



201205220036

Skagit County Auditor

5/22/2012 Page 1 of 9 1:13PM

Return Address:

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

Document Title: Lis Pendens

Reference Number of Related Document: Mortgage Recording No. 200710240044

Grantor: Hutchings, Meribeth & Hutchings, Cory D. (Other defendants listed on pp. 2-3)

Grantee: Northwest Farm Credit Services, FLCA, a corporation

Legal Description: Section 28, Township 33, Range 4; Ptn. SE NE (aka Lots 1 and 2, Short Plat No. 99-0004) (Full legal description found on p. 3.)

Assessor's Property Tax Parcel Nos.: 330428-1-005-0600 (P116408) & 330428-1-005-0400 (P116406)

1  
2  
3  
4  
5  
6  
7 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAGIT

8 NORTHWEST FARM CREDIT SERVICES, )  
9 FLCA, a corporation, )

Plaintiff, )

10 vs. )

12 2 00991 3

NO.

11 MERIBETH HUTCHINGS, also known as )  
12 MERIBETH HUTCHINGS-BODE, and JOHN )  
13 DOE HUTCHINGS, husband and wife, and )  
14 their marital community; CORY D. )  
15 HUTCHINGS and JANE DOE HUTCHINGS, )  
16 husband and wife, and their marital )  
17 community; STARGATE RANCH, L.L.C., a )  
18 Washington limited liability company; CORY )  
19 HUTCHINGS PERFORMANCE HORSES, )  
20 LLC, a Washington limited liability company; )  
21 and OCCUPANTS NUMBERS 1 through 20, )

LIS PENDENS

22 Defendants. )  
23 )  
24 )  
25 )

NOTICE IS HEREBY GIVEN:

1. An action affecting the title to the real property hereinafter described has been commenced, and is now pending in the Superior Court of the State of Washington for Skagit County, as Cause No. 12 2 00991 3

2. The plaintiff in said action is Northwest Farm Credit Services, FLCA, a corporation. The defendants are MERIBETH HUTCHINGS, also known as MERIBETH HUTCHINGS-BODE, and JOHN DOE HUTCHINGS, husband and wife, and their

LIS PENDENS - 1  
HUTCHINGS.LISPEN'



201205220036  
Skagit County Auditor

1 marital community; CORY D. HUTCHINGS and JANE DOE HUTCHINGS, husband  
2 and wife, and their marital community; STARGATE RANCH, L.L.C., a Washington  
3 limited liability company; CORY HUTCHINGS PERFORMANCE HORSES, LLC, a  
4 Washington limited liability company; and OCCUPANTS NUMBERS 1 through 20.

5 3. The object of this action is to foreclose a mortgage in favor of the plaintiff  
6 against the property described below. The action affects the following described property  
7 located within Skagit County, Washington:

8 Lots 1 and 2 of Skagit County Short Plat No. 99-0004, Approved  
9 December 8, 1999 and recorded December 10, 1999 under Auditor's File  
10 No. 199912100123, being a portion of the Southeast 1/4 of the Northeast  
11 1/4 of Section 28, Township 33 North, Range 4 East, W.M.;

12 TOGETHER WITH a non-exclusive easement for ingress, egress and  
13 utilities along the West 60 feet of the South 1/2 of the East 25 acres of the  
14 Southeast 1/4 of the Northeast 1/4 of Section 28, Township 33 North,  
15 Range 4 East, W.M., EXCEPT roads as conveyed to Skagit County by  
16 Deeds recorded February 17, 1917, and June 8, 1925, under Auditor's File  
17 Nos. 177417 and 184655, as created by Order filed under Auditor's File  
18 No. 8506270020, records of Skagit County, Washington.

19 ALSO TOGETHER WITH a Non-exclusive easement for ingress, egress  
20 and utilities over and across Stargate Place as delineated on the face of the  
21 Short Plat.

22 Situate in Skagit County, Washington.

23 Tax Account Nos.: 330428-1-005-0600 (P116408)  
24 330428-1-005-0400 (P116406)

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

And including all rents, issues, profits, buildings and improvements  
thereon and in all tenements, hereditaments, rights, privileges, easements,  
rights of way and appurtenances, (including without limitation private  
roads, grazing privileges, water rights, ditches and conduits and rights of  
way therefor, all plumbing, lighting, heating, cooling, ventilating,  
elevating, and irrigating apparatus and other equipment and fixtures, now  
or hereafter belonging to or used in connection therewith).

