

After recording return document to:

State of Washington
Department of Transportation
Real Estate Services Office
P O Box 47338
Olympia WA 98504-7338

GNW 19-3813

Document Title: Subordination Agreement

Reference Number of Related Document: 201606060105 and 201907020001

Grantor(s): Banner Bank

AF# 202308290351

Grantee(s): State of Washington, Department of Transportation

Legal Description: Ptn. of Lot 4, "LOCKEN'S ADDITION", Vol. 15 Plats, pgs. 114 and 115, Skagit County.

Additional Legal Description is on Pages 4 and 5 of Document.

Assessor's Tax Parcel Number: Ptn. 46120000040003 (P105575)

SUBORDINATION AGREEMENT

State Route 534, Unnamed Tributary to Carpenter Creek Fish Passage.

This agreement, entered into this 11th day of November, 2022, by and between Banner Bank (Lender) and the State of Washington, acting by and through its Department of Transportation (WSDOT)

The Lender presently has an interest in certain real property, per that certain deed of trust and modification of deed of trust in Skagit County under Recording Numbers 201606060105 and 201907020001, that is needed for a highway facility and the proposed use requires the subordination of the Lender's interest to the WSDOT as recorded.

Therefore, in consideration of the premises and the mutual covenants contained herein, the WSDOT and the Lender hereby agree as follows:

- I. The Lender hereby subordinates to the interest of WSDOT, its successors, or assigns, any and all interest the Lender has in the real property described as follows:

For Legal Description see Exhibit "A" attached hereto and made a part hereof.

SUBORDINATION AGREEMENT

2. The Lender shall continue to have all rights under the Lender's Deed of Trust identified above, except that the use of the real property shall be subject to the control of the WSDOT pursuant to paragraph 3 hereof.
3. The WSDOT shall have the right to control the Lender's use of the real property interest created by the document identified above for the construction of the highway facility project per the terms of the temporary easement until the termination thereof on March 31, 2027.

It is understood and agreed that delivery of this Subordination Agreement is hereby tendered and that the terms and obligations hereof shall not become binding upon the State of Washington unless and until accepted and approved hereon in writing for the State of Washington, by and through its Department of Transportation, by its authorized agent.

BANNER BANK

By *John M. Murray*

Date: November 15, 2022

Printed Name: John M. Murray

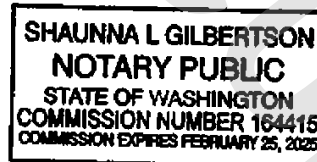
Title: Portfolio Manager
Vice President

STATE OF Washington)
) ss
COUNTY OF Snohomish

On this 15 day of November, 2022, before me, the undersigned, a Notary Public, duly commissioned and sworn, personally appeared John M. Murray to me known to be Vice President, of Banner Bank and executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said bank corporation for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

Witness my hand and affixed my official seal the day and year first above written.

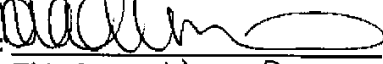
Shaunna L. Gilbertson
Printed Name: Shaunna L. Gilbertson
My appointment expires: 02/25/2025



SUBORDINATION AGREEMENT

Accepted and Approved

STATE OF WASHINGTON
Department of Transportation

By: 
Title: Acquisition Program
Authorized Agent
Heather Lindstrom

Date: 8/21/23

SUBORDINATION AGREEMENT**EXHIBIT A****SINGLE**

Parcel Number: 1-25070

STATE VS. JEFFREY E. LOCKEN and AMITY K. LOCKEN, husband and wife

DESCRIPTION:

A temporary right and easement to use and occupy the following described lands for the purpose of placing personnel, machinery and equipment on said lands and providing a work area to perform all work necessary for the construction of a new fish passable culvert, appurtenances, and habitat enhancements including, but not limited to, possible modifications to the course and profile of the waterway, placement of large woody debris and other such enhancements ("Construction"), as well as post-construction establishment of native type vegetation including, but not limited to, planting, seeding, inspecting, monitoring, watering and weed control, together with rights of ongoing ingress and egress to accomplish said purposes ("Plant Establishment"). The temporary easement shall terminate on March 31, 2027 (the "Term").

All that portion of the hereinafter described TRACT "X" lying within a tract of land beginning at a point opposite Highway Engineer's Station (hereinafter referred to as HES) 28+34 on the SR 534 line survey of SR 534, UNNAMED TRIBUTARY TO CARPENTER CREEK, FISH PASSAGE – TEMPORARY EASEMENT EXHIBIT, PARCEL 1-25070 and 20 feet southerly therefrom; thence southerly to a point opposite said HES and 80 feet southerly therefrom; thence easterly, parallel with said line survey, to a point opposite HES 31+05± thereon, said point being on the easterly line of said TRACT "X"; thence northerly, along said easterly line, to a point opposite said HES and 50 feet southerly therefrom; thence northwesterly to a point opposite HES 29+26± on said line survey and 20 feet southerly therefrom, said point being on the northerly line of said TRACT "X"; thence westerly, parallel with said line survey, to the point of beginning.

SUBJECT TO the following terms and conditions:

1. Construction will be completed on or before March 31, 2024, followed by a three (3) year Plant Establishment period.
2. The Petitioner shall provide Respondent written notice no less than thirty (30) days in advance of commencement of Construction.

SUBORDINATION AGREEMENT**EXHIBIT A**
(continued)

3. The Petitioner shall, upon completion of construction of said project described herein, remove all debris and restore the surface of the property as nearly as possible to the condition immediately prior to the petitioner's entry thereon, excepting any modifications or improvements made as part of the construction project.

TRACT "X"

Lot 4, Locken's Addition, as per plat recorded in Volume 15 of Plats, pages 114 and 115, records of Skagit County, Washington.

The lands herein condemned contain an area of 12,975 square feet, more or less, the specific details concerning all of which are to be found on that certain Exhibit Map entitled SR 534, UNNAMED TRIBUTARY TO CARPENTER CREEK, FISH PASSAGE – TEMPORARY EASEMENT EXHIBIT, PARCEL 1-25070, dated April 26, 2021.

Grantor's Initials