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Skagit County Auditor

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7/24/2017 Page

1 of

10 9:43AM

**Document Title:**

Stipulated Decree of Boundary Adjustment  
in Lieu of Adverse Possession Trial

**Reference Number** (if applicable): \_\_\_\_\_

**Grantor(s):**

additional grantor names on page \_\_\_\_.

- 1) David Capps \_\_\_\_\_
- 2) Monica Capps \_\_\_\_\_

**Grantee(s):**

additional grantor names on page \_\_\_\_.

- 1) William Hering \_\_\_\_\_
- 2) \_\_\_\_\_

**Abbreviated Legal Description:**

full legal on page(s) \_\_\_\_.

Lt 198 Cascade River Park No. 1

**Assessor Parcel /Tax ID Number:**

additional parcel numbers on page \_\_\_\_.

P63751

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 7-24-17

FILED  
SKAGIT COUNTY CLERK  
SKAGIT COUNTY, WA

2017 JUN 30 PM 12: 23



MAVIS E. BETZ, County Clerk

By: *[Signature]*  
Deputy Clerk

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IN THE SUPERIOR COURT OF WASHINGTON  
FOR SKAGIT COUNTY

DAVID CAPPS and MONICA CAPPS )  
individually and on behalf of their )  
marital community. )

Plaintiff,

v

WILLIAM HERING, and JANE DOE )  
HERING, individually and on behalf )  
of their marital community )

Defendants.

NO. 15-2-00621-8

STIPULATED DECREE OF  
BOUNDARY ADJUSTMENT IN LIEU  
OF ADVERSE POSSESSION TRIAL

Come now the Capps and William Hering by and through ~~their respective attorneys~~  
Richard Hughes and ~~Ron Wolf~~ and stipulate to the following:

*William Hering*

STIPULATION AND ORDER  
Page 1 of 8

HUGHES LAW GROUP PLLC  
415 NORTH 4<sup>TH</sup> STREET  
MOUNT VERNON, WA 98273  
PH. (360) 336-6120

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UNFILED  
DOCUMENT

1  
2  
3 **OVERVIEW**

4 This case involves a boundary line between the Capps and their  
5 neighbor to the north William Hering.

6  
7 The Capps were deeded Lot 198 in the Cascade River Park by  
8 Maury Sasser in 1979. **The legal description for the Capps property**  
9 **contained within their deed is:**

10  
11 *Lot 198, "CASCADE RIVER PARK NO. 1" as per plat recorded in volume*  
12 *8 of Plats, pages 54 to 59 inclusive, records of Skagit County,*  
*Washington.*

13 *TOGETHER an undivided interest in all property owned of record in the*  
14 *name of Cascade River Community Club, a non-profit corporation, which*  
15 *has been dedicated to the use of lot owners, by instruments recorded*  
*under Auditor's File Nos. 7905300013 and 8108210027.*

16 *This Deed is given SUBJECT TO:*

17 *A. Easements affecting the portion of said premises and for the*  
18 *purpose of ingress, egress, drainage and utilities and incidental purposes*  
19 *recorded April 22, 1965 and April 29, 1970 under Auditor's File Nos.*  
*665207 and 738440*

20 *B. The right granted to the public in the Plat to make all necessary*  
21 *slopes for cuts and fills upon the lots and blocks as shown on the Plat.*

22 *C. Restrictions contained on the face of the Plat of "CASCADE RIVER*  
*PARK NO. 1"*

23 *D. Construction and maintenance obligations set forth the Plat as to the*  
24 *roads shown on the Plat.*

1 E. An easement 5 feet in width parallel with and adjacent to all lot lines  
2 for purposes of utilities and drainage, as set forth on the face of the Plat.

3 F. The face of the Plat provides as follows: "All of the private road  
4 systems within the plat are designated as Tract A."

5 See exhibit "A" attached hereto and made a part hereof.

6 Exhibit "A"

7 This is attached hereto and made a part of that certain Warranty Deed  
8 between Morris Sasser and Kathleen Sasser, husband and wife and C.  
9 David Capps and Monika Willer-Capps, husband wife dated November  
12, 1982.

10 G. Provision as contained in "dedication" dated May 22, 1979 and  
11 recorded May 30, 1979 under Auditor's File No. 7905300013.

