



201611150053

Skagit County Auditor

\$77.00

11/15/2016 Page

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5 11:26AM

**WHEN RECORDED RETURN TO:**

Land Title and Escrow Company

*Burlington*

**DOCUMENT TITLE(S):**  
**NOVATION AGREEMENT**

**REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:**  
201312100022

**GRANTORS:**

DAVID SCHIMKE and VIKI SCHIMKE, husband and wife  
DAVID VON ALLMEN, an unmarried person

*Land Title and Escrow*

*#155659-*

**GRANTEE:**

TAYLOR SHELLFISH COMPANY, INC., a Washington corporation

*Se*

**ABBREVIATED LEGAL DESCRIPTION:**

Ptn 2nd & 3rd Class Tidelands, 25 & 36-36-2 E & Lots 8,9 & 10, Tr. 1, Samish Island Oyster Land Trs.

**TAX PARCEL NUMBER(S):**

360225-0-104-1002, P131757, 360225-0-105-0001, P47067, 360225-0-106-0000, P47068, 360225-0-119-0005, P47081, 360236-0-021-0009, P47466, 3851-300-001-0205, P61563

**Return Address:**

DAVID VON ALLMEN

P.O. BOX 314

BOW, WA 98232

**Grantor:** SCHIMKE, DAVID/VIKI; VON ALLMEN, DAVID

**Grantee:** TAYLOR SHELLFISH COMPANY, INC.

**Legal Description (Abbreviated):**

**Assessor's Tax Parcel ID#:**

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**NOVATION AGREEMENT**

This Agreement is made this 9<sup>th</sup> day of November 2016, between David Schimke and Viki Schimke, husband and wife, hereinafter referred to as **Schimke** (original Maker on Note), and David Von Allmen, an unmarried person, hereinafter referred to as **Allmen** (the Holder of the Note), and Taylor Shellfish Company, Inc., a Washington corporation, hereinafter referred to as **Taylor**, and the New Maker on the Note, further described below.

WHEREAS their currently exists a Promissory Note, dated December \_\_\_\_\_, 2013 (referred to as the Note), with **Schimke** as the Maker on the Note, and **Allmen** as the Holder on the Note which has a current balance of \$ 1,572,313.08 as of November 11, 2016;

WHEREAS the Note is secured by a Deed of Trust dated December 6<sup>th</sup>, 2013 which was recorded on December 10, 2013, Auditor's File No. 201312100022, records of Skagit County, Washington.

WHEREAS **Schimke** desires to be released from all present and future obligations under said Note and the Deed of Trust.

WHEREAS **Taylor** desires to assume all of the remaining balance due on the Note, and be responsible for the terms, conditions, covenants and promises of the Deed of Trust which secures the Note.

WHEREAS **Von Allmen** is willing to release **Schimke** under their obligations

NOW, THEREFORE, **Taylor** hereby agrees to assume all of the outstanding obligations of the Note and as the New Maker under the terms and conditions of the Note, and the terms, conditions, covenants and promises of and as the Grantor on the Deed of Trust. In consideration of **Taylor** agreeing to assume all of the Note and Deed of Trust obligations, **Von Allmen** hereby completely and unconditionally releases **Schimke** from all present and future obligations on the Note and the Deed of Trust, and agrees to a complete substitution with novation whereby **Taylor** shall be solely responsible for all present and future Note obligations set forth herein;

**Von Allmen** understands that when this Novation Agreement is signed by all parties, **Shimke** shall have no further obligations under the terms and conditions of the Note and the terms, conditions, covenants and promises of the Deed of Trust.

Taylor agrees to pay the regular monthly payments on the Note of not less than \$ 10,000.00, and assume all of the outstanding obligations as the New Maker on the Promissory Note as of November 11, 2016. Taylor is aware the monthly payments are due on the 1st day of each and every month, with the next monthly payment being due December 1, 2016.

David Schimke  
David Schimke

Viki Schimke

On this 9 day of November, 2016, before me personally appeared David Schimke

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.

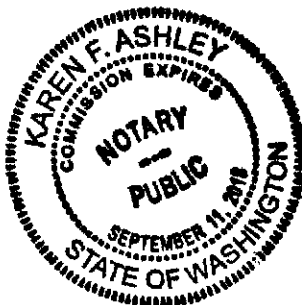


**New Maker (SUBSTITUTED) I agree with the terms of the original promissory note dated December 6th, 2013, all of which I have received, read, and agree to be bound by as the New Maker on the Note.**

By:

On this 14TH day of November, 2016, before me personally appeared Paul Taylor, to me known to be the EXECUTIVE\* of Taylor Shellfish Company, Inc., a Washington corporation, the Corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said Corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



Kauer Ashley  
Notary Public in and for the  
State of Washington  
Residing at SEDRO-WOOLLEY  
My commission expires: 9/11/2018

I hereby accept the Novation and Release of Schimke as a Maker and the addition of Taylor as the New Maker on the Note.

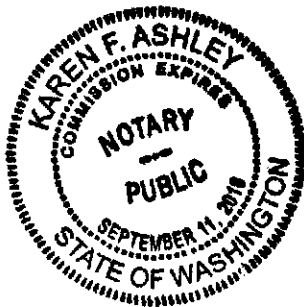
Holder:

David Von Allmen  
David Von Allmen

STATE OF WASHINGTON)  
COUNTY OF Skagit

On this 9<sup>th</sup> day of November, 2016 personally appeared before me David Von Allmen to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



Karen Ashley  
NOTARY PUBLIC in and for the State  
of Washington, residing at Sedro-Woolley  
My commission expires 9-11-2018