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

M10618

Document Title: Stipulated Judgment and Decree of Appropriation

Reference Number : N/A

Grantor(s): ☐ additional grantor names on page ____.

1. Jeffrey E. Locken

2. Amity K. Locken

Grantee(s) ☐ additional grantee names on page ____.

1. State of Washington

2.

Abbreviated legal description: ☐ full legal on page(s) ____.

Lot 4, Locken's Addition

☐ additional tax parcel number(s) on page__.

Assessor Pareel / Tax ID Number:

P105575 (4612-000-004-0003)

I, Kelly Albert, am hereby requesting an emergency non- standard recording for an additional fee provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.

Recording fee is \$303.50 for the first page, \$1.00 per page thereafter per document. In addition to the standard fee, an emergency recording fee of \$50.00 is assessed. This statement is to become part of the recorded document.

Signed Kelly Albert Dated 3-19-2025

22-2-00489-29
OCA 49
Decree of Appropriation
18103740



FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2025 JAN -9 PM 1:28

MELISSA BEATON, 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 1-14-25



MELISSA BEATON, County Clerk

By:
Deputy Clerk CHRISTINE LUVERA

RECEIVED

JAN 17 2025

Attorney General's Office
General Services Tumwater

Abbreviated legal description: Lot 4, "Locken's
Addition", as per plat recorded in Vol. 15 of Plats,
pages 114 and 115, records of Skagit County,
Washington.

Full legal description: Attached as Exhibit A to
Stipulated Judgment and Decree of Appropriation
Skagit County tax parcel P105575.

**STATE OF WASHINGTON
SKAGIT COUNTY SUPERIOR COURT**

STATE OF WASHINGTON,

NO. 22-2-00489-29

Petitioner,

STIPULATED JUDGMENT AND DECREE OF
APPROPRIATION

v.

JEFFREY E. LOCKEN and
AMITY K. LOCKEN, et al.,

[Clerk's Action Required]

Respondents.

JUDGMENT SUMMARY

Judgment Creditor:	Jeffrey E. Locken and Amity K. Locken, husband and wife
Attorney for Judgment Creditor:	Craig Cammock; and Skagit Law Group, PLLC
Judgment Debtor:	State of Washington
Attorney for Judgment Debtor:	Teresa M. Shill, and Matthew D. Huot Assistant Attorneys General

STIPULATED JUDGMENT AND DECREE OF
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ATTORNEY GENERAL OF WASHINGTON
Transportation & Public Construction Division
7141 Cleanwater Drive SW
PO BOX 40113
Olympia, WA 98504-0113
(360) 753-6126

1	Principal Judgment Amount:	\$12,000
2	Less Payment for Possession & Use:	<u>-\$4,100</u>
3	Balance:	\$7,900 -
4	Statutory Interest on the Balance from	\$2,168.71
5	September 7, 2022, up to, and capped on	
6	December 20, 2024:	
6	Attorney Fees and costs:	\$12,000
7		Payable to: Craig Cammock, and Skagit Law
7		Group, PLLC
8	Expert Witness Fees:	N/A
9	Statutory Evaluation Allowance:	\$750.00

10 THIS MATTER coming on before the above-entitled Court, on the Petitioner, State of
 11 Washington's (State) Condemnation Petition (Petition) for the appropriation of certain property
 12 and/or property rights (collectively, Property Rights) from the real property owned by the
 13 Respondents, Jeffery E. Locken and Amity K. Locken, husband and wife (collectively,
 14 Lockens), necessary for the construction of the State Route (SR) 534 Unnamed Tributary to
 15 Carpenter Creek Fish Passage project. The Property Rights herein condemned is a 12,975 square
 16 feet, more or less, temporary construction and plant establishment easement (TCE) and any and
 17 all damages, temporary and permanent to the Lockens' property. The Property Rights are more
 18 fully described in the attached Exhibit (Ex.) A.

