



201604200060

Skagit County Auditor

\$131.00

4/20/2016 Page

1 of

9 1:48PM

WHEN RECORDED RETURN TO:

Catherine B. Anderson

330 NW 47th

Seattle, WA 98107

Chicago Title Insurance Company

425 Commercial Street, Mount Vernon, Washington 98273

620026816

DOCUMENT TITLE(s)

1. Lease Modification
- 2.
- 3.

REFERENCE NUMBER(s) OF DOCUMENTS ASSIGNED OR RELEASED:☐ Additional numbers on page _____ of the document

unrecorded Lease

GRANTOR(s):

1. Bureau of Indian Affairs

☐ Additional names on page _____ of the documentGRANTEE(s):

1. Joanne Kennerly and Eric Thompson

☐ Additional names on page _____ of the documentABBREVIATED LEGAL DESCRIPTION:

Lot 1 George Ogiladt

☐ Complete legal description is on page _____ of the documentASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER(s): P129597

☒ (sign only if applicable) I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Signature

This cover sheet is for the County Recorder's indexing purposes only.

The Recorder will rely on the information provided on the form and will not read the document to verify the accuracy or completeness of the indexing information provided herein.

FORM A
TAAMS Encoding Tracking Document
Bureau of Indian Affairs – Northwest Region

122FA-00992

ENCODING

1. Type of Contract:

- ☐ a. Leasing (Business, Housing, Agricultural, etc.)
- ☐ b. Range Permit
- ☐ c. Forestry
- ☐ d. Right of Way
- ☐ e. Minerals
- ☐ f. Revocable Permit

2. Agency assigned contract number: 122 2070650025 HS
(10 digits)

Type of transaction: 36 - MODIFICATION

Indicate number of tracts: 1 Total acres: 0.15

1. LTRO document record number: None

Indicate NONE, if not recorded in LTRO

Date recorded in LTRO: _____

4. Encoding performed by: Leora Circle Date: 9/08/2011

5. Attach comments/issues:

Superintendent Approval

J. Joseph

Date 9/9/11

LESSEES HAVE SIGNED TO ACCEPT THE NEW 253 INDEX LEASE MODIFICATIONS.

REVIEW, QUALITY ASSURANCE, APPROVAL, AND RECORDATION

1. Agency QA: *Stacy Hulse* Date: 9/9/11

2. Superintendent (or Designee): *J. Joseph* Date: 9/9/11

3. LTRO Recording: SCOTT BEAUVAIS Date: SEP 12 2011

4. LTRO Doc # of expired lease in TAAMS: _____ Date: _____

5. LTRO Date sent back to Agency coordinator _____ Date: _____

6. Agency tracking system update completed _____ Date: 9/16/2011 *JL*

DOCUMENT TRANSMITTAL MEMO

TO: Portland Title Plant

DATE: September 9, 2011

FROM: Puget Sound Agency – P10, NW Region

Please record the attached document and:

☒ **X** Return ☐ Other (Specify) _____
☐ Retain in title plant ☐ Create New Suffix/Partition

Reservation Code: 122 **Tract No:** 34-1

Type of Document (Code No.): 36 - Modification

Agency's File No. (If any): 122 2070650025 HS

X-Reference to Document No: _____
(Satisfaction, completion, cancellation, modification, assignment, etc.)

TRANSMITTAL ACKNOWLEDGEMENT

TO: PSA **DATE:** SEP 12 2011

FROM: Portland Title Plant

The document identified above has been recorded as number: Received

122-2070650025 **and is:** SEP 12 2011

☒ Returned herewith
☐ Retained
☐ Other – Specify _____

Northwest Title Plant

SCOTT BEAUVAIS

Authorized Signature

Remarks:

Date Recorded: SEP 12 2011

Annual Rent: \$9,500.00
AOS/Performance Bond: \$9,500.00
Administrative Fee: \$285.00

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

APR 20 2016

Amount Paid \$
Skagit Co. Treasurer
By *[Signature]* Deputy

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

LEASE MODIFICATION

Allotment: 122 34-1

Lease Number: 122 2070650025 HS

It is hereby agreed by and between Joanne Kennerly and Jack Hohmann, Lessee(s), and the George Oguiladt (Morris Dan) Waterfront Tracts Signatories, Allotment No. 122 34-1, Swinomish Indian Reservation, Lessors, that Lease Number 122 2070650025 HS covering Lot 1 of the George Oguiladt (Morris Dan) Waterfront Tracts, within Govt. Lot 1, Section 34, Township 34 North, Range 2 East, Willamette Meridian, Skagit County, Washington be modified for the following reasons:

To revise how and when the subject lease is adjusted, and to settle her administrative appeal.

