



201808290138

08/29/2018 04:00 PM Pages: 1 of 9 Fees: \$157.00
Skagit County Auditor

Land Title and Escrow

Document Title: ASSIGNMENT OF LEASE

Reference Number : 01-168124-OE ✓ 201808290137

Grantor(s): ☐ additional grantor names on page ____.

1. 13 MOONS, LLC
- 2.

Grantee(s): ☐ additional grantee names on page ____.

1. ANITA KYTE
- 2.

Abbreviated legal description: ☐ full legal on page(s) ____.

LOT 15, CAPET ZALISILUCE WATERFRONT TRACTS

Assessor Parcel / Tax ID Number: ☐ additional tax parcel number(s) on page ____.

5105-000-015-0000 (P110703)

I, KATHY RODGERS, am hereby requesting an emergency non-standard recording for an additional fee provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document. Recording fee is ~~\$99.00~~ or the first page, \$1.00 per page thereafter per document. In addition to the standard fee, an emergency recording fee of \$50.00 is assessed. This statement is to become part of the recorded document.

Signed K Rodgers Dated AUGUST 29, 2018

Annual Rent: \$5,690 + \$10.00 Tideland
AOS/Performance Bond: \$5,690

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SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

UNITED STATES

2018 38 30
AUG 29 2018

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Amount Paid \$633
Skagit Co. Treasurer
By *mm* Deputy

ASSIGNMENT OF LEASE

Allotment: 122 41 Capet Zalsiluce Waterfront Tracts Lease Number: 122 2087290656 HS

It is hereby agreed by and between 13Moons LLC, Lessee(s), and the Capet Zalsiluce Waterfront Landowners, Allotment No. 122 41, Swinomish Indian Reservation, Lessors, that Lease Number 122 2087290656 HS covering Lot 15, of the Capet Zalsiluce Waterfront Tracts, Described as:

Lot 15 of the Capet Zalsiluce Waterfront Tracts, according to the unrecorded plat thereof on file in the office of Department of the Interior, Western Washington Bureau of Indian Affairs, Puget Agency, and as:

That portion of Government Lot 1, Section 3, Township 33 North, Range 2 East, W.M., described as follows:

(Being also known as Lot 15 of Capet Zalsiluce Waterfront Tracts, according to the unrecorded plat thereof on filed in the office of the Department of the Interior, Western Washington Bureau of Indian Affairs, Puget Sound Agency).

18196 Capet Zalsilue – Skagit Parcel No. P110703, Swinomish Parcel No. S3302030002

Situated in Skagit County, State of Washington.

be assigned to the following:

To assign the lease to the name of Anita Kyte (an unmarried person), of Post Office Box 1052, La Conner, WA 98257.

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 May 31, 2019.
2. Beginning June 1, 2019, the annual rental amount will be adjusted according to Provision 7.1 and 7.2 set out below. For the year 2017 and forward, the annual rent and tideland fee will be due on June 1st of each year.
3. The tideland fee will be due on June 1st of each year (\$10).

7.1 Rental Adjustment. Rent shall be adjusted every fourth year starting on June 1, 2019, for the remaining term of this lease. Except for years 2023, 2035, and 2047 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, 2019, and will be based on the median percentage change in the assessed land values between the Tax years 2015 and 2019.***

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, and 2047 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:

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.

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.

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 (\$5,690) 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 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 of \$5,690.

This Lease Number 122 2087290656 HS expires on March 31, 2056.

Annual Rent: \$5,690 + \$10.00 Tideland
AOS/Performance Bond: \$5,690

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This modification does not change any terms, conditions, or stipulations, except as specifically set forth herein.

Seller:

Mary Jayne Wiles
Mary Jane Wiles
13 Moons, LLC
~~Post Office Box 1052~~
~~La Conner, Washington 98257~~

David E. Wiles
18096 Peregrine Lane
Mt Vernon, WA 98274

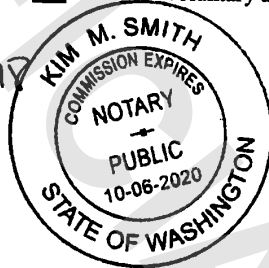
Buyer/Lessee(s)

Anita Kyte
Anita Kyte
4311 Landmark Drive
Mount Vernon, WA 98274

STATE OF Washington }
 COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Anita O. Kyte is the person(s) who appeared before me, and said person(s) acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 8-24-18

