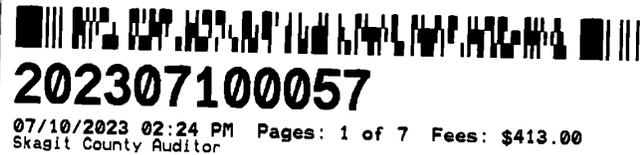


When recorded return to:
John P. Livingston,
Attorney at Law, PLLC
119 N. Commercial St., Suite 1345
Bellingham, WA 98225



Document Title: Findings of Fact, Conclusions of Law; Order Releasing Lis Pendens, and Judgment for Costs and Attorney's Fees

Reference Number: Skagit County Auditor File No. 202203240008.

Grantor(s)/Judgment Debtor: Shields, Edwin B.

Grantee(s)/Judgment Creditor: Happy Face Farms, Inc., a Washington corporation.

Abbreviated Legal Descriptions: Full legal descriptions on pages 2-3

1. **P41550:** THAT PORTION OF THE NE1/4 OF THE NW1/4 OF SEC 17, TWP 35, RNG 6, THAT LIES NORTH OF THE SOUTH LINE OF THE PUGET SOUND & BAKER RIVER RAILWAY RIGHT OF WAY; EXCEPT RIGHT OF WAY FOR THE COUNTY ROAD KNOW AS THE 'MAC PREVEDELL ROAD'
2. **P41333:** TAX 65BBB BEG AT A STAKE AT THE PT OF INTERS OF THE S BDRY LINE OF THE P.S. & B.R. RLY WITH THE W LINE OF THE MAX PREVEDAL RD, SECTION 17, TOWNSHIP 35 NORTH, RANGE 6 EAST, W.M., TH S 23 DEG E 315' TH S 67 DEG W A DIST OF APPROX 838' TO TRUE POB SD TRUE POB BEING A DIST OF 422' FROM ESTABLISHED LINE BETW. THE GRNTRS & FRED DAVES TH COM AT SD TRUE POB RUNNING S 67 DEG W A DIST OF 422' M/L TO THE ESTABLISH LINE BETEW. THE GRNTRS & SD FRED DAVES TH N 23 DEG W TO THE S BDRY LINE OF SD RLY R/W TH IN E'LY DIR ALG S LINE OF SD RLY R/W A DIST OF 422' TH S 23 DEG E TO POB LESS HWY
3. **P41547:** (TITLE ELIMINATION) INCLUDING MANUFACTURED HOME 1993 SKYLINE 56X28 SERIAL NUMBER 32910881FAB WEST 462 FEET OF THAT PORTION OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4, SECTION 17, TOWNSHIP 35 NORTH, RANGE 6 EAST, W.M., LYING NORTHERLY OF THE NORTH LINE OF THE RIGHT-OF-WAY OF THE PUGET SOUND AND BAKER RIVER RAILWAY AS CONVEYED BY INSTRUMENT RECORDED MAY 16, 1907 IN VOLUME 62 OF DEEDS, PAGE 369, RECORDS OF SKAGIT COUNTY EXCEPT COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF

SECTION 17 THENCE SOUTH 02-03-18 WEST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 A DISTANCE OF 293.65 FEET TO THE NORTH RIGHT OF WAY LINE OF THE PUGET SOUND AND BAKER RIVER RAILWAY CONVEYED BY INSTRUMENT RECORDED MAY 16, 1907 IN VOLUME 62 OF DEEDS, PAGE 369, RECORDS OF SKAGIT COUNTY, AS SHOWN ON SURVEY FILED IN VOLUME 20 OF SURVEYS AT PAGE 73 UNDER AUDITOR'S FILE NUMBER 9802270078 RECORDS OF SKAGIT COUNTY, AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 56-26-13 EAST A DISTANCE OF 43.95 FEET THENCE NORTH 76-17-16 EAST A DISTANCE OF 29.35 FEET THENCE NORTH 88-25-28 EAST A DISTANCE OF 59.87 FEET THENCE SOUTH 03-52-33 EAST A DISTANCE OF 15.35 FEET TO THE NORTH LINE OF SAID PUGET SOUND AND BAKER RIVER RAILWAY THENCE WESTERLY ALONG THE NORTH LINE OF SAID RAILWAY A DISTANCE OF 127.32 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

Assessor Parcel Number / Xref ID Number(s):

1. P41550 / 350617-2-001-0009
2. P41333 / 350617-0-016-0006
3. P41547 / 350617-1-004-0008

COMPLETE LEGAL DESCRIPTIONS

1. **P41550:**

PARCEL "A":

That portion of the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 35 North, Range 6 East, W.M., that lies North of the Puget Sound and Baker Railway right-of-way, EXCEPT right-of-way for the County Road known as "Max Prevedell Road".

