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Skagit County Auditor

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9/1/2017 Page

1 of

16 9:54AM

Return Address:

PAT Hayden
PO Box 454
Sedro-Woolley
98284

Document Title:

Stipulation And Judgment

Reference Number (if applicable):

20162260101

Grantor(s):

additional grantor names on page ___.

- 1) Walker, RYAN W + Walker, Daniel + Lisa
- 2) US Bank, NA

Grantee(s):

additional grantor names on page ___.

- 1) Hurd, Peter + Eighme, Michelle,
h+w
- 2) _____

Abbreviated Legal Description:

full legal on page(s) ___.

P4N 14-35-4 E, SE 1/4, NE 1/4

Assessor Parcel /Tax ID Number:

additional parcel numbers on page ___.

P36637 to P36584

ORIGINAL

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. Date: 9-1-2017

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2017 SEP -1 AM 9:20



MAVIS E. BETZ, County Clerk

By: Jessie C...
Deputy Clerk

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IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

PETER HURD and MICHELLE EIGHME,
husband and wife,

Plaintiffs,

v.

RYAN WESLEY WALKER, a single man, and
DANIEL P. WALKER and LISA S. WALKER,
husband and wife, and U.S. BANK, NA, and all
other persons or parties unknown claiming any
right, title, estate, lien, or interest in the real
estate described in the complaint herein,

Defendants.

NO. 16-2-00308-0

STIPULATION AND JUDGMENT

I. JUDGMENT SUMMARY FOR REAL PROPERTY

Grantor's name	Grantee's name	Real Property (fill in at least one)	
		Assessor's property tax parcel number:	Legal description of property awarded (lot/block/plat/section, township, range, county, state)
WALKER, RYAN WESLEY	HURD, PETER, AND EIGHME, MICHELLE	From P36637 to P36584	Ptn of Section 14, Township 35 North, Range 4 East; Ptn East; Ptn SE 1/4 and Ptn NE 1/4; Skagit Co., Washington
WALKER, DANIEL P. AND WALKER, LISA S.	HURD, PETER, AND EIGHME, MICHELLE	From P36637 to P36584	Ptn of Section 14, Township 35 North, Range 4 East; Ptn East; Ptn SE 1/4 and Ptn NE 1/4; Skagit Co., Washington
U.S. BANK, N.A., a/k/a U.S. Bank National	HURD, PETER, AND EIGHME,	From P36637 to P36584	Ptn of Section 14, Township 35 North, Range 4 East; Ptn East 1/2 East 1/2; Skagit Co., Washington

STIPULATION AND JUDGMENT - I

Patrick M. Hayden Law Office
109 Warner / PO Box 454
Sedro-Woolley, WA 98284
(360) 855-1811

1	Association	MICHELLE	
2	Lawyer: Patrick M. Hayden, WSBA # 11061, represents Plaintiffs Hurd / Eighme		
3	Lawyer: Souders Law Firm, by: Alan R. Souders WSBA # 26192, represents Defendants Walker		
4	Lawyer: Dorsey & Whitney, LLP, by Benjamin D. Greenberg, WSBA # 44120 represents Defendant U.S. Bank, N.A., a/k/a U.S. Bank National Association		

5 **II. STIPULATION**

6 The Plaintiffs, Peter Hurd and Michelle Eighme, husband and wife, and the Defendants,
7 Ryan Wesley Walker, a single man, Daniel P. Walker and Lisa S. Walker, husband and wife,
8 (collectively "Defendants Walker") and U.S. Bank, NA, a/k/a U.S. Bank National Association
9 ("U.S. Bank"), through their attorneys of record, hereby stipulate as follows:

- 10 1. The Plaintiffs Peter Hurd and Michelle Eighme, husband and wife, are the owners
11 of that real property legally described on the attached **Exhibit A**.
- 12 2. The Defendants Walker are the owners of that real property legally described on
13 the attached **Exhibit B**.
- 14 3. U.S. Bank, has a security interest in the real property of Defendants Walker
15 described on the attached **Exhibit B**, represented by that Deed of Trust dated
16 October 21, 2015, recorded October 27, 2015 in Skagit County Auditor's File No.
17 201510270036.
- 18 4. Plaintiffs Hurd and Eighme claim a 30-foot strip of real property by adverse
19 possession, being a portion of the property of Defendants Walker legally
20 described on the attached **Exhibit B**. Said 30-foot strip of real property is legally
21 described on the attached **Exhibit C** and, for purposes of illustration only, is
22 generally depicted on the attached **Exhibit D**.
- 23 5. A dispute has arisen concerning the respective rights of the parties in a well
24 described in that Easement and Well Maintenance Agreement recorded on
25 September 14, 2000, in Skagit County Auditor's File No. 200009140062

1 6. The parties desire to settle their disputes by agreement as reflected in this
2 Stipulation and Judgment, and stipulate to entry of the following judgment as a
3 full and final settlement of the claims and defenses in this cause.