The lease is modified as follows:

A. Lessors and Lessees acknowledge that Lessees agree to the following payment schedule:

1. Tenant shall pay annual rent through May 31, 2012 as follows:

Tenant shall immediately pay rent of \$3,200. The tenants owe the difference between \$9,500 and the amount paid on 08/16/2010 (\$6,300).

On August 15, 2011 tenants will pay the pro rata (of \$9,500) which is \$7,521.91. This amount covers the time period of August 15, 2010 through May 31, 2012.

2. Beginning June 1, 2015, the annual rental amount will be adjusted according to Provision 7.1 set out below. For the year 2012 and forward, the annual rent will be due on June 1st of each year.

3. Lessees request to remove the name of Jack Hohmann and add the name of Eric Thompson.

4. \$9,500 in annual rent shall be due June 1, 2012, June 1, 2013, and June 1, 2014.

5. Effective June 1, 2015, the annual rent shall be adjusted in accordance with the New Index Method.

Annual Rent: \$9,500.00
AOS/Performance Bond: \$9,500.00
Administrative Fee: \$285.00

7.1 Rental Adjustment. Rent shall be adjusted every fourth year starting on June 1, 2015, for the remaining term of this lease. Except for years 2023, 2035, and 2047, rent will be adjusted by increasing or decreasing the most recent annual rent by a percentage calculated as follows:

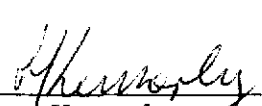
- a. The percentage change will be the median average percentage change over four years in the land portion of assessed value of the 253 waterfront and water view properties identified in the attached chart. The percentage change will be the difference between (i) the assessed land values for the 253 properties as of the most recent year in which the annual rent was set and (ii) the assessed land values for the 253 properties as of the year in which the adjustment is effective. For example, the adjustment effective on June 1, 2015, and will be based on the median percentage change in the assessed land values between the Tax years 2011 and 2015.

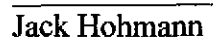
Skagit County's assessed Land Market values will be used to determine the percentage change in this process. Currently, the number of parcels used to calculate that percentage change is 253. Because of the potential changes to a parcel's status, the precise number of parcels used to determine the percentage change may vary slightly from year to year. If any of these parcels on the attached chart changes its use from residential it will be deleted from the chart. If any parcel is subdivided, it will be deleted from the chart for the next adjustment, but the newly created parcels will again be included on the chart as soon as Skagit County tax assessments based upon two successive physical inspections of each parcel are known.

7.2 Rental Adjustment. For the years 2023, 2035, and 2047, the Bureau of Indian Affairs will adjust the rent using an appraisal to determine fair annual rent of the leased lot. The appraiser shall follow the Uniform Standards of Professional Appraisal Practice (USPAP).


An Assignment of Savings or Surety Bond to cover the amount equal to one year of rent (\$9500.00) is also required. An additional option to the Assignment of Savings or Performance Bond is to acquire a CD (Cash Deposit) with a financial institution in your name and the name of the Bureau of Indian Affairs. This CD will have the same release requirements as the Assignment of Savings which must equal one year rental amount of \$9,500.

This modification does not change any terms, conditions, or stipulations, except as specifically set forth herein.

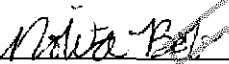

Joanne Kennerly
P.O. Box 1356
La Conner, Washington 98257



Jack Hohmann
P.O. Box 1356
La Conner, Washington 98257

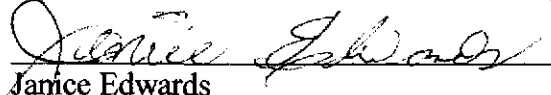
Annual Rent: \$9,500.00
AOS/Performance Bond: \$9,500.00
Administrative Fee: \$285.00

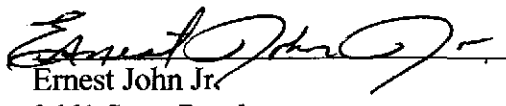

Eric Thompson
P.O. Box 1356
La Conner, Washington 98257


Trust Signatories:

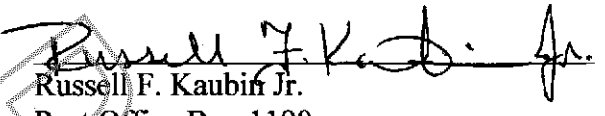

Nolita Bob
Post Box 617
La Conner, Washington 98257
Ownership Percentage: 0.0740740741


