



201410290082

Skagit County Auditor \$94.00
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When recorded return to:

Craig Sjostrom
1204 Cleveland Ave.
Mount Vernon, Washington 98273

Agreement re: Uncertain Boundary & Location of Easement

Grantors: (1) Larry D. Satterlee & Elisabeth L. Satterlee, h/w
(2) Joseph C. Hoffman, M.D.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Grantee: Michael T. Binder & Darla M. Binder, h/w

OCT 29 2014

Legal Description: ptn Tracts A & B, SP 46-75; ptn NW ¼ NE ¼ 23-35-3
(Additional Legal Descriptions Located in Exhibits A-E)

Amount Paid \$
By Skagit Co. Treasurer
Mb Deputy

Assessor's Property Tax Parcel or Account Nos.: P34688; P34689; P34690; P34694

Reference Nos of Documents Assigned or Released: 2010054050045

THIS AGREEMENT is made and entered into by and between LARRY D. SATTERLEE & ELISABETH L. SATTERLEE, h/w ("Satterlee"); JOSEPH C. HOFFMAN, M.D., as his separate property ("Hoffman"); and MICHAEL T. BINDER & DARLA M. BINDER, h/w ("Binder").

Recitals

- a. Binder is the owner of the real property, located in Skagit County, Wash., described in the attached Exhibit A.
- b. Satterlee is the owner of the real property, located in Skagit County, Wash. and described in the attached Exhibit B. The Satterlee property lies adjacent to and Westerly of the Binder property, and also lies adjacent to and Northerly of the Hoffman property hereinafter described.
- c. Hoffman is the owner of the real property, located in Skagit County, Wash., and described in the attached Exhibit C. The Hoffman property lies adjacent to and Westerly

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of the Binder property, and also lies adjacent to and Southerly of the Saterlee property.

- d. A fence formerly ran along the common boundaries between the Satterlee and Binder properties and the Hoffman and Binder properties. The fence's location ran from a point on Allen West Road, continuing Southerly to the Southwest corner of the Binder property (which point is also the Southeast corner of the Hoffman property). The former location of the said fence is described in the attached Exhibit D.
- e. The fence had been in existence for at least ten years, and may form the basis for the quieting of title to Binder in and to the areas of the Satterlee and Hoffman properties lying between the fence and the boundary lines as described in the parties' respective vesting deeds, based on adverse possession and/or mutual recognition and acquiescence. This creates an uncertainty as to the location of the true boundary.
- f. In addition, an access and utilities easement benefitting the Hoffman property runs along the Easterly 30 feet of the Saterlee property, as described on the face of Skagit County Short Plat No. 46-75, approved October 28th, 1975 and recorded on October 29th, 1975 under Auditor's File No. 825510, in Volume 1 of Short Plats, page 76, records of Skagit County, Wash. The easement has not been opened as an actual roadway, nor have utility lines been placed in the area, but the easement is valid nonetheless.
- g. RCW 58.04.007 provides a mechanism for affected landowners to resolve the location of an uncertain or disputed boundary. In addition, the parties wish to clarify the location of the said access and utilities easement.
- h. The parties have reached an agreement as to the location of the boundary between their respective parcels, and of the said access and utilities easement, and execute this instrument to that end.

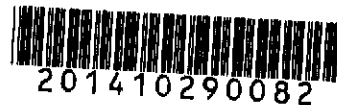
Agreement

Now, therefore, in consideration of the mutual promises and covenants set forth herein, the sufficiency of which is acknowledged by all parties, and for no monetary consideration, IT IS HEREBY AGREED AS FOLLOWS:

1. The boundary between the Binder and Satterlee properties, and also between the Binder and Hoffman properties, shall be along the old fence line as described in the attached Exhibit D.
2. The location of the access and utilities easement benefitting the Hoffman property and burdening the Saterlee property, as referenced on the face of the said Short Plat 46-75.

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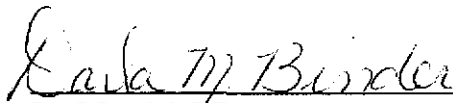
shall be as described in the attached Exhibit E.