LIS PENDENS - 2  
HUTCHINGS.LISPENDE



201205220036  
Skagit County Auditor

1 Said property also subject to:

2 Reservation contained in deed executed by English Lumber Company, a  
3 Washington corporation, recorded January 16, 1913, under Auditor's File  
4 No. 94681, reserving, however, unto the grantor, its successors and assigns,  
5 all coal, minerals, mineral ores and valuable deposits of oil and gas in said  
6 lands now known or hereafter discovered, with the right to prospect for,  
7 extract and remove the same; provided, however, that the grantor, its  
8 successors or assigns, shall pay to the grantee, heirs or assigns, any damage  
9 caused to the surface of said lands by the extraction or removal of any such  
10 coal, minerals, mineral ores, oil or gas, and by the operation of prospecting  
11 for the mining the same.

12 Provisions contained in order of partition entered June 14, 1985 under  
13 Skagit County Cause No. 85-2-00239-6, wherein Robert F. Crane and Sally  
14 Crane, husband and wife, were plaintiffs and Greg Knight and Shelly C.  
15 Knight, husband and wife, were defendants, as follows: Maintenance of  
16 said roadway shall be the responsibility of Plaintiff until such time as there  
17 are other users, at which time it shall be divided equally between those  
18 users; provided, however, that any change in the configuration or widening  
19 of said road shall be the expense of the party wanting any change in the  
20 configuration or widening. (Affects Parcel "B".) Plaintiffs shall have the  
21 right to draw water for domestic purposes from that well located on the  
22 property awarded to Defendants for a period of two (2) years. Boundary  
23 line fence construction costs and maintenance expense shall be equally  
24 divided between the two (2) parcels created herein.

25 Easement and provisions therein wherein Puget Sound Power & Light Co.  
is grantee, dated October 17, 1993, recorded October 21, 1993, under  
Auditor's File No. 9310210077, for the purpose of right to enter said  
premises to operate, maintain, repair, underground electric transmission  
and/or distribution system, together with the right to remove brush, trees  
and landscaping which may constitute a danger to said lines, affecting:

Right-of-way No. 1: A right-of-way located 10 feet in  
width having 5 feet of such width on each side of a  
centerline described as follows:

Beginning at a point on the South line of the above  
described property that is 100 feet West of the Southwest  
corner thereof; thence North 8 degrees West, 480 feet to the  
terminus of this description.

LIS PENDENS - 3  
HUTCHINGS.LISPEN



201205220036  
Skagit County Auditor

5/22/2012 Page 4 of 9 1:13PM

LAW OFFICES OF  
WEED, GRAAFSTRA AND  
BENSON, INC. P.S.  
21 AVENUE A  
SNOHOMISH, WA 98290-2962  
(360) 568-3119; FAX (360) 568-4437

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Right of Way No. 2: A right-of-way 10 feet in width having 5 feet of such width on each side of a centerline described as follows:

Beginning at a point on the East line of the above described property that is 200 feet North of the Southeast corner thereof; thence West, 100 feet to the point of beginning; thence North 84 degrees West, 360 feet to the terminus of this description.

Matters as disclosed and/or delineated on the face of the following Short Plat: Short Plat No. 99-0004, recorded December 10, 1999, under Auditor's No. 199912100123, said matters include but are not limited to the following:

- A. Short Plat number and date of approval shall be included in all deeds and contracts.
- B. All maintenance and construction of roads shall be the responsibility of the homeowners association with the lot owners as members. See Maintenance Agreement filed under Auditor's File No. 199912100124.
- C. Sewer-Individual on-site sewage disposal systems.
- D. No building permit shall be issued for any residential and/or commercial structures which are not, at the time of application, determined to be within an official designated boundary of a Skagit County Fire District.
- E. Change in location of access, may necessitate a change of Address. Contact Skagit County Planning and Permit Center.
- F. Water-Individual Wells-Water will be supplied from individual water systems. Contact the Health Department to determine if additional water quality or quantity testing will be required for building permit approvals. Skagit County requires a 100 foot radius well protection zone for new individual water systems. The zone must be contained entirely on the lot owned in fee simple and/or be provided through appropriate covenants or easements. Present and future owners of lots with an existing well shall preserve a 100 foot radius well protection zone for existing well improvement or replacement. The well on Lot 4 may serve Lot 1

LIS PENDENS - 4  
HUTCHINGS.LISPE



201205220036  
Skagit County Auditor

1 for livestock watering only. If in the future Lot 1 has a need for  
2 potable water a new well must be drilled or the well on Lot 4 must  
3 be approved as a Group B Public Water System.

