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Skagit County Auditor \$82.00
6/30/2017 Page 1 of 10 2:46PM

DOCUMENT TITLE: Assignment and Assumption of Lease Agreement

REFERENCE NUMBER(S):

GRANTOR(S): Florence F. Lovric

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUN 30 2017

GRANTEE(S): Lovric's Landing, LLC

Amount Paid \$ /
Skagit Co. Treasurer
By *HJB* Deputy

LEGAL DESCRIPTION:

Abbreviated Legal Description: Ptn Blks 501, 601, 701, Northern Pacific Add; Ptn Tr. 2, Plate 7, Anacortes Tdlds. Legal description more fully described on Schedule "A-1" and incorporated herein by this reference.

ASSESSOR PARCEL / TAX ID NUMBERS:

Parcel A: <u>P58398</u>	<u>3809-501-009-0005</u>	Parcel A: <u>P58466</u>	<u>3809-601-005-0007</u>
Parcel B: <u>P31738</u>	<u>350123-0-021-0006</u>	Parcel C: <u>P31735</u>	<u>350123-0-018-0001</u>
Parcel D: <u>P31741</u>	<u>350123-0-024-0003</u>	Parcel E: <u>P31740</u>	<u>350123-0-023-0004</u>
Parcel F: <u>P58467</u>	<u>3809-601-007-0005</u>	Parcel G: <u>P31739</u>	<u>350123-0-022-0005</u>
Parcel H: <u>P58476</u>	<u>3809-701-004-0006</u>	Parcel I: <u>P31702</u>	<u>350123-0-002-1601</u>

**ASSIGNMENT AND ASSUMPTION
OF
LEASE AGREEMENT**

THIS Assignment and Assumption of Lease is entered into on the date set forth below, by and between FLORENCE F. LOVRIC, (hereinafter "Assignor") and LOVRIC'S LANDING, LLC, a Washington Limited Liability Company (hereinafter "Assignee"), with reference to the following:

RECITALS

A. The original Lease, No. 22-002606, was entered into on September 4, 1983 by and between Assignor and the STATE OF WASHINGTON, acting through THE DEPARTMENT OF NATURAL RESOURCES, (hereinafter "State"), for the following described property located in Anacortes, Skagit County, Washington:

Abbreviated Legal Description: Ptn Blks 501, 601, 701, Northern Pacific Add; Ptn Tr. 2, Plate 7, Anacortes Tdlds. Legal description more fully described on Schedule "A-1" and incorporated herein by this reference.

B. Pursuant to the original Lease, the State's written consent is required prior to any assignment of the Lease, which was done on November 20, 2013.

C. It is the desire of the Assignor, Assignee and State to have the original Lease assigned to Assignee subject to terms set forth in this Agreement and the Notice of and Consent to Assignment of Lease previously executed.

NOW THEREFORE and in consideration of the mutual promises contained herein, the parties agree as follows:

AGREEMENTS

1. Assignor hereby assigns all its rights, title and interest in the original Lease, No. 22-002606, dated September 4, 1983 (incorporated herein by this reference) and Assignee hereby agrees to assume the original Lease subject to the original Lease terms.

2. State has already consented to the Assignment of the original Lease to Assignee, pursuant to the terms of the Notice of Consent to Assignment of Lease signed by Assignor and Assignee on October 29, 2013 and the State of Washington on November 20, 2013.

3. Further Assurances. The undersigned parties will execute and provide one another such other documents and perform such other acts as may be reasonably requested to accomplish the purposes of this Assignment.

4. Authority and Binding Obligation. The execution and delivery of this Assignment by the undersigned parties have been duly and validly authorized by all necessary actions of LOVRIC'S LANDING, LLC, and when executed, this Assignment will constitute a valid and binding obligation of the parties hereto.

5. Counterparts & Copies. This Assignment may be executed in any number of identical counterparts, with each counterpart having the same effect as if all parties to this Assignment had signed the same document. All executed counterparts of this Assignment will be construed as and constitute one and the same instrument. A facsimile or electronic copy (e.g. a PDF copy) of an executed counterpart of this Assignment will have the same effect as an original executed counterpart of this Assignment.

6. Governing Law & Venue. This Assignment is governed by and to be construed in accordance with the laws of the State of Washington.