Situate in the Town of Lyman, County of Skagit, State of Washington.

PARCEL "B":

The abandoned Puget Sound and Baker River Railroad right-of-way across the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 35 North, Range 6 East, W.M.

Situate in the Town of Lyman, County of Skagit, State of Washington.

2. **P41333:**

A tract of land in Section 17, Township 35 North, Range 6, E.W.M., Skagit County, Washington, described as follows:

Beginning at a stake at the point of intersection of the South boundary line of the Puget Sound and Baker River Railway right-of-way with the West boundary line of the Max Prevedell Road in said Section 17; thence South 23 degrees East, a distance of 315 feet; thence South 67 degrees West a distance of approximately 838 feet to the true point of beginning, said true point of beginning, being distant 422 feet from the established line

between the grantors and Fred Davis; thence commencing at said true point of beginning, running South 67 degrees West a distance of 422 feet to the established line between the grantors and the said Fred Davis; thence North 23 degrees West to the South boundary line of said Railway right-of-way; thence in an Easterly direction along the South boundary line of said Railway right-of-way a distance of 422 feet; thence South 23 degrees East to the point of beginning.

EXCEPT that portion thereof conveyed to the Washington State highway department for highway purposes by Burlin Daves and Myrtle Daves, his wife, by deed dated December 5, 1957, recorded in the office of the Auditor of Skagit County, Washington on January 6, 1958, under Auditor's File No. 560331.

Situate in the County of Skagit, State of Washington.

3. P41547

(Title elimination) including manufactured home 1993 skyline 56x28 serial number 32910881fab West 462 feet of that portion of the Northwest 1/4 of the Northeast 1/4, Section 17, Township 35 north, Range 6 East, W.M., lying Northerly of the North line of the right-of-way of the Puget Sound and Baker River Railway as conveyed by instrument recorded May 16, 1907 in Volume 62 of deeds, page 369, records of Skagit County except commencing at the Northwest corner of the Northeast 1/4 of Section 17 thence South 02-03-18 West along the West line of said Northeast 1/4 a distance of 293.65 feet to the North right-of-way line of the Puget Sound and Baker River Railway conveyed by instrument recorded May 16, 1907 in Volume 62 of deeds, page 369, records of Skagit County, as shown on survey filed in Volume 20 of surveys at page 73 under Auditor's File number 9802270078 records of Skagit County, and the point of beginning of this description; thence North 56-26-13 East a distance of 43.95 feet thence North 76-17-16 East a distance of 29.35 feet thence North 88-25-28 East a distance of 59.87 feet thence South 03-52-33 East a distance of 15.35 feet to the North line of said Puget Sound and Baker River Railway thence Westerly along the North line of said railway a distance of 127.32 feet to the point of beginning of this description.

Situate in the County of Skagit, State of Washington.

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2023 JUL -7 AM 9:40

1 I, MELISSA BEATON, Clerk of the Superior Court of
2 the State of Washington, for Skagit County, do
3 hereby certify that this is a true copy of the original
4 now on file in my office. Dated 7/7/23



MELISSA BEATON, County Clerk

By: *[Signature]*
Deputy Clerk **EMILY JOHNSON**

10 **IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON**
11 **IN AND FOR SKAGIT COUNTY**

12 EDWIN B. SHIELDS, an unmarried
13 person,

14 Plaintiff,

15 v.

16 HAPPY FACE FARMS, INC., a
17 Washington corporation,

18 Defendant.

NO. 22-2-00239-29

FINDINGS OF FACT,
CONCLUSIONS OF LAW; ORDER
RELEASING LIS PENDENS AND
JUDGMENT FOR DEFENDANT'S
COSTS AND ATTORNEY'S FEES

21 **JUDGMENT SUMMARY**

- 22 a. Judgment Creditor: Happy Face Farms, Inc.
- 23 b. Attorney for Judgment Creditor: John P. Livingston
- 24 c. Judgment Debtors: Edwin B. Shields
- 25 d. Principal Judgment Amount: \$ 00.00
- 26 e. Attorney's Fees: \$7,225.00
- 27 f. Costs: \$ 424.30
- 28 (\$10.30 postage; \$199.50 legal assistant; \$8.00 certified copy;
- 29 \$206.50 Auditor's recording fee)
- 30 g. **Total Judgment, Costs, and Fees:** **\$7,649.30**

