



201601040103

Skagit County Auditor

1/4/2016 Page

1 of

7

\$79.00
2:43PM

When recorded return to:

Craig Sjostrom
1204 Cleveland Ave.
Mount Vernon, Washington 98273

Decree

12-2-00510-1

Grantors: JP Morgan Chase Bank

Grantee: James Beckner & Karen Beckner, h/w

Legal Description: ptn Lot 1, Block 43, Montborne

Additional Legal Description Located on Page 7

Assessor's Property Tax Parcel or Account No.: P74714; P17921; P74711

Reference Nos of Documents Assigned or Released: N/A

I, MAVIS E. BETZ, Clerk of the Superior Court of the State of Washington, for Skagit County, do hereby certify that this is a true copy of the original now on file in my office. Dated 12-24-15

FILED
SKAGIT COUNTY CLERK
SKAGIT COUNTY, WA

2015 DEC 24 AM 10:45



MAVIS E. BETZ, County Clerk

By: Sherry Kress
Deputy Clerk

ORIGINAL

IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

F. JAMES BECKNER, Jr. & KAREN A. BECKNER, h/w	
Plaintiff vs. SYLVIA L. JENSEN & LORNA L. BUCHANAN, each as their respective separate property if married; WASHINGTON MUTUAL BANK, or its successor(s) Defendants	m 12-2-00510-1 STIPULATED DECREE BETWEEN PLAINTIFFS AND DEFENDANT JPMORGAN CHASE REFORMING DEED OF TRUST

COME NOW THE PLAINTIFFS AND DEFENDANT JP MORGAN CHASE, by and through their respective counsel of record, and Stipulate to the entry of the following Decree:

1. Plaintiffs are the record owners of the real property bearing Assessor's Parcel No. P74711, located at 18648 S. Westview Road, Mount Vernon, Wash., and described in the attached Exhibit A.
2. Defendant JPMorgan Chase Bank, National Association, Successor in Interest by Purchase from the FDIC as Receiver of Washington Mutual Bank, f/k/a Washington Mutual Bank, FA, is the Beneficiary of a Deed of Trust encumbering the property adjacent to that of the Plaintiffs, bearing Assessor's Parcel Nos. P74714 and P17921, located at 18658 S. Westview Road, Mount Vernon, Wash., and described in the attached Exhibit B. The Deed of Trust is dated November 16th, 2004 and recorded under Skagit County Auditor's File No. 20041129104.

3. Both parcels at issue are improved; specifically, a summer/ vacation cottage is located on Plaintiffs' property, and a residence is on Defendants' parcel.
4. Plaintiffs claim that, since their cottage was constructed, they and their predecessors have adversely possessed those portions of the cottage and the associated structures that lie over the lot line.
5. Attached hereto as Exhibit C is a map and legal description showing the new boundary line.
6. Based on the agreement of the parties, this Court hereby decrees that title to the area between the survey line and the new agreed-on line is quieted in the Plaintiffs, exclusive of any claim by Defendant JPMorgan Chase and its successors. In addition, because of the proximity of the new line to the Plaintiffs' cottage, the Chase Deed of Trust shall be subject to a curtilage easement over Defendants' property, adjacent to the new boundary line, for purposes of maintenance and/or repair of their property.
7. THIS COURT FURTHER DECREES that the Chase Deed of Trust encumbers the Jensen/Buchanan as modified by the new boundary line depicted in Exhibit C.
8. Any remaining claims against Defendant JPMorgan Chase are hereby dismissed upon entry of this Decree, without an award of fees and/or costs to any party.

