

When Recorded Return to:

MARCUS MCCULLOCH  
19818 Serene Lane  
Sedro Woolley, WA 98284



200603170077  
Skagit County Auditor

3/17/2006 Page 1 of 5 10:46AM

**NOTICE OF CONTINUANCE**  
LAND CLASSIFIED AS CURRENT USE OR FOREST LAND  
Chapter 84.34 And 84.33 Revised Code Of Washington

Grantor(s) Dennis M. Fenstermaker and Cheryl L.S. Fenstermaker,  
Trustees of the Fenstermaker Family Living Trust Dtd. May 9, 2002

Grantee(s) Marcus McCulloch & Daniel R. Madlung

Legal Description ATTACHED HERETO AND MADE A PART HEREOF AS SCHEDULE "G"

S7  
J36  
R4

360407-1-005-0000 (P49055)

360407-4-003-0006 (P49077)

360407-4-001-0008 (P49074)

Assessor's Property Tax Parcel or Account Number 360407-3-002-0009 (P49071)

Reference Numbers of Documents Assigned or Released 75174

If the new owner(s) of land that is classified or designated as current use or forest land wish(es) to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign. If the new owner(s) do(es) not desire to continue the classification or designation, all additional or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.120, 140 shall be due and payable by the seller or transferor at the time of sale. To determine if the land qualifies to continue classification or designation, the county assessor may be consulted.

Name of New Owner(s) MARCUS MCCULLOCH

DANIEL R. MADLUNG

Address 19818 Serene Lane, Sedro Woolley, WA 98284

Phone No. 360-661-3516

Excise Tax No. \_\_\_\_\_

File No. B87457

Taxing District \_\_\_\_\_

Date of Sale or Transfer \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Date of Notice \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Interest in Property:  Fee Owner  Contract Purchaser  Other

A. CLASSIFICATION UNDER CHAPTER 84.34 RCW. I/we request that this land retain the current use classification as  Open Space Land,  Farm and Agricultural Land,  Timberland, and I am/we are aware of the following use classification of the land:

1. OPEN SPACE LAND MEANS EITHER:

- a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly; or
- b) any land area, the preservation of which in its present use would: (i) conserve and enhance natural or scenic resources; (ii) protect streams or water supply; (iii) promote conservation of soils, wetlands, beaches, or tidal marshes; (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space; (v) enhance recreation opportunities; (vi) preserve historic sites; (vii) preserve visual quality along highway, road, and street corridors or scenic vistas; or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification; or
- c) any land that meets the definition of farm and agricultural conservation land. "Farm and agricultural conservation land is either: (i) land that was previously classified as open space farm and agricultural land that no longer meets the criteria of farm and agricultural land, and that is reclassified as open space and under RCW 84.34.020(1); or (ii) land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a) any land in contiguous ownership of twenty or more acres devoted: (i) primarily to the production of livestock or agricultural commodities, for commercial purposes; or (ii) enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or (iii) other similar commercial activities as may be established by rule; or
- b) any parcel of land at least five acres but less than twenty acres devoted primarily to agricultural uses and produces a gross income equal to two hundred dollars or more per acre per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- c) any parcel of land that is less than five acres devoted primarily to agricultural uses and produces a gross income equal to fifteen hundred dollars or more per year for three out of the five calendar years preceding the date of application for classification under chapter 84.34 RCW; or
- d) any land on which the principal place of residence of the farm operator or owner of land or housing for employees is sited if the classified farm and agricultural land is classified pursuant to subsection (a) of this section, if the residence or housing is on or contiguous to the classified parcel, and the use of the residence or housing is integral to the use of the classified land for agricultural purposes.

Agricultural land also includes (i) land on which appurtenances necessary for the production, preparation, or sale of commercial agricultural products are situated when the appurtenances are used in conjunction with the land(s) producing agricultural products, (ii) land incidentally used for an activity or enterprise that is compatible with commercial agricultural purposes as long as the incidental use does not exceed twenty percent of the classified land, and (iii) any noncontiguous parcel of land from one to five acres in size that constitutes an integral part of the commercial agricultural operations of a classified parcel of farm and agricultural land.



3. **TIMBER LAND MEANS** any land in contiguous ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes and not classified as reforestation land pursuant to Chapter 84.28 RCW. Timber land means the land only.