4 Dated this 24th day of August, 2017.

5
6 

7 Patrick M. Hayden, WSBA #11061
8 Attorney for Plaintiffs

9
10 **SOUDERS LAW GROUP:**

11
12 By: 
13 Alan R. Souders, WSBA #26192
14 Attorney for Walkers

15 **DORSEY & WHITNEY, LLP:**

16
17 By: 
18 Benjamin D. Greenberg, WSBA #44120
19 Attorneys for Defendant U.S. Bank, NA, a/k/a U.S. Bank National Association

20 **III. JUDGMENT**

21 THIS MATTER coming on before the undersigned Judge of the above-entitled Court on
22 the foregoing stipulation; Plaintiffs, Peter Hurd and Michelle Eighme, husband and wife,
23 appearing through their attorney Patrick M. Hayden, and the Defendants, Walker appearing
24 through their attorneys Souders Law Group, and U.S. Bank appearing through its attorneys
25

1 Dorsey and Whitney, LLP; the Court having reviewed the files and records herein, and being
2 fully advised in the premises, now, therefore,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:

4 1. **Adverse Possession Claim.** The Plaintiffs are hereby awarded all right, title and
5 interest of Defendants Walker in that 30-foot-wide strip of real property adjacent to his own real
6 property, described as follows:

7 The following real property of Defendants, or in which Defendants have an interest,
8 legally described as follows:

9 That real property legally described on the attached Exhibit C, and, for purposes of
10 illustration only, is generally depicted on the attached Exhibit D.

11 Situated in the County of Skagit, State of Washington.

12 Said real property is quieted in Plaintiffs free and clear of the interest of Defendants
13 Walker and of Defendant U.S. Bank through that Deed of Trust recorded October 27, 2015, in
14 Skagit County Auditor's File No. 201510270036.

15 Defendant U.S. Bank shall provide Defendants Walker and Plaintiffs with a partial
16 reconveyance for the property described above, and Plaintiffs shall pay the recording fee for the
17 recording of said partial reconveyance. Such partial reconveyance shall constitute the lender's
18 written consent to the transfer of the 30-foot wide strip described above, in accordance with the
19 Uniform Covenant 18 of the Deed of Trust described above.

20 **Boundary Line Adjustment:** The above-described 30-foot wide strip of real
21 property, which is legally described on Exhibit C, shall be combined with the adjacent real
22 property of Plaintiffs Hurd and Eighme, and shall not constitute a separate parcel or
23 building lot without compliance with the applicable county or municipal subdivision
24 ordinance. Plaintiffs shall be responsible for any county or municipal process and fees for this
25 boundary line adjustment, if any.

STIPULATION AND JUDGMENT - 4

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1 2. **Well/Water Dispute.** The shared Easement and Well Maintenance Agreement
2 recorded on September 14, 2000, in Skagit County Auditor's File No. 200009140062, is hereby
3 modified as follows:

4 (A) The Plaintiffs and the Defendants Walker shall each have a right to use 50% of
5 the water from the well.

6 (B) The use of the well and water shall not be extended to serve any other real
7 property or residences except the property described in the agreement and as
8 herein modified, but shall be limited to serving two residences and associated
9 gardens, lawns, etc., unless both owners agree otherwise in writing.

10 (C) Plaintiff Hurd and Defendants Walker, and their successors in interest, shall each
11 pay 50% of the cost of future maintenance, repair, and operation of the well and
12 common appliances, provided, that each owner shall maintain their own service
13 line to their own residence at the residence owner's expense.

14 (D) If there is a shortage of water, at the request of either party, the owners shall
15 install meters, and neither owner shall use more than 50% of the available water
16 as shown by metering.

17 (E) The Plaintiffs shall connect to the PUD #1 water main, disconnect from the well,
18 and abandon the well easement when PUD water service is available, which shall
19 be defined as a connection-ready PUD line at the intersection of Plaintiffs'
20 driveway and Garden of Eden Road or a point closer to Plaintiffs' house for
21 which a connection is practical, without any obligation on the part of Plaintiffs or
22 Defendants Walker to pay for construction costs of the PUD main. Plaintiff shall
23 pay for their own meter installation and standard connection fees and Defendants
24 shall have no obligation to pay for these costs.
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(F) Except as modified herein, said agreement shall continue in full force and effect. These modifications shall be binding on the Plaintiffs and Defendants as their interests appear, and their successors in interest.

