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02/23/2026 02:54 PM Pages: 1 of 5 Fees: \$307.50  
Skagit County Auditor

**Return To:**

Sean Gervais  
641 Hoonah Place  
LaConner, WA 98257

**Document Title:** NOTICE OF VESTED RIGHTS AND PRESERVATION OF CLAIMS

**Reference:**

LOT 641, SURVEY OF SHELTER BAY DIVISION NO. 4, TRIBAL AND ALLOTTED LANDS OF SWINOMISH INDIAN RESERVATION, ACCORDING TO THE SURVEY RECORDED JULY 8, 1970, IN VOLUME 48 OF OFFICIAL RECORDS, PAGES 627-631, UNDER AUDITOR'S FILE NO. 740962, RECORDS OF SKAGIT COUNTY, WASHINGTON.

This Notice relates to that certain Assignment of Sublease recorded September 4, 2024, under Auditor's File No. 202409040063, records of Skagit County, Washington.

Skagit County parcel # P84638  
Swinomish ID: S33020364  
Geo ID:5100-004-641-0000

**Master Lessor / Fee Lessor:**

Shelter Bay Community Inc. (SBCI) ; a Washington mon-profit corporation

**Sublessee / Holder of Leasehold Vested Interests:**

Sean Gervais, an individual, and  
The Wayne E. Olson and Regina G. Olson Revocable Family Trust,  
Regina Olson, Trustee

## NOTICE OF VESTED RIGHTS AND PRESERVATION OF CLAIMS

**TO:** Shelter Bay Community Inc. (SBCI) Community Manager and Board of Directors

**RE:** Lot 641 – Preservation of Vested Rights

**DATE:** February 23, 2026

This Notice is delivered to formally assert and preserve the vested rights of Sean Gervais and Regina Olson (collectively, "Lot 641") with respect to improvements and structural protections appurtenant to our sublease.

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### 1. Vested Interest in Improvements

The perimeter fence and related improvements on Lot 641 were installed in reliance on SBCI's prior approvals. Substantial investment was made in good faith.

This notice preserves our claim that any inconsistent actions, including removal or denial of reinstallation of these improvements, could give rise to equitable estoppel, without asserting ownership over neighboring lots.

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### 2. Duty of Care, Structural Setback, and Critical Root Zone (CRZ)

We acknowledge recorded easements on adjacent property. This notice documents our concern that reasonable measures be considered to avoid foreseeable harm to Lot 641 improvements and the 36-inch Western Red Cedar, and preserves our rights under the Master Lease and applicable guidelines.

Preservation measures, such as non-destructive excavation, are recommended for any work within the CRZ.

We reiterate that our prior contingent consent (now revoked) was predicated upon the restoration of the greenbelt slope to mitigate water diversion from Lot 642 to Lot 641.

Pursuant to SBCI Construction Guidelines § H.1.d, we note the existence of a ten-foot structural setback from the property boundary of Lot 641. The proposed construction on Lot 642—including retaining walls, reinforced structures, lack of a geotechnical footing drain, or other improvements requiring engineered footings or surcharge calculations—may constitute a

"Structure" under Guidelines Definitions § 2.a ("any human-made assemblage of materials extending above and/or below the surface of the earth and attached or supported thereto").

The 36-inch Western Red Cedar on Lot 641 has an established Critical Root Zone. Lot 641 is held under the Master Lease of the Swinomish Indian Tribal Community (SITC), which requires that low-impact alternatives be exhausted before invasive excavation methods are employed near the tree. Because the root system extends across lot boundaries, severance of anchor roots, soil compaction, or alteration of hydrology within the CRZ could potentially affect the leasehold value and quiet enjoyment of Lot 641.

We request that any construction on adjacent Lot 642 consider potential impacts to the structural setback and CRZ. This statement is for documentation purposes and to preserve our rights; it is not a demand for enforcement or a binding restriction.

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### 3. Asset Valuation

Sublessee acknowledges that legal title to the standing timber resides with the Swinomish Indian Tribal Community (SITC). Pursuant to Master Lease Article 7.B(2), it is expressly recognized that "timber remaining standing and growing on the leased premises will contribute materially to the purposes for which the land is leased."

Consistent with this material contribution, and with Article 7.B(3) restricting removal of conifers, the 36-inch Western Red Cedar has been appraised using the Trunk Formula Method at approximately \$41,773.73. This figure reflects the landscape, amenity, and material value associated with the leasehold interest.

This notice documents that construction activity on Lot 642 that results in root severance, soil compaction, or hydrological alteration within the Critical Root Zone may affect a materially contributing asset under the Master Lease and potentially impact the leasehold value and quiet enjoyment of Lot 641. All rights under the Master Lease are expressly preserved.

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### 4. Preservation of Revocation and Non-Waiver

For avoidance of doubt, all prior revocations of consent for site disturbance, equipment staging or transit, removal or alteration of improvements, or entry beyond the lawful scope of recorded easements are preserved and documented.

This notice is intended solely for preservation of rights under the Master Lease and applicable guidelines. Any access or work beyond lawful easement rights is noted as potentially impacting Lot 641 improvements and is preserved for potential future remedies.

Any modification of these prior revocations would require a formal written agreement executed by both parties addressing protection of improvements, compliance with setbacks, use of non-destructive excavation methods, and allocation of liability.

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## 5. Supporting Documentation Requested

To assist in preserving all parties' rights under the SITC Master Lease, SBCI Construction Guidelines, SITC Tribal Code, and applicable Skagit County standards, we respectfully request copies of the following by March 9, 2026, if available:

- Final engineering plans for proposed adjacent construction (sealed or stamped, if available) and any measures planned to avoid impacts on Lot 641 improvements or the 36-inch Western Red Cedar.

This request is for informational purposes and to preserve all parties' rights; it does not constitute consent or approval.

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## 6. Conclusion

This notice is intended to:

- Preserve the vested rights of Lot 641 under the SITC Master Lease.
- Document reliance and objections for potential equitable estoppel claims.
- Provide evidence of pre-dispute notice to SBCI and relevant authorities.

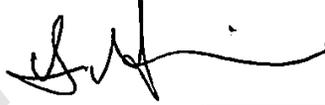
This notice may be recorded with the Skagit County Auditor solely to document and preserve rights under the Master Lease and SBCI guidelines.

This Notice does not create a lien, encumbrance, or claim of title against any adjacent property.

No action by the recipient is implied or waived by delivery or recording.

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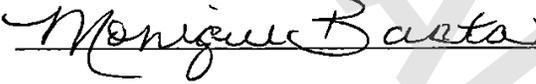
DATED this 23 day of February, 2026.

Sean Gervais 

Regina Olson, Trustee 

STATE OF WASHINGTON )  
: ss  
COUNTY OF SKAGIT )

On this 23 day of February, 2026, before me personally appeared Sean Gervais and Regina Olson, to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act for the uses and purposes therein mentioned.



Monique Banta

Notary Public in and for the State of Washington  
Residing at: Burlington  
My commission expires: 3/23/29