I/we declare that I am/we are aware of the liability of withdrawal or removal of this land from classification to the following extent:

1. If the owner has filed the proper notice of request to withdraw the classified land and the land has been classified for a minimum of ten years he/she shall pay an amount equal to the difference between the tax computed on the basis of "current use" and the tax computed on the basis of true and fair value plus interest at the same statutory rate charged on delinquent property taxes. The additional tax and interest shall be paid for the preceding seven years.
2. If land is removed from classification because of a change to a non-conforming use, land is removed prior to the minimum ten year period, or land is removed because the owner(s) failed to comply with the two year notice of withdrawal he/she shall be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent of the additional tax and interest. The additional tax, interest, and penalty shall be paid for the preceding seven years.
3. The additional tax, interest, and/or penalty shall not be imposed if the withdrawal or removal from classification resulted solely from:
  - a) transfer to a government entity in exchange for other land located within the state of Washington;
  - b) a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power, said entity having manifested its intent in writing or by other official action;
  - c) a natural disaster such as a flood, windstorm, earthquake, or other calamity rather than by virtue of the act of the landowner changing the use of the classified land;
  - d) official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present classified use of the land;
  - e) transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;
  - f) acquisition of property interests by a state or federal agency, county, city, town, metropolitan park district; metropolitan municipal corporation, nonprofit historic preservation corporation as defined in RCW 64.04.130, or nonprofit nature conservancy corporation or association as defined in RCW 84.34.250; or
  - g) removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees.

(B) **CLASSIFICATION UNDER CHAPTER 84.33 RCW.** I/we request that this land retain its  classification or  designation as forest land and I am/we are aware of the following definition of forest land:

**FOREST LAND** means and is synonymous with timberland and means all land in contiguous ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber. Forest land means the land only.

- a) **CLASSIFIED FOREST LAND** is land whose highest and best use is the growing and harvesting of timber.
- b) **DESIGNATED FOREST LAND** is land that is primarily devoted to and used for growing and harvesting timber but whose value for other purposes may be greater than its value for use as forest land.



I/we declare that I am/we are aware of the liability of removal of this land from classification or designation and upon removal a compensating tax shall be imposed that shall be equal to the difference between the amount of tax last levied on the land as forest land and an amount equal to the new assessed valuation of the land multiplied by the millage rate of the last levy extended against the land, multiplied by a number, not greater than ten, equal to the number of years the land was classified or designated as forest land.

The compensating tax shall not be imposed if the removal of classification or designation resulted solely from:

- a) transfer to a government entity in exchange for other forest land located within the state of Washington;
- b) a taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of this power;
- c) a donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in Chapter 79.70 RCW; or
- d) the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes.

Property Owner MARCUS McCULLOCH

03/06/06  
Date

19818 Serene Lane, Sedro Woolley, WA 98284  
Address

Property Owner DANIEL R. MADLUNG

3/6/06  
Date

Address

Property Owner

Date

Address

Property Owner

Date



**Schedule "C"**  
**Legal description**

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

**PARCEL "A":**

The South 200 feet of that portion of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 7, Township 36 North, Range 4 East, W.M., lying Southwesterly of the 60 foot wide right-of-way conveyed to Skagit County by deed recorded August 30, 1909 under Auditor's File No. 75200 in Volume 65 of Deeds, page 165, records of Skagit County, Washington;

TOGETHER WITH the South 200 feet of that portion of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 7, Township 36 North, Range 4 East, W.M., lying Southwesterly of the 60 foot wide right-of-way conveyed to Skagit County by deed recorded August 30, 1909 under Auditor's File No. 75200 in Volume 65 of Deeds, page 165, records of Skagit County, Washington.

**PARCEL "B":**

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ;

EXCEPT that portion thereof lying Southwesterly of a line that is parallel with and distant 15 feet Northeasterly of the centerline of the Bloedel Donovan Lumber Railroad, now known as Samish Road;

TOGETHER WITH the North 520.8 feet of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , lying Southwesterly of the 60 foot wide right-of-way conveyed to Skagit County by deed recorded August 30, 1909 under Auditor's File No. 75200 in Volume 65 of Deeds, page 165, records of Skagit County, Washington;

EXCEPT that portion, if any, lying within a certain 20 foot strip conveyed to Sydney Smyth by deed dated July 11, 1909 and recorded August 4, 1909 in Volume 65 of Deeds, page 133;

ALL EXCEPT the following described tract of land from Parcels "A" and "B":

That portion of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  and the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , all in Section 7, Township 36 North, Range 4 East, W.M., being more particularly described as follows:

Beginning at the Northwest corner of said Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence North  $0^{\circ}15'10''$  West along the West line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , a distance of 200.33 feet to a point being 200 feet North of the South line of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ; thence South  $86^{\circ}57'51''$  East, 164.21 feet to an existing 3-way fence corner, (East-West and South); thence South  $2^{\circ}23'40''$  West along said existing fence, 642.66 feet; thence continue along said existing fence, South  $3^{\circ}14'34''$  West, 600.00 feet, more or less, to the North right-of-way line of the county road known as the Old Samish Road; thence in a Northwesterly direction along said North right-of-way line to the intersection with the West line of said Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ ; thence North  $0^{\circ}18'56''$  West along said West line to the true point of beginning.



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