7. Entire Agreement. This Assignment constitutes the entire understanding and agreement of the parties to this Assignment with respect to its subject matter. All prior agreements, understandings, or representations with respect to this Assignment's subject matter are hereby cancelled in their entirety and are of no further force or effect. It is expressly acknowledged that there are no oral or other agreements which modify or affect this Assignment.

8. Effect of Assignment. This Assignment amends, supplements, and is made part of the Subject Lease. In the event of a conflict between the provisions of this Agreement and the Subject Lease, the provisions of this Assignment will control. Nevertheless, except as expressly amended or supplemented by this Assignment, the provisions of the Subject Lease will remain in full force and effect.

All terms and conditions of the original Lease shall remain in full force and effect.

ASSIGNOR:

Florence F. Lovric
FLORENCE F. LOVRIC

6/29/17
Date

ASSIGNEE:

LOVRIC'S LANDING, LLC

By: Florence F. Lovric
FLORENCE F. LOVRIC, Manager/Member

6/29/17
Date

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT) ss.

I certify that I know or have satisfactory evidence that FLORENCE F. LOVRIC is the individual who appeared before me, and said individual acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal this 29th day of June, 2017.



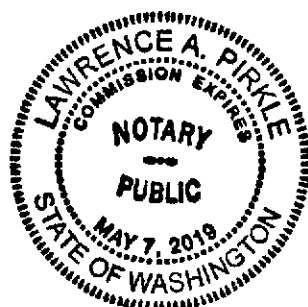
LAWRENCE A. PIRKLE

[Signature]
NOTARY PUBLIC in and for the
State of Washington
Residing at Mount Vernon
My appointment expires: 5/7/19

STATE OF WASHINGTON)
)
COUNTY OF SKAGIT) ss.

On this day personally appeared before me FLORENCE F. LOVRIC to me known to be a Member/Manager of LOVRIC'S LANDING, LLC, a Washington Limited Liability Company, and acknowledged the said instrument to be the free and voluntary act and deed of said Member/Manager for the uses and purposes therein mentioned, and on oath stated that FLORENCE F. LOVRIC was authorized to execute said instrument on behalf of said Limited Liability Company.

GIVEN under my hand and official seal this 29th day of June, 2017.



LAWRENCE A. PIRKLE

[Signature]
NOTARY PUBLIC in and for the
State of Washington
Residing at Mount Vernon
My appointment expires: 5/7/19

Schedule "A-1"

DESCRIPTION:

PARCEL "A":

Lots 4 to 9, inclusive, Block 501, and Lots 1 to 5, inclusive, Block 601, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "B":

That portion of Tract 2, Section 23, Township 35 North, Range 1 East, W.M., "Plate #7 Anacortes Tide and Shorelands" according to the plat thereof on file in the office of the Board of State Land Commissioners at Olympia, Washington, lying Westerly of the following described line:

Beginning at a point on the meander line of said Tract 2, Plate #1 at a point 437.07 feet South and 609.80 feet West of the initial point of said Tract 2,
thence South 58°55' West 148.2 feet;
thence South 56°30' West 11.8 feet to the true point of beginning of this description;
thence from said true point of beginning North 22° West 191.3 feet, more or less, to the Inner Harbor line, and the terminal point of said line,

EXCEPT THEREFROM any portion of the above described premises lying South of the North line of the railroad right of way as deed to the Seattle & Montana Railroad Company, by deed dated May 29, 1907 and recorded July 16, 1907, under Auditor's File No. 63000,

ALSO EXCEPT that portion lying West of a line running due North and South 409 feet West of the Easterly boundary thereof measured along the meander line,

AND ALSO EXCEPT that portion, if any, lying Easterly of the Westerly line of those premises conveyed to J. E. Trafton by deed dated October 5, 1956, filed October 8, 1956, under Auditor's File No. 542605 and recorded in Volume 281 of Deeds, page 770.

Situate in the City of Anacortes, County of Skagit, State of Washington.

