

When recorded return to:  
Chicago Title  
425 Commercial  
Mount Vernon, WA 98273



201605100048

Skagit County Auditor

\$202.00

5/10/2016 Page

1 of

7 11:50AM

Filed for record at the request of:



CHICAGO TITLE  
COMPANY OF WASHINGTON

425 Commercial St  
Mount Vernon, WA 98273

Escrow No.: 620026779

CHICAGO TITLE  
620026779

**DOCUMENT TITLE(S)**

Assignment and Modification of Lease

**REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:** \_\_\_\_\_

Additional reference numbers on page \_\_\_\_\_ of document

**GRANTOR(S)**

Bureau of Indian Affairs and Carmella Cuccia

☐ Additional names on page \_\_\_\_\_ of document

**GRANTEE(S)**

Isabella McPeak

☐ Additional names on page \_\_\_\_\_ of document

**ABBREVIATED LEGAL DESCRIPTION**

Lot(s): Ptn 47 COBAHUD WATERFRONT TRACTS

Complete legal description is on page 2 of document

**TAX PARCEL NUMBER(S)**

P129624 / 5103-000-047-0000

Additional Tax Accounts are on page \_\_\_\_\_ of document

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

"I am signing below and paying an additional \$50 recording fee (as provided in RCW 36.18.010 and referred to as an emergency nonstandard document), because this document does not meet margin and formatting requirements. Furthermore, I hereby understand that the recording process may cover up or otherwise obscure some part of the text of the original document as a result of this request."

Signature of Requesting Party

Note to submitter: Do not sign above nor pay additional \$50 fee if the document meets margin/formatting requirements

20161821  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

MAY 10 2016

Amount Paid \$ 875.42  
By Skagit Co. Treasurer  
Deputy

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

**ASSIGNMENT AND MODIFICATION OF LEASE**

Allotment: 122 39 Cobahud

Lease Number: 122 2077860443 HS

It is hereby agreed by and between Carmella Cuccia of 17814 Nanna Lane, La Conner, Washington 98257 The Lessee(s) of Lot 47 of the Cobahud Waterfront Tracts 122 39, recorded plat on file with the Bureau of Indian Affairs, Government Lot 4, Section 34, Township 34 North, Range 2 East, Willamette Meridian, Skagit County, Washington on the Swinomish Reservation after having first been duly sworn according to law states that the lease in question was drawn to expire June 30, 2043, be assigned and modified as for the following reasons:

To assign the lease to the buyers: **Isabella McPeak of 117 E. Louisa St Ste 374 Seattle, Washington 98102**

The above-named assignee hereby accepts this assignment and agrees to fulfill all obligations, conditions and stipulations contained in said lease. The Seller warrants that the lease is in good standing and all associated taxes on personal property (the improvement) are paid in full. Seller also warrants that they will transfer Title to the improvements located on the property in an appropriate manner at the County of Record by Bill of Sale or other recorded documents. All the parties agree there is an agreement or understanding on any unpaid Utility Assessment.

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

1. The lease is now paid to the date of June 30, 2015. The annual rent remains due for the July 1, 2015 in the amount \$7,620.00 + \$10 Tideland for the rental period of July 1, 2015 thru June 30, 2016. On April 22, 2016 there will be \$1,221.29 of late pay charges due. The parties agreed to pay at their closing date of April 22, 2016.
2. Beginning June 1, 2019, the annual rental amount will be adjusted according to Provision 7 (a) set out below.
3. A modification of lease is to extend the lease ten (10) additional years to meet the buyers financing. **The new expiration date is May 31, 2053.**

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, 2047, and 2059 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, 2047, and 2059 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).

Add the following provision to the Lease Number 122 2077860443 HS.

## SECTION 16

16.1 Lessee has access to Tribal tidelands subject to Swinomish Tribal Code 23, Tribal Tidelands, which can be found at <http://www.swinomish-nsn.gov/government/tribal-code.aspx>. Under this code, tidelands adjacent to the Pull & Be Damned area (Ray Paul Waterfront Tracts, Cobahud Waterfront Tracts, Capet Zalsiluce Waterfront Tracts, Dr. Joe Waterfront Tracts I and II) are identified as Zone H, and open to recreational uses by any person with lawful access.