19 The State, appeared by and through its attorneys, Robert W. Ferguson, Attorney General,
 20 and Teresa M. Shill and Matthew D. Huot, Assistant Attorneys General; the Lockens, appeared
 21 by and through their attorneys, Craig Cammock and Skagit Law Group, PLLC; Respondent,
 22 Skagit County, appeared by and through its attorneys, Stephen Fallquist, Senior Civil Deputy
 23 Prosecuting Attorney; and Respondent, Puget Sound Energy, Inc. (PSE), appeared by and
 24 through its attorneys, Courtney L. Seim, of Seyfarth Shaw. PSE did not oppose the Project,
 25 disclaimed interest in the just compensation and was dismissed from this case by way of the
 26 Order for Partial Voluntary Dismissal of Respondents (Order) entered by this Court on

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1 March 13, 2023. Respondents, Wells Fargo Bank, N.A. (Wells Fargo) and Banner Bank
2 (Banner), both hold one or more security interests in the Lockens' property by way of certain
3 deeds of trust recorded in the Skagit County real property records as Auditor File
4 Nos. 201304230046; 201606060105; and 201907020001. Neither Wells Fargo nor Banner
5 opposed the Project. Both disclaimed interest in the just compensation, executed subordination
6 agreements to be recorded in favor of the State for the limited purposes of the TCE, and were
7 dismissed from this case by way of the Order. Respondents, Ziply Fiber Northwest LLC and
8 Wave Business Solutions, LLC, neither filed notices of appearance, nor otherwise appeared in
9 this case. Now, therefore,

10 The State and the Lockens have agreed that the lump sum of TWELVE THOUSAND
11 and NO/100 DOLLARS (\$12,000) is just compensation (Just Compensation) for the taking
12 and/or damaging of the Lockens' property, the Property Rights appropriated, and to fully and
13 finally settle, release, and resolve all claims relating to and/or arising from the State's Petition
14 and this condemnation action. Now therefore,

15 IT IS ORDERED, ADJUDGED, AND DECREED that the State is entitled to a credit
16 against the Just Compensation in the amount of FOUR THOUSAND ONE HUNDRED and
17 NO/100 DOLLARS (\$4,100) (Credit), the sum it paid into the Court's register on September 7,
18 2022 (Date of Valuation) pursuant to the Stipulated Order for Immediate Possession and Use.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the State shall pay
20 into the registry of this Court the balance of the Just Compensation due after the Credit, in the
21 amount of SEVEN THOUSAND NINE HUNDRED and NO/100 DOLLARS (\$7,900)
22 (Balance); plus the statutory interest pursuant to RCW 8.28.040 on the Balance, at 12 percent
23 per annum, accruing from the Date of Valuation up to and capped at December 20, 2024, in the
24 amount of TWO THOUSAND ONE HUNDRED SIXTY-EIGHT and 71/100 DOLLARS
25 (\$2,168.71) (Statutory Interest); plus the SEVEN HUNDRED FIFTY and NO/100 DOLLARS
26 (\$750) statutory evaluation allowance (Evaluation Allowance); plus TWELVE THOUSAND

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1 and NO/100 DOLLARS (\$12,000) toward the Lockens' attorney fees and cost (collectively,
2 Attorney Fees). Therefore, the State shall pay, by warrant into the registry of the Skagit County
3 Superior Court, the Balance of the Just Compensation due, the Statutory Interest, Evaluation
4 Allowance, and the amount towards Attorney Fees, in the total sum of TWENTY-TWO
5 THOUSAND EIGHT HUNDRED EIGHTEEN and 71/100 DOLLARS (\$22,818.71)
6 (hereinafter, Lump Sum).

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon deposit of the
8 Lump Sum into the Court's registry, the State shall have appropriated the Property Rights
9 described in the attached Ex. A.