Schedule "A-1"

DESCRIPTION CONTINUED:

PARCEL "C":

That portion of Tract 2, of Plate No. 7, "ANACORTES TIDE LANDS", as per plat thereof, on file in the office of the Board of State Land Commissioners at Olympia, Washington, lying within the following described tract:

Beginning at a point 97.3 feet South and 203.3 feet West of the initial point of said Tract 2;
thence North 22° West 71 feet;
thence South 70°44' West 209 feet to the true point of beginning;
thence South 70°44' West 111 feet;
thence South 19°16' East 100 feet;
thence South 70°44' West 173 feet;
thence South 22° East 158 feet;
thence North 58°55' East 82 feet;
thence North 52°10' East 165 feet;
thence North 46°20' East 64.3 feet, more or less, to a point that is South 27°30' East 165 feet from the true point of beginning;
thence North 27°30' West 165 feet to the true point of beginning.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "D":

That portion of Tract 2, of Plate No. 7, "TIDE AND SHORELANDS", as per plat thereof, on file in the office of the Board of State Land Commissioners at Olympia, Washington, described tract:

Beginning at a point on the inner line of said Tract 2, 437.07 feet South and 609.80 feet West of the initial point thereof;
thence North 22° West 158 feet, to the outer line of said Tract 2;
thence South 70°44' West along the outer line of said Tract 2, 97.88 feet;
thence South 22° East 178.9 feet to the inner line of said Tract 2;
thence North 58°55' East along said inner tract line 100 feet to the point of beginning.

EXCEPT that portion thereof, if any, lying South of the North line of the railroad right of way as deeded to the Seattle and Montana Railroad Company by deed dated May 29, 1907 and recorded under Auditor's File No. 63000 in Volume 62 of Deeds, page 462.

Situate in the City of Anacortes, County of Skagit, State of Washington.

Schedule "A-1"

DESCRIPTION CONTINUED:

PARCEL "E":

That portion of Tract 2, of Plate No. 7, "TIDE AND SHORELANDS", as per plat thereof, on file in the office of the Board of State Land Commissioners at Olympia, Washington, described tract:

Beginning at a point on the Southerly line of said Tract 2, 488.7 feet South and 695.44 feet West of the initial point of said Tract 2;
thence South 58°55' West 48.2 feet;
thence South 56°30' West 11.8 feet;
thence North 22°00' West 191.3 feet to the inner harbor line;
thence North 70°44' East along said inner harbor line, 59.24 feet, more or less, to the Northwest corner of a tract deeded to J. E. Trafton by deed dated December 31, 1946 and recorded under Auditor's File No. 401254;
thence South 22°00' East along the West line of the above tract deeded to J. E. Trafton, 178.9 feet to the point of beginning,

EXCEPT that portion thereof, if any, lying South of the North line of the railroad right of way as deeded to the Seattle and Montana Railroad Company by deed dated May 29, 1907 and recorded under Auditor's File No. 63000 in Volume 62 of Deeds, page 462.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "F":

Lots 6 and 7, Block 601, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "G":

That portion of the following described tidelands lying West of a line running due North and South 409 feet West of the Easterly boundary thereof measured along the meander line, said tidelands being described as follows:

That portion of Tract 2, Section 23, Township 35 North, Range 1 East, W.M., "Plate #7 Anacortes Tide and Shorelands", according to the plat thereof on file in the office of the Board of State Land Commissioners at Olympia, Washington, lying Westerly of the following described line:

Beginning at a point on the meander line of said Tract 2, Plate 7, at a point 437.07 feet South and 609.80 feet West of the initial point of said Tract 2;
thence South 58°55' West 148.2 feet;

Schedule "A-1"

DESCRIPTION CONTINUED:

PARCEL "G" continued:

thence South $56^{\circ}30'$ West 11.8 feet to the true point of beginning of this description;
thence from said true point of beginning North 22° West 191.3 feet, more or less, to the inner harbor line, EXCEPT THEREFROM any portion of the above described premises lying South of the North line of the railroad right of way, as deeded to the Seattle and Montana Railroad Company by deed dated May 29, 1907, and recorded July 16, 1907, under Auditor's File No. 63000.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "H":

Lots 1, 2 and 3, Block 701, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "I":

That portion of the Burlington Northern Railroad right of way designated as Northern Pacific Railroad on the plat map of "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington, being more particularly described as follows:

