



Skagit County Auditor

9/7/2017 Page

1 of

\$82.00

9 11:40AM

Document Title:

ASSIGNMENT OF LEASE

**Land Title and Escrow**

Reference Number : 01-164045-OE

Grantor(s):

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

1. Tim Gates

2.

Grantee(s):

☐ additional grantee names on page \_\_\_\_.

1. Valerie Pierson

2.

Abbreviated legal description:

☐ full legal on page(s) \_\_\_\_.

Lot 46, Cobahud Waterfront Tracts

Assessor Parcel / Tax ID Number:

☐ additional tax parcel number(s) on page \_\_\_\_.

P129623

Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot 46 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

8

Land Title and Escrow

01-164045-  
08

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS

ASSIGNMENT OF LEASE

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

20174235  
SEP 07 2017

Amount Paid \$ 145295  
By Skagit Co. Treasurer  
Deputy

Allotment: 122 39 Cobahud Waterfront Tracts Lease Number: 122 2087410656 HS

It is hereby agreed by and between Timothy Gates, \*Lessee(s), and the Cobahud Waterfront Landowners of the Allotment No. 122 39, Swinomish Indian Reservation, Lessors, that Lease Number 122 2087410656 HS covering Lot 46, of the Cobahud Waterfront Tracts, Described as:

Lot 46 of the of the unrecorded Plat of "Cobahud Waterfront Tracts Swinomish Reservation, Skagit County, Washington", on file with the Department of the Interior, Bureau of Indian Affairs, Western Washington Indian Agency, Everett, Washington, and being a portion of:

That portion of Government Lot 4, in Section 34, Township 34 North, Range 2 East, W.M., Skagit County, State of Washington.

\*who acquired title as TIM GATES, who was a single man on December 30, 2010, date of acquiring title and at all times since be assigned to the following:

P126623

To assign the lease to the name of Valerie Pierson \* of 17818 Nanna Lane, La Conner, Washington 98257. \* an unmarried person

Dated August 31, 2017

The lease is modified as follows:

A. Lessors and Lessees acknowledge that Lessees agree to the following payment schedule:

1. The lease is now paid to the date of June 30, 2018.
2. On July 1, 2018 a pro-rated rent will be due for the July 1, 2018 - May 31, 2019 period. This annual rent of \$7,200 pro-rated for eleven (11) months will amount to \$6,600 due on July 1, 2018.
3. Beginning June 1, 2019, the annual rental amount will be adjusted according to Provision 1.3 and 1.4 set out below. For the year 2019 and forward, the annual rent and tideland fee will be due on June 1<sup>st</sup> of each year.
4. The tideland fee \$10.00 will be due on June 1<sup>st</sup> of each year along with the annual rent.

B. Lessors and Lessees acknowledge that Lessees agree to the following payment schedule:

Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot 46 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

**7.1 Rental Adjustment.** Rent shall be adjusted every fourth year starting on June 1, 2015, for the remaining term of this lease. Except for years 2023, 2035, 2047, and 2059 rent will be adjusted by increasing or decreasing the most recent annual rent by a percentage calculated as follows:

- a. The percentage change will be the median average percentage change over four years in the land portion of assessed value of the 253 waterfront and water view properties identified in the attached chart. The percentage change will be the difference between (i) the assessed land values for the 253 properties as of the most recent year in which the annual rent was set and (ii) the assessed land values for the 253 properties as of the year in which the adjustment is effective. For example, the adjustment effective on June 1, 2015, and will be based on the median percentage change in the assessed land values between the Tax years 2011 and 2015.

Skagit County's assessed Land Market values will be used to determine the percentage change in this process. Currently, the number of parcels used to calculate that percentage change is 253. Because of the potential changes to a parcel's status, the precise number of parcels used to determine the percentage change may vary slightly from year to year. If any of these parcels on the attached chart changes its use from residential it will be deleted from the chart. If any parcel is subdivided, it will be deleted from the chart for the next adjustment, but the newly created parcels will again be included on the chart as soon as Skagit County tax assessments based upon two successive physical inspections of each parcel are known.

