

When recorded return to:

B. Tony Branson
Olsen Law Firm PLLC
604 W. Meeker St., Suite 101
Kent, Washington 98032



200903110140

Skagit County Auditor

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ESTOPPEL AFFIDAVIT - DEED OF TRUST

Grantor: JAMES A. SMITH

Grantees: RON CHICK and LAURIE CHICK

Legal Description: Lot 4, Sunnyside Big Lake Tracts & Ptn. RR RW In Gov. Lot 1, 7-33-5 E W.M.

Assessor's Tax Parcel #: 4025-000-004-0009 P69875
330507-0-001-0300 P99359

**Reference Nos of Documents
Assigned or Released:** 200806120030 & 200807010068

Conveyance:

This Affidavit made on March 10, 2009, by JAMES A. SMITH, hereinafter referred to as Grantor.

WITNESSETH

On June 11, 2008, and July 1, 2008, the Grantor executed and delivered Promissory Notes to grantor Ron Chick and Laurie Chick in principal sums in the amount of ONE HUNDRED FIVE THOUSAND and NO/100s DOLLARS (\$105,000.00) and EIGHTY FIVE THOUSAND and NO/100s DOLLARS (\$85,000.00), respectively, which sums were secured by Deeds of Trust of even date therewith and duly recorded in the office of the Skagit County Auditor, under Auditor's File Nos. 200806120030 and 200807010068, which Deeds of Trust cover the following described real estate situated in Skagit County, Washington, to wit:

PARCEL "A":

Lot 4, 'ASSESSORS PLAT OF SUNNYSIDE BIG LAKE TRACTS, SKAGIT COUNTY, WASHINGTON,' as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington.

TOGETHER WITH a parcel of land in Section 7, Township 33 North, Range 5 East, W.M., more particularly described as follows:

Beginning at the Southeasterly corner of Lot 4 of the 'ASSESSORS PLAT OF SUNNYSIDE BIG LAKE TRACTS, SKAGIT COUNTY, WASHINGTON,' as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington;
thence North 49°39'00" East on an extension of the lot line between Lots 4 and 5 of said plat to the West line of Sulfer Springs Road;
thence Northerly along the West line of Sulfer Springs Road to a point that is North 49°39'00" East of the Northeast corner of said Lot 4;
thence South 49°39'00" West to the Northeast corner of said Lot 4;
thence Southeasterly along the East line of said Lot 4 to the true point of beginning, all situated in the Northwest 1/4 of the Northeast 1/4 of Section 7, Township 33 North, Range 5 East, W.M.

PARCEL "B":

All that portion of Burlington Northern Railroad Company's (formerly Northern Pacific Railway Company) 140.0 foot wide Seattle to Sumas, Washington Branch Line right of way, now discontinued, being 50.0 feet wide on the Northeasterly side and 90.0 feet wide on the Southeasterly side of said Railroad Company's Main Track centerline as originally located and constructed and situated in Section 7, Township 33 North, Range 5 East, W.M., Skagit County, Washington, described as follows:

Beginning at the Southeasterly corner of Lot 4 of the 'ASSESSORS PLAT OF SUNNYSIDE BIG LAKE TRACTS, SKAGIT COUNTY, WASHINGTON,' as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington;
thence North 49°39'00" East on an extension of the lot line between Lots 4 and 5 of said plat a distance of 135.6 feet, more or less, to an existing fence line, as existed on February 21, 199;
thence North 34°53'36" West a distance of 78.91 feet along said fence to an intersection of the Northwesterly line of said Lot 4 extended North 49°39'00" East;
thence South 49°39'00" West a distance of 139.5 feet to the Northeasterly corner of said Lot 4;
thence South 37°48'41" East along a chord a distance of 78.88 feet, more or less, to the point of beginning.

Situate in the County of Skagit, State of Washington,

RON CHICK is the legal owner of the Note and Deeds of Trust.

Estoppel Affidavit



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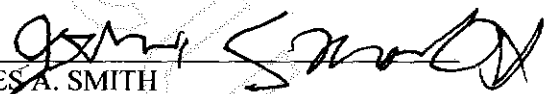
The Grantor is in default in the payments due on said Notes, upon which the amount of TWO HUNDRED TWENTY EIGHT THOUSAND EIGHT HUNDRED NINETY SEVEN AND 31/100s DOLLARS (\$228,897.31) is presently due and outstanding as of February 27, 2009, and is unable to meet the obligations of said Notes and Deeds of Trust according to the terms thereof.

The Grantor is the party who made, executed and delivered that certain Deed to grantee on Deeds of Trust of even date herewith, conveying the above-described property. Said Grantor hereby acknowledges, agrees and certifies that the aforesaid Deed is an absolute conveyance of all of the Grantor's right, title and interest in and to the real estate, together with all buildings thereon and appurtenances thereunto belong or appertaining, and also a conveyance, transfer and assignment of the Grantor's right of possession, rentals and equity of redemption in and to said premises. The value of said real estate in its present condition is not in excess of the amount of all indebtedness outstanding against said property and in consideration of the premises thereof, and upon the occurrence of the condition of acceptance set forth herein and in consideration of such conveyance the Grantor will receive a full and complete release of personal liability on the note, together with the cancellation of the Deeds of Trust of record by the Grantee and the delivery to the title company, trustee under said Deeds of Trust of the Note secured by said Deeds of Trust, duly cancelled.

Said Deed was given voluntarily by the Grantor to the said Grantee in good faith on the part of the Grantor and the Grantee, without any fraud, misrepresentation, duress or undue influence whatsoever, or any misunderstanding on the part of the Grantor or the Grantee, and was not given as a preference against any other creditors of said Grantor. Grantor represents that there are no persons, firms or corporations, other than the undersigned, directly or indirectly interested in the above described property and there are no liens, including judgment liens, or encumbrances that affect the above described property. Said deed of conveyance shall not restrict the right of the Grantee to institute foreclosure proceedings if the Grantee desires, but the conveyance by said Deed shall be and is hereby intended and understood to be an absolute conveyance and unconditional sale with full extinguishment of the Grantor.

This affidavit is made for the protection and benefit of the aforesaid Grantee in said Deed, its successors and assigns, and all other parties hereafter dealing with or who may acquire an interest in the property described herein, and shall bind the respective heirs, executors, administrators and assigns of the undersigned.

GRANTOR:


JAMES A. SMITH

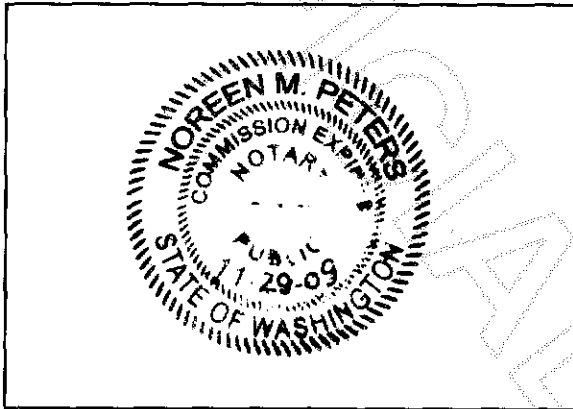


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State of Washington)
)ss
County of King)

I certify that I know or have satisfactory evidence that JAMES A. SMITH is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes in the instrument.

DATED: March 10, 2009



Noreen M. Peters
Print Name: Noreen M. Peters
Notary Public in and for the State of Washington
Residing at Black Diamond
My appointment expires 11/29/09


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EXHIBIT A

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