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Skagit County Auditor

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GUARDIAN NORTHWEST TITLE CO.

Document Title(s)

116047

Judgment

Reference Number(s) of Related Documents

~~0200240002, 20131200018, 201312090123~~

Grantor(s) (Last Name, First Name, Middle Initial)

Harradine, Kay P., AKA Ames, Kay Patricia

Ames, Marc

Grantee(s) (Last Name, First Name, Middle Initial)

Jenkins, Doris J.

Maynard, Jimmy R.

Legal Description (Abbreviated form is acceptable, i.e. Section/Township/Range/Qtr Section or Lot/Block/Subdivision)

Lot 26 and ptn. Lot 27 of 5-Acre Subdiv. #522-81 - Fremali's Country Estates

Ptn. Lot 27 of 5-Acre Subdiv. #522-81 - Fremali's Country Estates

Assessor's Tax Parcel ID Number P17791, P17800

The County Auditor will rely on the information provided on this form. The Staff will not read the document to verify the accuracy and completeness of the indexing information provided herein.

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Signature of Requesting Party

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 8/22/18



MAVIS E. BETZ, County Clerk

By: [Signature]
Deputy Clerk

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SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2017 AUG 10 PM 4:24

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR SKAGIT COUNTY

Doris J. JENKINS and Jimmy R.
MAYNARD,
Plaintiffs,

No. 14-2-00977-4

v.

FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND JUDGMENT

Kay P. HARRADINE, aka KAY
PATRICIA AMES, and Marc AMES,

Defendants.

COMES NOW THE COURT, and, having considered all of the evidence presented at
trial, now hereby enters the following:

I. FINDINGS OF FACT

1. Plaintiffs own real property located at 23583 Fremali Lane, Mount Vernon,
Washington, legally described as follows:

Tract 26 of that certain 5 acre Parcel Subdivision No. 522-81, entitled
"FREMALI'S COUNTRY ESTATES PHASE II", approved November 11,
1982, and recorded November 24, 1982, under Auditor's File No. 8211240002,
in Volume 6 of Short Plats, pages 35 and 36, records of Skagit County,
Washington, and being located in Section 34, Township 33 North, Range 3
East, W.M. and as described in recorded Survey AF#201312060018.
("Lot 26")

Situated in the County of Skagit, State of Washington. (P17798).

2. Defendants own two adjoining lots to the south of Lot 26, to wit: Lots 27 and 28 created under the same development plan and they reside in a residence located at 23765 Fremali Lane on Lot 28, together legally described as follows:

Tracts 27 and 28 of that certain 5 acre Parcel Subdivision No. 522-81, entitled "FREMALI'S COUNTRY ESTATES PHASE II", approved November 11, 1982, and recorded November 24, 1982, under auditor's File No. 8211240002, in Volume 6 of Short Plats, pages 35 and 36, records of Skagit County, Washington, and being located in Section 34, Township 33 North, Range 3 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over and across that certain private road primarily 60 feet in width, as delineated on the face of said 5 acre parcel Subdivision No. 522-81, and also over and across that certain private road as delineated on the face of said 5 acre parcel Subdivision No. 501-80, recorded under Auditor's File No. 8009250045, records of Skagit County, Washington. Said road being designated as Tract "A" and as Fremali Lane on the face of said 5 acre Subdivision Maps Nos. 501-80 and 522-81.

Situate in the County of Skagit, State of Washington. (P17800 and P17802).

3. Plaintiffs and their predecessors-in-interest, without permission of Defendants and/or their predecessors-in-interest, cleared and occupied certain portions of the land located on Lot 27 which is subject to the parties' dispute; and thereafter possessed this parcel openly and notoriously by erecting buildings, landscaping and clearing brush, erecting permanent structures, temporary structures, and performing various other acts such as the true owner of the parcel would do.

4. Plaintiffs and their predecessors in interest have continuously and exclusively occupied the subject parcel beginning in 1994 until the Defendants interrupted Plaintiffs possession by erecting a fence which they began in December, 2013 and completed in March, 2014.

5. The subject parcel adversely possessed described as follows and depicted in the attached map:

COMMENCING AT THE MOST WESTERLY CORNER OF THE LOT LINE BETWEEN SAID LOTS 26 AND 27 OF THE ABOVE REFERENCED FIVE ACRE SEGREGATION;

THENCE N 40° 54' 20" E ALONG THE NORTHERLY LINE OF SAID LOT LINE A DISTANCE OF 103.00 FEET;

THENCE N 53° 21' 39" E A DISTANCE OF 29.70 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S 29° 35' 55" E A DISTANCE OF 11.60 FEET; THENCE N 76° 51' 55" E A DISTANCE OF 16.88 FEET;

