



199909140080

Kathy Hill, Skagit County Auditor  
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**AFTER RECORDING, RETURN TO:**

BRIAN K. HAMMER, Attorney at Law  
3015 Colby Avenue, Suite 300  
P.O. Box 5156  
Everett, WA 98206-5156

FIRST AMERICAN TITLE CO.

**DECLARATION OF EASEMENT**

60241-1

**FOR INGRESS, EGRESS AND UTILITIES  
AND MAINTENANCE AGREEMENT**

DATE: September 10, 1999.

GRANTORS: NANCY W. SPEARS, A SINGLE PERSON

GRANTEES: NANCY W. SPEARS, A SINGLE PERSON AND DIXIE L. REBER, A MARRIED PERSON AS HER SEPARATE ESTATE

**PARCEL 1: ABBREVIATED LEGAL DESCRIPTION (FULL LEGAL DESCRIPTION ON PAGE 2)**

PARCELS A AND B

Portions of Tract "E" of BIG LAKE WATERFRONT TRACTS, Skagit County, Washington, as per plat recorded in Volume 4 of Plats, Page 12, records of Skagit County, Washington.

ASSESSOR'S TAX PARCEL NUMBERS:

3862-000-068-0109 / P62066 AND 3862-000-068-0307 / P62068

**PARCEL 2: FULL LEGAL DESCRIPTION:**

The West 566 feet of Tracts "E", "F" and "G" of "BIG LAKE WATER FRONT TRACTS", according to the Plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington.

ASSESSOR'S TAX PARCEL NUMBERS:

3862-000-068-0000; 3862-000-069-0009 AND 3862-000-070-0006

SPEARS & REBER EASEMENT  
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SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

SEP 14 1999

Amount Paid \$  
Skagit County Treasurer  
By: *[Signature]* Deputy

The undersigned, being the owners in fee or contract purchasers of portions of the fee of the following described properties in the County of Skagit, Washington, to-wit:

**PARCEL 1 – SERVIENT PARCEL DESCRIPTION:**

**PARCEL A:**

That portion of Tract "E" of BIG LAKE WATERFRONT TRACTS, Skagit County, Washington, as per plat recorded in Volume 4 of Plats, Page 12, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of said Tract "E";  
Thence East along the North line thereof, 566 feet to the true point of beginning;  
Thence South 160.4 feet;  
Thence East on a line parallel with the North line of said Tract to Big Lake Boulevard;  
Thence Northwesterly along said Big Lake Boulevard to the Northeast corner of said Tract "E";  
Thence West along the North line thereof to the true point of beginning;

EXCEPT the following described Tract:

Beginning at the Northeast corner of said Tract "E";  
Thence Southeasterly along the Westerly line of Big Lake Boulevard, 100 feet;  
Thence West parallel to the North line of said Tract "E", 60 feet;  
Thence Northwesterly parallel to Big Lake Boulevard, 100 feet to the North line of said Tract "E";  
Thence East along said North line, 60 feet to the point of beginning.  
Situate in the County of Skagit, State of Washington.

TAX PARCEL NO. 3862-000-068-0109 / P62066

**PARCEL B**

That portion of Tract "E" "BIG LAKE WATERFRONT TRACTS, Skagit County, Washington", as per plat recorded in Volume 4 of Plats, Page 12, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of said Tract "E";  
Thence South 89° 13' 31" East along the North line of said Tract "E", a distance of 566.0 feet;  
Thence South 0° 46' 29" West, a distance of 160.4 feet to the true point of beginning;  
Thence South 89° 13' 31" East, parallel with the North line of said Tract "E", a distance of 634.70 feet to the Westerly line of West Big Lake Boulevard;  
Thence South 87° 24' 20" West, a distance of 177.81 feet;  
Thence South 64° 57' 19" West, a distance of 52.92 feet;  
Thence North 87° 19' 36" West, a distance of 54.03 feet;  
Thence North 87° 03' 42" West, a distance of 168.86 feet;  
Thence North 86° 36' 04" West, a distance of 56.35 feet;  
Thence North 63° 01' 47" West, a distance of 111.19 feet to the East line of the West 566 feet of Tract "E";  
Thence North 0° 46' 29" East along said line, a distance of 10.00 feet to the true point of beginning.  
Situate in the County of Skagit, State of Washington.

