

When Recorded Return to:

Lawrence A. Pirkle

321 W. Washington, Suite 300

Mount Vernon, WA 98273

(360) 336-6587



201011050157

Skagit County Auditor

11/5/2010 Page

1 of

6 3:49PM

Notice of Continuance
Land Classified as Current Use or Forest Land
Chapter 84.34 and 84.33 Revised Code of Washington

Grantor(s)/Sellers: Carol J. Miller, a single person

Grantee(s)/Purchasers: National, LLC, a Washington Limited Liability Company

Mailing address: 16576 Green Lane

City, State, Zip: Burlington, WA 98233

Phone No: (360) 961-4907

Assessor's Parcel No: P36967, P36969, P36987, P36989, P38056, P38057, P36984 & P38059

Address: 19458 Cook Road, Burlington, WA 98233

Legal description: Parcel A: W ½ SE ¼, 20-35-4, E W.M. Parcel B: Ptn SW ¼, 20-35-4, E W.M.
Parcel C: Ptn E ½ SW ¼, 20-35-4, E W.M. Parcel D: N ½ NE ¼ 29-35-4, E W.M.
Parcel E: Ptn W ½ SE ¼, 20-35-4, E W.M. Parcel F: SE ¼ NE ¼, 29-35-4, E W.M.

Date of Sale or Transfer: 10/28/10

Date Notice of Continuance

Received by Assessor:

Reference numbers of documents assigned or released:

Interest in property: ☐ Fee Owner ☐ Contract Purchaser ☐ Other

If the new owner(s) of land that is classified as current use or designated as forest land wish to continue the classification or designation of this land, the new owner(s) must sign below. All new owners must sign before the conveyance is recorded or filed. If the new owner(s) do(es) not desire to continue the classification or designation, all additional tax, interest, and penalty or compensating tax calculated pursuant to RCW 84.34.108 or RCW 84.33.140, will be due and payable by the seller or transferor at the time of sale. Payment in full is required before the conveyance can be recorded or filed. To determine if the land qualifies for continued classification or designation, the county assessor will be consulted. The county assessor has 15 calendar days, from the date all documentation is received, to determine whether the land will continue to qualify for classification or designation.

For Official Office Use Only

Transfer Document

Recording No:

Real Estate

Excise Tax No:

For tax assistance, visit <http://dor.wa.gov/content/taxes/property/default.aspx> or call (360) 570-5900. To inquire about the availability of this document in an alternate format for the visually impaired, please call (360) 705-6715. Teletype (TTY) users may call 1-800-451-7985.

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

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, wetland, 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 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 has a high potential for returning to commercial agriculture.

2. FARM AND AGRICULTURAL LAND MEANS EITHER:

- a. any parcel of land or contiguous parcels of land that are adjoining and held in the same ownership of twenty or more acres: (i) devoted 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 or contiguous parcels of land that are adjoining and held in the same ownership of at least five acres but less than twenty acres devoted primarily to agricultural uses which has:
Produced 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;
Standing crops with an expectation of harvest within seven years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous year;
Standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous year;
For the purposes listed above, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;
- c. any parcel of land less than five acres devoted primarily to agricultural uses which has produced 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;
- d. Agricultural land also includes noncontiguous parcels from one to five acres, but otherwise constituting an integral part of farming operations conducted on the land.
Agricultural lands also include land, not to exceed twenty percent of classified land, that has incidental uses compatible with agricultural purposes, and also the land on which appurtenances necessary to the production, preparation or sale of the agricultural products exist in conjunction with the lands producing such products.
Agricultural lands also include land used primarily for equestrian-related activities including, but not limited to, stabling, training, riding, clinics, schooling, shows, or grazing for feed. The land must also meet the requirements of (a), (b), or (c) listed above.
- e. 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 farm and agricultural land is classified pursuant to RCW 84.34.020 (e), 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.