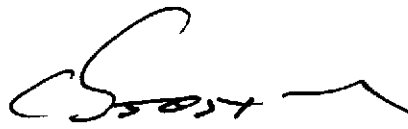
It is so ORDERED, ADJUDGED AND DECREED

DATED: 12/24/15




JUDGE

Presented by:



CRAIG SJOSTROM WSBA #21149
Attorney for Plaintiffs

Approved for entry by:



Ann T. Marshall WSBA 23533
Marshall & Weibel, P.S.
Attorneys for Defendant JPMorgan Chase

EXHIBIT 'A'

Description:

PARCEL A:

All that portion of Block 66, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, lying within the following described tract:

Beginning at the Northwest corner of Lot 1, Block 43 of said Plat of the Town of Montborne; Thence North $41^{\circ}28'48''$ East along a projection of the Northern line of said Lot 1, a distance of 53.22 feet;
Thence South $37^{\circ}10'00''$ East parallel to the Eastern line of said Block 43 and along the original centerline of the Northern Pacific Railroad a distance of 389.98 feet to a point of curvature in said centerline;
Thence along the top of said curve to the right having a radius of 1,149.28 feet, through a central angle of $9^{\circ}37'39''$ an arc distance of 196.95 feet to the true point of beginning;
Thence continue along the arc of said curve through a central angle of $4^{\circ}07'29''$ an arc distance of 82.80 feet;
Thence South $80^{\circ}40'00''$ West 69 feet, more or less, to the shoreline of Big Lake;
Thence Northwest along said shoreline 74 feet, more or less, to a point which is South $80^{\circ}40'00''$ West from the true point of beginning;
Thence North $80^{\circ}40'00''$ East 82 feet, more or less, to the true point of beginning;

TOGETHER WITH a non-exclusive easement for road purposes over and across that certain 20 foot strip of land lying Northernly of the Northern line of the above described main tract, as granted and referred to in deed dated August 20, 1969 and recorded September 15, 1971, under Auditor's File No. 758080, records of Skagit County, Washington.

Situated in Skagit County, Washington.

PARCEL B:

That portion of the 100 foot wide railroad right of way, commonly known as the Northern Pacific Railway (and originally conveyed in the Seattle, Dike, Shore and Eastern Railway) lying between the Eastern extensions of the Northern and Southern lines of that portion of Block 66, PLAT OF THE TOWN OF MONTBORNE, according to the plat thereof recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to William Ann Wilson, et al, by Deed recorded under Auditor's File No. 8910300078, records of Skagit County, Washington, and Westerly of the centerline of said right of way.

EXCEPT those portions thereof, if any, conveyed to E. A. Johnson to the South by an unrecorded Deed dated May 27, 1977 and to Robert G. Miller to the North by a Deed recorded under Auditor's File No. 844825, records of Skagit County, Washington;

AND EXCEPT those portions thereof, if any, conveyed to Helmer Lay, et al, by Auditor's File No. 8403210053 and quieted in Helmer Lay, et al, by Decree entered November 8, 1986 in Skagit County Superior Court Cause No. 87-2-007493.

Situated in Skagit County, Washington.

