



200908170142
Skagit County Auditor

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WHEN RECORDED RETURN TO:

JACK O. SWANSON
BELCHER SWANSON LAW FIRM, P.L.L.C.
900 Dupont Street
Bellingham, WA 98225

Document Title:	Easement
Grantor/borrower:	Peter Berken
Grantee/assignee/beneficiary:	James S. Vann and Pamela J. Vann
Legal Description:	Ptn. W 1/2 SW 1/4 SW 1/4 Sec. 9, TWP 36 N., R3E, W.M.
Assessor's Tax Parcel ID#:	P47726 (Burdened Property) P47727 (Benefited Property)

LAND TITLE OF SKAGIT COUNTY
134237-5E

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

AUG 17 2009

Amount Paid \$
Skagit Co. Treasurer
By *mm* Deputy

EASEMENT

THIS EASEMENT (the "Easement") is made this 15th day of August, 2009, by and between PETER BERKEN a single man, herein the "Grantor," and JAMES S. VANN and PAMELA J. VANN, husband and wife, herein the "Grantees."

RECITALS:

A. Grantor owns real property (herein the "Grantor's Property") situated in Skagit County, Washington, described as follows:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 9, TOWNSHIP ~~26~~ ³⁶ NORTH, RANGE 3 EAST, W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.
(SKAGIT COUNTY PARCEL NO. P47726)

B. Grantees own real property (herein the "Grantees' Property") situated in Skagit County, Washington, described as follows:

THE EAST HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST
QUARTER OF SECTION 9, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.

SITUATE IN SKAGIT COUNTY, WASHINGTON.
(SKAGIT COUNTY PARCEL No. P47727)

C. The purpose of this Easement is to ratify and affirm the right for ingress, egress, and utilities over, across, and under, the portion of the Grantor's Property described as follows:

See the attached Exhibit "A," which is referred to herein as the "Easement Area."

The Easement Area is also shown on the sketch attached as Exhibit "B."

NOW, THEREFORE, the parties agree as follows:

1. **Easement.** Grantors hereby grant and convey to the Grantees a perpetual non-exclusive easement over, across and under the Easement Area for ingress, egress, and utilities. The Easement Area closely approximates the existing road which has been used for access to the Grantees' Property and other lands for decades.

2. **Benefit.** The Easement granted herein is for the benefit of the Grantees' Property which is the dominant estate.

3. **Prior Agreements.** This easement is not intended to modify or rescind any other agreement which relates to the use and/or maintenance of the road authorized hereby, including without limiting that certain Road Easement and Maintenance Agreement recorded in Skagit County Auditor's Office under file number 200206110129.

4. **Binding Effect.** In all respects, the provisions of this easement shall be construed and interpreted as covenants which run with and are appurtenant to the land of the parties above described, and shall be binding upon and inure to the benefit of the heirs, assigns, successors to and personal representatives of the parties hereto.

5. **No Waiver.** Failure to enforce any provision of this document shall not operate as a waiver of any such provision.



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6. **Severability.** Invalidation of any of the provisions of this easement by judgment or court order shall in no way affect any of the other provisions which shall remain in full force and effect.

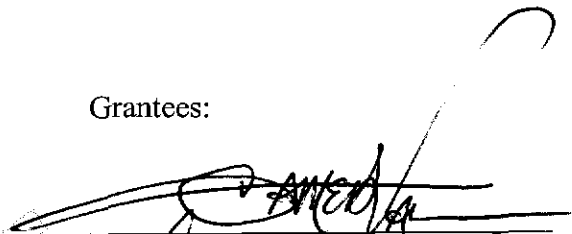
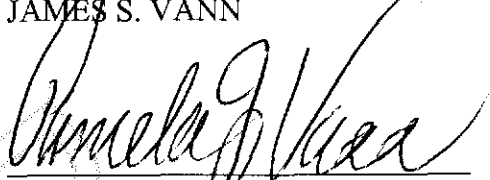
7. **Entire Agreement.** This easement contains all representations and is the entire understanding between the parties hereto with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties have executed this document as of the date first above written.

