

Return Address:

904 South 16th
Mount Vernon WA 98274



Skagit County Auditor \$76.00
6/23/2017 Page 1 of 4 2:27PM

Document Title:

Lien June 23, 2017

Reference Number (if applicable):

Grantor(s):

additional grantor names on page ___

- 1) Stephen Lotze
- 2) Mary Ellen Lotze

Grantee(s):

additional grantor names on page ___

- 1) Brenda Arnold
- 2)

Abbreviated Legal Description:

full legal on page(s) ___

LT 2 BLK 4
Broadway ADD ETAL
See attached legal

Assessor Parcel /Tax ID Number:

additional parcel numbers on page ___

P52399

Jr

This lien was made possible in part by the efforts of the present owners of 1612 East Broadway, and myself, the next door neighbor. I am very sorry to have to be doing this.

The present owners bought the house next door (1612 E. B'way) to renovate and sell. The contractors they hired did a beautiful job from the new roof down to the new sump pump. It looks great. With all of the beautiful work that was done, only one problem was created, and that problem directly and adversely affects me. (The problem was not the work of the head contractor, nor his employees.) But...problems beget solutions, solutions beget peace, and peace begets great next door neighbors. I feel the solution is the responsibility of the present owners, not me or the new owners to be.

The renovation placed about 70% of 1612's roof run off rain water onto my adjoining property. Two of the four new downspouts will be handling almost $\frac{3}{4}$ of the roof run off. Those two downspouts were positioned to empty out onto 1612's newly poured driveway, which was poured at an unusual angle that visually drops down and connects to my property. Granted, driveways are supposed to have a slight downward slope to them which allows run off water to flow naturally downward. That downward slope normally faces the street which empties the water into the storm drain. This new driveway, however, will send the water to two places that can be easily seen. One is to me. The other is to 1612's carport and garage, which will freeze come winter. Frozen water sitting atop a smooth finish sloped concrete slab can be slippery.

I have only had one estimate for correcting this situation, but can get another if need be. It is for about \$8000.00* which would reroute the downspouts and empty their water into a curtain drain which would then send the water to the street. That is what most all of us have up here on the hill. We also have sump pumps because we have a little stream which runs under our houses. We also have hard pan clay soil which likes to hold water for a long time. With all of these water issues up here, curtain drains are a good idea.

In defense of the present owners, I will say that they are nice and this had to have been an unfortunate oversight because this is exactly what he does as a profession. He owns On Level - which is a construction business that levels foundations and manufactured homes. Steve is in the business of making things right. His delightful wife also told me that he fills in sometimes as a minister at a local church in Burlington. Therefore, I do not think that something as erosive as a lot of water was intentionally directed to me, however it somehow was. Also, this was not the work of the head contractor who owns AV Construction. All of his work and that of his employees that renovated the house next door is quite impressive. AV Construction did not pour the driveway which sends 1612's run off to me. I would also like to say that Steve's wife, Mary Ellen, did say that they would redirect the downspouts off the driveway and onto the land a few inches from the drive. However, our hard pan clay will quickly fill and put the run off right back onto the driveway and back to square one. The city planner that came to evaluate

* or more if necessary, and repay Brenda costs of recording.

the issue was also quite helpful in suggesting that a drainage system of some sort would help. The city planner also said that if the new downspouts were placed where the old ones were, then the present owners would be in the right to keep them there. I did a Google maps search on 1612 East Broadway and found that the old downspouts faced the street, not my property. Also the old driveway did not slope down onto my property. I spoke to two land use attorneys who said they would work with me although I strongly prefer to resolve this with a simple curtain drain install and call it good.

A 'water damage and neighbor dispute' Google search names 3 causes for legal dispute.

1) Reasonable Use Law = neighbor altered their property to change water flow onto another property -

2) Common Enemy Rule = I do not think this one pertains to me

3) Civil Law Rule = sounds a lot like Reasonable Use Law - but I also qualify for this one I think.

x Brenda Arnold

Brenda Arnold

The amount of water erosion damage cannot be determined until the rain begins.
Brenda Arnold

WHEN RECORDED RETURN TO:

Name: Emergent Properties, Inc., a Washington Corporation
Address: 20781 West Jordan Road
Burlington, WA 98233



201609230003

Skagit County Auditor \$74.00
9/23/2016 Page 1 of 2 9:01AM

Exhibit A

Escrow Number: 707339RT
Filed for Record at Request of *Rainier Title, LLC*

Land Title and Escrow

**SPECIAL WARRANTY DEED
(Not Statutory)**

#155282-S

THE GRANTOR(S), Bank of America, National Association, for and in consideration of One Hundred Forty Seven Thousand Nine Hundred and No/100 (\$147,900.00) Dollars in hand paid, bargains, sells, and conveys to Emergent Properties, Inc., a Washington Corporation the following described real estate, situated in the County of Skagit, State of Washington:

Lot 2 and the West Half of Lot 3, Block 4, BROADWAY ADDITION TO MOUNT VERNON, according to the plat thereof, recorded in Volume 8 of Plats, page 7, records of Skagit County, Washington.

Situated in Skagit County, Washington.

Tax Parcel Number(s): 3709-004-003-0007/Property ID No. P52399

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

20164303
SEP 23 2016

Amount Paid \$ *26,976.22*
Skagit Co. Treasurer
By *Man* Deputy