3. Nothing in this Agreement shall affect or alter the boundary as between the Saterlee and the Hoffman parcels.
4. The provisions of this Agreement shall be construed as covenants running with the land, and shall be binding on the parties hereto and their respective heirs, successors and assigns.
5. This Agreement shall be construed under the laws of the State of Washington. If any part of this Agreement is rendered unenforceable by a court of competent jurisdiction, the remaining portions shall continue to be fully enforceable.
6. All parties acknowledge that they have been represented by counsel in the negotiation and drafting of this Agreement, or have been given the opportunity to do so, and that no specific construction shall be placed on any of the provisions of this Agreement resulting from the identity of the party drafting the same. Each party shall bear their own costs and fees, including surveying costs, associated with this agreement.
7. Upon execution and recording of this Agreement, Binder and Hoffman shall cause the litigation pending under Skagit County Cause No. 10-2-00800-7 to be dismissed with prejudice and without cost.
8. In addition, the recording of this instrument shall act as a release of the Lis Pendens dated May 5th, 2010 and recorded on May 5th, 2010 under Skagit County, Washington Auditor's File No. 201005050045.

EXECUTED by the parties:


MICHAEL T. BINDER 12.23.10
(Date)


LARRY D. SATERLEE 10/29/14
(Date)


DARLA M. BINDER 10-29-14
(Date)


ELISABETH L. SATERLEE 10/29/14
(Date)

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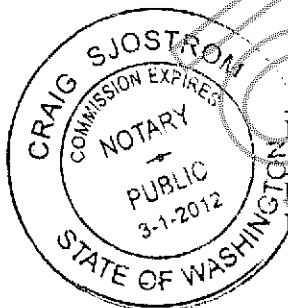
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Joseph C. Hoffman
JOSEPH C. HOFFMAN, M.D. (Date)

STATE OF WASHINGTON)
) :SS
COUNTY OF SKAGIT)

On this day personally appeared before me Michael T. Binder, 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 23 day of Dec., 2010.



Craig Sjoström
NOTARY PUBLIC in and for the State of Washington, residing at
MT Vernon
My commission expires: 3/1/12
Name: Craig Sjoström

STATE OF WASHINGTON)
) :SS
COUNTY OF SKAGIT)

On this day personally appeared before me Darla M. Binder, 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.

GIVEN under my hand and official seal this 29th day of October, 2010.



Richard L. Anderson
NOTARY PUBLIC in and for the State of Washington, residing at
Darlington
My commission expires: Sept 24, 2018
Name: RICHARD L. ANDERSON

STATE OF WASHINGTON)
) :SS
COUNTY OF SKAGIT)

On this day personally appeared before me Larry D. Satterlee, 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

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Exhibit A

Binder Property

(P34694)

A tract of land in the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 35 North, Range 3 East, W.M., described as follows:

Beginning on the North line of said Section 23, at a point South 504.79 feet West of its Northeast corner;

thence Southerly to the South line of said Northeast 1/4 of the Northeast 1/4 at a point 554.04 feet West of its Southeast corner; thence West, 455.71 feet along the South line of said Northeast 1/4 of the Northeast 1/4;

thence Northerly parallel with the East line of said Tract to the North line of said section 23;

thence East, 455.71 feet to the point of beginning;

EXCEPT the North 20 feet thereof;

AND ALSO EXCEPT the following described tract:

Beginning at a point on the North line of said Section 23, a distance of 504.79 feet West of the Northeast corner of said Section;

thence South 315 feet on a line which, if extended would intersect the South line of the Northeast 1/4 of the Northeast 1/4 of said Section, 554.04 feet West of the Southeast corner of said Northeast 1/4 of the Northeast 1/4;

thence West, 147.5 feet;

thence North, 183 feet on a line which if extended would intersect the North line of said Northeast 1/4 of the Northeast 1/4 of said Section, 147.5 feet from the point of beginning;

thence Westerly parallel to the North line of said Section, a distance of 95 feet;

thence North to the Southeast corner of that certain tract conveyed to Norman T. Dahl, et ux, by Deed recorded March 11, 1970, under Auditor's File No. 736849;

thence West along the South line of said tract and said South line extended a distance of 99.36 feet, more or less, to the Southwest corner of that certain tract conveyed to Norman T. Dahl, et ux, by Deed recorded June 12, 1950, under Auditor's File No. 446804;

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thence North along the West line of said tract, 120 feet to the North line of said Section 23;

thence East to the point of beginning.