3. **TIMBER LAND MEANS** any parcel or contiguous parcels of land in the same ownership of five or more acres devoted primarily to the growing and harvesting of forest crops for commercial purposes. Timber land means the land only and does not include a residential home site. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

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 will 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 must 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 immediately upon request of the owner; or land is removed because the owner(s) failed to comply with the two year notice of withdrawal. The owner will be liable to pay the additional tax and interest described in 1 above plus a penalty of twenty percent on the sum of the additional tax and interest. The additional tax, interest, and penalty must be paid for the preceding seven years and from January 1 of the year of removal up to the date of removal.
3. The additional tax, interest, and/or penalty will 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;
 - g. removal of classified farm and agricultural land on which the principal residence of the farm operator or owner or housing for employees is located;
 - h. removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;
 - i. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
 - j. the creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
 - k. The sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993 and the individual(s) or entity(ies) receiving the land from the deceased owner is selling or transferring the land. The date of death shown on a death certificate is the date used; or
 - l. The discovery that the land was classified in error through no fault of the owner.



B. CLASSIFICATION UNDER CHAPTER 84.33 RCW. ☐ I/we request that this land retains its designation as forest land and I am/we are aware of the following definition of forest land.

FOREST LAND is synonymous with designated forest land and means any parcel of land or contiguous parcels of land that are adjoining and held in the same ownership of at least twenty acres that is primarily devoted to and used for growing and harvesting timber and means the land only.

I/we declare that I am/we are aware of the liability of removal of this land from designated forest land and upon removal a compensating tax will be imposed that is 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 as of January 1 of the year of removal, multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, not greater than nine, equal to the number of years the land was designated as forest land.

The compensating tax will not be imposed if the removal of 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 approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax will be imposed upon the current owner;
- d. the sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;
- e. 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 use of such land;
- f. the creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;
- g. the creation, sale, or transfer of a conservation easement of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040;
- h. the sale or transfer within two years after the death of an owner with at least a fifty percent interest in the land if the land has been continuously assessed and valued as designated forest land under chapter 84.33 RCW or classified under chapter 84.34 RCW since 1993 and the individual(s) or entity(ies) receiving the land from the deceased owner is selling or transferring the land.. The date of death shown on a death certificate is the date used;
- i. the discovery that the land was designated in error through no fault of the owner; or
- j. a transfer of a property interest, in a county with a population of more than six hundred thousand inhabitants, to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the land is not used for the purposes enumerated, the compensating tax will be imposed upon the current owner.

The agreement to tax according to use of the property is not a contract and can be annulled or canceled at any time by the Legislature (RCW 84.34.070).

Please describe how you intend to use the land for continued classification or designation:*

***The assessor may require additional information from the property owner(s) to determine whether the land will continue to qualify for classification or designation.**

National, LLC
Property Owner

Carol J. Miller

10/28/10
Date

16576 Green Lane, Burlington, WA 98233
Address

Property Owner

Date

Address



201011050157
Skagit County Auditor

EXHIBIT "A"
(Legal Description)

Parcel "A":

The West 1/2 of the Southeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., EXCEPT the East 855 feet thereof; AND ALSO EXCEPT the right-of-way for the County Road known as the Cook Road along the North line thereof, which right-of-way includes the property conveyed to Skagit County by Auditor's File No. 770212.

Parcel "B":

The East 283.32 feet of the Southwest 1/4 of Section 20, Township 35 North, Range 4 East, W.M.; EXCEPT the right-of-way for County Road known as the Cook Road along the North line thereof, which right-of-way includes the property conveyed to Skagit County by Auditor's File No. 770212.

