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Skagit County Auditor

\$77.00

8/2/2017 Page

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**SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX**

AUG 02 2017

Amount Paid \$
Skagit Co. Treasurer

**TERMINATION OF DRIVEWAY AND VIEW CORRIDOR EASEMENTS
(BY MERGER)**

Reference Nos.: 201307160011; 201012080083

Section, Township and Range: Sec 27, T35N, R01E

Account No./ Tax Parcel No.: 4878-000-004-0000/P123798; 4878-000-005-0000/P123799

THIS TERMINATION OF EASEMENT is made and executed into this 26th day of July, 2017, by Robert B. Lechner and Barbara A. Lechner ("LECHNER"), husband and wife.

I. RECITALS

1. **WHEREAS** since July 16, 2013, Robert B. Lechner and Barbara A. Lechner ("Lechner") own the real property located at 3912 Marine Heights Way, Anacortes, WA 98221, pursuant to a Statutory Warranty Deed recorded under Skagit County Auditor's File No. 201307160011, legally described as follows:

Lot 4, "Plat of Castilleja Bluff, " recorded December 9, 2005, under Auditor's File No. 200512090181, records of Skagit County, Washington.

Subject to all covenants, conditions, reservations and easements of record including but not limited to, those shown on Schedule "B-1" of Land Title Company's Preliminary Commitment No. 146898-OAE.

Situate in the City of Anacortes, County of Skagit, State of Washington.
(hereinafter referred to as "Lot 4").

2. **WHEREAS** on October 26, 2016, Robert B. Lechner and Barbara A. Lechner purchased the real property located at 3906 Marine Heights Way, Anacortes, WA 98221, from Steven Springmeyer and Susan Springmeyer ("Springmeyer") pursuant to

a Statutory Warranty Deed recorded under Skagit County Auditor's File No. 201610310235, legally described as follows:

Lot 5, "Plat of Castilleja Bluff," recorded December 9, 2005, under Auditor's File No. 200512090181, records of Skagit County, Washington.

Subject to all covenants, conditions, reservations and easements of record, including but not limited to, those shown Exhibit "A" attached to said deed.

Situate in the City of Anacortes, County of Skagit, State of Washington.
(hereinafter referred to as "Lot 5").

3. **WHEREAS** Springmeyer originally purchased Lot 5 from Anaco West Corp, a Washington corporation, executed by William Turner, its President on December 8, 2010 subject to a driveway and view easement, detailed in Exhibit "A" attached as pages 2 and 3 to the Statutory Warranty Deed recorded under Skagit County Auditor's File 201012080083. The Original Declarant, Anaco West Corp.' (executed by William Turner, President) also executed the Declaration of Covenants, Conditions, Restrictions, and Easements for Castilleja Bluff recorded under Skagit County Auditor's File No. 200608180160 August 18, 2006.

4. **WHEREAS** the common driveway easement described in the Statutory Warranty Deed described in the above Recital 3, an easement for ingress, egress and utilities, was created to benefit both Lot 4 and Lot 5 and required the owners of Lot 4 and Lot 5 to share equally in the maintenance of the common driveway, including replacement of the driveway if the owner of Lot 4 uses the driveway to access Lot 4. The driveway easement is described as appurtenant to Lot 5.

5. **WHEREAS** the view corridor easement described in the Statutory Warranty Deed described in the above Recital 3, an easement for view corridor, was created to benefit Lot 5 and required the owner of Lot 4 to remove and/or prune such trees and vegetation, as necessary, to maintain a view that is unobstructed and uninterrupted over and across a portion of Lot 4, and if such pruning and/or removal is not accomplished by the owner of Lot 4, then the owner of Lot 5, their agents or successors had the right to enter upon Lot 4 to remove, prune, top, or otherwise reduce the height of trees and vegetation to restore and maintain the view of the Owner of Lot 5. Said view easement was specifically exempted from the controls, approvals or restrictions as provided under the Covenants, Conditions and Restrictions previously recorded under Skagit County Auditor's File No. 200608180160, Declaration of Covenants, Conditions, Restrictions, and Easements for Castilleja Bluff.

6. **WHEREAS**, Lechner, as owner of both Lot 4 and Lot 5, desires to terminate both the driveway and view corridor easements described in Exhibit "A" in pages 2 and 3 attached to the Statutory Warranty Deed recorded under Skagit County Auditor's File

201012080083 as the reason for the easements is now extinguished and that ownership of Lot 4 and Lot 5 has merged.

7. **WHEREAS**, the common driveway easement and easement for view corridor do not benefit nor burden any other property and have never been used by any other party or property owner.

8. **WHEREAS**, the intent of this document is to terminate the common driveway easement and view corridor easement described herein permanently.

NOW, THEREFORE IN ACCORDANCE WITH THE RECITALS ABOVE, which are fully acknowledged and alleged as true and correct, Lechner hereby terminates, revokes, and otherwise forfeits forever any and all right to use the common driveway easement and the easement for view corridor referred to in Exhibit 'A' of the Statutory Warranty Deed recorded under Skagit County Auditor's File No. 201012080083, and the benefits and burdens of the common drive easement described herein, the view corridor easement described herein, as well as the rights and obligations of Lechner and their property with respect to the driveway easement and view corridor easement, which shall be deemed to be terminated herein.

This document shall be binding on Lechner, their heirs, successors and assigns.

IN WITNESS WHEREOF, the parties have executed this agreement on the day and year first above written.

OWNERS of Lot 4



Robert B. Lechner



Barbara A. Lechner

OWNERS of Lot 5



Barbara A. Lechner



Robert B. Lechner

STATE OF WASHINGTON)

) ss

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Robert B. Lechner and Barbara A. Lechner are the persons who personally appeared before me, and said

persons acknowledged they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 07/24/2017



Michelle R. Richardson
Notary Public

Michelle R. Richardson
(Printed or Typed name)
My Commission Expires: 05/06/2019