



200311260132

Skagit County Auditor

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Return Address:

George E. Benson
Keithly, Weed, Graafstra & Benson, P.S., Inc.
21 Avenue A
Snohomish, WA 98290

LAND TITLE COMPANY: SKAGIT COUNTY
104955P

Document Title: Release of Lis Pendens

Reference Number of Related Document: Lis Pendens Filing No. 200308220011

Grantor: Northwest Farm Credit Services, PCA, a corporation
(assignee)

Grantee: Dynes Farms, Inc., Riverview Farms, Charles Dynes and A.W. Dynes,
partners, A.W. Dynes, Charles Dynes and Elizabeth Dynes
(Other defendants listed on page 2.)

Legal Description: ptn Blk. 130-132, 1st Add. To Burlington; ptn Lots 72, 78,
& 79, Burlington Acreage Property; ptn SE 1/4 SW 1/4, 10-35-6; ptn N
1/2, 15-35-6; ptn Gov. Lot 4, 25-35-4; ptn SE 1/4 SE 1/4, 26-35-4; ptn
Gov. Lot 1, 35-35-4; ptn Gov. Lot 4, 36-35-4 E W.M.

(Full legal description of Skagit County Property found on pages 3 through 9.)

Assessor's Property Tax Parcel Numbers:

4077-130-006-0108	P72169	4077-131-001-0101	P72171
4077-131-002-0001	P72172	4077-131-003-0000	P72173
4077-132-003-0008	P72179	3867-000-072-0207	P62771
3867-000-072-0306	P62772	3867-000-079-0002	P62821
4077-131-005-0008	P72175	4077-132-004-0106	P72181
350610-3-009-0006	P40972	350615-2-001-0001	P41227
350615-1-002-0002	P41220	350615-1-001-0003	P41219
350425-0-021-0100	P37615	350426-4-003-0004	P37709
350436-0-005-0107	P38402	350435-0-001-0102	P38371
3867-000-078-0607	P62812		

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF SKAGIT

NORTHWEST FARM CREDIT SERVICES,)
FLCA, a corporation,)
Plaintiff,)
vs.)

NO. 03-2-00376-2

DYNES FARMS, INC., a Washington)
corporation, formerly known as Dynes Poultry)
Farms, Inc., successor by merger to Broadview)
Farms, Co., d/b/a Broadview Farms;)
RIVERVIEW FARMS, a Washington general)
partnership, formerly known as Dynes Lyman)
Farms and Dynes Poultry Farms, CHARLES)
DYNES, also known as CHARLES G.)
DYNES, and A.W. DYNES, also known as)
ARTHUR WILLIAM DYNES, general)
partners; A.W. DYNES and SHARON)
DYNES, husband and wife, and their marital)
community; CHARLES DYNES and)
ELIZABETH DYNES, also known as)
ELIZABETH C. DYNES, husband and wife,)
and their marital community; JAMES H.)
DYNES and PEGGY H. DYNES, husband and)
wife, and their marital community; FIRST)
AMERICAN TITLE INSURANCE)
COMPANY, a California corporation;)
UNITED STATES OF AMERICA, acting)
through the Internal Revenue Service;)
NORTHWEST FARM CREDIT SERVICES,)
PCA; and OCCUPANTS NUMBERS 1)
through 20,)
Defendants.)

**RELEASE OF LIS PENDENS
BY NORTHWEST FARM
CREDIT SERVICES, PCA**

**(Real Property Located in
Skagit County & Island
County)**

**RELEASE OF LIS PENDENS (Real Property
Located in Skagit County & Island County) - 1**
DYNES/PCA.REL/0214912



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1 **NOTICE IS HEREBY GIVEN:**

2 This Release of Lis Pendens affects only the Lis Pendens recorded by Northwest
3 Farm Credit Services, PCA, recorded with the Skagit County Auditor on August 22, 2003,
4 under Skagit County Recording No. 200308220011 and recorded with the Island County
5 Auditor on August 26, 2003, under Island County Recording No. 4072417.