Grantor:


PETER BERKEN

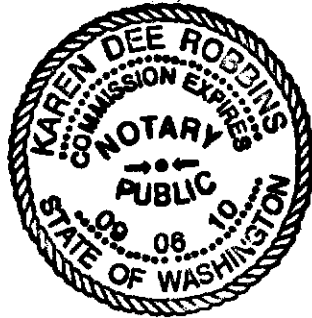
Grantees:

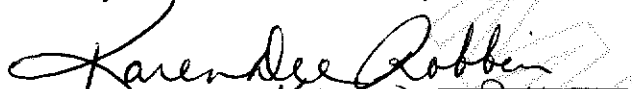

JAMES S. VANN

PAMELA J. VANN

STATE OF WASHINGTON)
)ss.
COUNTY OF WHATCOM)

On this 15th day of August, 2009, before me personally appeared JAMES S. VANN and PAMELA J. VANN, husband and wife, who executed the within and foregoing instrument as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.




PRINTED NAME: Karen Dee Robbins
Notary Public in and for the State of
Washington, residing at Bellingham.
My Commission Expires 9-06-10.

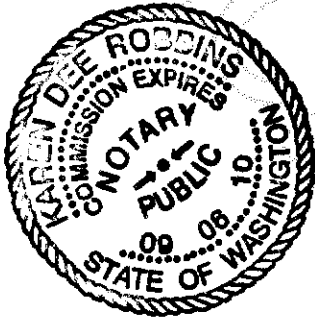


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STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that PETER BERKEN 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 mentioned in the instrument.

SUBSCRIBED to before me this 15th day of August, 2009.



Karen Dee Robbins
PRINTED NAME: Karen Dee Robbins
Notary Public in and for the State of
Washington, residing at Bellingham.
My Commission Expires 9-06-10.



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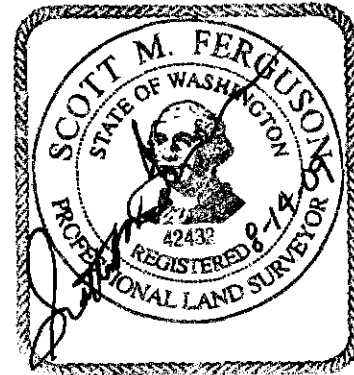


Construction Surveyors Northwest, Inc.

1500 "I" Street
Bellingham, Washington 98225

Phone (360) 733-3383
FAX (360) 733-3384

EXHIBIT A



August 14, 2009
Job No. 0956

Dan Cantrell
Bellingham, WA

Re: Description of an Easement over a portion of the West Half of the Southeast Quarter of the Southwest Quarter of Section 9, Township 36 North, Range 3 East of W.M., Skagit County, Washington

LEGAL DESCRIPTION

A 50-foot wide easement for ingress, egress and utilities over a portion of the West Half of the Southeast Quarter of the Southwest Quarter of Section 9, Township 36 North, Range 3 East of W.M., Skagit County, Washington, the centerline of which is described as follows:

Commencing at the Northwest corner of said West Half of the Southeast Quarter of the Southwest Quarter of Section 9; thence South $65^{\circ}07'51''$ East 294.04 feet to an intersection of "Oyster Creek Lane" as described as a 50-foot easement according to that court decree as filed under Auditor's File No. 8702230006, records of Skagit County, Washington, with an existing roadway to the Northeast and the POINT OF BEGINNING; thence along said existing roadway the following courses: North $43^{\circ}24'48''$ East 38.41 feet; thence North $65^{\circ}39'42''$ East 102.51 feet; thence North $74^{\circ}22'58''$ East 76.31 feet to a curve to the right having a radius of 135.00 feet, the center of which bears South $15^{\circ}37'02''$ East; thence along said curve through a central angle of $69^{\circ}35'50''$ an arc distance of 163.98 feet; thence South $36^{\circ}01'12''$ East 71.33 feet to the East line of said West Half of the Southeast Quarter of the Southwest Quarter of Section 9 and the POINT OF ENDING.

