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Skagit County Auditor

\$75.00

8/21/2015 Page

1 of

4 11:15AM

Document Title: AGREED ORDER ESTABLISHING EASEMENT AND  
FINALIZING PHYSICAL PARTITION

Reference Number: 201311130096  
201202060031

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

1. Tasso Schielke

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

1. Guenther Thomas

2. Ursula Thomas

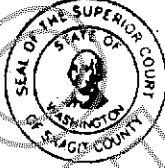
Abbreviated legal description: ☐ full legal on page(s) \_\_.

10-36-01

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

P46396  
P131750

1 I, MAVIS E. BETZ, Clerk of the Superior Court of  
2 the State of Washington, for Skagit County, do  
3 hereby certify that this is a true copy of the original  
4 now on file in my office. Dated 8-21-15



MAVIS E. BETZ, County Clerk

By: [Signature]  
Deputy Clerk

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA  
2015 AUG 21 AM 9:54

6 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
7 COUNTY OF SKAGIT

8 **GUENTHER THOMAS, et ux,**

9 Plaintiff,

v.

10 **TASSO SCHIELKE, et ux,**

11 Defendant.

No. 07-2-02415-1

**AGREED ORDER ESTABLISHING  
EASEMENT AND FINALIZING  
PHYSICAL PARTITION**

12 THIS MATTER having come before the court for determination of the location of an  
13 easement across the parcel partitioned to Schielke for the benefit of the parcel partitioned to  
14 Thomas, and the court having heard additional evidence, and being familiar with the records and  
15 files herein;

16  
17 The Court FINDS that:

- 18 1. At the partition hearing Schielke proposed that Thomas have temporary use of the  
19 existing driveway to allow him to further develop the the roadway access marked W-2 on trial  
20 exhibits, with W-2 becoming an access easement. The court has not previously determined the  
21 final easement location.
- 22 2. The W-2 roadway was in existence before the parties 1997 purchase of the property, and  
23 has been periodically used and maintained since their purchase.
- 24

3. The part of the established W-2 road identified as "Easement for Alternative Driveway" on the partition survey, should be the easement crossing the Schielke property for the benefit of the Thomas property.

3. The W-2 easement, pursuant to the Order of Partition entered September 22, 2009, should be limited to "ingress, egress and utilities" for single family residential use of the existing vacation cabin on the Thomas property.

4. Thomas, when staying in the vacation cabin, should be allowed to use the existing driveway to access the vacation cabin while improvements are made to the W-2 easement, but for no more than <sup>18</sup> months from the date of this order *or until an access permit which shall be applied for within 30 days, is granted.*

5. The parties have represented in open court that neither seeks an easement for beach stairs across the property of the other.

6. Thomas alleges he has paid <sup>28,910.74</sup> ~~14,455.07~~ in property tax attributable to Schielke. Schielke alleges that Thomas owes him \$21,233.61 for expenditures made from the parties investment account.

It is THEREFORE ORDERED that:

1. The part of the established W-2 vehicle access identified as "Easement for Alternative Driveway" on the partition survey recorded under Skagit County Auditor file #201311130096, and legally described therein, shall be the sole easement burdening the Schielke property for the benefit of the Thomas property.

2. The W-2 easement shall be limited to single family ingress, egress and utilities to the existing vacation cabin on the Thomas property.

3. Thomas, when staying in the vacation cabin, may use the existing driveway to access the

1 cabin while improvements are made to the W-2 easement, but for no more than 18 months from

2 the date of this order, or the granting of an access permit, which  
3 Thomas shall apply for within 30 days. Thomas shall not use

4. The parties stipulation in open court that neither seeks an easement for beach stairs across

4 the property of the other may be enforced pursuant to CR 2A, and no easement for beach stairs  
5 shall be awarded to either party.

6 5. This order finalizes the physical partition of the property

7 6. Schielke shall deposit \$14,455.<sup>12</sup> in into his attorney trust account. Thomas shall

8 deposit 0 into his attorneys trust account. These deposits shall remain in trust until  
9 the financial issues are resolved.

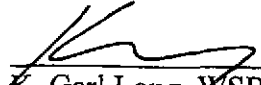
10 7. Each party shall contemporaneously send opposing counsel a copy of all written  
11 communications between that party and Skagit County Planning.

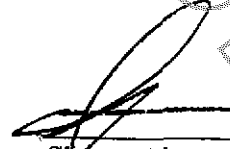
12  
13  
14 DATED this 21 day of August, 2015.

15  
16   
JUDGE DAVID R. NEEDY

17  
18 Presented by:

19 Approved for entry:

20   
21 K. Garl Long, WSBA #13569  
Attorney for Defendant

22   
23 Shawn Alexander, WSBA #30019  
24 Attorney for Plaintiff