6 **THIS RELEASE OF LIS PENDENS DOES NOT IN ANY WAY AFFECT**
7 **OR RELEASE THE LIS PENDENS RECORDED BY NORTHWEST FARM**
8 **CREDIT SERVICES, FLCA, RECORDED WITH THE SKAGIT COUNTY**
9 **AUDITOR ON MARCH 14, 2003, UNDER SKAGIT COUNTY RECORDING NO.**
10 **200303140018, AND RECORDED WITH THE ISLAND COUNTY AUDITOR ON**
11 **MARCH 14, 2003, UNDER ISLAND COUNTY RECORDING NO. 4051041.**

12 1. An action affecting the title to the real property hereinafter described was
13 commenced and is now pending in the Superior Court of the State of Washington for
14 Skagit County, as Cause No. 03-2-00376-2.

15 2. The plaintiff in said action is Northwest Farm Credit Services, FLCA, a
16 corporation. The defendants are Dynes Farms, Inc., a Washington corporation, formerly
17 known as Dynes Poultry Farms, Inc., successor by merger to Broadview Farms, Co., d/b/a
18 Broadview Farms, Riverview Farms, a Washington general partnership, formerly known
19 as Dynes Lyman Farms and Dynes Poultry Farms, Charles Dynes, also known as Charles
20 G. Dynes, and A. W. Dynes, also known as Arthur William Dynes, general partners, A. W.
21 Dynes and Sharon Dynes, husband and wife, and their marital community, Charles Dynes
22 and Elizabeth Dynes, also known as Elizabeth C. Dynes, husband and wife, and their
23 marital community, James H. Dynes and Peggy H. Dynes, husband and wife, and their
24 marital community, First American Title Insurance Company, a California corporation,
25 United States of America, acting through the Internal Revenue Service, Northwest Farm
26 Credit Services, PCA, and Occupants Numbers 1 through 20.

27 3. In said action, defendant Northwest Farm Credit Services, PCA, filed a

28 **RELEASE OF LIS PENDENS (Real Property**
29 **Located in Skagit County & Island County) - 2**
30 **DYNES/PCA.REL/0214912**



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1 crossclaim for foreclosure of a mortgage on August 22, 2003. Said crossclaim has been
2 or will be dismissed by Northwest Farm Credit Services, PCA.

3 4. Defendant Northwest Farm Credit Services, PCA's cross-claim affected
4 the following described property located within Skagit County, Washington, and Island
5 County, Washington:

6 **SKAGIT COUNTY PROPERTY LEGAL DESCRIPTION:**

7 **PARCEL A:**

8 The East ½ of Lot 6, Block 130, together with the North ½ of vacated Cedar Street
9 adjacent which reverted thereto by operation of law; the East ½ of Lot 1, together
10 with the South ½ of vacated Cedar Street adjacent which reverted thereto by
11 operation of law and all of Lot 2 and the West ½ of Lot 3, Block 131, and Lots 2
12 and 3, Block 132, "FIRST ADDITION TO BURLINGTON, SKAGIT CO.,
13 WASH." as per plat recorded in Volume 3 of Plats, page 11, records of Skagit
14 County, Washington.

15 Situate in the City of Burlington, County of Skagit, State of Washington.

16 **PARCEL B:**

17 That portion of Tracts 72 and 79, "PLAT OF THE BURLINGTON ACREAGE
18 PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of
19 Skagit County, Washington, lying Easterly of the right of way of the Great
20 Northern Railway Company, EXCEPT road and dike rights of way.

21 ALSO, the West ½ of Lots 4 and 5, Block 131, and Lot 4, Block 132, EXCEPT
22 the Westerly 50 feet thereof conveyed to Great Northern Railway Company for
23 right of way, as conveyed by deed dated April 15, 1909 and recorded April 27,
24 1909, under Auditor's File No. 73368 in Volume 76 of Deeds, page 561, "FIRST
25 ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded
26 in Volume 3 of Plats, page 11, records of Skagit County, Washington.