Beginning at the Southeast corner of Block 901, "NORTHERN PACIFIC ADDITION TO ANACORTES,";

thence North $21^{\circ}36'44''$ West along the Westerly right of way of Illinois Avenue, a distance of 185.00 feet to the true point of beginning;

thence North $21^{\circ}36'44''$ West, a distance of 73.05 feet;

thence North $73^{\circ}40'00''$ East, a distance of 98.74 feet;

thence North $67^{\circ}41'20''$ East, a distance of 270.04 feet;

thence North $73^{\circ}40'00''$ East, a distance of 250.00 feet;

thence East a distance of 100.00 feet;

thence North $73^{\circ}40'00''$ East, a distance of 5.24 feet;

thence South $14^{\circ}38'00''$ East, a distance of 7.00 feet to an intersection with a curve having a radius point bearing North $11^{\circ}56'47''$ West, a radial distance of 684.80 feet;

thence Easterly along the arc of said curve to the left through a central angle of $2^{\circ}51'28''$, an arc distance of 34.16 feet to the intersection with a curve having a radius point bearing North $14^{\circ}48'15''$ West, a radial distance of 1,878.10 feet;

thence Easterly along the arc of said curve to the left through a central angle of $21^{\circ}22'57''$, an arc distance of 700.90 feet;

thence South $22^{\circ}00'00''$ East, a distance of 27.44 feet;

thence North $58^{\circ}55'00''$ East, a distance of 79.03 feet;

Schedule "A-1"

DESCRIPTION CONTINUED:

PARCEL "T" continued:

thence North 52°10'00" East, a distance of 165.00 feet;
thence North 46°20'00" East, a distance of 72.98 feet;
thence South 27°30'00" East, a distance of 133.25 feet;
thence South 54°53'24" West, a distance of 166.32 feet to the Northwestern corner of Block 401 of said plat;
thence South 50°23'01" West, a distance of 84.12 feet to the Northeasterly corner of Block 501 of said plat;
thence South 54°31'45" West, a distance of 308.94 feet to the Northwestern corner of said Block 501;
thence South 65°01'13" West, a distance of 170.24 feet to the Southeast corner of Block 601 of said plat;
thence North 21°36'44" West along the Easterly line of said Block 601, a distance of 93.00 feet to the Northeasterly corner of said Block 601;
thence South 71°37'52" West, a distance of 210.34 feet to the Northwestern corner of said Block 601;
thence South 73°27'34" West, a distance of 80.31 feet to the Northeasterly corner of Block 701 of said plat;
thence South 73°43'15" West, a distance of 301.25 feet to the Northwestern corner of said Block 701;
thence South 74°05'54" West, a distance of 80.40 feet to a point on the Easterly line of Block 801 of said plat;
thence North 21°36'44" West along the Easterly line of said Block 801, a distance of 50.38 feet to the Northeasterly corner of said Block 801;
thence South 68°05'05" West, a distance of 299.96 feet to the Northwestern corner of said Block 801;
thence South 21°36'44" East along the Westerly line of said Block 801, a distance of 18.80 feet;
thence South 73°23'18" West, a distance of 80.31 feet to the Northeasterly corner of Block 901 of said plat;
thence North 21°36'44" West along the Northwestern projection of Illinois Avenue right of way, a distance of 73.05 feet to the true point of beginning.

EXCEPT that portion quieted in that certain "Stipulation and Order Of Settlement" entered July 9, 1991 in Skagit County Superior Court Cause No. 89-2-00399-2, more particularly described as follows:

Beginning at the Northwest corner of Lot 3 in Block 501, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington;
thence Northerly a distance of 30 feet along an extension of the West line of Lot 3, Block 501;
thence Northeasterly to a point along an extension of the West line of Lot 10 in Block 401, 5 feet beyond the Northwest corner of Lot 10, in Block 401, "NORTHERN PACIFIC ADDITION TO ANACORTES,";
thence Southerly a distance of 5 feet to the Northwest corner of the said Lot 10, Block 401;
thence Southwesterly to the point of beginning.

Schedule "A-1"

DESCRIPTION CONTINUED:

PARCEL "T" continued:

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities and matters incidental thereto over, under and across the existing roadway as depicted on that certain Record of Survey recorded March 21, 1989, under Auditor's File No. 8903210032, as conveyed by instrument recorded March 21, 1989, under Auditor's File No. 8903210033.

ALSO TOGETHER WITH a non-exclusive easement to provide sufficient space for passenger vehicles to turn around to access Oakes Avenue over and across an existing driveway located on the following described property:

The West ½ of Lot 3, Block 501, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington. This easement shall be for the benefit of Lot 4, Block 501, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.

PARCEL "J":

That portion of Georgia Avenue, lying Northerly of the North line of Oakes Avenue, and abutting upon Blocks 601 and 701, "NORTHERN PACIFIC ADDITION TO ANACORTES," as per plat recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington, as vacated under Ordinance No. 2191, recorded July 5, 1991, under Auditor's File No. 9107050103, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington.