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01/18/2019 10:23 AM Pages: 1 of 22 Fees: \$120.00
Skagit County Auditor

RETURN TO:

Patrick M. Hayden
P.O. Box 454
Sedro-Woolley, WA 98284

DOCUMENT TITLE(S) (or transactions contained herein):

STIPULATION AND JUDGMENT AMENDING BOUNDARY LINE OF REAL PROPERTY

REFERENCE NUMBER(S) OF DOCUMENTS ASSIGNED OR RELEASED:

SKAGIT COUNTY SUPERIOR COURT CASE NO. 14-2-01592-8

GRANTOR(S) (Last name, first name and initials):

1. COUGAR PEAK LLC
2. JEWELL, HARRY D.

GRANTEE(S) (Last name, first name and initials):

1. JEWELL, HARRY D.
2. COUGAR PEAK LLC

LEGAL DESCRIPTION (Abbreviated: i.e., lot, block, plat or quarter, quarter, section, township and range).

Ptn SW ¼ NE ¼ Sec 3, Twp 35N, R 4E, W.M. (two parcels as two BLA's)

ASSESSOR'S PARCEL/TAX I.D. NUMBER:

P101462 350403-2-002-0105
P35727 350403-2-002-0006

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2018 OCT 26 PM 2:07

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 10/26/2018



MAVIS E. BETZ, County Clerk

By: *[Signature]*
Deputy Clerk

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

2019184

JAN 18 2019

Amount Paid \$0
Skagit Co. Treasurer
By: *[Signature]* Deputy

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

COUGAR PEAK LLC, a Washington limited liability company,

Plaintiff,

vs.

HARRY D. JEWELL, an individual,

Defendant.

Case No. 14-2-01592-8

STIPULATION AND JUDGMENT
AMENDING BOUNDARY LINE OF
REAL PROPERTY

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

2019183

JAN 18 2019

Amount Paid \$0
Skagit Co. Treasurer
By: *[Signature]* Deputy

I. JUDGMENT SUMMARY

Grantor's name (person giving property)	Grantee's name (person getting property)	Real Property (fill in at least one)	
		Assessor's property tax parcel or account number:	Legal description of property awarded (lot/block/plat/section, township, range, county, state)
Cougar Peak, LLC	Jewell, Harry	From P35727 to P101462	See III(2)(a) and Exhibit C for complete legal description. Ptn SW ¼ NE ¼ Sec 3, Twp 35 N, R 4 E, WM Skagit County, Washington
Jewell, Harry	Cougar Peak, LLC	From P101462 to P35727	See III(2)(c) and Exhibit D for complete legal description. Ptn SW ¼ NE ¼ Sec 3, Twp 35 N, R 4 E, WM Skagit County, Washington
Lawyer (name): Patrick M. Hayden, WSBA # 11061, represents (name): Harry Jewell			
Lawyer (name): Sallye Quinn, WSBA # 28659, represents (name): Cougar peak, LLC			

STIPULATION AND JUDGMENT - 1

Patrick M. Hayden
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II. STIPULATION

THIS MATTER coming on before the undersigned Judge of the above-entitled Court on agreement of the parties, the Plaintiff being represented by Sallye Quinn of Barron Smith Daugert, PLLC; the Defendant being represented by Patrick M. Hayden, and the parties desiring to settle their dispute, now therefore

THE PARTIES HEREBY STIPULATE AND AGREE as follows with the same force and effect as if done in open court on the record:

1. The above-entitled Court has jurisdiction over the parties and subject matter.
2. The Plaintiff is Cougar Peak, LLC, a Washington Limited Liability Company (hereinafter "Cougar Peak".)
3. The Defendant is Harry Jewell, a single man (hereinafter "Jewell".)
4. Cougar Peak has title to that real property legally described on the attached Exhibit A. Jewell has title to that real property legally described on the attached Exhibit B.
5. Jewell occupies a portion of the property owned by Cougar Peak. Cougar Peak occupies a portion of the property owned by Jewell. The parties do not agree over the term and nature of the occupation, and whether or not it satisfies the elements of adverse possession.
6. The parties desire to resolve their differences without further cost or risk, and in contemplation of the benefits of goodwill between neighbors, by trading equal area of property.
7. Cougar Peak agrees to transfer that real property to Jewell described on the attached Exhibit C.
8. Jewell agrees to transfer that real property to Cougar Peak described on the attached Exhibit D.
9. Except as provided herein, the parties agree that the common boundaries of their respective properties shall be as surveyed by Skagit Surveyors and Engineers, Inc., for Cougar Peak (Job #210043B, dated March 25, 2015), subject to the exchanges of real property set forth herein.
10. The fences of the parties do not conform to the common boundaries as set forth herein. The parties may, but need not, relocate their fences to the amended property lines

1 following entry of the sub-attached order. Neither failure to relocate their fences nor
2 occupation of the other's property to the existing fence lines shall constitute adverse or
3 hostile use, nor adverse possession, but shall be deemed permissive use until the fences
4 are relocated.

