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Adelstein, Sharpe & Serka LLP  
P.O. Box 5158  
Bellingham, WA 98227-5158



Skagit County Auditor  
6/5/2017 Page

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\$77.00  
8:44AM

**DOCUMENT TITLE:**

**ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST  
NORTHBEACH COMMUNITY WATER ASSOCIATION, A WASHINGTON  
NON-PROFIT CORPORATION**

**REFERENCE NUMBER:**

**Not Applicable**

Additional numbers on page \_\_\_\_\_

**PLAINTIFF/GRANTORS:**

**EAST NORTHBEACH COMMUNITY WATER ASSOCIATION,  
A WASHINGTON NON-PROFIT CORPORATION**

Additional grantors can be found on page \_\_\_\_\_

**DEFENDANTS/GRANTEES:**

**DAVID F. ASHBACH AND GAYLE M. ASHBACH, HUSBAND AND WIFE  
AND THE MARITAL COMMUNITY THEREOF**

Additional grantees can be found on page \_\_\_\_\_

**ABBREVIATED LEGAL DESCRIPTION:**

(Lot, block, plat name OR; qtr/qtr, section, township & range OR; unit, building and condo. name)

**Lot 2 of Short Plat 93-047 recorded under AFN 9410070117**

Additional legal description can be found on page \_\_\_\_\_

**ASSESSOR'S 12-DIGIT PARCEL NUMBERS:**

**P105982**

Additional numbers can be found on page \_\_\_\_\_

2015 SEP 22 AM 9:07

1 I, \_\_\_\_\_, County Clerk of  
2 Skagit County, Washington, do hereby certify that this is a true and correct copy of the original  
3 filed on this date: 5-18-2017



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5 Deputy Clerk

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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAGIT**

EAST NORTHBEACH COMMUNITY  
WATER ASSOCIATION, a nonprofit  
corporation,

Plaintiff,

vs.

DAVID F. ASHBACH and GAYLE M.  
ASHBACH, husband and wife

Defendants.

NO. 14-2-01501-4

**ORDER AWARDING PARTIAL  
SUMMARY JUDGMENT TO  
PLAINTIFF EAST  
NORTHBEACH COMMUNITY  
WATER ASSOCIATION, A  
WASHINGTON NON-PROFIT  
CORPORATION**

**JUDGMENT SUMMARY**

1. Judgment creditor: East Northbeach Community Water Association, a Washington Non-Profit Corporation
2. Judgment debtor: David F. Ashbach and Gayle M. Ashbach, husband and wife
3. Principal judgment amount: \$ \_\_\_\_\_
4. Interest to date of judgment: \$ \_\_\_\_\_
5. Attorney's fees: \$ \_\_\_\_\_
6. Costs: \$ \_\_\_\_\_
7. Other recovery amounts: \$ \_\_\_\_\_
8. Principal judgment amount shall bear interest at 12% per annum
9. Attorneys for the judgment creditor: ADELSTEIN, SHARPE & SERKA, LLP
10. Attorney for the judgment debtors: T.R.G. Wolff, Attorney at Law (attorney for Defendant David F. Ashbach); and Brian C. Ashbach, Ashbach Law Offices, LLC (Attorney for Gayle M. Ashbach)

**ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST NORTHBEACH COMMUNITY WATER ASSOCIATION, A WASHINGTON NON-PROFIT CORPORATION**  
PAGE 1 OF 4

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TELEPHONE (360) 671-8568  
FAX (360) 647-5148 ■ WEBSITE WWW.ADELSTEIN.COM

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2           **THIS MATTER HAVING COME** before this Court on Motion and  
3 Declaration of East Northbeach Community Water Association, a Washington  
4 Non-Profit Corporation ("ENBWA") for partial Summary Judgment and ENBWA  
5 represented by the Law Firm of Adelstein, Sharpe & Serka, LLP, and the  
6 Defendant David F. Ashbach represented by T.R.G. Wolff, Attorney at Law and  
7 the Defendant Gayle M. Ashbach represented by Brian C. Ashbach of the  
8 Ashbach Law Offices, LLC.  
9

10           The subject matter of the Motion was to duly establish that the ENBWA  
11 retains a Water System Easement right to an existing well, pump house,  
12 appurtenances and water line together with the right to withdraw water from the  
13 well as created and dedicated to ENBWA on said Lot 2 of Short Plat 93-047  
14 recorded under Skagit County Auditor's File No. 9410070117, and to establish  
15 that ENBWA also benefits from a 100-foot well protection zone as depicted on  
16 said Short Plat 93-047 recorded under Skagit County Auditor's File No.  
17 9410070117.  
18

19           After reviewing the pleadings and the declarations of the parties, and after  
20 hearing oral argument,  
21

22           **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

- 23           1. Plaintiff East Northbeach Community Water Association's Motion for  
24 Partial Summary Judgment against Defendants David F. Ashbach and  
25 Gayle M. Ashbach, husband and wife, is hereby granted.  
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**ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST NORTHBEACH COMMUNITY WATER  
ASSOCIATION, A WASHINGTON NON-PROFIT CORPORATION  
PAGE 2 OF 4**

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2. East Northbeach Community Water Association retains a perpetual Water System Easement to an existing well, pump house, and waterline and the right to withdraw water thereto together with the right to access Defendants' property to maintain the well and pump house, and water line. Said easement is for the benefit of East Northbeach Community Water Association and the existing well, pump house, and water line are located within the area depicted as "Water System Easement" on Lot 2 of Short Plat 93-047 recorded under Auditor's File No. 9410070117, owned by the Defendants David F. Ashbach and Gayle M. Ashbach, husband and wife.
3. East Northbeach Community Water Association is a Beneficiary of a Well Site Pollution Control Easement/Covenant with a 100-foot radius around the existing well as depicted on Short Plat 93-047 and as also established by Restrictive Covenant recorded under Skagit County Auditor's File No. 9408220014 and as further reaffirmed by Restrictive Covenant signed by the Defendant David F. Ashbach, dated March 18, 1994.

22 DONE IN OPEN COURT this 15<sup>th</sup> day of September

23 2015

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George N. Bowden  
JUDGE GEORGE N. BOWDEN

ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST NORTHBEACH COMMUNITY WATER ASSOCIATION, A WASHINGTON NON-PROFIT CORPORATION  
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Presented by:

**ADELSTEIN, SHARPE & SERKA LLP**

By: (BY TELEPHONE)  
Phillip A. Serka, WSBA #6814  
of Attorneys for Plaintiff East Northbeach  
Community Water Association,  
a Washington Non-Profit Corporation

Approved for Entry, Copy Received:

**T.R.G. WOLFE, ATTORNEY AT LAW**

By: [Signature]  
T.R.G. Wolff, WSBA #1146  
Attorney for Defendant David F. Ashbach

**ASHBACH LAW OFFICES, LLC**

By: [Signature]  
Brian C. Ashbach, WSBA #39995  
Attorney for Defendant Gayle M. Ashbach

Return to: 2000 North Commercial Street, P.O. Box 5136, Bellingham, WA 98227-5136

**ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST NORTHBEACH COMMUNITY WATER  
ASSOCIATION, A WASHINGTON NON-PROFIT CORPORATION  
PAGE 4 OF 4**

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