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03/22/2019 03:58 PM Pages: 1 of 4 Fees: \$102.00  
Skagit County Auditor

AFTER RECORDING, RETURN TO:

SHELTER BAY COMPANY

1000 Shoshone Drive

La Conner, WA 98257

**TITLE OF DOCUMENT: RELEASE AND INDEMNITY AGREEMENT**

**GRANTOR: Steven and Crystal Swigert**

**ABBREV. LEGAL DESCRIPTION: Lot 210, Shelter Bay, Div. 2**

**ASSESSOR'S TAX PARCEL NO.: P129072**

**REFERENCE NUMBERS OF RELATED DOCUMENTS: \_\_\_\_\_**

This Release and Indemnity Agreement (Agreement) is made between Steven Swigert and Crystal Swigert (Swigerts), and Shelter Bay Company and Shelter Bay Community (Shelter Bay). The purpose of this Agreement is to release and protect Shelter Bay from any claims arising from the termination and re-issuance of the Sublease for Lot 210, Swinomish Drive, La Conner, WA 98257. A full Legal Description of the property is attached as Exhibit A.

The sublessee for Lot 210, assigned to Dale and Mary Chisholm (last known address 2601 E Pine St, Deming, NM. 88030) abandoned the property in 2011. Repeated attempts to contact the Chisholms have been unsuccessful. Shelter Bay also made multiple attempts to contact the mortgagee, Key Bank, to claim the property with no response. The Swigerts and Shelter Bay reasonably believe the property is abandoned.

To purchase the property, the Swigerts now pay the past due amounts to Shelter Bay, \$39,323.68. In exchange, Shelter Bay Company will terminate the existing Sublease for Lot 210 and re-issue the Sublease in the Swigerts' name.

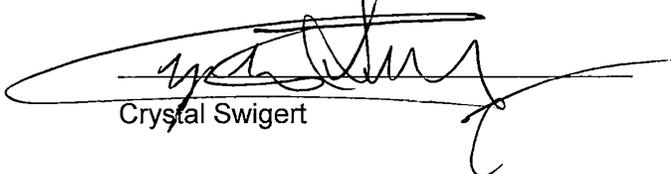
The Swigerts acknowledge that Shelter Bay makes no warranties or promises regarding the validity of the re-issued Sublease against claims by the Chisholms. The Swigerts release Shelter Bay and all individuals acting on Shelter Bay's behalf from any liability related to the re-issued Sublease, including but not limited to, improvement taxes. The parties allocate all risk from the re-issued Sublease to the Swigerts.

Furthermore, the Swigerts agree to defend and indemnify Shelter Bay from all claims arising from the re-issued Sublease, including those from the Chisholms.

The Swigerts and Shelter Bay agree to cooperate in the re-issuance of a Sublease for Lot 210 and in the resolution of any potential claims arising from the re-issuance. If a dispute arises regarding this agreement, the parties agree to mediate the dispute, and if unsuccessful, submit their dispute to binding arbitration under Washington law with an agreed arbitrator.

Dated this 19 day of March, 2019

  
\_\_\_\_\_  
Steven Swigert

  
\_\_\_\_\_  
Crystal Swigert

SHELTER BAY COMMUNITY  
SHELTER BAY COMPANY

  
\_\_\_\_\_  
David Franklin, General Manager

STATE OF Washington  
 ) SS.  
COUNTY OF Skaigt )

On this 19th day of March, 2019 before me, the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared **STEVEN SWIKGERT and CRYSTAL SWIKGERT** to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the said instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Debra K. Byrd  
Notary Public in and for the State of  
Washington  
Residing at: La Conner  
My Commission Expires: 01-23-2022

STATE OF Washington  
 ) SS.  
COUNTY OF Skaigt )

On this 19th day of March, 2019 before me, the undersigned, a Notary Public in and for the State of Washington duly commissioned and sworn, personally appeared **DAVID FRANKLIN** to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he signed and sealed the said instrument as his free and voluntary act and deed for the uses and purposes therein mentioned.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Debra K. Byrd  
Notary Public in and for the State of  
Washington  
Residing at: La Conner  
My Commission Expires: 01-23-2022

## Exhibit A

### Legal Description of Property:

Lot 210, "REVISED MAP OF SURVEY OF SHELTER BAY DIV. 2, Tribal and Allotted Lands of Swinomish Reservation," as recorded in Volume 43 of Official Records, pages 833 through 838, inclusive, records of Skagit County, Washington.

Situate in County of Skagit, State of Washington.

Parcel No. P129072.