AND ALSO EXCEPT that portion, if any, lying West of the East line of Short Plat No. 46-75, as filed October 29, 1975, and recorded under Auditor's File No. 825510.

AND ALSO EXCEPT the following described parcel:

That portion of the Northeast 1/4 of the Northeast 1/4 lying in Section 23, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point on the North line of said Section 23, which point bears North 89° 51' 45" West, a distance of 504.79 feet from the Northeast corner of said Section;

thence South 3° 19' 51" East, a distance of 315 feet on a line which if extended would intersect the South line of the Northeast 1/4 of the Northeast 1/4 of said Section, a distance of 554.04 feet West of the Southeast corner of said Northeast 1/4 of the Northeast 1/4;

thence North 89° 51' 45" West parallel with the North line of said Section, a distance of 147.5 feet to the Southwest corner of that tract of land conveyed to Christina Egerer by that instrument dated July 8, 1994, and recorded July 12, 1994, under Auditor's File No. 9407120043, records of Skagit County, Washington, and which point is the true point of beginning of this property description;

thence continuing North 89° 51' 45" West along a line parallel with the North line of said Section, a distance of 201.63 feet, more or less, to a point which bears South 3° 19' 51" East, a distance of 194.82 feet, more or less, from the Southwest corner of that tract of land, as conveyed to Norman T. Dahl and Patricia Y. Dahl, husband and wife, from McKinley Loop and Frankie Loop by that instrument dated October 1, 1949, and recorded in Volume 239, page 689, under Auditor's File No. 446804, records of Skagit County, Washington;

thence North 3° 19' 51" West, a distance of 194.82 feet, more or less, to the Southwest corner of said Norman T. Dahl tract; thence South 89° 51' 45" East parallel with the North line of said subdivision and along the South line of said Norman Dahl tract and Easterly projection thereof, a distance of 106.63 feet, more or less, to a point on the West line of that tract of land conveyed to Bud Dahl and Charlotte Dahl, husband and wife, from McKinley Loop and Frankie Loop by that instrument dated July 30, 1955, and recorded August 18, 1955, under Auditor's File No. 522705, records of Skagit County, Washington, said point being also the Southeast corner of that tract of land conveyed to Norman T. Dahl and Patricia Y. Dahl, husband and wife, from McKinley Loop and Frankie Loop by that instrument dated February 2, 1970, and recorded March 11, 1970, under Auditor's File No. 736849, records of Skagit County, Washington;

thence South 3° 19' 51" East along the West line of said Bud Dahl Tract, a distance of 11.82 feet, more or less, to the Southwest corner thereof;
thence South 89° 51' 45" East along the South line of said Bud Dahl tract, a distance of 95.00 feet to a point on the West line of said Christina Egerer Tract



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and which point is the Southeast corner of said Bud Dahl tract;

thence South 3° 19' 51" East along the West line of said Christina Egerer tract, a distance of 163.00 feet to the true point of beginning of this property description.

UNOFFICIAL DOCUMENT



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Exhibit B

Saterlee Property

(P34688)

Parcel A:

Tract A, Skagit County Short Plat No. 46-75, approved October 28th, 1975 and recorded on October 29th, 1975 under Auditor's File No. 825510, in Volume 1 of Short Plats, page 76, records of Skagit County, Wash., being a portion of the Northeast ¼ of Section 23, Township 35 North, Range 3 East, W.M.

Parcel B:

That portion of the Northwest ¼ of the Northeast ¼ of Section 23, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at the Northwest corner of Parcel A of Short Plat No. 46-75 recorded under Auditor's File No. 825510; thence North 89° 51' 45" West along the South line of the Allen West Road a distance of 60 feet; thence South 03° 07' West a distance of 242 feet; thence South 89° 51' 45" West a distance of 60 feet to the West line of the said Parcel A; thence North 03° 07' East along the said West line to the point of beginning.



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Exhibit C

Hoffman Property

(P34698; P34690)

Parcel A

The East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M.

EXCEPT that portion thereof lying North of the South line of that certain tract conveyed to Skagit County for road purposes by deed recorded March 14th, 1948 under Auditor's File No. 300040.