Lease Requirement per Provision 14 Bonds.

An Assignment of Savings or Surety Bond to cover the amount equal to one year of rent (\$6,341.00) 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 \$6,341.

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

Annual Rent: \$7,620.00 + \$10.00 Tideland  
AOS/Performance Bond: \$7,620

**Buyer:**



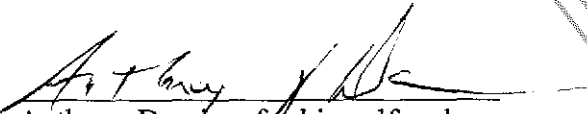
Isabella McPeak  
117 E. Louisa St Ste 374  
Seattle, Washington 98102

**Seller:**




Carmella Cuccia  
17814 Nanna Lane  
La Conner, Washington 98257

**Allotment 122 39 Cobahud Waterfront -Trust Signatories:**

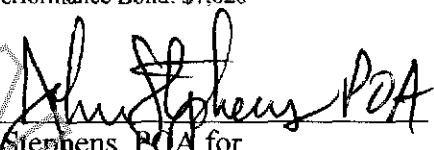


Anthony Damien, for himself and  
Shaun M. Damien, Walter Damien,  
Bertha W. Dan Jr., Ernestine (Bobb)  
Helbrick and Alma Damien  
4247 Morning Glory Road  
Colorado Springs, CO 80920  
(719) 282-0103  
*Ownership Represented 0.0962962962*




Helen Lewis, for herself and  
Brent Bob, Adrienne Terece Scates Hunter,  
Juliette D Scates, Tina Lawrence, Sandra  
Washington, Roni P Scates, Steven LaPointe  
Lawney C. LaPointe and Frances E. Bob  
2085 Lummi Shore Road  
Bellingham, Washington 98226  
(360)758-2255  
*Ownership represented: 0.1486111112*

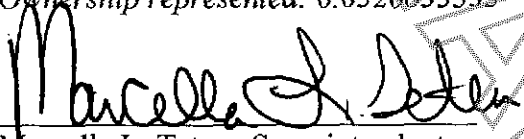
Annual Rent: \$7,620.00 + \$10.00 Tideland  
AOS/Performance Bond: \$7,620

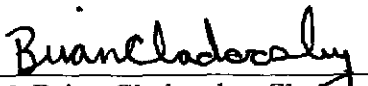
  
John Stephens, POA for  
Ethel Marie Barber  
17337 Reservation Road  
La Conner, Washington 98257  
(360) 466-7216

*Ownership represented: 0.1444444444*

  
Jennie A. Nguyen, for herself and  
Ivan C. Willup Jr., Ivan C. Willup Sr.,  
and Brenda S. Bobb  
1811 N 35<sup>th</sup> Street  
Mount Vernon, Washington 98273  
(360) 202-2557

*Ownership represented: 0.0520833333*

  
Marcella L. Teters, Superintendent  
*Estate of Joseph T Sias, Erol Olsen, and Guardianship of  
Lummi Member*  
Bureau of Indian Affairs  
Puget Sound Agency  
2707 Colby Avenue Suite 1101  
Everett, Washington 98201  
(425) 258-2651, ext. 231  
Per 25 CFR 162.601  
*Ownership represented: 0.0708333333*

  
M. Brian Cladoosby, Chairman  
For the Swinomish Indian Tribal Community  
950 Moorage Way  
La Conner, WA 98257

***For Ownership Percentage 0.0693672840***

Annual Rent: \$7,620.00 + \$10.00 Tideland  
AOS/Performance Bond: \$7,620

The assignment and modification of lease 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 and Subpart C Residential Leasing.

5/9/2016  
Date

Marcella Deiter  
Superintendent  
Puget Sound Agency

Area	Pnumber
ShelterBay	P69080
ShelterBay	P69081
ShelterBay	P69082
ShelterBay	P69083
ShelterBay	P69084
ShelterBay	P69085
ShelterBay	P69086
ShelterBay	P69087
ShelterBay	P69089
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ShelterBay	P69125
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Area	Pnumber
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Area	Pnumber
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