Parcel "C":

That portion of the East 1/2 of the Southwest 1/4 of Section 20, Township 35 North, Range 4 East, W.M., described as follows:

Beginning at the Northeast corner of said subdivision; thence North 89 degrees 35'45" West along the North line of said subdivision, a distance of 283.35 feet; thence South 0 degrees 23'40" East, parallel with the East line of said subdivision, a distance of 25.80 feet to the South right-of-way line of the Cook Road and the true point of beginning; thence South 0 degrees 23'40" East, a distance of 1632.89 feet to the South line of the southwest 1/4 of Section 20; thence North 89 degrees 15'20" West along the South line of said Southwest 1/4, a distance of 1043.92 feet to the Southwest corner of said East 1/2 of the Southwest 1/4 of Section 20; thence North 0 degrees 23'35" West along the West line of said subdivision, a distance of 332.58 feet to the center of the Olympic Marsh drainage ditch; thence South 89 degrees 15'20" East along the centerline of said ditch 241.05 feet to the beginning of a curve to the left having a radius of 80 feet; thence along said curve through a central angle of 89 degrees 55'40", an arc distance of 125.56 feet; thence North 0 degrees 49' East along the centerline of said ditch, a distance of 913.78 feet to the South line of the Northeast 1/4 of the Southwest 1/4 of Section 20; thence North 89 degrees 25'32" West along the South line of said subdivision, a distance of 4.36 feet to a point on the West line of the "East 990 feet" of said Northeast 1/4 of the Southwest 1/4 of Section 20; thence North 0 degrees 23'40" East along the West line of said "East 990 feet", a distance of 1301.44 feet to the South right-of-way line of the Cook Road; thence South 89 degrees 34'45" East along said road, a distance of 706.75 feet to the true point of beginning.

EXCEPT the right-of-way for the County Road known as the Cook Road along the North line thereof, which right-of-way includes the property conveyed to Skagit County by Auditor's File No. 770212.

TOGETHER WITH those easement rights as granted to National Frozen Foods Corporation by Instrument dated March 17, 1995, recorded March 21, 1995 under Skagit County Auditor's File No. 9503210013.

Parcel "D":

The North 1/2 of the Northeast 1/4 of Section 29, Township 35 North, Range 4 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress and egress, over and across the West 20 feet of the East 24.75 feet of the West 1/2 of the Southeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., EXCEPT the North 20 feet thereof conveyed to Skagit County for road purposes.

EXCEPT from the above described property, lying within Section 20, Township 35 North, Range 4 East, W.M., any portion conveyed to County of Skagit, State of Washington by right-of-way deed(s) recorded under Skagit County Auditor's File Nos. 199911190072, 199911190073, 199911190074, 199912210013, 199912210014 and 199912210015.



201011050157
Skagit County Auditor

Parcel "E" (P36984):

The East 855 feet of the West 1/2 of the Southeast 1/4 of Section 20, Township 35 North, Range 4 East, W.M., EXCEPT the three following described tracts:

1. The East 24.75 feet thereof;
2. The North 20 feet thereof as conveyed to Skagit County for road purposes, by deed dated November 16, 1893 and recorded April 25, 1894, under Auditor's File No. 19199;
3. Beginning at the Northeast corner of the Northwest 1/4 of the Southeast 1/4 of said Section 20, said point being 1,319.42 feet from the East 1/4 corner of said Section 20;
thence North 89 degrees 35'45" West, along the North line of said subdivision, 492.14 feet;
thence South 1 degrees 24'45" East, along an existing fence line, 396.15 feet;
thence South 89 degrees 35'45" East parallel with said North line of said subdivision, 486.12 feet to the East line of said Northwest 1/4 of the Southeast 1/4 of Section 20;
thence North 0 degrees 32'30" West, along said East line, 396.00 feet to the true point of beginning.
4. The North 31 feet of the remainder as conveyed to Skagit County by Deed recorded November 19, 1999, as Auditor's File No. 199911190065.

Situate in the County of Skagit, State of Washington.

Parcel "F" (P38059):

The Southeast 1/4 of the Northeast 1/4 of Section 29, Township 35 North, Range 4 East, W.M.,

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.



201011050157

Skagit County Auditor