10 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that upon payment of the
11 Lump Sum into the registry of the Court, the Clerk of the Court is hereby ordered to satisfy this
12 stipulated judgment and decree of appropriation (Judgment) and hold the Lump Sum for
13 disbursement subject to the further order of this Court.

14 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that none of the Lump
15 Sum shall be disbursed to the Skagit County Treasurer for real property taxes on the Lockens'
16 property, Skagit County Assessor Tax Parcel No. P105575, for the Property Rights being
17 appropriated by the State, as the Lockens have elected, pursuant to RCW 84.60.070, to have
18 taxes owing on said parcel (if any), be set over to that portion of said parcel that the State is not
19 appropriating.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that entry of this
21 Judgment terminates all further litigation in this matter except for any proceedings that may be
22 necessary to determine entitlement and apportionment of the Lump Sum and any orders

23 //

24 //

25 //

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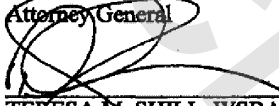
1 necessary to disburse said Lump Sum. The State takes no position as to the entitlement and
 2 apportionment of the Lump Sum and is thus, not a necessary party to any such proceedings.

3
 4 DATED this 9 day of January 2025.

5
 6
 7 
 JUDGE Commissioner

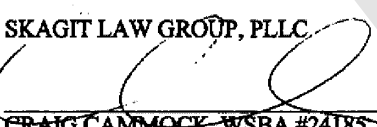
8 Presented by:

9 ROBERT W. FERGUSON
 10 Attorney General

11 
 12 TERESA M. SHILL, WSBA #29429
 13 MATTHEW D. HUOT, WSBA #40606
 Assistant Attorneys General
 Attorneys for Petitioner, State of Washington

14 Stipulated to, Approved as to Form, and
 15 Notice of Presentation Waived:

16 SKAGIT LAW GROUP, PLLC

17 
 18 CRAIG CAMMOCK, WSBA #24185
 19 Attorneys for Respondents, Jeffrey E. Locken
 and Amity K. Locken

20 RICHARD E. WEYRICH
 21 SKAGIT COUNTY PROSECUTING ATTORNEY

22
 23 STEPHEN FALLQUIST, Senior Civil Deputy, WSBA #31678
 24 Skagit County Prosecuting Attorney
 Attorneys for Respondent, Skagit County

25
 26 STIPULATED JUDGMENT AND DECREE OF
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1 necessary to disburse said Lump Sum. The State takes no position as to the entitlement and
2 apportionment of the Lump Sum and is thus, not a necessary party to any such proceedings.
3

4 DATED this _____ day of _____ 2025.
5
6

7 _____
JUDGE

8 Presented by:

9 ROBERT W. FERGUSON
10 Attorney General

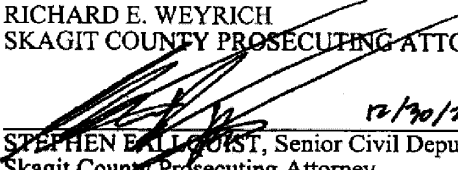
11 _____
12 TERESA M. SHILL, WSBA #49429
13 MATTHEW D. HUOT, WSBA #40606
14 Assistant Attorneys General
Attorneys for Petitioner, State of Washington

15 Stipulated to, Approved as to Form, and
16 Notice of Presentation Waived:

17 SKAGIT LAW GROUP, PLLC

18 _____
19 CRAIG CAMMOCK, WSBA #24185
Attorneys for Respondents, Jeffrey E. Locken
and Amity K. Locken

20 _____
21 RICHARD E. WEYRICH
SKAGIT COUNTY PROSECUTING ATTORNEY

22  12/30/24
23 STEPHEN BALLOU, Senior Civil Deputy, WSBA #31678
24 Skagit County Prosecuting Attorney
Attorneys for Respondent, Skagit County
25
26

STIPULATED JUDGMENT AND DECREE OF
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EXHIBIT A

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.
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.

EXHIBIT A
(continued)

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.