3. **Lis Pendens.** This judgment is binding from and after February 26, 2016, the date of recording the Lis Pendens in Skagit County Auditor's File No. 201602260101, as to Plaintiffs, Defendants, and all persons claiming or to claim by or through Plaintiffs and/or Defendants, pursuant to RCW Ch. 4.28.160. Plaintiffs and Defendants are forever barred from asserting any title, estate, lien or interest in the real property and well described herein, contrary to this judgment, which shall run with the land and shall bind the parties, their heirs, devisees, and successors in interest. This matter having fully adjudicated the claims for which the Lis Pendens gives notice, the Lis Pendens shall have no other affect after the date this judgment is recorded with the Auditor. Within 7 days of the entry of this Stipulation and Judgment by the Court, Plaintiffs shall record a complete release of said Lis Pendens.

4. **Remaining Claims.** The remaining claims of the parties are hereby dismissed with prejudice.

5. **Costs and Attorney Fees.** Each party shall bear their own costs and attorney fees in this case.

DATED: Sept 1, 2017.



Judge

1 Presented by:

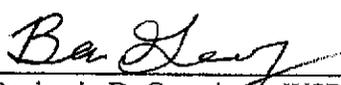
2  PDH
3 WTE
4 Patrick M. Hayden, WSBA #11061
5 Attorney for Plaintiffs

6 Approved for Entry; Notice
7 of Presentation Waived:

8 **SOULDERS LAW GROUP:**

9
10 By: 
11 Alan R. Souders, WSBA #26192
12 Attorney for Walkers

13 **DORSEY & WHITNEY, LLP:**

14
15 By: 
16 Benjamin D. Greenberg, WSBA #44120
17 Attorneys for US Bank, NA, a/k/a U.S. Bank National Association
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STIPULATION AND JUDGMENT - 7

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EXHIBIT A

EXHIBIT A

1 The West 320 feet (as measured at right angles to the West line of said East Half) of that
2 portion of the East Half of the SE ¼ of the NE ¼ of Section 14, Township 35 North, Range 4
3 East of the Willamette Meridian, lying South of the Northern Pacific Railway right-of-way as
4 conveyed by deed recorded August 25, 1913, under Auditor's File No. 98046, records of Skagit
5 County, Washington.
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7 Situated in Skagit County, Washington.
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EXHIBIT B

EXHIBIT B

The land referred to in this Exhibit is situated in the State of Washington, County of Skagit, and is described as follows:

PARCEL "A":

The North $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 14, Township 35 North, Range 4 East, W.M.;

TOGETHER WITH that portion of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 14, Township 35 North, Range 4 East, W.M., lying South of the Northern Pacific Railway right-of-way as conveyed by deed recorded August 25, 1913, under Auditor's File No. 98046, records of Skagit County, Washington;

EXCEPT the West 320.00 feet (as measured at right angles to the West line of said East $\frac{1}{2}$) of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 14, Township 35 North, Range 4 East, W.M.;

AND TOGETHER WITH the South 20.00 feet of the following described tract:

The West 320.00 feet (as measured at right angles to the West line of the following described tract) of that portion of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, Section 14, Township 35 North, Range 4 East, W.M., lying South of the Northern Pacific Railway right-of-way as conveyed by deed recorded August 25, 1913, under Auditor's File No. 98046, records of Skagit County, Washington,

PARCEL "B":

That portion of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 13, Township 35 North, Range 4 East, W.M., lying South of the Northern Pacific Railway as conveyed by deed recorded August 25, 1913, under Auditor's File No. 98046, records of Skagit County, Washington.

EXHIBIT C

Skagit Surveyors and Engineers

806 Metcalf St. Sedro-Woolley, WA 98284
360.855.2121 360.855.1658(f)
www.sseconsultants.com

BOUNDARY LINE ADJUSTMENT PARCEL

May 25, 2017

A portion of that real property legally described on the attached Exhibit B, described as follows:

Beginning at the southeast corner of the tract of real property conveyed to Peter Hund, et al, by deed recorded October 4, 2000 in Skagit County Auditor's File No. 200010040069 as described on attached Exhibit A; thence south along the southerly extension of the easterly line of said tract, a distance of 30.04 feet, more or less, to a point which lies 30.00 feet south (when measured at right angles) from the south line of said tract; thence westerly parallel with and 30.00 feet south (when measured at right angles) of the south line of said tract, to the east line of Garden of Eden Road; thence north along the east line of Garden of Eden Road, to the southwest corner of said tract, thence easterly along the south line of said tract, to the point of beginning.