27 Situate in the County of Skagit, State of Washington.

PARCEL C:

The Southeast 1/4 of the Southwest 1/4 of Section 10, EXCEPT the North 20 feet
thereof conveyed to Skagit County for road purposes by deed dated May 15, 1913,
and recorded February 3, 1914, under Auditor's File No. 100640, in Volume 96 of



1 Deeds, page 92, records of Skagit County; that portion of the Northeast 1/4 of the
2 Northwest 1/4 of Section 15, lying North of the North line of Old Highway 17A as
3 conveyed to the State of Washington by deed dated July 5, 1938, and recorded
4 September 6, 1938 under Auditor's File No. 305470, in Volume 175 of Deeds, page
5 303, records of Skagit County; the Northwest 1/4 of the Northeast 1/4 of Section
6 15, EXCEPT that portion lying within the boundaries of Old Highway 17A as
7 conveyed to the State of Washington by deed dated July 5, 1938, and recorded
8 September 6, 1938, under Auditor's File No. 305470, in Volume 175 of Deeds,
9 page 303, records of Skagit County; the Northeast 1/4 of the Northeast 1/4 of
10 Section 15, EXCEPT that portion, if any, lying within the as built and existing
11 County road commonly known as Cabin Creek Road running along the East line
12 thereof; all in Township 35 North, Range 6 East, W.M.

13 ALSO EXCEPT that portion, if any, lying within the boundaries of the County road
14 commonly known as Cockreham Island Road, AND EXCEPT that portion of said
15 premises condemned by the State of Washington for State Highway by decree
16 entered July 11, 1960 in Skagit County Superior Court Cause No. 25060.

17 Situate in the County of Skagit, State of Washington.

18 PARCEL D:

19 That portion of the South 1/2 of the Northeast 1/4 of Section 15, Township 35
20 North, Range 6 East, W.M., lying Northerly of the Great Northern Railway
21 Company right of way, EXCEPT that portion lying within the boundaries of the as
22 built and existing Cockreham Island County Road, AND EXCEPT that portion
23 lying within the boundaries of Old Highway 17A as conveyed to the State of
24 Washington by deed dated July 5, 1938, and recorded September 6, 1938, under
25 Auditor's File No. 305470, in Volume 175 of Deeds, page 303, records of Skagit
26 County, AND EXCEPT that portion, if any, lying within the boundaries of the as
27 built and existing County road commonly known as Cabin Creek Road, running
along the East line of said subdivision.

Situate in the County of Skagit, State of Washington.

EXCEPT from Parcels "C" and "D", those portions conveyed to Skagit County for
road by deeds recorded November 6, 1997, under Auditor's File Nos. 9711060047
through 9711060051, inclusive, records of Skagit County, Washington.

PARCEL E:

That portion of Government Lot 4, Section 25, Township 35 North, Range 4 East,

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Located in Skagit County & Island County) - 4
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1 W.M., and of Government Lot 4, Section 36, Township 35 North, Range 4 East,
2 W.M., lying South of the centerline of Hart's Slough (sometimes referred to as
3 Batey's Slough), West of the West line of that portion thereof condemned by the
4 State of Washington for Secondary State Highway 1-A by Skagit County Superior
5 Court Cause No. 24376, and lying North of the following described line:

6 Beginning at a point on the West line of Government Lot 4, Section 36, Township
7 35 North, Range 4 East, W.M., that is South 0 degrees, 32 minutes 05 seconds
8 East a distance of 227.50 feet from the corner common to Sections 25, 26, 35 and
9 36, Township 35 North, Range 4 East, W.M.;

10 thence North 72 degrees 51 minutes 30 seconds East a distance of 776.03 feet to
11 the Westerly right of way line of Secondary State Highway No. 1-A and the
12 terminus of this line description, EXCEPT mineral rights as reserved by the State
13 of Washington in deed dated May 27, 1914, and recorded October 14, 1914, under
14 Auditor's File No. 104621, in Volume 97 of Deeds, page 593, records of Skagit
15 County, Washington.

