



201706080082

Skagit County Auditor

\$79.00

6/8/2017 Page

1 of

7 1:52PM

**AFTER RECORDING MAIL TO:**Name GUARDIAN NORTHWEST TITLE

Address \_\_\_\_\_

City / State \_\_\_\_\_

**Document Title(s):** (or transactions contained therein)

1. DECLARATION OF COUNSEL IN SUPPORT OF
2. ENTRY OF JUDGMENT
- 3.
- 4.

**Reference Number(s) of Documents assigned or released:**☐ Additional numbers on page \_\_\_\_\_ of document**Grantor(s):** (Last name first, then first name and initials)

1. CITY OF SEATTLE
- 2.
- 3.
- 4.

5. ☐ Additional names on page \_\_\_\_\_ of document**Grantee(s):** (Last name first, then first name and initials)

1. KERSHNER, RANDALL JAMES
- 2.
- 3.
- 4.

5. ☐ Additional names on page \_\_\_\_\_ of document**Abbreviated Legal Description as follows:** (i.e. lot/block/plat or section/township/range/quarter/quarter)☐ Complete legal description is on page \_\_\_\_\_ of document**Assessor's Property Tax Parcel / Account Number(s):**

**NOTE:** The auditor/recorder will rely on the information on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I, MAVIS E. BETZ, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 6-8-20



MAVIS E. BETZ, County Clerk

By: [Signature]  
Deputy Clerk

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2017 MAY -5 PM 1:24

**IN THE SUPERIOR COURT, STATE OF WASHINGTON, SKAGIT COUNTY**

CITY OF SEATTLE, a municipal corporation,

Plaintiff,

v.

RANDALL JAMES KERSHNER and  
JANE DOE KERSHNER, as individuals  
and their marital community, if any

Defendants.

No. 16-2-01342-5

DECLARATION OF COUNSEL IN  
SUPPORT OF ENTRY OF  
JUDGMENT FOLLOWING  
DEFAULT CONCERNING COSTS  
AND DAMAGES

The undersigned, under penalty of perjury of the laws of the State of Washington, does hereby declare the following statements to be true and accurate and complete, to the best of said declarant's personal knowledge and belief.

I am the attorney who has represented the Plaintiff in this matter. This declaration is made in support of the proposed judgment to be signed by the court *ex parte*, specifically the damages, fees and costs detailed in it.

The proposed judgment lists a principal amount of \$8100. My client commissioned an appraisal of the purloined timber involved in this case through a reputable timber appraisal concern, S.A. Newman, from Everett, Washington. This report is some 16 pages long. However

DECLARATION OF COUNSEL CONCERNING ENTRY OF  
JUDGMENT FOLLOWING ORDER OF DEFAULT

Law Office of Tom Seguin  
1023 South 3<sup>rd</sup> Street  
Mount Vernon, WA 98273  
(360) 755-1000

1 the report has a two page summary that is being attached hereto as Exhibit A. The timber  
2 appraisal puts the value of the lost timber at \$2700. According to the timber trespass statute,  
3 damages can be tripled. Therefore the amount placed in the judgment as the "principal amount"  
4 is three times the \$2700 or \$8100.

5 The costs in this matter have been \$622.50.

6 DATED this 5<sup>th</sup> day of May 2017, at Mount Vernon, Washington.

7  
8   
9 Tom Seguire, Declarant  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DECLARATION OF COUNSEL CONCERNING ENTRY OF  
JUDGMENT FOLLOWING ORDER OF DEFAULT

**Ex. A**

**Timber Appraisal Summary**

**S. A. NEWMAN FIRM**  
(Incorporated as S.A. Newman, Forest Engineers, Inc.)

Offices: 3216 Wetmore Avenue, Suite 205, Everett, WA 98201-4388  
Mail: P. O. Box 156, Everett WA 98206-0156  
Phone 425-258-4411; Facsimile 425-258-4435  
Web: [www.sanforest.com](http://www.sanforest.com)

January 8, 2016

Via email to: [Denise.Krownbell@seattle.gov](mailto:Denise.Krownbell@seattle.gov)

Ms. Denise Krownbell, Senior Environmental Analyst  
Environmental Affairs and Real Estate Division  
City of Seattle  
P. O. Box 34023  
Seattle, WA 98124

Re: Summary report of estimated value loss; tax parcel P63490

Dear Ms. Krownbell:

**Descriptive overview:** At your request, I have reviewed available information relevant in estimating the loss in value due to the cutting of a tree on tax parcel P63490 located in Section 23, Township 35 North, Range 10 East, W.M., Skagit County, Washington. The tree was witnessed as cut on November 27, 2015. The underlying lot is legally described as Lot 9 of Plat of Carefree Acres, Subdivision No. 1, recorded in Volume 8 of Plats at page 62 on December 16, 1963; aka Auditor's File No. 644847. Lot area totals approximately 14,080 square feet or 0.323+ acre [source: appraiser's calculation from dimensions of 1963 survey]. The northerly one-third of this lot appears to sit within the ordinary high water mark of the Skagit River based on the 2014 overhead aerial photo included in the addenda attached hereto. Frontage along the south side of the Skagit River extends for 83 feet. Lot 9 borders the north side of Pandora Circle road. Skagit County zones this and bordering lots as Secondary Forest. The City of Seattle purchased this lot as a unit with 27 other mostly bordering lots on August 2, 2010 by statutory warranty deed at a gross price of \$234,000 [Auditor's File No. 201008030065].

The tree cut is reported as being a Douglas fir; bole length of approximately 40 to 50 feet and averaging 14 to 16" dbh (diameter at breast height), in good condition. The tree potentially is, however, a western hemlock based on the photos included in the addenda to this report. A small but unidentified number of additional trees also are believed to exist on the property.

**Permitted users; function:** This summary report has been prepared for the sole and exclusive use of our firm's client Seattle City Light (SCL) and additional permitted users designated by SCL, including but not limited to its legal advisors and the Skagit County Sheriff's office.

UNCONFIRMED

The sole function of these services is to assist in establishing just compensation as part of a timber trespass or casualty loss, and for law enforcement reporting. These findings are *not* intended for use in establishing the value or price expected to be realized on resale or disposition of this or other trees or timber either before or after the cutting. This report shall not be relied upon by any other party or used for any other function without the express written consent of the undersigned.

**Scope of work.** Scope of work includes the following: collection of third party and other data re the tree cutting; research of property data relating to the lot from which the tree was cut; consideration of how the tree cutting affected the functionality and market appeal of the lot (which is relevant to the cost approach); and research of market cost guides customarily used by real estate appraisers in evaluating tree loss under a replacement/restoration cost method. This method projects the cost to establish vegetation with species of equivalent or superior utility, in terms of ornamental, buffer and other functional characteristics, all subject to the "unit" rule and appraisal principle of contribution. A "reproduction cost" to substitute vegetation that is an exact duplicate, or replica in terms of size and species to the original vegetation, is generally inapplicable. Scope of work does not presently include inspection of the lot by the undersigned or a self-contained analysis.

**Value/loss indication:** As a result of the investigation and analysis, my opinion of the *upper* parameter of potential loss in market value to this property under a replacement/restoration cost measure as of November 27, 2015 totals **Two Thousand Seven Hundred Dollars (\$2,700)**. A stumpage loss measure was found to be inapplicable.

As used herein:

(1) "**Market value**" means the most probable price that the specified property interest should sell for in a competitive market after a reasonable exposure time, as of a specified date, in cash, or in terms equivalent to cash, under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, for self-interest, and assuming that neither is under duress. Source: *The Dictionary of Real Estate Appraisal, 5<sup>th</sup> Edition*, Appraisal Institute 2010.

(2) "**Cost approach**" means a set of procedures through which a value indication is derived for the fee simple interest in a property, or the contribution of a component therein, by estimating the current cost to restore or replace that property or component, all subject to the "unit" rule and appraisal principle of contribution. Source: *The Dictionary of Real Estate Appraisal, Fifth edition*, Appraisal Institute 2010, p. 67 (adapted to reflect that the component at issue is not a structure).

(3) "**Fee simple estate**" means the absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. Source: *The Dictionary of Real Estate Appraisal, Fifth edition*, Appraisal Institute 2010, p. 78.

Please feel free to contact me at 425-259-4411 (fax 425 258-4435) if you have any questions. Thank you.

Respectfully,  
S. A. NEWMAN FIRM



Timothy D. Newman, MAI, CF  
Partner

WA State Certified-General Appraiser 1100684

Certification expires Feb. 27, 2017

Email: [tnewman@sanforest.com](mailto:tnewman@sanforest.com)

**Attachments (13 pp.):**

Certification of Appraiser

Skagit County Assessor data on parcel P63490 (2 pp.)

Statutory Warranty Deed d. August 2, 2010 – AF 201008030065 (4 pp.)

Reduced copy of Plat of Carefree Acres, Subdivision No. 1 (AF 644847)

Overhead Aerial Photo c. 2014

Skagit County tax parcel map of P63490 and neighboring parcels

On Ground Photos provided by representative of Seattle City Light (2 pp.)