TAX PARCEL NO. 3862-000-068-0307. / P62068



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## PARCEL 2 - DOMINANT PARCEL DESCRIPTION:

The West 566 feet of Tracts "E", "F" and "G" of "BIG LAKE WATER FRONT TRACTS", according to the Plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington.

Assessor's Tax Parcel ID#3862-000-068-0000; 3862-000-069-0009 AND 3862-000-070-0006

for and in consideration of the mutual benefits to be derived therefrom the owners of the Parcel A (Servient Parcel) do hereby declare, create, establish, grant and convey to the present and future owners of the above described Parcel 2 (Dominant Parcel) or any portion thereof, their heirs, successors and assigns, an easement for ingress, egress and utilities, over and along the portion of PARCEL 3 described herein as "Easement Description". All of said easements as established are appurtenant to and for the benefit of the present and future owners, their heirs, successors and assigns.

## PARCEL 3 - EASEMENT DESCRIPTION

The legal description of the easement is as follows:

Beginning at the Northwest corner of Tract E of Big Lake Waterfront Tracts;

Thence S 89° 13' 31" E along the North line of said Tract E a distance of 566.0 feet;

Thence S 00° 46' 29" W a distance of 160.4 feet along the East line of said Tract E;

Thence S 89° 13' 31" E parallel with the North line of said Tract E a distance of 634.70 feet to the Westerly line of West Big Lake Boulevard to the True Point of Beginning;

Thence S 87° 24' 20" W for a distance of 177.81 feet;

Thence S 64° 57' 19" W for a distance of 52.92 feet;

Thence N 87° 19' 36" W for a distance of 54.03 feet;

Thence N 87° 03' 42" W for a distance of 168.86 feet;

Thence N 86° 36' 04" W for a distance of 56.35 feet;

Thence N 62° W for a distance of 145 feet, more or less, to the East line of the West 566.0 feet of said Tract E;

Thence N 00° 46' 29" E for a distance of 22.5 feet;

Thence S 62° E for a distance of 145 feet;

Thence S 86° 36' 04" E for a distance of 56.35 feet;

Thence S 87° 03' 42" E for a distance of 168.86 feet;

Thence S 87° 19' 36" E for a distance of 54.03 feet;

Thence N 64° 57' 19" E for a distance of 52.92 feet;

Thence N 87° 24' 20" E a distance of 177.8 feet, more or less, to the Westerly line of West Big Lake Boulevard;

Thence Southeasterly a distance of 23 feet, more or less, along the Westerly line of West Big Lake Boulevard to the True Point of Beginning.

Situate in the County of Skagit, State of Washington.

A portion of Assessor's Tax Parcels No. 3862-000-068-0109 / P62066, AND 3862-000-068-0307 / P 62068