31 **PRINCIPAL JUDGMENT, ATTORNEY'S FEES AND COSTS SHALL BEAR**
32 **INTEREST AT THE RATE OF 12% PER ANNUM UNTIL PAID IN FULL**

33 FINDINGS OF FACT, CONCLUSIONS OF LAW;
34 ORDER RELEASING LIS PENDENS &
35 JUDGMENT FOR COSTS & ATTORNEY'S FEES - 1

John P. Livingston, Attorney at Law
119 N. Commercial Street, Suite 1345
Bellingham, Washington 98225
Tel: (360) 306-8658

4

1 THIS MATTER having come on regularly for hearing before the Court upon motion of the
2 Defendant, after having prevailed in a motion for summary judgment on May 18, 2023,
3 the Defendant seeking an Order releasing the Lis Pendens recorded by Plaintiff on
4 March 24, 2022, under Skagit County Auditor's File No. 202203240008.
5
6

7
8
9 Defendant appearing through its attorney, John P. Livingston, and

10
11 ~~[] Plaintiff Edwin Shields not appearing for the hearing;~~

12 [✓] Plaintiff Edwin Shields appearing;

13
14 and the Court having examined the parties and witnesses present, considered the
15 evidence, and being fully advised in the premises, now makes the following:
16

17 **FINDINGS OF FACT**

18 1. Defendant prevailed in this case at summary judgment on May 18, 2023.
19

20
21 2. Defendant incurred \$7,225.00 in attorney's fees. Defendant's attorney expended
22 28.9 hours at the hourly rate of \$250.00 per hour.
23

24
25
26 3. Defendant's attorney's fees are reasonable, given the attorney's experience, the
27 number of hours expended, and the complexity of defending this cause of action.
28

29
30 4. Defendant also incurred additional costs of \$199.50 for legal assistant fees; \$10.30 in
31 postage fees; \$8.00 in certified copy fees; \$206.50 in County Auditor Recording Fees.
32

33 Total costs incurred by Defendant amount to \$424.30.
34
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36

FINDINGS OF FACT, CONCLUSIONS OF LAW;
ORDER RELEASING LIS PENDENS &
JUDGMENT FOR COSTS & ATTORNEY'S FEES - 2

John P. Livingston, Attorney at Law
119 N. Commercial Street, Suite 1345
Bellingham, Washington 98225
Tel: (360) 306-8658

1 From the foregoing Findings of Fact, the Court makes the following:

2
3 **CONCLUSIONS OF LAW**

4
5 1. Defendant is entitled to reimbursement of its costs and reasonable attorney's fees
6 incurred, pursuant to RCW 7.28.083(3); RCW 4.28.320; and RCW 4.28.328(3).
7

8
9 2. Pursuant to RCW 4.28.320, the Defendant is entitled to record a copy of this order
10 with the Skagit County Auditor, and by so doing, the Lis Pendens previously recorded
11 under Auditor File No. 202203240008 shall be released effective on the date this Order
12 is recorded by the Skagit County Auditor's Office.
13
14

15 **JUDGMENT**

16 The Court having made and entered its Findings of Fact and Conclusions of Law, NOW,
17 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

18 Defendant is awarded judgment against Plaintiff as set forth in the Judgment Summary
19 above. Said sums shall accrue interest at the rate of twelve percent (12%) per annum
20 until paid.
21
22

23
24 DONE IN OPEN COURT this ____ day of July 7, 2023.

25
26 *[Signature]*
27 JUDGE / COURT COMMISSIONER
28

29
30
31 Respectfully presented by:

32 *[Signature]*
33 John P. Livingston, WSBA # 32297
34 Attorney for Defendant
35

36 Copy received:

[Signature] *me*
Edwin Shields, pro se Plaintiff

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Certificate of Mailing:

I, John P. Livingston certify under penalty of perjury of the laws of the State of Washington, that on the 15th day of June, 2023, I caused to be delivered, or mailed, a copy of this document, to:

Ed Shields, Plaintiff pro se
31437 Prevedell RD
Sedro Woolley, WA 98284



John P. Livingston

FINDINGS OF FACT, CONCLUSIONS OF LAW;
ORDER RELEASING LIS PENDENS &
JUDGMENT FOR COSTS & ATTORNEY'S FEES - 4

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