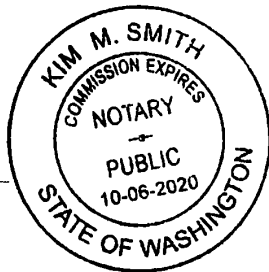


Kim M. Smith
 Kim M. Smith
 Notary Public in and for the State of Washington
 Residing at Mount Vernon
 My appointment expires: 10-6-2020

STATE OF Washington }
 COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Mary Jayne Wiles and David Morris are the person(s) who appeared before me, and said person(s) acknowledge they signed this instrument, on oath stated they are authorized to execute the instrument and acknowledge that as the Members of 13 Moons, LLC, a Washington Limited Liability Company to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 8-24-18



Kim M. Smith
 Kim M. Smith
 Notary Public in and for the State of Washington
 Residing Mount Vernon
 My appointment expires: 10-6-2020

TRUST SIGNATORIES 04/20/2017:

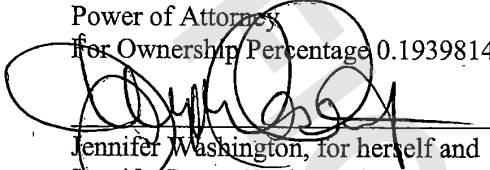


Ethel Barber
For Herself

17337 Reservation Road
La Conner, WA 98257
(360) 466-1899

Power of Attorney

For Ownership Percentage 0.1939814815

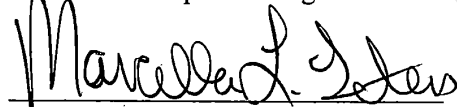

Jennifer Washington, for herself and
Jennifer Renee Taylor and Regina Bowen
Taylor

25944 Community Plaza Way
Sedro-Wooley, Washington
(360) 854-7000. Weekdays Only

Power of Attorney

For Ownership Percentage 0.0856481482

Total Ownership Percentage: 0.4742206791



Superintendent, Puget Sound Agency
Per 25 CFR 162.013

For Undetermined Heirs of a Decedent's Estate

For Those Who Are Non-Compos Mentis

For Orphaned Minors

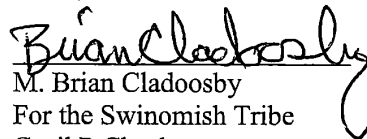
For Whereabouts Unknown

For Indians Who Have Given the Supt. Written

Authority to Execute Leases on their behalf.

Total: 0.1482573996%

BIA, Puget Sound Agency
2707 Colby Avenue, Suite 1101
Everett, Washington 98201
(425) 258-2651



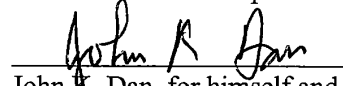
M. Brian Cladoosby
For the Swinomish Tribe
Cecil P Cheeka

950 Moorage Way

La Conner, WA 98257

Power of Attorney

For Ownership 0.0652700617


John R. Dan, for himself and
and Shaun M. Damien, Walter Damien
Daisy M. Dan, Ernestine (Bobb) Helbrick
Alma J. Damien

P.O. Box 1071

La Conner, Washington 98257

(360) 466-5438

Power of Attorney

Ownership Percentage 0.1293209877

SUPERINTENDENT TOTAL CONSENT PERCENTAGE: 0.1055992208

Annual Rent: \$5,690 + \$10.00 Tideland
AOS/Performance Bond: \$5,690

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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.

8/10/2018
Date

Marcella Steen
Superintendent
Puget Sound Agency

Area	Pnumber
ShelterBay	P69080
ShelterBay	P69081
ShelterBay	P69082
ShelterBay	P69083
ShelterBay	P69084
ShelterBay	P69085
ShelterBay	P69086
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ShelterBay	P69125
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W.Shore	P20589
W.Shore	P20590
W.Shore	P20591

Area	Pnumber
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W.Shore	P20815

Area	Pnumber
W.Shore	P65266
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W.Shore	P69197
W.Shore	P69198
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W.Shore	P69200
W.Shore	P69202
W.Shore	P69204
W.Shore	P69205
W.Shore	P69206
W.Shore	P69207
W.Shore	P69208
W.Shore	P69605
W.Shore	P69606

Area	Pnumber
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W.Shore	P69609
W.Shore	P69611
W.Shore	P69612
W.Shore	P69613
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W.Shore	P77681
W.Shore	P77682
W.Shore	P77683