot 2, for and in consideration of Granting of Easement rights and no other consideration, convey to The Estate of Frederick D. Schmidt, deceased, their heirs, successors and assigns a non-exclusive easement for ingress, egress and utilities over, under and across the following described tract:

As attached hereto and by reference made a part hereof.

This Easement Agreement is executed the 10-day of July, 1996.

President

STATE OF WASHINGTON

County of Skagit

I hereby certify that I know or have satisfactory evidence that Keith 5. Johnson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the President of Residential and Commercial Construction, Inc., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED this 10th day of July, 1996.

SKAGIT COUNTY WASHINGTON Real Estate Excise Tax

ORMA K

NOTARY PUBLIC in and for the State Washington, residing at:

appointment expires

9607180043

EASEMENT - Page 1



Skagit County Auditor

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12/31/2013 Page 32 of 15 de **= 14** . . .

STATE OF WASHINGTON

County of Skagit

I hereby certify that I know or have satisfactory evidence that David A. Welts signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

Dated this Sth day of July, 1996.

NOTARY PUBLIC STATE OF WASHINGTON SHARON R. ANTHORY MY Applicant Expline Sopt. 6, 1993 Notary Public in and for the state of Washington, residing at

My appointment expires 9-6-97

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EASEMENT - Page 2



Skagit County Auditor 12/31/2013 Page

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#### EXELBIT "A"

A non-exclusive easement for ingress, egress and utilities 60 and 100 feet wide over, under and through that portion of Lots 1 and 2 of Short Plat No. 94-008, approved March 25, 1996 and recorded March 29, 1996, under Auditor's File No. 9603290058 in Volume 12 of Short Plats, page 89, and being a portion of the North 1/2 of the Southwest 1/2 of Section 16, Township 33 North, Range 4 East, W.M., the centerline of which is described as follows:

BEGINNING at the Southwest corner of the Southeast 1/2 of the Northwest 1/2 of said Section 16; thence North 00°01'37" West, along the West line thereof, a distance of 30.01 feet to the centerline of the Sinnes Road; thence North 88°45'32" West along said centerline, a distance of 35.93 feet, to the POINT OF BEGINNING OF THIS CENTERLINE DESCRIPTION OF THE 60 FOOT WIDE EASEMENT, said point being the point of curvature of a curve to the right having a radius of 300.00 feet, a chord bearing of South 74°41'36" East; thence along said curve through a central angle of 28°03'51" and an arc length of 146.94 feet;

thence South 50°41'41" East, a distance of 263.39 feet to point

thence continuing South 60°41'41" East, a distance of 50 feet to the TERMINUS OF THE CENTERLINE OF THE 60 FOOT WIDE EASEMENT. BEGINNING at Point "A" being the initial point of the centerline of the 100 foot wide easement:

thence North 29°18'19" East, a distance of 30.00 feet to the point of curvature of a curve to the left having a radius of 100.00 feet; thence along said curve through a central angle of 85°14'57" and an arc length of 148.79 feet;

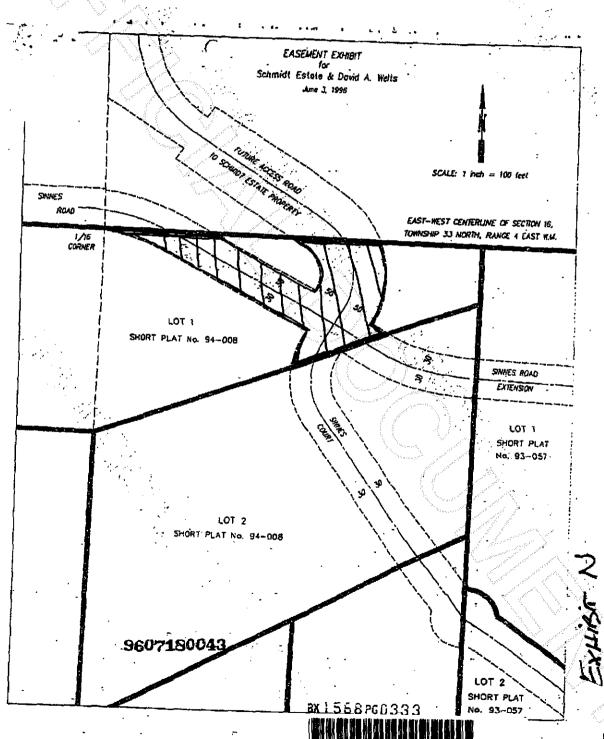
thence North 55°56'38" West, a distance of 228.99 feet to the TERMINUS OF THE CENTERLINE OF THE 100 FOOT WIDE EASEMENT.