16 ALSO that portion of the Southeast 1/4 of the Southeast 1/4 of Section 26,
17 Township 35 North, Range 4 East, W.M., lying South of Hart's Slough (sometimes
18 referred to as Batey's Slough).

19 ALSO that portion of Government Lot 1, Section 35, Township 35 North, Range
20 4 East, W.M., described as follows:

21 Beginning at a point on the North line of said Section 35, that is South 89 degrees
22 47 minutes 31 seconds West a distance of 1,323 feet from the Northeast corner
23 thereof;

24 thence North 89 degrees 47 minutes 31 seconds East a distance of 1,323 feet to
25 said Northeast corner;

26 thence South 0 degrees 32 minutes 05 seconds East along the East line of said
27 Section a distance of 227.50 feet;

thence South 72 degrees 51 minutes 30 seconds West a distance of 15.96 feet;

thence South 83 degrees 08 minutes 18 seconds West a distance of 207.51 feet;

thence North 82 degrees 56 minutes 36 seconds West a distance of 273.54 feet;

thence South 83 degrees 20 minutes 29 seconds West a distance of 254.25 feet;

thence South 78 degrees 33 minutes 39 seconds West a distance of 251.08 feet;

thence South 83 degrees 51 minutes 38 seconds West a distance of 332 feet, more
or less, to a point directly South of the point of beginning;

thence North a distance of 333 feet, more or less, to the point of beginning.

Situate in the County of Skagit, State of Washington.

26 **RELEASE OF LIS PENDENS (Real Property**
27 **Located in Skagit County & Island County) - 5**
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PARCEL F:

That portion of the West ½ of the West ½ of Tract 78, "PLAT OF THE BURLINGTON ACREAGE PROPERTY," as per plat recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington, described as follows:

Beginning at a point on the West line of said Tract 78, which is 254 feet South of the centerline of the County road along the North line thereof, as said road existed on June 15, 1959;
thence East parallel to the centerline of said County road to the East line of the West ½ of the West ½ of said Tract 78;
thence South along said East line 135 feet;
thence West parallel to the centerline of said County road, 200 feet;
thence Southwesterly to a point on the West line of said Tract 78 which is 180 feet South of the point of beginning;
thence North along said West line to the point of beginning.

Situate in the County of Skagit, State of Washington.

Tax Account No.	4077-130-006-0108	P72169
Tax Account No.	4077-131-001-0101	P72171
Tax Account No.	4077-131-002-0001	P72172
Tax Account No.	4077-131-003-0000	P72173
Tax Account No.	4077-132-003-0008	P72179
Tax Account No.	3867-000-072-0207	P62771
Tax Account No.	3867-000-072-0306	P62772
Tax Account No.	3867-000-079-0002	P62821
Tax Account No.	4077-131-005-0008	P72175
Tax Account No.	4077-132-004-0106	P72181
Tax Account No.	350610-3-009-0006	P40972
Tax Account No.	350615-2-001-0001	P41227
Tax Account No.	350615-1-002-0002	P41220
Tax Account No.	350615-1-001-0003	P41219
Tax Account No.	350425-0-021-0100	P37615
Tax Account No.	350426-4-003-0004	P37709
Tax Account No.	350436-0-005-0107	P38402
Tax Account No.	350435-0-001-0102	P38371
Tax Account No.	3867-000-078-0607	P62812

All situate in the County of Skagit, Washington.

All water and water rights used upon or appurtenant to said property,

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1 however evidenced.

2 Together with any and all tenements, hereditaments and appurtenances
3 thereunto belonging or used in connection therewith.

4 Said property also subject to:

5 Easement in favor of Public Utility District No. 1, Skagit County, Washington for
6 pipe line, affecting the North 20 feet of Tract 72 of Burlington Acreage Property,
7 lying Easterly of the Westerly line of South Pine Street in the City of Burlington,
8 and said street produced South, dated July 16, 1956, recorded July 17, 1956 under
9 Skagit County Auditor's File No. 538877, Volume 279 of Deeds, page 624.