SPEARS & REBER EASEMENT

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## MAINTENANCE AGREEMENT

1. The present and future owners of the property herein described, agree, by their acceptance of conveyance of an interest either by deed or by acquiring a contractual interest in said tract, that the costs of repair, maintenance and upkeep of said easement shall be borne by the owners of Parcel 1 (Servient Parcel) and Parcel 2 (Dominant Parcel), who have an appurtenant interest in said easement, said parties share of said costs to be borne equally by the present and future owners of the tracts to other portions of the lands herein described.
2. The present and future owners further agree by their acceptance of a deed or by signing a contract of purchase for either Parcel 1 (Servient Parcel) or Parcel 2 (Dominant Parcel) that said costs for repair, maintenance and upkeep of said easement, whether said costs are collected by annual or monthly assessments or charges, or whether said costs are charged after the completion of such repair, maintenance or upkeep, shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made until paid. Each assessment shall also be the personal obligation of the person who was the owner of such property at the time when the assessment or charge fell due. The personal obligation for delinquent assessments shall not pass to his successors in title unless expressly assumed by them. Owners of Parcel 1 (Servient Parcel) and Parcel 2 (Dominant Parcel), by their acceptance of a deed or by their signature to a contract for the purchase of a tract agree that interest at the rate of 12% per annum, and costs for reasonable attorneys fees, if suit is necessary to collect said assessments, shall be additional charges which may be collected due to said assessments.
3. Any assessment not paid within 30 days after the due date, shall bear interest from the due date at the rate of 12% per annum. For purposes of interpretation, if the assessments are monthly assessments the due date shall be the 1st day of each and every calendar month; if the assessments are annual assessments, the due date shall be January 1 of each and every calendar year; and if assessments are levied after the completion of a project or repair, maintenance or upkeep, the due date shall be 10 days after the completion of said project.
4. At any time after any portions of the property described herein are sold by the present owners of said parcels, the owners can call a meeting for purposes of determining the following matters:
  - a. Designation of a Chairman to conduct said meeting.
  - b. The amount of assessment and whether the assessments for repair, maintenance and upkeep shall be a monthly charge, yearly charge, or a charge to be levied after each project of repair, maintenance and upkeep.
  - c. A yearly inspection of the condition of the private road as a joint effort of all lot owners in possession of the lots at that time. If during the course of said inspection a majority of the lot owners determines that maintenance work on the road is required, then such decision shall be binding on owners of all lots.
  - d. Maintenance work on said private road shall be contracted or otherwise arranged for by a lot owner designated by a majority of the lot owners.
  - e. The cost of such maintenance work shall be borne equally by the owners of the lots at that time.



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# UTILITIES EASEMENT

Said private road shall be subject to a utilities easement in favor of the Owners of Parcel 2 (Dominant Parcel) their successors and assigns and in favor of any electric, telephone, television cable, gas, water, or sewer company, public or private, or their permittees or assigns, to install, construct, operate, maintain, alter, and repair their respective primary distribution facilities and necessary appurtenance together with the right of ingress and egress for said purposes.

IN WITNESS WHEREOF the parties have signed this Declaration on September 14, 1999.

## PARCEL 1 - SERVIENT PARCEL OWNERS:

Nancy W Spears  
NANCY W. SPEARS

## PARCEL 2 - DOMINANT PARCEL OWNERS:

Nancy W Spears  
NANCY W. SPEARS

Dixie L Reber  
DIXIE L. REBER

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF SNOHOMISH )

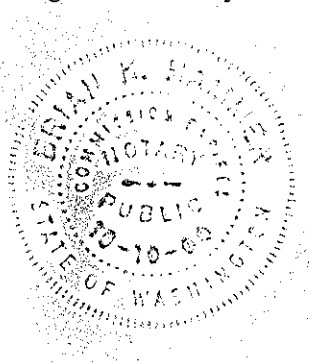
I certify that I know or have satisfactory evidence that NANCY W. SPEARS signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: September 14, 1999.

Signature of Notary Public:

Kathy Hill

Title: Notary Public.  
Residing at: Marysville  
My appointment expires: 10/10/2000



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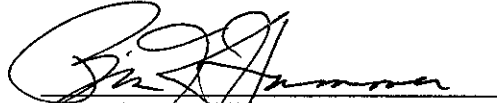
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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SNOHOMISH )

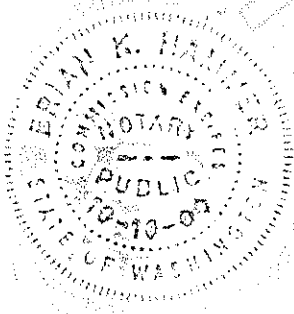
I certify that I know or have satisfactory evidence that NANCY W. SPEARS and DIXIE L. REBER signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: September 14, 1999.

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