THENCE N 64° 24' 29" E A DISTANCE OF 54.69 FEET; THENCE N 74° 12' 45" E A DISTANCE OF 60.34 FEET;

THENCE N 72° 26' 52" E A DISTANCE OF 73.80 FEET; THENCE N 59° 32' 17" E A DISTANCE OF 28.16 FEET;

THENCE N 12° 30' 48" W A DISTANCE OF 22.29 FEET;

THENCE N 19° 29' 27" W A DISTANCE OF 26.65 FEET;

THENCE N 21° 04' 37" E A DISTANCE OF 15.93 FEET;

THENCE N 57° 06' 53" E A DISTANCE OF 45.22 FEET;

THENCE N 25° 13' 12" E A DISTANCE OF 14.02 FEET;

THENCE N 11° 57' 06" W A DISTANCE OF 27.69 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 27;

THENCE S 53° 21' 39" W ALONG SAID LINE A DISTANCE OF 329.10 FEET TO THE TRUE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

6. With respect to the berm pathway, and since no survey was submitted in evidence, the Court has determined that whichever party owns where the pathway currently exists shall continue to own it and the other party shall have up to a four foot walking easement on the other party's property extending to the east boundary of the respective properties. Neither party may improve or change the pathway unless agreed to, in writing, by the parties or by further order of the Court. This reciprocal walking path easement shall be reduced to writing by Defendants' attorney and shall be executed by both parties and recorded with the Skagit County auditor's binding all heirs, successors and assigns.

7. Defendants provided insufficient evidence to support their counterclaims against the Plaintiffs for trespass and nuisance.

8. Defendants provided insufficient evidence that Plaintiffs blocked a stream running across the parties' parcels as claimed by Defendants or that wetlands have been damaged by the Plaintiffs.

9. Plaintiff's incurred reasonable attorney's fees of \$10,000.00 and costs in the amount of \$986.75 to assert their claim and defend and against the counterclaims of Defendants.

II. CONCLUSIONS OF LAW

1. Title to the *Subject Property* described in in paragraph 5 above is quieted in favor of Plaintiffs under the doctrine of adverse possession.

2. Plaintiffs are entitled to a judgment quieting title in said *Subject Property* in their favor.

3. Plaintiffs are not liable for damages upon any counterclaim brought by Defendants.

4. Plaintiffs are entitled to attorney's fees and costs as set forth herein.

5. Both Parties are granted a reciprocal four (4) foot walking easement along the existing pathway in accordance with Paragraph 6, Findings of Fact, set forth above.

III. ORDER

NOW THEREFORE, the Court ORDERS, ADJUDGES and DECREES that:

1. Title to the real property legally described in Paragraph 5, Findings of Fact, set forth above, is quieted in favor of Plaintiffs and is hereby conveyed to them and will be combined with the legal description of Plaintiffs' property described in Paragraph 1 of Findings of Fact (Lot 26). At Plaintiffs' request, Defendant's shall execute a Quit

Claim Deed, prepared by Plaintiffs consistent and in accordance with this Court
Order and Judgment to be recorded with the Skagit County Auditor's Office.

2. Accordingly, Lot 26 shall be legally described as follows:

Tract 26 of that certain 5 acre Parcel Subdivision No. 522-81, entitled
"FREMALI'S COUNTRY ESTATES PHASE II", approved November 11,
1982, and recorded November 24, 1982, under Auditor's File No. 8211240002,
in Volume 6 of Short Plats, pages 35 and 36, records of Skagit County,
Washington, and being located in Section 34, Township 33 North, Range 3
East, W.M. and as described in recorded Survey AF#201312060018.

TOGETHER WITH that portion of Lot 27 of the above referenced five acre
segregation, more particularly described as follows:

**COMMENCING AT THE MOST WESTERLY CORNER OF THE LOT LINE
BETWEEN SAID LOTS 26 AND 27 OF THE ABOVE REFERENCED FIVE
ACRE SEGREGATION;**

**THENCE N 40° 54' 20" E ALONG THE NORTHERLY LINE OF SAID LOT
LINE A DISTANCE OF 103.00 FEET;**

**THENCE N 53° 21' 39" E A DISTANCE OF 29.70 FEET TO THE TRUE
POINT OF BEGINNING;**

**THENCE S 29° 35' 55" E A DISTANCE OF 11.60 FEET; THENCE N 76° 51'
55" E A DISTANCE OF 16.88 FEET;**

**THENCE N 64° 24' 29" E A DISTANCE OF 54.69 FEET; THENCE N 74° 12'
45" E A DISTANCE OF 60.34 FEET;**

**THENCE N 72° 26' 52" E A DISTANCE OF 73.80 FEET; THENCE N 59° 32'
17" E A DISTANCE OF 28.16 FEET;**

THENCE N 12° 30' 48" W A DISTANCE OF 22.29 FEET;

