



201602170044

Skagit County Auditor

\$78.00

2/17/2016 Page

1 of

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Return to:
Jack Wallace
PO Box 569
Burlington, WA 98233

SETBACK EASEMENT

Grantor: **G&D Wallace, Inc.**
Grantee: **HET Investments, LLC**
Legal Description: **Lot 4 SP# 94-032; Ptn SE ¼ SW ¼, 13-35-3 EWM**
Additional legal descriptions on Exhibit "A"
Tax Parcel Number: (HET Parcel) **P96195**
(Wallace Parcel) **P34256**

THIS Easement Agreement is entered into by and between G&D Wallace, Inc., a Washington corporation ("Wallace") and HET Investments, LLC, a Washington limited liability company and Eric Thompson and Heather ~~Thomson~~, husband and wife (collectively "HET"). *Thompson*

Recitals:

- A. HET is the owner of Skagit County parcel #96195 located at 17483 Sam Bell Road and legally described on Exhibit "A" (the "HET Parcel"). Wallace is the owner of Skagit County parcel #34256 located at 17417 Sam Bell Road and legally described on Exhibit "A" (the "Wallace Parcel"). HET wants to construct a building 30 feet from the rear boundary of the HET Parcel which abuts the front of the Wallace Parcel. See Site Map attached as Exhibit "B."
- B. The Skagit County Codes requires a 35 foot rear yard setback. Section 14.16.810(5) of the Skagit County Code provides an exception from the rear setback requirement if an easement is provided along the front lot line of the abutting lot, sufficient to leave the minimum required building separation of 35 feet.
- C. Wallace has agreed to grant a setback easement to HET according to the terms and conditions provided herein.

NOW THEREFORE, the parties agree as follows:

1. Wallace hereby grants to HET a setback easement over the south 5 feet of the Wallace Parcel where it abuts the north boundary of the HET Parcel, as shown on the sketch attached as Exhibit "B" (herein called the "easement area"), solely for the purpose of satisfying HET's rear yard setback requirement under the Skagit County Code so that HET can build 30 feet from its north boundary. Wallace covenants not to build any structure in the easement area and agrees that all future setbacks will be measured from the easement lines rather than the property lines adjacent to this easement.

2. HET hereby waives any and all claims of adverse possession or prescriptive easement that it may have against Wallace or the Wallace Parcel arising out of its use or possession of the HET Parcel or the Wallace Parcel, or any such use or possession by any predecessor in title of the HET Parcel. Furthermore, HET covenants and agrees that any future possession or use of the Wallace Parcel shall be deemed permissive and not adverse.

3. **Excise Tax.** No monetary consideration shall be paid for this easement. Accordingly, no excise tax is or shall be due

Grantor: G&D Wallace, Inc.

Date: 2/11/16

By [Signature]
Jack R Wallace, Its Secretary

Grantee: HET Investments, LLC

Date: 2/11/16

By [Signature]
Eric Thompson, member, and individually

Grantee: HET Investments, LLC

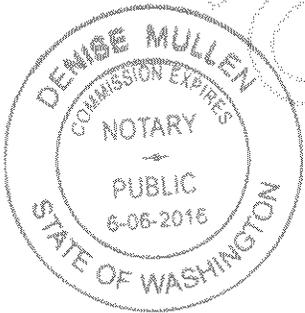
Date: 2/11/16

By [Signature]
Heather Thompson, member, and individually

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that JACK R. WALLACE 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 Secretary of G & D WALLACE, INC., a Washington Corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: February 11, 2016.



Notary Public

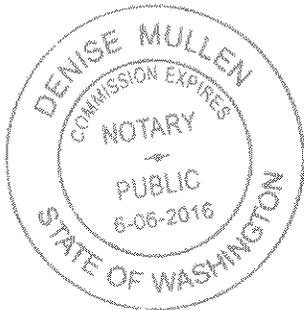
Denise Mullen
(Print or Type Name of Notary)

My Appointment Expires: 6-6-2016

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Eric Thompson 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 individually and as a member of HET Investments, 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.

DATED: February 11, 2016.



Notary Public

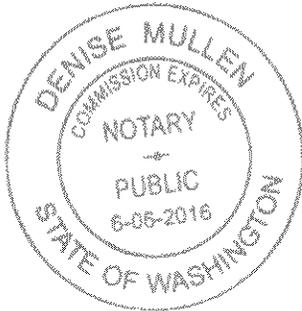
Denise Mullen
(Print or Type Name of Notary)

My Appointment Expires: 6-6-2016

STATE OF WASHINGTON)
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Heather Thompson 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 individually and as a member of HET Investments, 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.

DATED: February 11, 2016.



Notary Public

Denise Mullen
(Print or Type Name of Notary)

My Appointment Expires: 6-6-2016

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

FEB 17 2016

Amount Paid \$
Skagit Co. Treasurer
By MF Deputy

**EXHIBIT A
LEGAL DESCRIPTIONS**

HET Parcel

Lot 4, Short Plat No. 94-032, approved November 14, 1994, recorded December 5, 1994 in Volume 11 of Short Plats, page 152, under Auditor's File No. 9412050001, and being a portion of Lot 2, Skagit County Short Plat No. 23-88, approved June 7, 1988, recorded June 8, 1988, in Volume 8 of Short Plats, page 43, under Auditor's File No. 8806080061, also being a portion of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 13, Township 35 North, Range 3 East, W.M.

Situate in the County of Skagit, State of Washington.

Wallace Parcel

Lot 2, Skagit County Short Plat No. 94-32, approved November 14, 1994, recorded December 5, 1994, in Volume 11 of Short Plats, Page 152, under Auditor's File No. 9412050001, records of Skagit County, Washington, being a portion of the Southwest $\frac{1}{4}$ and Southeast $\frac{1}{4}$ of Section 13, Township 35 North, Range 3 East, W.M.

Situate in the County of Skagit, State of Washington.

END OF LEGAL DESCRIPTION