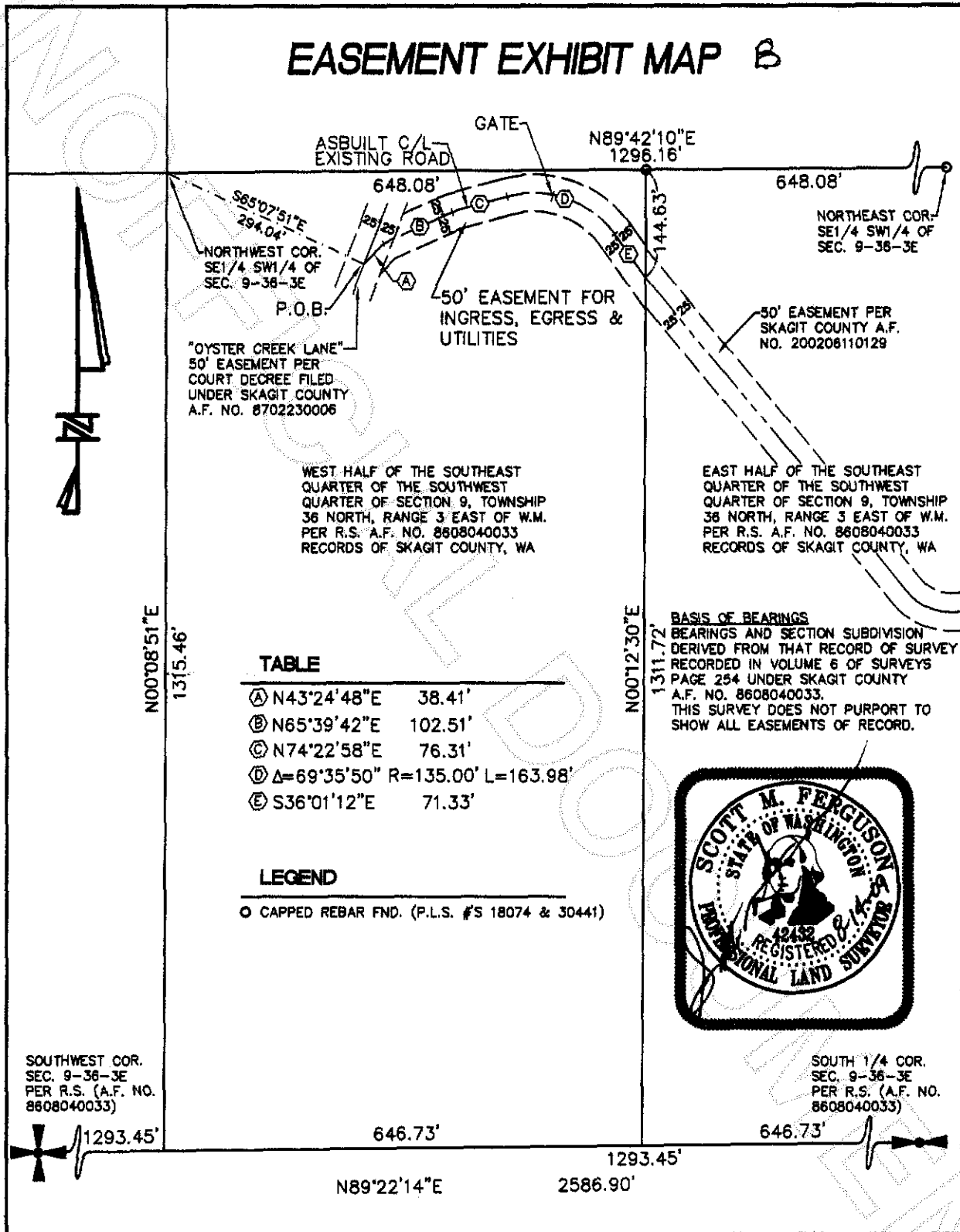
Except any portion thereof lying within said "Oyster Creek Lane" easement.



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EASEMENT EXHIBIT MAP B



TABLE

Ⓐ	N43°24'48"E	38.41'
Ⓑ	N65°39'42"E	102.51'
Ⓒ	N74°22'58"E	76.31'
Ⓓ	Δ=69°35'50" R=135.00' L=163.98'	
Ⓔ	S36°01'12"E	71.33'

LEGEND

○ CAPPED REBAR FND. (P.L.S. #S 18074 & 30441)



SOUTHWEST COR.
SEC. 9-36-3E
PER R.S. (A.F. NO. 8608040033)

SOUTH 1/4 COR.
SEC. 9-36-3E
PER R.S. (A.F. NO. 8608040033)

JOB # 0956ESMT

DATE: 8-14-09

SCALE: 1"=200'



CONSTRUCTION SURVEYORS N.W. INC.
1500 I STREET, BELLINGHAM, WA 98225
(360) 733-3383 OR (360) 384-0225

DAN CANTRELL ETAL
EASEMENT EXHIBIT MAP

PTN. W1/2 SE1/



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