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Skagit County Auditor 12/31/2013 Page 35 o

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# SKAGIT SURVEYORS AND ENGINEERS

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121

LEGAL DESCRIPTION
FOR
WINDWARD REAL ESTATE SERVICES
OF

EASEMENT FOR SINNES ROAD TO BE ACQUIRED FROM SCHMIDT ESTATE

January 18, 2012

Beginning at the southwest corner of the southeast quarter of the northwest quarter of Section 16, Township 33 North, Range 4 East, W.M.; thence N 00°01'38"W along the west line of said subdivision, a distance of 73.72 feet to a point on a curve to the right having a radius of 540.00 feet from which the radius point bears S 10°38'54"W; thence easterly along said curve through a central angle of 13°33'32", and an arc distance of 127.79 feet; thence S 65°47'35"E, a distance of 97.79 feet to the south line of said southeast quarter of the northwest quarter; thence N 88°45'32"W along said south line, a distance of 210.85 feet to the point of beginning of this description.

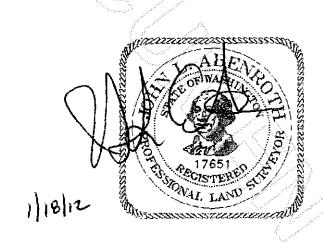
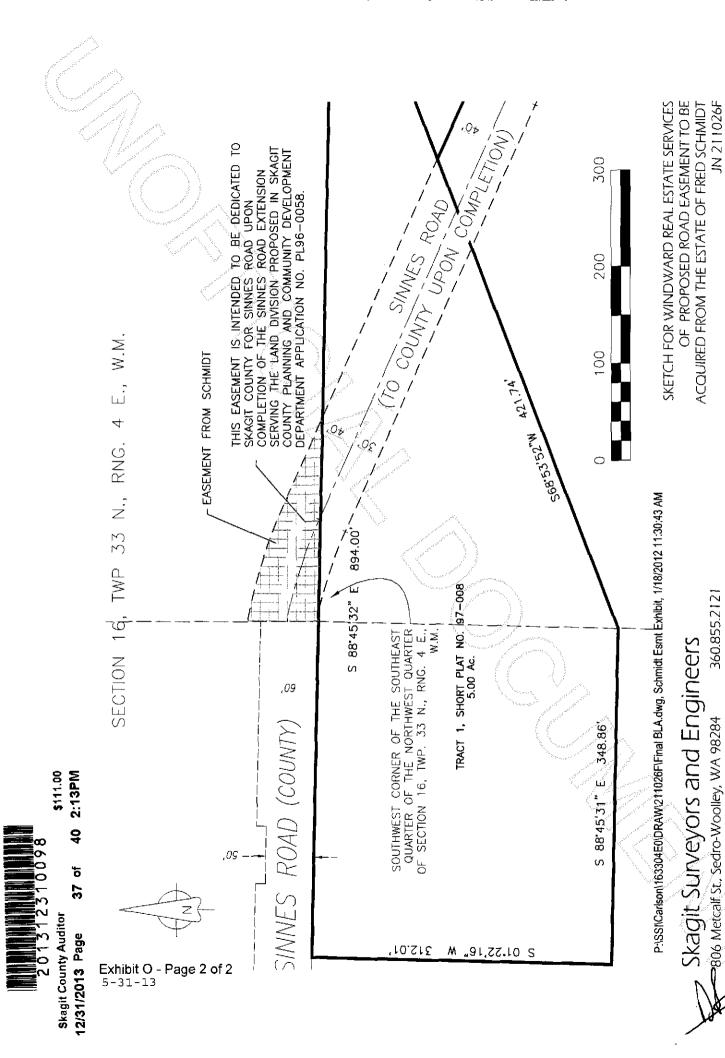


Exhibit O - Page 1 of 2 5-31-13



Skagit County Auditor

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# Skagit Surveyors and Engineers

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121 360.855.1658(f) www.sseconsultants.com

> LEGAL DESCRIPTION FOR SCHMIDT ESTATE

# ROAD AND UTILITY EASEMENT OVER WINDWARD REAL ESTATE SERVICES PLAT OF BULSON CREEK

August 5, 2013

An easement for ingress, egress, and utilities over portions of the northeast quarter of the southwest quarter and the north half of the southeast quarter, all in Section 16, Township 33 N., Range 3 E., W.M. described as follows:

Commencing at the northwest corner of the northeast quarter of the southwest quarter of said Section 16; thence N 00°01'38"W, a distance of 32.95 feet to the initial centerline point of this easement description which point is at the easterly end of the existing Sinnes County Road; the easement width at this point is 30 feet on the right of centerline and 40 feet on the left of centerline, said widths to continue until recited differently herein; thence easterly on a curve concave to the south from which the radius point bears S 11°30'49"W, a distance of 500.00 feet through a central angle of 12°41'36", and an arc distance of 110.77 feet; thence S 65°47'35"E, a distance of 483.01 feet to the point of curvature of a curve to the left having a radius of 200.00 feet; thence easterly along said curve through a central angle of 21°00'45", and an arc distance of 73.35 feet; thence S 86°48'20"E, a distance of 67.87 feet to the point of curvature of a curve to the right having a radius of 100.00 feet; thence along said curve through a central angle of 32°55'09", and

an arc distance of 57.45 feet; thence S 53°53'11"E, a distance of 630.17 feet to a point on the east line of said northeast quarter of the southwest quarter at which point the easement width changes to 30 feet on the right and 30 feet on the left of the centerline and continues at these widths to the end of this easement; thence S 53°53'11"E, a distance of 87.31 feet to the point of curvature of a curve to the left having a radius of 366.75 feet; thence along said curve through a central angle

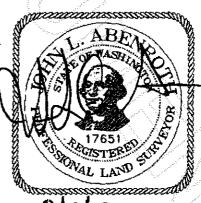


Exhibit P Page 1 of



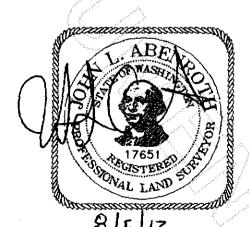
Skagit County Auditor 38 of 12/31/2013 Page

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# -Skagit Surveyors and Engineers ——

806 Metcalf St. Sedro-Woolley, WA 98284 360.855.2121 360.855.1658(f) www.sseconsultants.com

of 44°25'48", and an arc distance of 284.40 feet; thence N 81°41'01"E, a distance of 1.41 feet to the point of curvature of a curve to the right having a radius of 221.68 feet; thence along said curve through a central angle of 93°19'06", and an arc distance of 361.05 feet to a point of reverse curvature with a curve to the left having a radius of 200.00 feet; thence along said curve through a central angle of 40°46'01", and an arc distance of 142.30 feet to a point of compound curvature with a curve to the left having a radius of 535.07 feet; thence along said curve through a central angle of 47°30'06", and an arc distance of 443.60 feet; thence N 86°44'00"E, a distance of 442.10 feet to the point of curvature of a curve to the left having a radius of 213.27 feet; thence along said curve through a central angle of 48°44'41", and an arc distance of 181.44 feet; thence N 37°59'19"E, a distance of 541.67 feet; thence N 52°00'41"W, a distance of 331.41 feet to the point of curvature of a curve to the right having a radius of 200.00 feet; thence along said curve through a central angle of 90°00'00", and an arc distance of 314.16 feet; thence N 37°59'19"E, a distance of 9.55 feet to the point of curvature of a curve to the left having a radius of 180.00 feet; thence along said curve through a central angle of 36°45'00", and an arc distance of 115.45 feet; thence N 01°14'19"E, a distance of 7.61 feet to the terminal point of this legal description which point is on north line of the northeast quarter of the southeast quarter of said Section 16 and which point lies 866.36 feet from the northeast corner thereof.

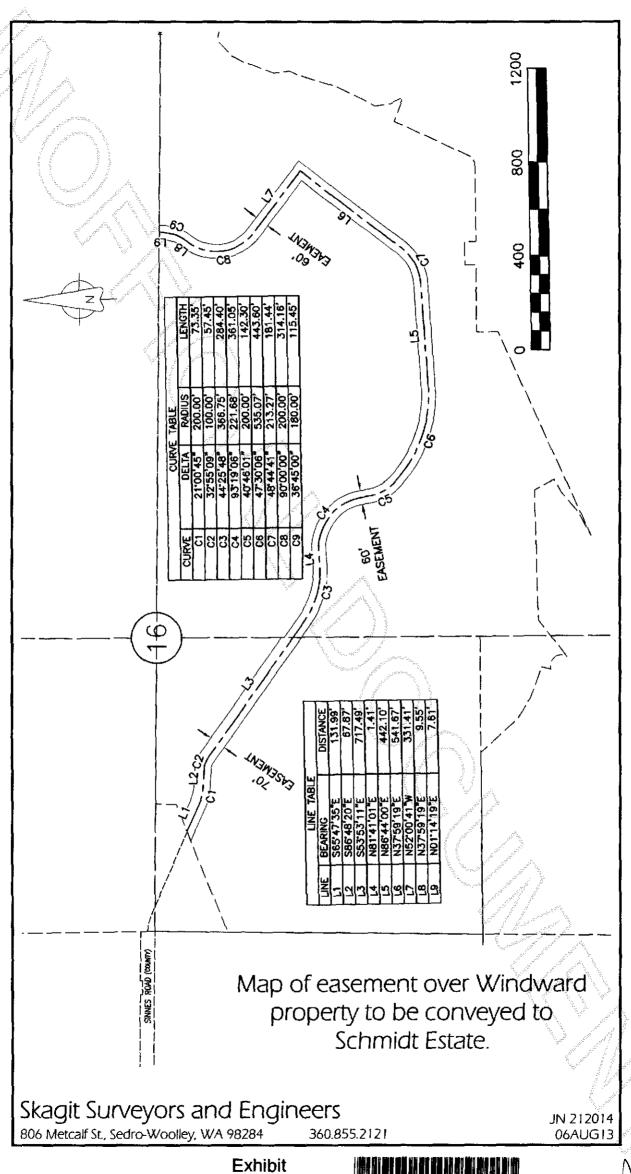


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