**7.2 Rental Adjustment.** For the years 2023, 2035, 2047, and 2059 the Bureau of Indian Affairs will adjust the rent using an appraisal to determine fair annual rent of the leased lot. The appraiser shall follow the Uniform Standards of Professional Appraisal Practice (USPAP). This assignment is adding the following provisions:

23. Lessee has access to Tribal tidelands subject to Swinomish Tribal Code 23, Tribal Tidelands, which can be found at <http://www.swinomish-nsn.gov/government/tribal-code.aspx>. Under this code, tidelands adjacent to the Pull & Be Damned area (Ray Paul Waterfront Tracts, Cobahud Waterfront Tracts, Capet Zalsiluce Waterfront Tracts, Dr. Joe Waterfront Tracts I and II) are identified as Zone H, and open to recreational uses by any person with lawful access.

#### 24. Bonds.

An Assignment of Savings or Surety Bond to cover the amount equal to one year of rent (\$6,130 Annual Rent) is also required. An additional option to the Assignment of Savings or Performance Bond is to acquire a CD (Cash Deposit) with a financial institution in your name.

Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot 46 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

and the name of the Bureau of Indian Affairs. This CD will have the same release requirements as the Assignment of Savings which must equal one year rental amount.

## 25. Residential Use

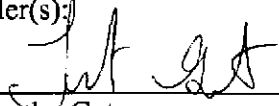
Lessee will use and allow the use of said premises for residential dwelling purposes only and will not, at any time during said term; erect, place, maintain or allow on said premises more than one single family dwelling (exclusive of a personal automobile garage and/or accessory buildings which, if an accessory building, shall not exceed 500 square feet provided a tribal building on said premises any livestock including, but not limited to: poultry, rabbits or fowl, nor use nor allow the use of any building or structure on said premises as a tenement house, rooming house, apartment house, vacation rental, or for or in connection with the carrying on of any business, commerce or trade whatsoever, unless such business, commerce or trade is specifically allowed by applicable Tribal zoning ordinances, and landowner approval is obtained in writing.

## 26. Payments of Taxes and Assessment

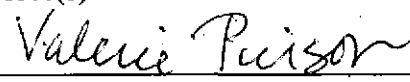
Lessee will pay before they become delinquent any and all real, leasehold, use, occupancy, excise and/or personal property taxes and assessments of every description to which said premises or any part thereof or any improvement thereon or to which Lessor or Lessee, in respect thereof, are now or may, during said term, be assessed or become liable, whether assessed to or payable by Lessor or Lessee, including any tax imposed by the Swinomish Indian Tribal Community and specifically including the Swinomish Trust Improvement Use and Occupancy Tax; PROVIDED HOWEVER, that with respect to any assessment made under any betterment or improvement law or special assessment which may be payable in installment. Lessee shall be required to pay only such installments, together with interest, as shall become due and payable during said term.

This Lease Number 122 2087410656 HS expires on June 30, 2056.

Seller(s):

  
\_\_\_\_\_  
Timothy Gates  
P.O. Box 910  
La Conner, Washington 98257

Lessee(s):

  
\_\_\_\_\_  
Valerie Pierson  
17818 Nanna Lane  
La Conner, Washington 98257

STATE OF Washington }  
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that **Valerie Pierson**  
the person(s) who appeared before me, and said person(s) acknowledged that they  
signed this instrument and acknowledge it to be their free and voluntary act for the  
uses and purposes mentioned in this instrument.

Dated: August 31, 2017

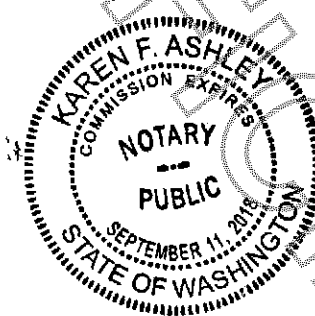
Karen Ashley  
Karen Ashley

Notary Public in and for the State of

Washington

Residing at: Sedro-Woolley

My appointment expires: 9/11/2018



STATE OF Washington  
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Tim Gates  
the person(s) who appeared before me, and said person(s) acknowledged that they  
signed this instrument and acknowledge it to be their free and voluntary act for the  
uses and purposes mentioned in this instrument.