Francis M. Martin
Post Office Box 401
La Conner, Washington 98257
Ownership Percentage: 0.1666666667


Janice Edwards
Post Office Box 1444
Ferndale, Washington 98248
Ownership Percentage: 0.0740740741


Ernest John Jr.
2661 Scott Road
Bellingham, Washington 98226
Ownership Percentage: 0.0722222222


Maurine (Dan) Martin
Post Office Box 654
La Conner, Washington 98257
Ownership Percentage: 0.1666666667

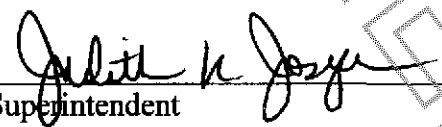

Russell F. Kaubin Jr.
Post Office Box 1190
Ferndale, Washington 98248-1190
Ownership Percentage: 0.0722222222

TOTAL PERCENTAGE: 0.624

The modification is hereby approved and declared to be made in accordance with the law and the rules and regulations prescribed by the Secretary of the Interior thereunder, and now in force.

Approved pursuant to 209 DM 8, 230 DM 1, 3 IAM 4, 4A and 25 CFR Part 162.

8-18-11
Date


Superintendent
Puget Sound Agency

Area	Pnumber
ShelterBay	P69080
ShelterBay	P69081
ShelterBay	P69082
ShelterBay	P69083
ShelterBay	P69084
ShelterBay	P69085
ShelterBay	P69086
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ShelterBay	P69124
ShelterBay	P69125
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W.Shore	P20589
W.Shore	P20590
W.Shore	P20591

Area	Pnumber
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W.Shore	P20812
W.Shore	P20814
W.Shore	P20815

Area	Pnumber
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W.Shore	P65267
W.Shore	P65268
W.Shore	P65269
W.Shore	P65270
W.Shore	P65271
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W.Shore	P69204
W.Shore	P69205
W.Shore	P69206
W.Shore	P69207
W.Shore	P69208
W.Shore	P69605
W.Shore	P69606

Area	Pnumber
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W.Shore	P69609
W.Shore	P69611
W.Shore	P69612
W.Shore	P69613
W.Shore	P69614
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W.Shore	P69675
W.Shore	P69676
W.Shore	P69678
W.Shore	P69679
W.Shore	P69680
W.Shore	P69681
W.Shore	P69683
W.Shore	P69685
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W.Shore	P70210
W.Shore	P70211
W.Shore	P70212
W.Shore	P70213
W.Shore	P70214

Area	Pnumber
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W.Shore	P70216
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W.Shore	P70234
W.Shore	P70235
W.Shore	P70236
W.Shore	P70237
W.Shore	P70239
W.Shore	P77681
W.Shore	P77682
W.Shore	P77683

Summary of Lease Modification Terms

Tenant(s), Joanne Kennerley, Jack Hohmann, of Lot 1 of Tract Dan, ^{Morris}
agree to modify their lease as follows:

1. The rental adjustment provision(s) shall be changed to the New Index Method, as described on the attachment provided to tenants at the meeting on May 3-4, 2011.

2. Tenants shall pay annual rent through May 31, 2012 as follows:

Immediately: Tenant(s) owe the difference
between \$9,500.00 and the amount
paid on August 15, 2010.
On August 15, 2011, tenant(s) owe the pro rata
rate of \$9,500. This amount covers the time
period of August 15, 2011 through May 31, 2012.

3. \$ 9,500.00 in annual rent shall be due June 1, 2012, June 1, 2013, and June 1, 2014.

4. Effective June 1, 2015, the annual rent shall be adjusted in accordance with the New Index Method.

5. A formal lease modification document shall be prepared by the BIA and forwarded to tenants for their signatures. The lease modification shall be effective when signed by the tenants and the Indian landowners, and approved by the BIA Superintendent.

Dated 5/26/11

Joanne Kennerley
Signature(s)

Jack Hohmann



Signature indicates acceptance of settlement terms
as explained in May 26, 2011 letter.

Joanne Kennerley
P.O. Box 1356
La Conner, Wa 98257

Bureau of Indian Affairs
Puget Sound Agency
2707 Colby Ave
Suite 1101
Everette Wa 98201

RE Lot 1 of the Morris Dan Tract. lease # 1222070650025

To whom it may concern

This is to request a name change on the above lease as follows:

1. Joanne Kennerley (formerly Joanne Hohmann) to remain on the lease.
2. Jack Hohmann to be removed from the lease.
3. Eric Thompson to be added to the lease.

Thank you


Joanne Kennerley


Jack Hohmann


Eric Thompson