12 H. Provision contained in Deeds through which title is claimed by other  
13 lot owners in said subdivision from Cascade River Development  
Company.

14 Source of description is Statutory Warranty Deed filed under Auditor's  
15 File No. 8211120030.

16 **William Hering's property is legally described as follows:**

17 *Cascade River Park No. 1, Lot 199*

18  
19 *Situated in Skagit County, Washington.*

20 **II STIPULATION**

21  
22 **David and Monika Capps along with William Hering stipulate:**

1 **A. A portion of the Capps deeded property, as legally described**  
2  
3 **above, shall be conveyed to William Hering. The portion of the**  
4 **Capps property conveyed to William Hering is legal described as**  
5 **follows:**  
6

7 *All that part of Lot 198, CASCADE RIVER PARK NO. 1" as per plat*  
8 *recorded in volume 8 of Plats, pages 54 to 58 inclusive, records of Skagit*  
9 *County, Washington, more particularly described as follows:*

10 *Beginning at a rebar and cap Stamped: "Zitkovich, L.S. 46904" at the*  
11 *Northwest Corner of said Lot 198, per record of survey filed under*  
12 *Auditor's File No. 201405230129;*

13 *Thence North 39° 01' 23" East, a distance of 70.03 feet to a rebar and*  
14 *cap Stamped: "Zitkovich, L.S. 46904" at the Northeast Corner of said lot*  
15 *198;*

16 *Thence South 49° 47' 11" East, along the east line of said lot 198 per the*  
17 *aforesaid record of survey, distance of 94.79 feet to the TRUE POINT*  
18 *OF BEGINNING;*

19 *Thence South 39° 33' 25" West a distance of 15.15 feet;*

20 *Thence South 49° 47' 11" East a distance of 67.30 feet;*

21 *Thence South 6° 04' 10" East a distance of 30.20 feet;*

22 *Thence North 84° 12' 29" East a distance of 18.29 feet;*

23 *Thence North 40° 12' 49" East a distance of 22.87 feet,*

24 *Thence North 49° 47' 11" West a distance of 102.01 feet to the TRUE*  
25 *POINT OF BEGINNING.*

26 **B. The Capps remaining property shall be described as follows:**  
27

28 *Lot 198, "CASCADE RIVER PARK NO. 1" as per plat recorded in volume*  
29 *8 of Plats, pages 54 to 59, inclusive, records of Skagit County,*  
30 *Washington.*

1 **TOGETHER** an undivided interest in all property owned of record in the  
2 name of **Cascade River Community Club**, a non-profit corporation, which  
3 has been dedicated to the use of lot owners, by instruments recorded  
4 under Auditor's File Nos. 7905300013 and 8108210027.

5 **EXCEPT** all that part of said Lot 198, more particularly described as  
6 follows:

7 *Beginning at a rebar and cap Stamped: "Zitkovich, L.S. 46904" at the*  
8 *Northwest Corner of said Lot 198, per record of survey filed under*  
9 *Auditor's File No. 201405230129;*

10 *Thence North 39° 01' 23" East, a distance of 70.03 feet to a rebar and*  
11 *cap Stamped: "Zitkovich, L.S. 46904" at the Northeast Corner of said lot*  
12 *198;*

13 *Thence South 49° 47' 11" East, along the east line of said lot 198 per the*  
14 *aforesaid record of survey, distance of 94.79 feet to the TRUE POINT*  
15 *OF BEGINNING;*

16 *Thence South 39° 33' 25" West a distance of 15.15 feet;*

17 *Thence South 49° 47' 11" East a distance of 67.30 feet;*

18 *Thence South 6° 04' 10" East a distance of 30.20 feet;*

19 *Thence North 84° 12' 29" East a distance of 18.29 feet;*

20 *Thence North 40° 12' 49" East a distance of 22.87 feet;*

21 *Thence North 49° 47' 11" West a distance of 102.01 feet to the TRUE*  
22 *POINT OF BEGINNING.*

23 **This Deed is given SUBJECT TO:**

24 **A. Easements affecting the portion of said premises and for the**  
25 **purpose of ingress, egress, drainage and utilities and incidental purposes**  
26 **recorded April 22, 1965 and April 29, 1970 under Auditor's File Nos.**  
27 **665207 and 738440**