5 11. Plaintiff shall cause Skagit Surveyors and Engineers, Inc., to conform the survey to the
6 following order, and file it with the Skagit County Auditor.

7 12. Except as provided, each party shall bear their own costs and attorney fees in this case.

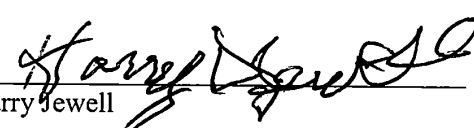
8 13. The parties stipulate to entry of the foregoing judgment without notice.

9 Dated: 10-26, 2018.

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11 COUGAR PEAK, LLC

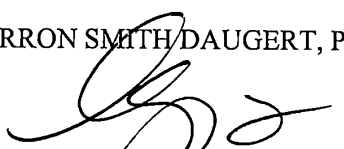
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13 By: 


14 Authorized Member

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16 
17 Harry Jewell

18 Approved:

19 BARRON SMITH DAUGERT, PLLC

20 By:  WSBA # 28655
21 Attorneys for Plaintiff

22 
23 Patrick M. Hayden, WSBA #11061
24 Attorney for Defendant

25 III. JUDGMENT

26 THIS MATTER coming on before the undersigned Judge of the above-entitled Court on
27 the date indicated; the Plaintiff being represented by Sallye Quinn of Barron Smith Daugert,
28 PLLC, and the Defendant being represented by Patrick M. Hayden; and the Court having
29 reviewed the files and records herein, and being fully advised in the premises, now, therefore,

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

1. **Jurisdiction.** The above-entitled Court has venue and jurisdiction over the parties and subject matter of this case.

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2. Transfer of Property.

a. All right, title and interest in that real property of Cougar Peak described on the attached Exhibit C, is hereby awarded to Harry Jewell. This parcel shall be combined with Jewell's adjacent real property and shall not constitute a separate legal lot without compliance with the Skagit County Subdivision Ordinance.

b. The new legal description for the real property of Harry Jewell is as set forth on Exhibit E.

c. All right, title and interest in that real property of Jewell described on the attached Exhibit D, is hereby awarded to Cougar Peak, LLC. This parcel shall be combined with Cougar Peak's adjacent real property and shall not constitute a separate legal lot without compliance with the Skagit County Subdivision Ordinance.

d. The new legal description for the real property of Cougar Peak, LLC is as set forth on Exhibit F.

3. **Survey of Common Boundary.** The parties agree that the common boundaries of their respective properties shall be as surveyed by Skagit Surveyors and Engineers, Inc., for Cougar Peak (Job #210043B, dated March 25, 2015), subject to the exchange of real property set forth herein, as illustrated on the attached Exhibit G.

4. **No Adverse Possession.** The parties may, but need not, relocate their fences to the amended property lines following entry of the sub-attached order. Neither failure to relocate their fences nor occupation of the other's property to the existing fence lines shall constitute adverse or hostile use, nor adverse possession, but shall be deemed permissive use until the fences are relocated.

5. **Recording of Judgment and Survey.** Plaintiff shall record a certified copy of this judgment, and shall cause Skagit Surveyors and Engineers, Inc. to conform the above referenced survey to the foregoing order, and to file it with the Skagit County Auditor, at Plaintiff's expense.

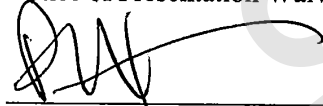
6. **Costs and Attorney Fees.** Except as provided, each party shall bear their own costs and attorney fees in this case.

1 7. **Remaining Claims.** The remaining claims and counterclaims of the parties are hereby
2 dismissed. This order constitutes a final judgment.

3 DATED: Oct. 26, 2018.

4
5
6 
7 Judge

8
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10 Presented jointly by;
11 Notice of Presentation Waived:

12 

13 Patrick M. Hayden, WSBA #11061
14 Attorney for Defendant

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16 BARRON SMITH DAUGERT, PLLC:

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18 By: 

19 Sallie Quinn, WSBA # 28459
20 Attorney for Plaintiff
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EXHIBIT A

STIPULATION AND JUDGMENT - 6

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Skagit Surveyors and Engineers

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
P35727
BEFORE BOUNDARY LINE ADJUSTMENT

December 14, 2017

That portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M., lying south of the County Road running through said subdivision.