ALSO EXCEPT the following described tracts:

TRACT 1

That portion of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M., being more particularly described as follows:

Commencing at the Northwest corner of the said Section 23; thence North $89^{\circ} 51' 45''$ West along the North line of the said Section 23, a distance of 1,288.45 feet to the Northeast corner of the said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the said Section 23 and the true point of beginning; thence continuing North $89^{\circ} 51' 45''$ along the said North line, a distance of 13.00 feet; thence South $3^{\circ} 07' 00''$ East a distance of 272.05 feet; thence South $4^{\circ} 10' 17''$ a distance of 1,001.36 feet to the Southeast corner of the said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence North $3^{\circ} 21' 45''$ West along the East line of the said subdivision, a distance of 1,272.51 feet to the Northeast corner thereof and the true point of beginning.

TRACT 2

That portion of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M., described as follows:

Commencing at the intersection of the West line of the said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the South line of the road along the North line of the said subdivision; thence East along the South line of the said road a distance of 40 feet; thence South parallel with the West line of the said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 700 feet; thence West parallel with the South line of the said road a distance of 40 feet to the West line of the said East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence North along the said West line a distance of 700 feet to the point of beginning.



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TRACT 3

That portion of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at the Northwest corner of Parcel A of Short Plat No. 46-75 recorded under Auditor's File No. 825510; thence North $89^{\circ} 51' 45''$ West along the South line of the Allen West Road a distance of 60 feet; thence South $03^{\circ} 07'$ West a distance of 242 feet; thence South $89^{\circ} 51' 45''$ West a distance of 60 feet to the West line of the said Parcel A; thence North $03^{\circ} 07'$ East along the said West line to the point of beginning.

Parcel B

The Northeast $\frac{1}{4}$ of Tract 14, "L.W.L. Co's SAMISH RIVER ACREAGE, PLAT No. 1, SKAGIT COUNTY, WASHINGTON", according to the plat thereof recorded in Volume 3 of Plats, page 69, records of Skagit County, Washington, also being described as the Northeast $\frac{1}{4}$ of the Southwest of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M.

Parcel C

Tract B, Skagit County Short Plat No. 46-75, approved October 28th, 1975 and recorded on October 29th, 1975 under Auditor's File No. 825510, in Volume 1 of Short Plats, page 76, records of Skagit County, Wash., being a portion of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M.

TOGETHER WITH a non-exclusive easement for road and utilities over, under and across the East 30 feet of Tract A of the said Short Plat No. 46-75.



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Exhibit D

Fence/ Boundary Location

Commencing at the Southeast corner of Tract B, Skagit County Short Plat No. 46-75, approved October 28th, 1975 and recorded on October 29th, 1975 under Auditor's File No. 825510, in Volume 1 of Short Plats, page 76, records of Skagit County, Wash., being a portion of the Northeast ¼ of Section 23, Township 35 North, Range 3 East, W.M.;

thence South 89° 10' 19" West along the Southerly boundary of the said Tract B, a distance of 25.00 feet to the true point of beginning of this line description;

thence North 02° 38' 17" West, a distance of 1,236.64 feet, more or less, to the Southerly edge of the Allen West Road and the terminus of this line description.

Situate in Skagit County, Wash.



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Exhibit E

Access/ Utilities Easement Location

Commencing at the Southeast corner of Tract A, Skagit County Short Plat No. 46-75, approved October 28th, 1975 and recorded on October 29th, 1975 under Auditor's File No. 825510, in Volume 1 of Short Plats, page 76, records of Skagit County, Wash., being a portion of the Northeast $\frac{1}{4}$ of Section 23, Township 35 North, Range 3 East, W.M.;

thence South $89^{\circ} 51' 45''$ West along the Southerly boundary of the said Tract A, a distance of 17.00 feet to the true point of beginning of this description;

thence North $02^{\circ} 38' 17''$ West, a distance of 603.30 feet, more or less, to the Southerly edge of the Allen West Road;

thence Westerly along the Southerly edge of the Allen West Road, a distance of 30.00 feet;

thence South $02^{\circ} 38' 17''$ East, a distance of 603.30 feet, more or less, to the Southerly line of the said Tract A;

thence Easterly along the said Southerly line, a distance of 30.00 feet to the point of beginning.

Situate in Skagit County, Wash.



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