28 **B. The right granted to the public in the Plat to make all necessary**  
29 **slopes for cuts and fills upon the lots and blocks as shown on the Plat.**

30 **C. Restrictions contained on the face of the Plat of "CASCADE RIVER**  
31 **PARK NO. 1"**

32 **D. Construction and maintenance obligations set forth the Plat as to the**  
33 **roads shown on the Plat.**

34 **E. An easement 5 feet in width parallel with and adjacent to all lot lines**  
35 **for purposes of utilities and drainage, as set forth on the face of the Plat.**

36 **STIPULATION AND ORDER.**

37 **Page 5 of 8**

**HUGHES LAW GROUP PLLC**  
415 NORTH 4<sup>TH</sup> STREET  
MOUNT VERNON, WA 98275  
PH. (360) 336-6120

1 F. The face of the Plat provides as follows: "All of the private road  
2 systems within the plat are designated as Tract A."

3 See exhibit "A" attached hereto and made a part hereof.

4 Exhibit "A"

5  
6 This is attached hereto and made a part of that certain Warranty Deed  
7 between Morris Sasser and Kathleen Sasser, husband and wife and C.  
8 David Capps and Monika Willer-Capps, husband wife dated November  
12, 1982.

9 G. Provision as contained in "dedication" dated May 22, 1979 and  
10 recorded May 30, 1979 under Auditor's File No. 7905300013.

11 H. Provision contained in Deeds through which title is claimed by other  
12 lot owners in said subdivision from Cascade River Development  
Company.

13 **C: William Hering's property shall be legally described as follows:**

14 Cascade River Park No. 1, Lot 199

15 TOGETHER WITH all that part of Lot 198, CASCADE RIVER PARK NO.  
16 1" as per plat recorded in volume 8 of Plats, pages 54-58 inclusive,  
17 records of Skagit County, Washington, more particularly described as  
follows:

18 Beginning at a rebar and cap Stamped: "Zitkovich, L.S. 46904" at the  
19 Northwest Corner of said Lot 198, per record of survey filed under  
20 Auditor's File No. 201405230129;

21 Thence North 39° 01' 23" East, a distance of 70.03 feet to a rebar and  
22 cap Stamped: "Zitkovich, L.S. 46904 at the Northeast Corner of said lot  
198;

23 Thence South 49° 47' 11" East, along the east line of said lot 198 per the  
aforesaid record of survey, distance of 94.79 feet to the TRUE POINT  
OF BEGINNING;

24 Thence South 39° 33' 25" West a distance of 15.15 feet;

25 Thence South 49° 47' 11" East a distance of 67.30 feet;

26 STIPULATION AND ORDER

Page 6 of 8

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MOUNT VERNON, WA 98273  
PH. (360) 336-6120

1 Thence South 6° 04' 10" East a distance of 30.20 feet;  
2 Thence North 84° 12' 29" East a distance of 18.29 feet;  
3 Thence North 40° 12' 49" East a distance of 22.87 feet;  
4 Thence North 49° 47' 11" West a distance of 102.01 feet to the TRUE  
POINT OF BEGINNING.

5 Situated in Skagit County, Washington.

6 **D. A map illustrating the new boundary line is attached hereto.**

7  
8 **E. David and Monika Capps along with William Hering own their**  
9 **respective properties described above and each warrants that there**  
10 **are no other owners or encumbrances upon their own property.**

11  
12 Dated this 28<sup>th</sup> day of <sup>June</sup> ~~May~~, 2017.

13  
14  
15  
16 \_\_\_\_\_  
17 Richard Hughes, WSBA #22897  
18 Attorney for David and Monika Capps

19  
20 *William Hering*  
21 \_\_\_\_\_  
22 ~~Thomas G. Wolf, WSBA #4446~~  
23 ~~Attorney for~~ William Hering

24 *RS EFFORTS TO CONTACT Mr. Wolff have NOT been*  
25 *successful. As a result, Mr. Hering is*  
26 *signing pro se.*



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III. ORDER

Based upon the stipulation ~~of [redacted]~~ above, it is hereby ordered and decreed that the above parcels legal descriptions shall be altered as set forth in the stipulation and as referenced in the attached map illustrating the new boundary line. The map shall be recorded with the Skagit County Recorder's Office along with a copy of this Order.

Dated this June 30 day of \_\_\_\_\_, 2017.