THENCE N 19° 29' 27" W A DISTANCE OF 26.65 FEET;

THENCE N 21° 04' 37" E A DISTANCE OF 15.93 FEET;

THENCE N 57° 06' 53" E A DISTANCE OF 45.22 FEET;

THENCE N 25° 13' 12" E A DISTANCE OF 14.02 FEET;

**THENCE N 11° 57' 06" W A DISTANCE OF 27.69 FEET TO A POINT ON
THE NORTHERLY LINE OF SAID LOT 27;**

**THENCE S 53° 21' 39" W ALONG SAID LINE A DISTANCE OF 329.10
FEET TO THE TRUE POINT OF BEGINNING.**

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

3. Accordingly, the legal description of Defendants' Lot 27, after the above segregation,
is as follows:

Tracts 27 of that certain 5 acre Parcel Subdivision No. 522-81, entitled
"FREMALI'S COUNTRY ESTATES PHASE II", approved November 11,
1982, and recorded November 24, 1982, under Auditor's File No. 8211240002,

in Volume 6 of Short Plats, pages 35 and 36, records of Skagit County, Washington, and being located in Section 34, Township 33 North, Range 3 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over and across that certain private road primarily 60 feet in width, as delineated on the face of said 5 acre parcel Subdivision No. 522-81, and also over and across that certain private road as delineated on the face of said 5 acre parcel Subdivision No. 501-80, recorded under Auditor's File No. 8009250045, records of Skagit County, Washington. Said road being designated as Tract "A" and as Fremali Lane on the face of said 5 acre Subdivision Maps Nos. 501-80 and 522-81.

EXCEPT the following described segregated parcel from Lot 27, legally described as follows:

COMMENCING AT THE MOST WESTERLY CORNER OF THE LOT LINE BETWEEN SAID LOTS 26 AND 27 OF THE ABOVE REFERENCED FIVE ACRE SEGREGATION;

THENCE N 40° 54' 20" E ALONG THE NORTHERLY LINE OF SAID LOT LINE A DISTANCE OF 103.00 FEET;

THENCE N 53° 21' 39" E A DISTANCE OF 29.70 FEET TO THE TRUE POINT OF BEGINNING;

THENCE S 29° 35' 55" E A DISTANCE OF 11.60 FEET; THENCE N 76° 51' 55" E A DISTANCE OF 16.88 FEET;

THENCE N 64° 24' 29" E A DISTANCE OF 54.69 FEET; THENCE N 74° 12' 45" E A DISTANCE OF 60.34 FEET;

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THENCE N 57° 06' 53" E A DISTANCE OF 45.22 FEET;

THENCE N 25° 13' 12" E A DISTANCE OF 14.02 FEET;

THENCE N 11° 57' 06" W A DISTANCE OF 27.69 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 27;

THENCE S 53° 21' 39" W ALONG SAID LINE A DISTANCE OF 329.10 FEET TO THE TRUE POINT OF BEGINNING.

Situate in the County of Skagit, State of Washington.

4. Defendants' counterclaims are dismissed with prejudice and without costs;

1 5. The Plaintiffs' new southern boundary line is depicted on the attached survey exhibit,
2 which survey shall be finalized and timely recorded, within five (5) days after this Order
3 and Judgment is entered.

4 6. The Parties respective new legal descriptions and related records of Skagit County
5 shall be adjusted accordingly as set forth herein by the appropriate Skagit County
6 agencies and officials.

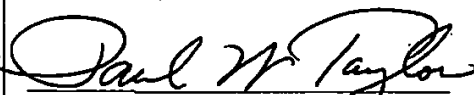
7 5. Defendants' are awarded reasonable attorney's fees of \$10,000.00 and costs in the
8 amount of \$986.75 and Judgment is entered in the total amount of \$10,986.75.

9 6. The Parties agree to execute any and all documents necessary to implement this
10 judgment and order. The Court shall retain jurisdiction until all documents mentioned
11 herein are recorded with the Skagit County Auditor's Office.

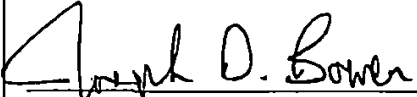
12
13 DONE IN OPEN COURT THIS 10 day of ^{August}~~July~~, 2017.

14
15
16 
17 Judge David Needy

18 Presented by:

19 
20 Paul W. Taylor, WSBA No. 13945
21 Attorney for Defendants

22 Copy Received; Approved as to Form.

23 
24 Joseph D. Bowen WSBA No. 17631
25 Attorney for Plaintiffs

FINDINGS OF FACT,
CONCLUSIONS OF LAW – Page 7 of 7
GenLit/Ames/Pleadings/Findings of Facts/Findings

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