

After Recording Return To:



201510050097

Skagit County Auditor

\$86.00

10/5/2015 Page

1 of

15 1:09PM

### AMENDMENT TO EASEMENTS

Reference Nos. 200610020114 (Boundary Line Adjustment)  
200610160102 (Boundary Line Adjustment)  
200612200173 (Boundary Line Adjustment)  
200708080107 (Boundary Line Adjustment)  
201001200001 (Survey)

Grantor (s): GAYLE GILDNES, Trustee of the OLAF A. GILDNES  
RESIDUARY TRUST u/w/d March 22, 1994;  
PADILLA HEIGHTS PROPERTIES, LLC, a  
Washington limited liability company;  
KIERIN WILLIAM ANDERSON and SARAH  
ANDERSON, husband and wife

Grantee (s): GAYLE GILDNES, Trustee of the OLAF A. GILDNES  
RESIDUARY TRUST u/w/d March 22, 1994;  
PADILLA HEIGHTS PROPERTIES, LLC, a  
Washington limited liability company;  
KIERIN WILLIAM ANDERSON and  
SARAH ANDERSON, husband and wife

Abbreviated Legal: Ptn Lots 67, 68, and 69, Anaco Beach

Additional Legal on page(s) Exhibits "A" through "G"

Assessor's Tax Parcel Nos.: P119973 / 3858-000-068-0200  
P125346 / 3858-000-068-0500  
P61871 / 3858-000-068-0006  
P123273 / 3858-000-069-0200  
P130147 / 3858-000-069-0300  
P121953 / 3858-000-068-0400  
P130148 / 3858-000-069-0400

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 05 2015

Amount Paid \$  
Skagit Co. Treasurer  
By Deputy

THIS AMENDMENT TO EASEMENTS ("Amendment") is made and entered into this  
22nd day of SEPTEMBER, 2015, by and among GAYLE GILDNES,  
Trustee of the OLAF A. GILDNES RESIDUARY TRUST u/w/d March 22, 1994, and

AMENDMENT TO EASEMENTS - 1

PADILLA HEIGHTS PROPERTIES, LLC, a Washington limited liability company, and KIERIN WILLIAM ANDERSON and SARAH ANDERSON, husband and wife.

### RECITALS

A. PADILLA HEIGHTS PROPERTIES, LLC, a Washington limited liability company, is the owner of the following parcels of property:

Parcel "Lot 1"

See Exhibit "A"

Situate in the County of Skagit, State of Washington.

Skagit County Assessor's Parcel Number P119973

Parcel "Lot 2"

See Exhibit "B"

Situate in the County of Skagit, State of Washington.

Skagit County Assessor's Parcel Number P125346

Parcel "Lot 3"

See Exhibit "C"

Situate in the County of Skagit, State of Washington.

Skagit County Assessor's Parcel Number P61871

Parcel "Lot 4"

See Exhibit "D"

Situate in the County of Skagit, State of Washington

Skagit County Assessor's Parcel Number P123273

Parcel "Lot 5"

See Exhibit "E"

Situate in the County of Skagit, State of Washington

Skagit County Assessor's Parcel Number P130147

B. GAYLE GILDNES, Trustee of the OLAF A. GILDNES RESIDUARY TRUST u/w/d March 22, 1994, as to an undivided 75% interest, and PADILLA HEIGHTS PROPERTIES, LLC, a Washington limited liability company, as to an undivided 25% interest, are the owners of the following parcel of property:

Parcel "Lot C" (hereafter "Lot C")

See Exhibit "F"

Situate in the County of Skagit, State of Washington.

Skagit County Assessor's Parcel Number P121953

C. KIERIN WILLIAM ANDERSON and SARAH ANDERSON, husband and wife, are the owners of the following parcel of property:

Parcel "Lot 6"  
See Exhibit "G"  
Situate in the County of Skagit, State of Washington  
Skagit County Assessor's Parcel Number P130148

D. The above-described parcels are contiguous.

E. The above-described parcels are subject to those certain easements contained on Boundary Line Adjustments recorded under Skagit County Auditor's File Numbers 200610020114, 200610160102, 200612200173, 200708080107, and on City of Anacortes Short Plat No. ANA-08-001 recorded under Skagit County Auditor's File No. 201001200001, which easements provide for ingress, egress and utilities (collectively the "Easements").