Situate in Skagit County, Washington.

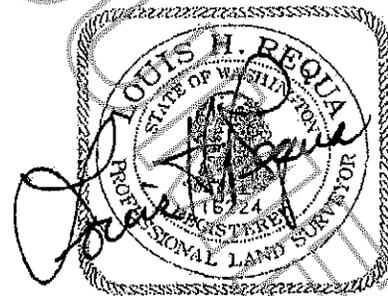


EXHIBIT D

UNOFFICIAL DOCUMENT

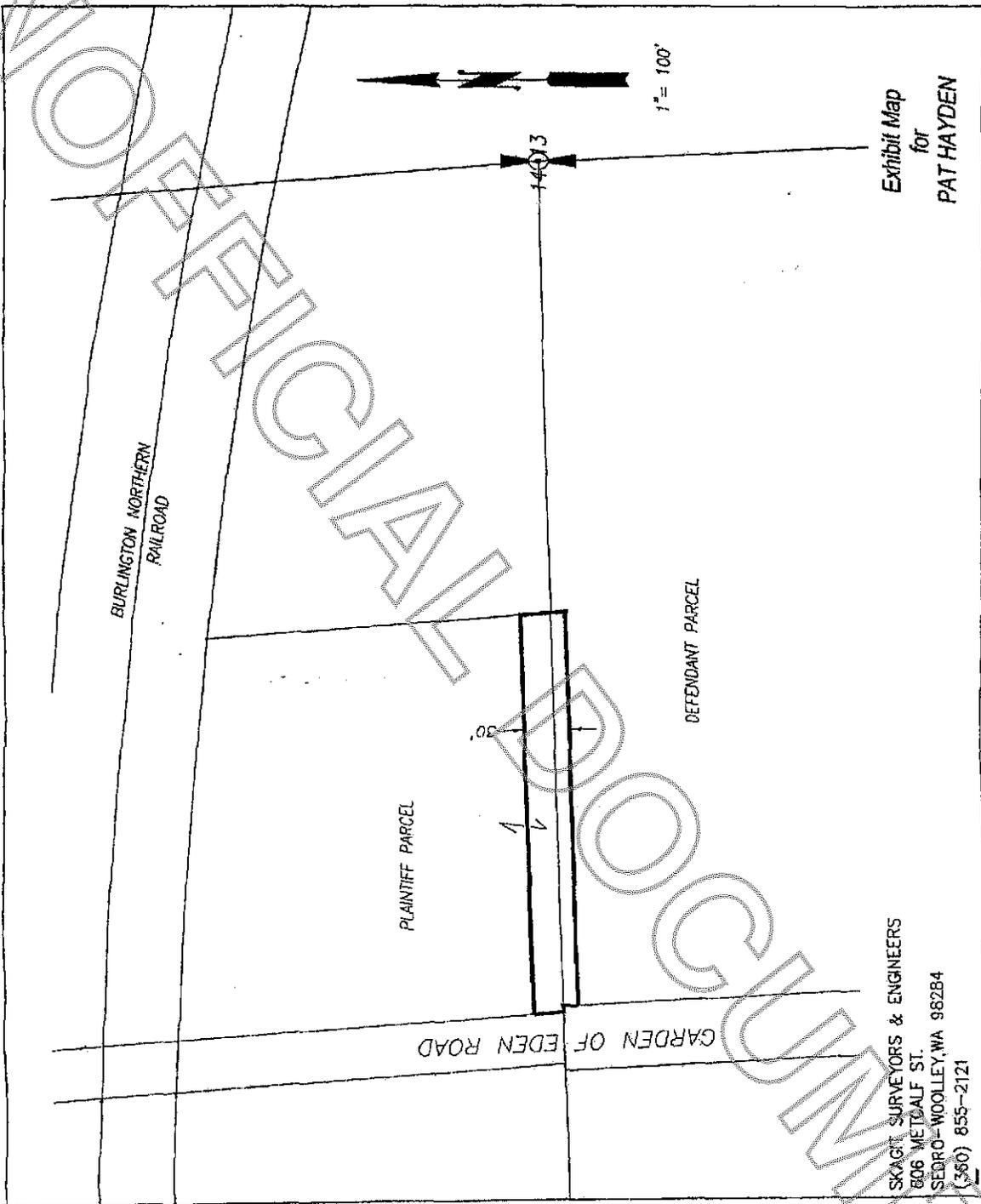


Exhibit Map
for
PAT HAYDEN

SKAGIT SURVEYORS & ENGINEERS
806 METCALF ST.
SEDOO-WOOLLEY, WA 98284
(360) 855-2121