10 Easement in favor of Puget Sound Power & Light Company for two anchor guys,
11 affecting the Northeast 1/4 of the Northwest 1/4 and North 1/2 of the Northeast 1/4,
12 Section 15, Township 35 North, Range 6 East, W.M., the exact location therein not
13 being disclosed on the record, dated July 19, 1957, recorded July 24, 1957 under
14 Auditor's No. 554110, Volume 288 of Deeds, page 260.

15 Easement in favor of Puget Sound Power & Light Company for anchor, affecting
16 the North 1/2 of the Northeast 1/4, Section 15, Township 35 North, Range 6 East,
17 W.M., the exact location therein not being disclosed on the record, dated December
18 27, 1957, recorded December 27, 1957 under Auditor's No. 560068, Volume 291
19 of Deeds, page 497.

20 An easement in favor of Puget Sound Power and Light Company, affecting the
21 portion of said premises and for the purposes stated herein, and incidental purposes,
22 including provision against blasting, for the right, privilege and authority to
23 construct, erect, alter, improve, repair, operate and maintain two electric
24 transmission lines, recorded April 25, 1925, under Auditor's No. 183091,
25 Volume 136 of Deeds, page 304. Affects a strip 100 feet wide in the Southeast
26 1/4 of the Southwest 1/4 of Section 10, Township 35 North, Range 6 East, W.M.,
27 the centerline of which is described as follows:

Beginning at a point on the West Line of Section 10, Township 35 North,
Range 6 East, W.M., which point is 75.0 feet, more or less, North of the
Southwest corner of said Section;
thence running North 89 degrees 55 minutes East a distance of 1,630.89
feet;
thence North 76 degrees 21 minutes East a distance of 1,840.4 feet;

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1 thence North 86 degrees 38 minutes East a distance of 1,868.79 feet to a
2 point on the East line of said Section, which point is 614.70 feet, more or
3 less, North of the Southeast corner of said Section.

4 Easement in favor of Simpson Timber Company (formerly Simpson Logging
5 Company) for use of an existing roadway and for other and incidental purposes
6 stated therein, and the terms and conditions thereof, recorded December 13, 1963
7 under Auditor's File No. 644301, affecting an existing road running through Parcel
8 "E" herein, the exact width and location of said road not being disclosed on the
9 record. Said easement is a correction of easements filed February 5, 1958 and April
10 3, 1958 under Auditor's File Nos. 561461 and 563682.

11 Reservation contained in deed from the State of Washington recorded under Skagit
12 County Auditor's File No. 10462, Volume 97 of Deeds, page 593, reserving to the
13 grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for
14 opening, developing and working the same and providing that such rights shall not
15 be exercised until provision has been made for full payment of all damages
16 sustained by reason of such entry.

17 Right of State of Washington or its successor, subject to payment of compensation
18 therefore, to acquire rights of way for private railroads, skid roads, flumes, canals,
19 water courses or other easements for transporting and moving timber, stone,
20 minerals and other products from this and other property, as reserved in deed
21 referred to above. Affects that portion of Parcel "E" herein lying within Section 36,
22 Township 35 North, Range 4 East, W.M.

23 Condemnation by the State of Washington for right of access to State Highway and
24 of light, view and air, by decree entered March 13, 1958, in Skagit County Superior
25 Court Cause No. 24376. Affects Parcel "E".

26 Any questions that may arise due to shifting or changing in the course of Hart's
27 Slough, also known as Batey's Slough and/or the Skagit River.

 Possible rights of third parties to use an existing private road running through
 Parcel "E" herein, as disclosed by Contract recorded under Auditor's File No.
 811861, records of Skagit County.

 Possible rights of property owners on the West side of Parcel "E" due to an
 encroaching fence line as disclosed by Survey recorded January 13, 1975, under
 Auditor's File No. 812297, in Volume 1 of Surveys, page 123, records of Skagit
 County.