  
\_\_\_\_\_  
JUDGE MICHAEL RICKERT

Presented by:

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Richard Hughes, WSBA #22897  
Attorney for David and Monika Capps

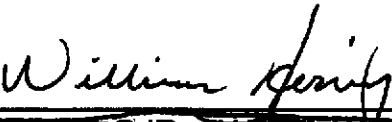
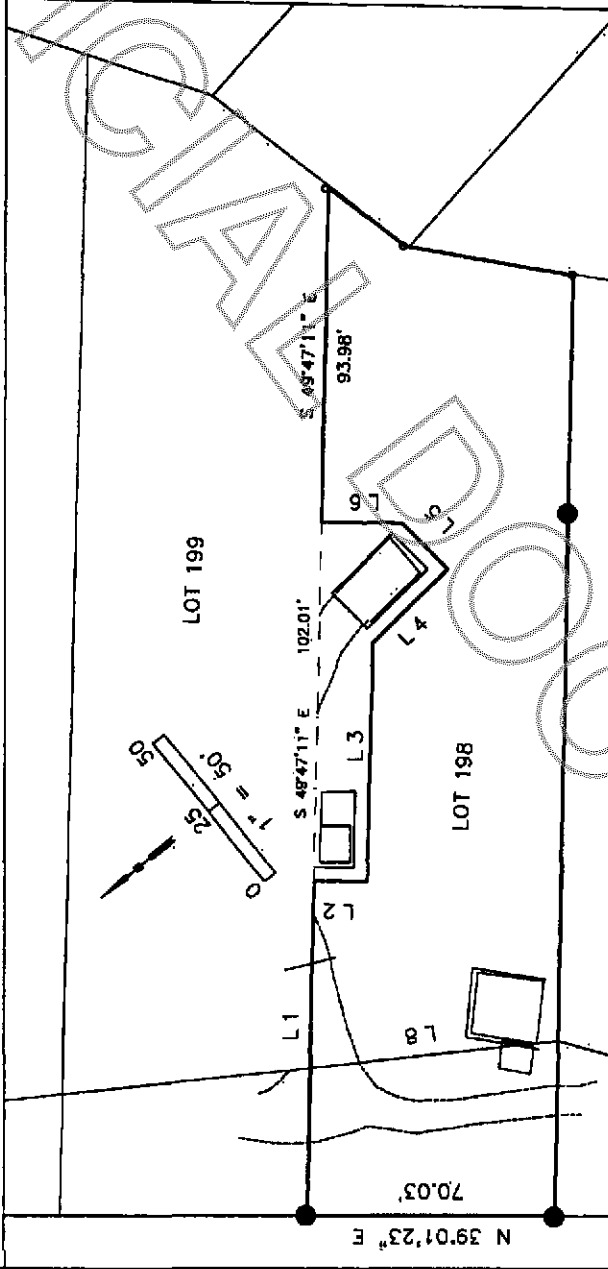
  
\_\_\_\_\_  
~~T. [redacted] [redacted] WSBA # [redacted]~~  
Attorney for William Hering

EXHIBIT F BOUNDARIES BETWEEN LOTS 198 & 199 AFTER SETTLEMENT

LINE TABLE

L 1	S 19° 47' 11" E, 94.79'
L 2	S 30° 33' 25" W, 15.15'
L 3	S 49° 47' 11" E, 67.30'
L 4	S 6° 4' 10" E, 30.20'
L 5	N 84° 12' 29" E, 18.29'
L 6	N 40° 12' 49" E, 22.87'



NEW BOUNDARY LINES 2, 3, 4 & 5 ARE OFFSET 4.0 FEET FROM THE EAVES OF THE TWO BUILDINGS. LINE 3 IS PARALLEL TO LINE 1 AND LINE 6 IS AT RIGHT ANGLES TO LINE 1.

FOR MORE BOUNDARY INFORMATION SEE RECORD OF SURVEY FILED UNDER ADJUTOR'S FILE NO. 201405230129

ZITKOVICH LAND SURVEYING, PLLC

PROFESSIONAL LAND SURVEYING  
 CONCRETE, WA 98237  
 (360)391-3494

EXHIBIT FOR DAVID & MONIKA CAPPS  
 AND WILLIAM HERRING

DECEMBER 2, 2016

SCALE: 1"=50'