



201403060047

Skagit County Auditor

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**Return Address:**

ANDERSON HUNTER LAW FIRM (TRC)  
2707 COLBY AVENUE, SUITE 1001  
EVERETT, WA 98201

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|---|
| <b>Document Title(s)</b> (or transactions contained therein):<br><br>Agreement with Reference to Pier Extension to Existing Joint Use Dock,<br>Lots 865 and 866 Shelter Bay, Skagit County, Washington  |
| <b>Grantor(s)</b> (Last name first, then first name and initials)<br><br>Richard M. Mietzner and Rhonda L. Mietzner, husband and wife<br><input type="checkbox"/> Additional names on page _____ of document.   |
| <b>Grantee(s)</b> (Last name first, then first name and initials)<br><br>Dale C. Henley and Nancy J. Graham, husband and wife<br><input type="checkbox"/> Additional names on page _____ of document.   |
| <b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range, county)<br><br>Lots 865 and 866, Shelter Bay, Block 5, Survey recorded under AF<br>836134. Situate in Skagit County, Washington.<br><input type="checkbox"/> Additional legal is on page _____ of document. |
| <b>Reference Number(s) of Documents assigned or released:</b><br><br>N/A<br><input type="checkbox"/> Additional numbers on page _____ of document.  |
| <b>Assessor's Property Tax Parcel/Account Number</b><br><br>Lot 865: 129515-5100-005-865-0000<br>Lot 866: 129516-5100-005-866-0000<br><input type="checkbox"/> Property Tax Parcel ID is not yet assigned<br><input type="checkbox"/> Additional parcel numbers on page _____ of document             |
| The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.  |

**AGREEMENT WITH REFERENCE TO PIER EXTENSION  
TO EXISTING JOINT USE DOCK, LOTS 865 AND 866  
SHELTER BAY, SKAGIT COUNTY, WASHINGTON**

This Agreement is made and entered into the day and year below written by and between Dale C. Henley and Nancy J. Graham, husband and wife ("Henley"), the owners of certain real property located at Shelter Bay, Skagit County, Washington, legally described on Exhibit A, a copy of which is attached hereto and incorporated by reference, and hereinafter referred to as Lot 865, and Richard M. Mietzner and Rhonda L. Mietzner, husband and wife ("Mietzner"), the owners of certain real property located at Shelter Bay, Skagit County, Washington, legally described on Exhibit B, a copy of which is attached hereto and incorporated by reference, and hereinafter referred to as Lot 866. Henley and Mietzner authorize Thomas R. Collins to attach the legal descripts of 865 and 866 to this Agreement.

WHEREAS, Henley desires to construct an 8-foot wide by 70-foot long floating pier extension to an existing joint use dock servicing Lots 865 and 866, which extension shall be for the sole use and benefit of Henley; and

WHEREAS, Mietzner is willing to consent to the construction of said dock, on the following terms and conditions; and

WHEREAS, for and in consideration of the consent by Mietzner, Henley and Mietzner agree as follows:

1. The parties agree that the north side of the existing 55-foot long floating pier shall be solely for the use of Henley and the south side of the existing pier shall be solely for the use of Mietzner. The 70-foot long floating pier extension shall be solely for the use of Henley. The parties agree that with reference to Henley's use of the north side of the existing 55-foot pier and the entire 70-foot long floating pier extension, Henley agrees that he will not lease or rent any of the 70-foot long pier extension but that he may rent or lease the north 55 feet of the existing pier. Provided, however, he may lease or rent the 70-foot extension to one boat if he is not leasing or renting the 55-foot existing pier. The 70-foot long pier extension shall be solely for Henley's own personal use and the occasional use of said space by Henley's friends and relatives except as provided herein.

2. Henley agrees to comply with all the directives of Shelter Bay Community, Inc. with reference to the construction and maintenance of said pier extension.

3. Henley agrees to be solely responsible for all costs of any kind or nature with reference to the construction and/or future maintenance of the 70-foot long floating pier extension, including any damages done to the existing 55-foot pier or other Shelter Bay property and agrees to indemnify and hold Mietzner harmless from any liability or responsibility therefore.