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1 Oil and gas lease and the terms and conditions thereof, William R. Dynes, or
2 assigns, Lessor, and Seacoast Oil & Gas Company, Inc., Lessee, for a term of 3
3 years from date and as long thereafter as coal, precious metals, gas or oil can be
4 produced in paying quantities, recorded July 8, 1970, recorded July 8, 1970 under
5 Skagit County Auditor's File No. 740941. Affects Parcels "A" and "B".

6 Easement in favor of Puget Sound Power & Light Company, a Washington
7 corporation, for the right to construct, operate, maintain, repair, replace and enlarge
8 one or more electric transmission and/or distribution lines, dated May 7, 1986,
9 recorded May 19, 1986 under Skagit County Auditor's File No. 8605190119.
10 Affects the North 10 feet of Parcel "C".

11 Relinquishment of access to State Highway No. 9 and of light, view and air to the
12 State of Washington by deed recorded May 24, 1991 under Auditor's No.
13 9105240005.

14 Notice of moratorium on non-forestry use of land recorded December 3,
15 1998, under Auditor's File No. 9812310029.

16 **ISLAND COUNTY PROPERTY LEGAL DESCRIPTION:**

17 **PARCEL 1:**

18 That portion of the Northwest 1/4 of the Northeast 1/4 of Section 15, Township
19 32 North, Range 1 East W.M., lying South of County Road known as Miller Road,
20 EXCEPT that portion conveyed to Island County by deed recorded March 6, 1925
21 in Volume 35 of Deeds, page 210, records of Island County, Washington, and
22 EXCEPT right of way for County Road along the East line thereof known as Balda
23 Road.

24 Situate in the County of Island, State of Washington.

25 **PARCEL 2:**

26 The Southwest 1/4 of the Northeast 1/4 of Section 15, Township 32 North, Range
27 1 E. W.M.,

EXCEPT right of way for County Road along the East line thereof known as Balda
Road.

Situate in the County of Island, State of Washington.

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1 Tax Account No. R13215-330-3290 Key 19704 (112)
2 Tax Account No. R13215-425-3310 Key 19857 (112)

3 All situate in the County of Skagit, Washington.

4 All water and water rights used upon or appurtenant to said property,
5 however evidenced.

6 Together with any and all tenements, hereditaments and appurtenances
7 thereunto belonging or used in connection therewith.

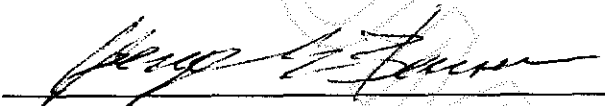
8 Said property also subject to:

9 Reservation of minerals, etc., as provided by Section 7797-56 of Remington's
10 Revised Statutes, as contained in deed from the State of Washington, dated
11 December 15, 1930, recorded December 20, 1930, in Volume 46 of Deeds, page
12 379.

13 An easement granted to Puget Sound Power & Light Company, dated February 27,
14 1935, recorded December 2, 1936, in Volume 50 of Deeds, page 183.

15 4. Defendant Northwest Farm Credit Services, PCA hereby releases in its
16 entirety the Lis Pendens filed in conjunction with its crossclaim, which Lis Pendens was
17 dated August 21, 2003, and which Lis Pendens was recorded with the Skagit County
18 Auditor on August 22, 2003, under Skagit County Recording No. 200308220011 and
19 recorded with the Island County Auditor on August 26, 2003, under Island County
20 Recording No. 4072417.

21 Dated this 25 day of November, 2003.

22 
23 George E. Benson, WSBA #8352
24 Keithly, Weed, Graafstra & Benson, P.S., Inc.
25 Attorney for Cross-claimant Northwest Farm
26 Credit Services, PCA
27 21 Avenue A
Snohomish, Washington 98290

28 **RELEASE OF LIS PENDENS (Real Property**
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LAW OFFICES OF
KEITHLY, WEED, GRAAFSTRA & BENSON, P.S., INC.



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