4 G. The subject property may be affected by easements or restrictions  
5 contained in AF#94681; AF# 7907240015, Skagit County Superior  
6 Court Cause No. 85-2-00239-6; AF#9203130020 and AF#  
7 9408220065.

8 H. Lot 4 is larger than 1 acre pursuant to SCC 14.08.118(6)(C)(II).  
9 See Administrative Decision No. PL99-0052 approved on March  
10 12, 1999.

11 I. Additional Card Notes required by SCC 14.08.118(9)(C)(II):

12 (1) Open space within tracts, or restricted under NRLE. Use  
13 covenants and/or plat restrictions shall remain essentially  
14 unimproved with no building, or other development  
15 allowed. Buildings in OS-RA may be permitted only  
16 through a Special Use Permit and shall demonstrate their  
17 close association to the specific type of recreation proposed  
18 and the policies of the comprehensive plan. Open space  
19 may be used for utilities and, except in the Agriculture  
20 Natural Resource Lands (AG-NRL), recreational facilities.  
21 Provided that in natural resource zoning districts, non-  
22 residential buildings accessory to natural resource land  
23 production is permitted according to the terms of the plat  
24 note, and further provided that within AG-NRL no more  
25 than five percent (5%) or as indicated in the NRLE, of the  
land described in the NRLE shall be covered by structures  
and/or non-tillable structures. See Open Space  
Easement/Agreement filed under Auditor's File No.  
199912100125.

(2) Only a portion of the land in open space designation shall  
be used for future density computations, and only then by  
utilizing the long subdivision Ordinance SCC 14.12, or the  
provisions of RCW 58.17.060 and furthermore, only after  
retaining the following percentages of open space from the  
original parcel (the land prior to any short card division).

(a) Fifty percent (50%) in rural areas not served by  
public water and/or sewer;

LIS PENDENS - 5  
HUTCHINGS.LISPENDE



201205220036  
Skagit County Auditor

5/22/2012 Page 6 of 9 1:13PM

LAW OFFICES OF  
WEED, GRAAFSTRA AND  
BENSON, INC. P.S.  
21 AVENUE A  
SNOHOMISH, WA 98290-2962  
(360) 568-3119; FAX (360) 568-4437

- 1 (b) Ten percent (10%) if the open space is designated  
2 OS-FD within one (1) mile of UGA, Except for salt  
3 water islands separated from the UGA by an  
4 unbridged water way if Critical Area Ordinance  
5 (SCC 14.06) applies;
- 6 (c) Seventy-five percent (75%) in areas served by  
7 public sewer and water; and
- 8 (d) Ninety percent (90%) in areas designated  
9 agriculture, industrial forest, secondary forest, rural  
10 resource-NRL and mineral resource lands in the  
11 County Comprehensive Plan.

12 J. This property lies within 300 feet of land designated resource lands  
13 by Skagit County. A variety of natural resource activities occur in  
14 the area that may be inconvenient or cause discomfort to area  
15 residents. This may arise from the use of chemicals; or from  
16 spraying, pruning, harvesting, or extraction, which occasionally  
17 generates dust, smoke, noise and odor. Skagit County has  
18 established resource uses as priority uses on designated natural  
19 resource lands, and residents of adjacent property should be  
20 prepared to accept such inconveniences or discomfort from normal,  
21 necessary natural resource lands operations when performed in  
22 compliance with best management practices and local, state and  
23 federal law.

24 K. A portion of Lot 1 is designated as a drainfield areas for Lot 1 and  
25 Lot 2. The existing drainfield thereon was constructed under  
Sewage Permit No. S94-0760 and serves Lot 1. Contact the Skagit  
County Planning and Permit Center for additional information.  
The Stargate Place easement is to be used for the effluent line from  
Lot 2 to the drainfield easement.