4. Henley agrees to direct his contractors to construct the 70-foot extension pursuant to the detailed site plan dated 4/29/2013 attached to the Application for Shelter Bay Construction Permit which contemplates that the proposed float extension would be located 121.4 feet from Dock D of the Shelter Bay Marina. The parties acknowledge that there is often some variance between the construction plan and the completed project but, in any event, Henley agrees that the proposed floating pier extension will be no closer than 118 feet from Dock D.

5. Henley and Mietzner acknowledge that the existing 55-foot long floating pier servicing Lots 865 and 866 is not presently located on the existing recorded Easement for Plat of Shelter Bay, Auditor's File No. 836134, Records of Skagit County, Washington. If either Henley or Mietzner wishes, Henley and Mietzner agree to use their reasonable efforts to cause said easement to be amended so that the easement area for the benefit of the pier servicing Lots 865 and 866 is consistent with the actual construction of said existing 55-foot floating pier.


6. The parties intend that this Agreement shall be binding upon themselves and their heirs, successors and assigns with reference to the ownership of said Lots 865 and 866.

7. In the event a dispute arises and/or legal action is commenced concerning this Agreement, the prevailing party to said dispute shall be entitled to reimbursement for reasonable attorney's fees and costs from the non-prevailing party. The parties hereto do hereby consent to the jurisdiction of the Superior Court of Skagit County, State of Washington.

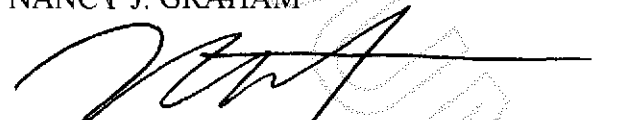
Dated: 6-7-13

  
DALE C. HENLEY

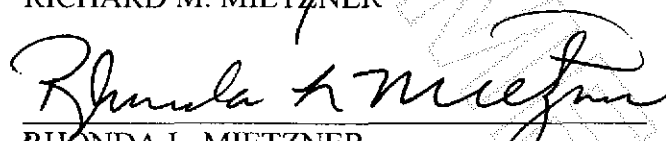
Dated: 6-7-13

  
NANCY J. GRAHAM

Dated: 5-16-13.

  
RICHARD M. MIETZNER

Dated: 5-16-13

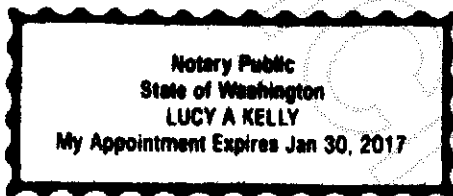
  
RHONDA L. MIETZNER



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Skagit )

I certify that I know or have satisfactory evidence that Dale C. Henley and Nancy J. Graham, husband and wife, are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 6-7-13

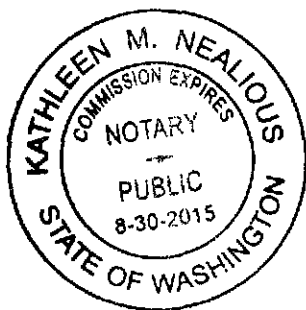


Lucy A Kelly  
PRINTED NAME: Lucy A Kelly  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 1-30-17

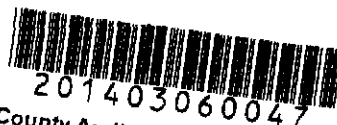
STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Snohomish )

I certify that I know or have satisfactory evidence that Richard M. Mietzner and Rhonda L. Mietzner, husband and wife, are the persons who appeared before me and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: May 16, 2013



Kathleen M. Nealous  
PRINTED NAME: Kathleen M. Nealous  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 8/30/15



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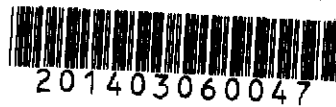
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## EXHIBIT A

Lot 865, "AMENDED SURVEY OF SHELTER BAY DIV. 5, Tribal and Allotted Lands of Swinomish Indian Reservation," as recorded on June 2, 1976, as recorded in Volume 1 of Surveys, pages 184 through 186, inclusive, records of Skagit County, Washington, under Auditor's File No. 836134.

Situate in the County of Skagit, State of Washington.

Tax Parcel No.: 129515-5100-005-865-0000



## EXHIBIT B

Lot No. 866, Survey of Shelter Bay Division No. 5 as recorded June 2, 1976 in official records of Skagit County, Washington, under Auditor's File No. 836134.

Situate in the County of Skagit, State of Washington.

Tax Parcel No.: 129516-5100-005-866-0000



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