EXCEPT that portion lying within that property conveyed to Alfred B. Riggs and Maude E. Riggs, his wife, by deed recorded May 4, 1937, in Volume 172, page 3, under AF#289614, records of Skagit County, Washington.

AND EXCEPT that certain portion thereof as conveyed to Alfred B. Riggs et ux by deed recorded March 31, 1941, in Volume 182 of Deeds, at page 572, under AF#337224, records of Skagit County, Washington.

AND EXCEPT that portion conveyed to Harry D. Jewell and Lois J. Jewell, husband and wife, under AF#9606150050, records of Skagit County, Washington.

Situate in Skagit County, Washington.

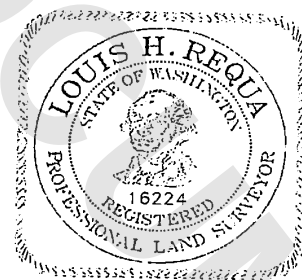


EXHIBIT B

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STIPULATION AND JUDGMENT - 7

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
P101462
BEFORE BOUNDARY LINE ADJUSTMENT

December 14, 2017

That portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at the southeast corner of said subdivision; thence northerly along the east line thereof, a distance of 834.5 feet; thence southwesterly in a straight line to a point on the west line of said subdivision that is 584.50 feet north of the southwest corner of said subdivision; thence southerly along the west line of said subdivision, a distance of 584.50 feet to the southwest corner thereof; thence easterly along the south line of said subdivision, 1271 feet, more or less, to the point of beginning.

TOGETHER WITH the east 60.00 feet (measured at right angles to the east line thereof) of that portion of said southwest quarter of the northwest quarter lying southerly of Grip Road and northerly of the northerly line of the hereinabove described main tract.

Situate in Skagit County, Washington.



EXHIBIT C

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STIPULATION AND JUDGMENT - 8

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
PARCEL TO BE CONVEYED TO JEWELL

December 1, 2017

That portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southeast corner of said subdivision; thence N 00°32'47"E along the east line of said subdivision, a distance of 834.50 feet; thence S 78°50'09"W, a distance of 61.28 feet to a point on the west line of the east 60.00 feet of said subdivision and the point of beginning of this description; thence continuing S 78°50'09"W, a distance of 400.00 feet; thence N 11°09'51"W, a distance of 26.00 feet; thence N 78°50'09"E, a distance of 405.39 feet to a point on the west line of the east 60.00 feet of said subdivision; thence S 00°32'47"W, a distance of 26.55 feet to the point of beginning.

Containing 10,470 square feet.

Situate in Skagit County, Washington.



EXHIBIT D

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STIPULATION AND JUDGMENT - 9

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
PARCEL TO BE CONVEYED TO COUGAR PEAK

December 1, 2017

That portion of the southwest quarter of the northwest quarter of
Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southwest corner of said subdivision; thence
N 00°31'38"W along the west line of said subdivision, a distance of
584.50 feet to the point of beginning of this description; thence
N 78°50'09"E, a distance of 258.00 feet; thence S 11°09'51"E, a
distance of 40.00 feet; thence S 78°50'09"W, a distance of 265.51 feet
to a point on the west line of said subdivision; thence N 00°31'38"W,
a distance of 40.70 feet to the point of beginning.

Containing 10,470 square feet.

Situate in Skagit County, Washington.



EXHIBIT E

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STIPULATION AND JUDGMENT - 10

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
P101462
AFTER BOUNDARY LINE ADJUSTMENT

December 14, 2017

That portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at the southeast corner of said subdivision; thence northerly along the east line thereof, a distance of 834.5 feet; thence southwesterly in a straight line to a point on the west line of said subdivision that is 584.50 feet north of the southwest corner of said subdivision; thence southerly along the west line of said subdivision, a distance of 584.50 feet to the southwest corner thereof; thence easterly along the south line of said subdivision, 1271 feet, more or less, to the point of beginning.

TOGETHER WITH the east 60.00 feet (measured at right angles to the east line thereof) of that portion of said southwest quarter of the northwest quarter lying southerly of Grip Road and northerly of the northerly line of the hereinabove described main tract.