F. The parties wish to terminate and replace said Easements with a newly described easement as is provided in this Amendment.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein as though fully set forth herein, the mutual promises and covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which consideration is hereby acknowledged, the parties covenant and agree as follows:

#### **AMENDMENT**

1. The Easements for ingress, egress and utilities as previously shown on Boundary Line Adjustments recorded under Skagit County Auditor's File Numbers 200610020114, 200610160102, 200612200173, 200708080107 and on City of Anacortes Short Plat No. ANA-08-001 recorded under Skagit County Auditor's File No. 201001200001 are hereby terminated and Grantors hereby convey to Grantees a newly described easement as follows:

#### **Revised Easement**

An easement for ingress, egress and utilities over, under and across portions of Lot C, Marine Point Short Plat No. ANA-04-009 approved August 19, 2004 and recorded August 25, 2004 under Skagit County Auditor's File No. 200408250062, portions of Lots 4, 5 and 6, City of Anacortes Short Plat No. ANA-08-001 approved December 21, 2009 and recorded January 20, 2010 under Skagit County Auditor's File No. 201001200001 and also being within portions of Lots 67, 68 and 69, "Anaco Beach, Skagit County, Washington", as per plat recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington, also being a

portion of the Southeast 1/4 of Section 27, Township 35 North, Range 1 East, W.M., being more particularly described as follows:

BEGINNING at the Southeast corner of Lot C of that certain Boundary Line Adjustment map recorded under Skagit County Auditor's File No. 200708080107;  
thence North 8°11'00" East along the East line of said Lot C or East line extended (also being the Westerly right-of-way margin of Marine Drive) for a distance of 100.95 feet, more or less, to an angle point on said Westerly right-of-way margin, also being an angle point on the Easterly line of said Lot 6, City of Anacortes Short Plat No. ANA-08-001;  
thence North 57°58'13" West for a distance of 32.44 feet;  
thence North 1°52'16" East for a distance of 7.35 feet to a point of curvature;  
thence along the arc of said curve to the left, concave to the South, having a radius of 55.00 feet, through a central angle of 198°12'03" an arc distance of 190.26 feet to a point on a non-tangent curve;  
thence along said curve to the left, concave to the Southeast, having an initial tangent bearing of South 70°31'06" West, a radius of 128.57 feet, through a central angle of 53°23'22" an arc distance of 119.80 feet;  
thence South 79°34'50" East for a distance of 25.00 feet;  
thence North 38°11'46" East for a distance of 46.46 feet;  
thence North 56°41'46" East for a distance of 29.50 feet to a point of curvature;  
thence along the arc of said curve to the right, concave to the Southeast, having a radius of 50.00 feet, through a central angle of 50°10'02", an arc distance of 43.78 feet, to a point of reverse curvature;  
thence along the arc of said curve to the left, concave to the North, having a radius of 30.00 feet, through a central angle of 38°37'46" an arc distance of 20.23 feet, to a point of reverse curvature;  
thence along the arc of said curve to the right, concave to the Southwest, having a radius of 40.00 feet, through a central angle of 82°17'51", an arc distance of 57.45 feet to a point of compound curvature;  
thence along the arc of said curve to the right, concave to the Southwest, having a radius of 98.00 feet, through a central angle of 39°23'12", an arc distance of 67.37 feet to the POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

2. This Revised Easement is for the non-exclusive mutually beneficial use of those certain properties identified by Skagit County Assessor's Parcel Numbers P-119973, (Lot 1 Boundary Line Adjustment), P-125346 (Lot 2 Boundary Line Adjustment), P-61871 (Lot 3 Boundary Line Adjustment), P-123273 (Lot 4 Short Plat No. ANA-08-001), P-130147 (Lot 5 Short Plat No. ANA-08-001), P-130148 (Lot 6 Short Plat No. ANA-08-001), and P-121953 Lot C (Lot C of Boundary Line Adjustment also part of Lot C of Marine Point Short Plat No. ANA-04-009)

General Provisions:

1. The benefits, burdens, and covenants of the Easement modified herein shall be deemed to be appurtenant to and shall constitute a covenant and encumbrance running with the land and bind the Grantors' and Grantees' property and their respective heirs, successors and assigns, and all persons possessing any of said property by, through, or under the parties hereto, or their respective heirs, successors or assigns.

2. This Amendment shall be construed and governed by the laws of the State of Washington.

3. The invalidity or unenforceability of any provision hereof shall not affect or impair any other provisions hereof.

Dated this 22nd day of September, 2015.