Dated: August 31, 2017

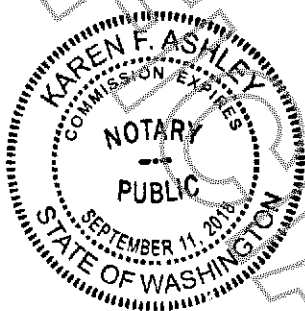
Karen Ashley  
Karen Ashley

Notary Public in and for the State of

Washington

Residing at: Sedro-Woolley

My appointment expires: 9/11/2018



Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot #6 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

**Trust Signatories:**

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Anthony Damien, for himself and  
Shaun M. Damien, Walter Damien,  
Bertha W. Dan Jr., Ernestine (Bobb)  
Helbrick and Alma Damien  
4247 Morning Glory Road  
Colorado Springs, CO 80920  
(719) 282-0103

**Ownership Represented 0.0962962962**

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*Helen Lewis*  
Helen Lewis, for herself and  
Brent Bob, Adrienne Terece Scates Hunter,  
Juliette D Scates, Tina Lawrence, Sandra  
Washington, Roni P Scates, Steven LaPointe  
Lawney C. LaPointe and Frances E. Bob  
2085 Lummi Shore Road  
Bellingham, Washington 98226  
(360)758-2255

**Ownership represented: 0.1486111112**

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*Ethel Barber*  
Ethel Marie Barber  
17337 Reservation Road  
La Conner, Washington 98257  
(360) 466-7216

**Ownership represented: 0.1444444444**

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*Jennie A. Nguyen*  
Jennie A. Nguyen, for herself and  
Ivan C. Willup Jr., Ivan C. Willup Sr., and Brenda S. Bobb  
1811 N 35<sup>th</sup> Street

Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot 46 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

**Trust Signatories:**



Anthony Damien, for himself and  
Shaun M. Damien, Walter Damien,  
Bertha W. Dan Jr., Ernestine (Bobb)  
Helbrick and Alma Damien  
4247 Morning Glory Road  
Colorado Springs, CO 80920  
(719) 282-0103

**Ownership Represented 0.0962962962**

---

Helen Lewis, for herself and  
Brent Bob, Adrienne Terece Scates Hunter,  
Juliette D Scates, Tina Lawrence, Sandra  
Washington, Roni P Scates, Steven LaPointe  
Lawney C. LaPointe and Frances E. Bob  
2085 Lummi Shore Road  
Bellingham, Washington 98226  
(360)758-2255

**Ownership represented: 0.1486111112**

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Ethel Marie Barber  
17337 Reservation Road  
La Conner, Washington 98257  
(360) 466-7216

**Ownership represented: 0.1444444444**

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Jennie A. Nguyen, for herself and  
Ivan C. Willup Jr., Ivan C. Willup Sr., and Brenda S. Bobb  
1811 N 35<sup>th</sup> Street



Annual Rent: \$7,200 + \$10.00 Tideland  
AOS/Performance Bond: \$7,200  
Lot 46 of Cobahud Waterfront Tracts 122 39  
0.275 acres m/l

Mount Vernon, Washington 98273  
(360) 202-2557

**Ownership represented: 0.0520833333**

  
Superintendent

*Estate of Errol Jansen, Dennis Howell, and Wendy Olsen  
And a Guardianship account*

Bureau of Indian Affairs

Puget Sound Agency

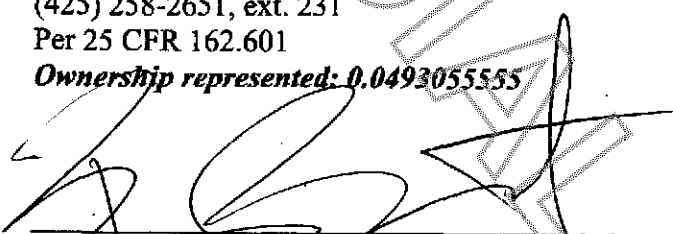
2707 Colby Avenue Suite 1101

Everett, Washington 98201

(425) 258-2651, ext. 231

Per 25 CFR 162.601

**Ownership represented: 0.0493055555**

  
M. Brian M. Cladoosby, Chairman  
Swinomish Tribal Community

11404 Moorage Way

La Conner, Washington 98257-0817

**Ownership Represented: 0.1027006172**

Brian Porter for  
Brian Cladoosby

**TOTAL OWNERSHIP REPRESENTED: 0.5934413578**

The assignment is hereby approved and declared to be made in accordance with the law and the rules and regulations prescribed by the Secretary of the Interior thereunder, and now in force.

Approved pursuant to 209 DM 8, 230 DM 1, 3 IAM 4, 4A and 25 CFR Part 162 Subpart C Residential Leasing.

5 September 2017  
Date

  
Superintendent  
Puget Sound Agency