TOGETHER WITH that portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southeast corner of said subdivision; thence N 00°32'47"E along the east line of said subdivision, a distance of 834.50 feet; thence S 78°50'09"W, a distance of 61.28 feet to a point on the west line of the east 60.00 feet of said subdivision and the point of

Skagit Surveyors and Engineers

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beginning of this description; thence continuing S 78°50'09"W, a distance of 400.00 feet; thence N 11°09'51"W, a distance of 26.00 feet; thence N 78°50'09"E, a distance of 405.39 feet to a point on the west line of the east 60.00 feet of said subdivision; thence S 00°32'47"W, a distance of 26.55 feet to the point of beginning.

EXCEPT that portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southwest corner of said subdivision; thence N 00°31'38"W along the west line of said subdivision, a distance of 584.50 feet to the point of beginning of this description; thence N 78°50'09"E, a distance of 258.00 feet; thence S 11°09'51"E, a distance of 40.00 feet; thence S 78°50'09"W, a distance of 265.51 feet to a point on the west line of said subdivision; thence N 00°31'38"W, a distance of 40.70 feet to the point of beginning.

Containing approximately 26.5 acres.

Situate in Skagit County, Washington.

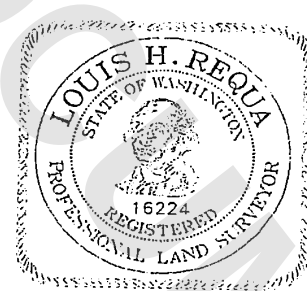


EXHIBIT F

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STIPULATION AND JUDGMENT - 11

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— Skagit Surveyors and Engineers —

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LEGAL DESCRIPTION
FOR
PATRICK HAYDEN
OF
P35727
AFTER BOUNDARY LINE ADJUSTMENT

January 24, 2018

That portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M., lying south of the County Road running through said subdivision.

TOGETHER WITH that portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southwest corner of said subdivision; thence N 00°31'38"W along the west line of said subdivision, a distance of 584.50 feet to the point of beginning of this description; thence N 78°50'09"E, a distance of 258.00 feet; thence S 11°09'51"E, a distance of 40.00 feet; thence S 78°50'09"W, a distance of 265.51 feet to a point on the west line of said subdivision; thence N 00°31'38"W, a distance of 40.70 feet to the point of beginning.

EXCEPT that portion lying within that property conveyed to Alfred B. Riggs and Maude E. Riggs, his wife, by deed recorded May 4, 1937, in Volume 172, page 3, under AF#289614, records of Skagit County, Washington.

AND EXCEPT that certain portion thereof as conveyed to Alfred B. Riggs, et ux, by deed recorded March 31, 1941, in Volume 182 of Deeds, at page 572, under AF#337224, records of Skagit County, Washington.

AND EXCEPT that portion conveyed to Harry D. Jewell and Lois J. Jewell, husband and wife, under AF#9606150050, records of Skagit County, Washington.



—Skagit Surveyors and Engineers—

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AND EXCEPT that portion of the southwest quarter of the northwest quarter of Section 3, Township 35 North, Range 4 East, W.M. described as follows:

Commencing at the southeast corner of said subdivision; thence N 00°32'47"E along the east line of said subdivision, a distance of 834.50 feet; thence S 78°50'09"W, a distance of 61.28 feet to a point on the west line of the east 60.00 feet of said subdivision and the point of beginning of this description; thence continuing S 78°50'09"W, a distance of 400.00 feet; thence N 11°09'51"W, a distance of 26.00 feet; thence N 78°50'09"E, a distance of 405.39 feet to a point on the west line of the east 60.00 feet of said subdivision; thence S 00°32'47"W, a distance of 26.55 feet to the point of beginning.

Containing approximately 19.5 acres.

Situate in Skagit County, Washington.

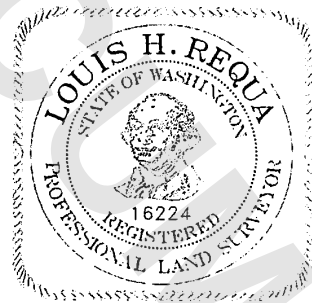


EXHIBIT G

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STIPULATION AND JUDGMENT - 12

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COUGAR PEAK PARCEL
P35727

LINE	BEARING	DISTANCE
L1	N 00°31'38" W	40.70'
L2	N 11°09'51" W	40.00'
L3	N 11°09'51" W	26.00'
L4	N 00°32'47" E	26.55'

JEWELL PARCEL
P101462

543.80' N 00°31'38" W

258.00' L1 L2

N 78°50'09" E

L4 405.39' 400.00'

61.28' 60'

N 00°32'47" E 834.50'



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



Legal Description
Exhibit Map
for
PAT HAYDEN