GRANTORS:

PADILLA HEIGHTS PROPERTIES,  
LLC, a Washington limited liability  
Company

By Michael J. Spink  
MICHAEL J. SPINK  
Its Manager

KIERIN WILLIAM ANDERSON

GAYLE GILDNES, Trustee of the  
OLAF A. GILDNES RESIDUARY  
TRUST u/w/d March 22, 1994

By Gayle Gildnes  
GAYLE GILDNES, Trustee

SARAH ANDERSON

GRANTEES:

PADILLA HEIGHTS PROPERTIES,  
LLC, a Washington limited liability  
Company

GAYLE GILDNES, Trustee of the  
OLAF A. GILDNES RESIDUARY  
TRUST u/w/d March 22, 1994

By



MICHAEL J. SPINK

Its Manager

By



GAYLE GILDNES, Trustee

  
KIERIN WILLIAM ANDERSON  
SARAH ANDERSON

*(acknowledgements follow)*

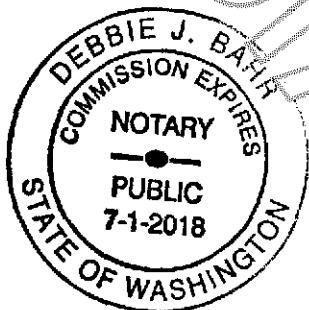
STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that MICHAEL J. SPINK is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of PADILLA HEIGHTS PROPERTIES, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 22<sup>nd</sup> day of September, 2015.



Print Name: Debbie J. Bahr

Notary Public

My appointment expires: 7-1-2018

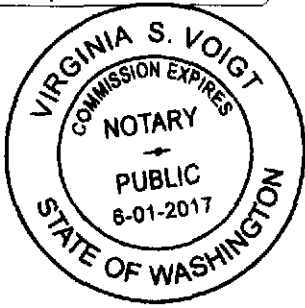
STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that GAYLE GILDNES is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Trustee of the OLAF A. GILDNES RESIDUARY TRUST u/w/d March 22, 1994, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 22<sup>nd</sup> day of September, 2015.



Print Name: Virginia S. Voigt

Notary Public

My appointment expires: 6/1/17

STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that KIERIN WILLIAM ANDERSON is the person who appeared before me and said person 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: October 4<sup>th</sup>, 2015.

SANDRA W. DAVIDSON  
Notary Public  
State of Washington  
My Commission Expires  
November 01, 2016

Sandra Davidson  
Print Name: SANDRA DAVIDSON  
Notary Public  
My appointment expires: NOV 1, 2016

STATE OF WASHINGTON

COUNTY OF SKAGIT

SS.

I certify that I know or have satisfactory evidence that SARAH ANDERSON is the person who appeared before me and said person 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: October 4<sup>th</sup>, 2015.

SANDRA W. DAVIDSON  
Notary Public  
State of Washington  
My Commission Expires  
November 01, 2016

Sandra Davidson  
Print Name: SANDRA DAVIDSON  
Notary Public  
My appointment expires: NOV 1, 2016



**Exhibit "A"**  
**Padilla Heights Properties, LLC**  
**Parcel "Lot 1"**  
**(Skagit County Assessor's Parcel Number P-119973)**

Lot 1, Survey recorded December 20, 2006, under Skagit County Auditor's File No. 200612200173, more particularly described as follows:

BEGINNING at the most Southerly corner of Lot 2 of Boundary Line Adjustment recorded under Auditor's File No. 200403020078, records of Skagit County, Washington; thence North  $57^{\circ}52'27''$  West a distance of 131.03 feet along the Northerly line of Anaco Beach Road;  
thence along a curve to the right having a radius of 50.00 feet, length of 44.66 feet, and a delta angle of  $51^{\circ}10'43''$ ;  
thence North  $44^{\circ}02'01''$  East a distance of 27.16 feet along the Easterly line of Marine Drive;  
thence South  $79^{\circ}34'50''$  East a distance of 176.93 feet;  
thence South  $32^{\circ}07'33''$  West a distance of 110.67 feet to the Northerly line of Anaco Beach Road and the POINT OF BEGINNING.

Being a portion of Lots 67 and 68, "Anaco Beach, Skagit County, Washington," as per plat recorded in Volume 5 of Plats, page 4, records of Skagit County, Washington, lying within the Southeast 1/4 of Section 27, Township 35 North, Range 1 East, W.M.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "B"**  
**Padilla Heights Properties, LLC**  
**Parcel "Lot 2"**  
**(Skagit County Assessor's Parcel Number P-125346)**

Those portions of Lots 67, 68 and 69, "Anaco Beach", in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

Lot 2 of Survey under Auditor's File No. 200610020114:

BEGINNING at the most Southerly corner of Lot 2 of Boundary Line Adjustment recorded under Auditor's File No. 200403020078, records of Skagit County, Washington; thence North 32°07'33" East a distance of 110.67 feet to the POINT OF BEGINNING; thence North 79°34'50" West a distance of 176.93 feet to the Easterly line of Marine Drive; thence North 44°02'01" East a distance of 117.92 feet to the Easterly line of Marine Drive; thence South 57°58'11" East a distance of 136.62 feet; thence South 28°13'01" West a distance of 50.29 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "C"**  
**Padilla Heights Properties, LLC**  
**Parcel "Lot 3"**  
**(Skagit County Assessor's Parcel Number P-61871)**

Those portions of Lots 67, 68 and 69, "Anaco Beach", in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

Lot 3 of Survey under Auditor's File No. 200610020114:

BEGINNING at the most Southerly corner of Lot 2 of Boundary Line Adjustment recorded under Auditor's File No. 200403020078, records of Skagit County, Washington;  
thence North  $32^{\circ}07'33''$  East a distance of 110.67 feet;  
thence North  $28^{\circ}13'01''$  East a distance of 50.29 feet to the POINT OF BEGINNING;  
thence North  $57^{\circ}58'11''$  West a distance of 136.62 feet to the Easterly line of Marine Drive;  
thence North  $44^{\circ}02'01''$  East a distance of 81.79 feet along the Easterly line of Marine Drive;  
thence South  $57^{\circ}58'11''$  East a distance of 114.28 feet;  
thence South  $28^{\circ}13'01''$  West a distance of 80.18 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "D"**  
**Padilla Heights Properties, LLC**  
**Parcel "Lot 4"**  
**(Skagit County Assessor's Parcel Number P-123273)**

That portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

Lot 4 of City of Anacortes Short Plat number ANA 08-001, approved December 21, 2009 and recorded January 20, 2010 under Auditor's File Number 201001200001, being a portion of Lot 4 of that survey recorded under Auditor's File Number 200610020114 being located within a portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "E"**  
**Padilla Heights Properties, LLC**  
**Parcel "Lot 5"**  
**(Skagit County Assessor's Parcel Number P-130147)**

That portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

Lot 5 of City of Anacortes Short Plat number ANA 08-001, approved December 21, 2009 and recorded January 20, 2010 under Auditor's File Number 201001200001, being a portion of Lot 4 of that survey recorded under Auditor's File Number 200610020114 being located within a portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "F"**  
**Gayle Gildnes, Trustee of the Olaf A. Gildnes Residuary Trust,**  
**UWD March 22, 1994 as to 75% and**  
**Padilla Heights Properties, LLC as to 25%**  
**Parcel "Lot C"**  
**(Skagit County Assessor's Parcel Number P-121953)**

That portion of the Marine Point Short Plat No. ANA-04-009, approved August 20, 2004, recorded August 25, 2004 under Auditor's File No. 200408250062, being a portion of Lots 67 and 68, "Anaco Beach", in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

BEGINNING at the most Westerly corner of Lot A of the Marine Point Short Plat as recorded under Auditor's File No. 200408250062, records of Skagit County, Washington;  
thence North 32°07'33" East a distance of 110.67 feet to the POINT OF BEGINNING;  
thence North 79°34'50" West a distance of 47.43 feet;  
thence North 34°15'18" East a distance of 67.60 feet;  
thence North 61°39'42" East a distance of 69.01 feet;  
thence South 57°58'11" East, a distance of 71.09 feet;  
thence South 81°49'00" East a distance of 31.33 feet to the Westerly line of Marine Drive;  
thence South 08°11'00" West a distance of 70.95 feet along said Westerly line;  
thence North 75°00'51" West a distance of 128.07 feet;  
thence South 28°13'01" West a distance of 20.44 feet to the POINT OF BEGINNING.

Also known as Lot C of Survey recorded August 8, 2007, under Skagit County Auditor's File No. 200708080107.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**Exhibit "G"**  
**Kierin William Anderson and Sarah Anderson**  
**Parcel "Lot 6"**  
**(Skagit County Assessor's Parcel Number P-130148)**

That portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington, described as follows:

Lot 6 of City of Anacortes Short Plat number ANA 08-001, approved December 21, 2009 and recorded January 20, 2010 under Auditor's File Number 201001200001, being a portion of Lot 4 of that survey recorded under Auditor's File Number 200610020114 being located within a portion of Lots 67, 68 and 69, "ANACO BEACH," in Volume 5 of Plats, page 4, records of Skagit County, Washington.

SUBJECT TO AND TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the City of Anacortes, County of Skagit, State of Washington.