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Skagit County Auditor
6/5/2017 Page

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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 _____

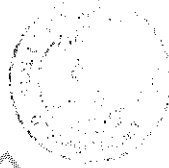
ASSESSOR'S 12-DIGIT PARCEL NUMBERS:

P105982

Additional numbers can be found on page _____

2015 SEP 22 AM 9:07

1 I, JAMES L. NORTON, Clerk of the Superior Court of
2 Washington County, do hereby certify that this is a true and correct copy of the original
3 filed on this date. Dated: 5-18-2017



4 JAMES L. NORTON, 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

ADELSTEIN, SHARPE & SERKA LLP
400 NORTH COMMERCIAL STREET • P.O. BOX 5156
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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.
26
27
28

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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1
2 2. East Northbeach Community Water Association retains a perpetual
3 Water System Easement to an existing well, pump house, and
4 waterline and the right to withdraw water thereto together with the right
5 to access Defendants' property to maintain the well and pump house,
6 and water line. Said easement is for the benefit of East Northbeach
7 Community Water Association and the existing well, pump house, and
8 water line are located within the area depicted as "Water System
9 Easement" on Lot 2 of Short Plat 93-047 recorded under Auditor's File
10 No. 9410070117, owned by the Defendants David F. Ashbach and
11 Gayle M. Ashbach, husband and wife.
12

13 3. East Northbeach Community Water Association is a Beneficiary of a
14 Well Site Pollution Control Easement/Covenant with a 100-foot radius
15 around the existing well as depicted on Short Plat 93-047 and as also
16 established by Restrictive Covenant recorded under Skagit County
17 Auditor's File No. 9408220014 and as further reaffirmed by Restrictive
18 Covenant signed by the Defendant David F. Ashbach, dated March 18,
19 1994.
20

21
22 DONE IN OPEN COURT this 15th day of September
23 2015.

24
25 George N. Bowden
26 JUDGE GEORGE N. BOWDEN
27

28 ORDER AWARDING PARTIAL SUMMARY JUDGMENT TO PLAINTIFF EAST NORTHBEACH COMMUNITY WATER
ASSOCIATION, A WASHINGTON NON-PROFIT CORPORATION
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2
3 Presented by:

4 **ADELSTEIN, SHARPE & SERKA LLP**

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

10 *Approved for Entry. Copy Received:*

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

12 By: 
13 **T.R.G. Wolff, WSBA #1146**
14 **Attorney for Defendant David F. Ashbach**

15 **ASHBACH LAW OFFICES, LLC**

16 By: 
17 **Brian C. Ashbach, WSBA #39995**
18 **Attorney for Defendant Gayle M. Ashbach**

19
20 Return to: 2000 1st Avenue, East Northbeach, Community Water Association, 1000 1st Avenue, SE, P.O. Box 5136, Bellingham, WA 98227-5136

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28 **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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