L. See Protected Critical Areas Agreement filed under Auditor's File  
No. 199912100126.

M. Location of fencelines

N. Approximate location of Puget Power easement described in  
AF#7907240015

O. Well protection easement to Lot 4

LIS PENDENS - 6  
HUTCHINGS.LISPENDE



201205220036  
Skagit County Auditor

5/22/2012 Page 7 of 9 1:13PM

LAW OFFICES OF  
WEED, GRAAFSTRA AND  
BENSON, INC. P.S.  
21 AVENUE A  
SNOHOMISH, WA 98290-2962  
(360) 568-3119; FAX (360) 568-4437

1 P. Exist. Drainfield approx.

2 Declaration of easement, including the terms and provisions thereof,  
3 recorded December 10, 1999, under Auditor's No. 199912100124,  
4 affecting area as constructed.

5 Regulatory Notice/Agreement that may include covenants, conditions and  
6 restrictions affecting the subject property recorded December 10, 1999,  
7 under Auditor's No. 199912100125, regarding Open Space Agreement.  
8 Reference is hereby made to the record for the full particulars of said  
9 notice/agreement. However, said notice/agreement may have changed or  
10 may in the future change without recorded notice.

11 Regulatory Notice/Agreement that may include covenants, conditions and  
12 restrictions affecting the subject property recorded December 10, 1999,  
13 under Auditor's No. 199912100126, regarding Protected Critical Area  
14 Agreement. Reference is hereby made to the record for the full particulars  
15 of said notice/agreement. However, said notice/agreement may have  
16 changed or may in the future change without recorded notice.

17 Regulatory Notice/Agreement that may include covenants, conditions and  
18 restrictions affecting the subject property recorded December 8, 2004,  
19 under Auditor's No. 200412080026, regarding Development Activities On  
20 or Adjacent to Designated Natural Resource Lands. Reference is hereby  
21 made to the record for the full particulars of said notice/agreement.  
22 However, said notice/agreement may have changed or may in the future  
23 change without recorded notice.

24 Regulatory Notice/Agreement that may include covenants, conditions and  
25 restrictions affecting the subject property recorded May 31, 2001, under  
Auditor's No. 200105310109, regarding Development Activities On or  
Adjacent to Designated Natural Resource Lands. Reference is hereby  
made to the record for the full particulars of said notice/agreement.  
However, said notice/agreement may have changed or may in the future  
change without recorded notice.

Regulatory Notice/Agreement that may include covenants, conditions and  
restrictions affecting the subject property executed by Chris A. Peppinger  
and Valerie M. Peppinger, and Meribeth Hutchings and Cory Hutchings,  
recorded October 24, 2007, under Auditor's No. 200710240045, regarding  
Right to Farm Disclosure. Reference is hereby made to the record for the  
full particulars of said notice/agreement. However, said notice/agreement  
may have changed or may in the future change without recorded notice.

LIS PENDENS - 7  
HUTCHINGS.LISPENDENS/5/2



201205220036  
Skagit County Auditor

5/22/2012 Page 8 of 9 1:13PM

LAW OFFICES OF  
NEED, GRAAFSTRA AND  
BENSON, INC. P.S.  
21 AVENUE A  
SNOHOMISH, WA 98290-2962  
(360) 568-3119; FAX (360) 568-4437

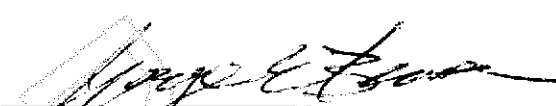


1 Manufactured Home Title Elimination Application recorded under  
2 Auditor's File No. 200302250086 recites that a manufactured home is  
being affixed, or is affixed to said premises.

3 Agricultural Classification— Said lands have been reclassified for tax  
4 purposes, notice of which is given by instrument as herein set forth. They  
5 will be subject to further taxation and interest thereupon as provided by  
6 Chapter 84.34 and 84 RCW upon withdrawal from such classification or  
7 change in use. Reclassified as Farm and Agricultural; recorded November  
26, 1973 and September 30, 1974, under Auditors File Nos. 793711 and  
808036. Notice of Continuance was recorded under Auditor's File No.  
200710230002.

8 4. All persons who in any manner deal with the above-described real estate  
9 subsequent to the filing of this Lis Pendens will take subject to the rights of the plaintiff  
10 as established in said action.

11 Dated this 21 day of May, 2012.

12  
13  
14   
15 George E. Benson, WSBA #8352  
16 Weed, Graafstra & Benson, P.S., Inc.  
17 Attorney for Plaintiff Northwest Farm  
18 Credit Services, FLCA  
21 Avenue A  
Snohomish, Washington 98290  
(360) 568-3119



20 201205220036  
21 Skagit County Auditor