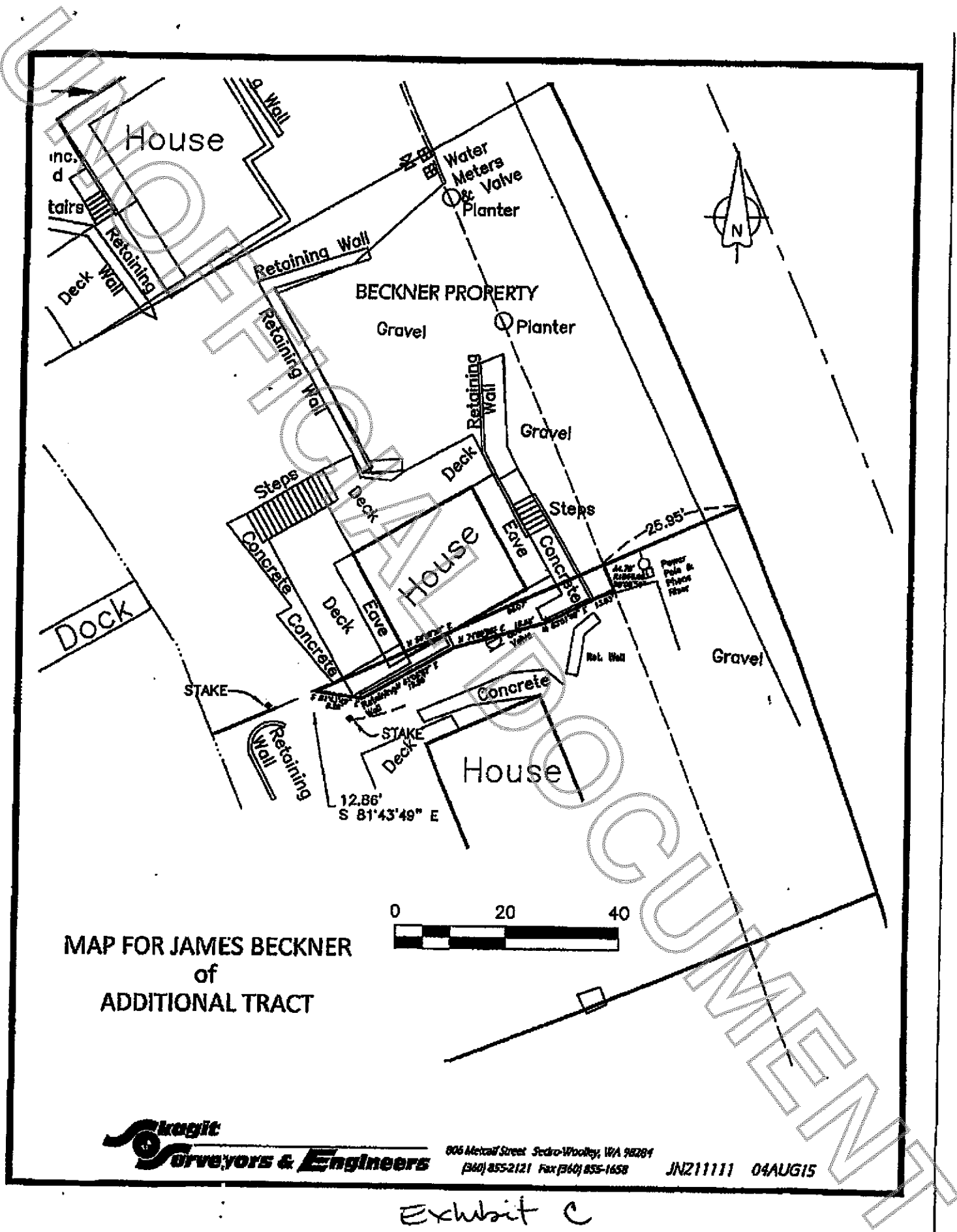
EXHIBIT B

The land referred to herein is situated in the County of Skagit, State of Washington, and is described as follows:

All that portion of Block 55 of "PLAT OF THE TOWN OF MONTBORNE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 2 of Plats, page #0, records of Skagit County, Washington, lying within the following described tract;

Beginning at the Northeastly corner of Lot 1 of Block 43 of said "PLAT OF THE TOWN OF MONTBORNE", thence North 47 degrees 25'45" East along a projection of the Northerly line of said Lot 1, a distance of 50.22 feet; thence South 37 degrees 10' East parallel to the Easterly line of said Block 43 and along the original centerline of the Northern Pacific Railroad, a distance of 369.99 feet to a point of curvature in said centerline; thence along the arc of said curve to the right having a radius of 1146.28 feet, through a central angle of 13 degrees 58'04", an arc distance of 279.5 feet to the TRUE POINT OF BEGINNING; thence continue along the arc of said curve, through a central angle 3 degrees 37'26" an arc distance of 72.5 feet; thence South 68 degrees 21'37" West to a point on the shore line of Big Lake; thence Northwestly along said shore line 70 feet, more or less, to a point which is South 66 degrees 40' West from the TRUE POINT OF BEGINNING; thence North 66 degrees 40' East 82 feet, more or less, to the TRUE POINT OF BEGINNING;

TOGETHER WITH a non-exclusive easement for road purposes over and across that certain 20 foot strip of land lying Northerly of the North line of the above described main tract as granted and referred to in Deed dated August 20, 1965 and recorded September 15, 1971, under Auditor's File No. 758080.



MAP FOR JAMES BECKNER
of
ADDITIONAL TRACT

Skagit
Surveyors & Engineers

806 Metcalf Street Sedro-Woolley, WA 98284
(360) 855-2121 Fax (360) 855-1658

JN211111 04AUG15

Exhibit C

—Skagit Surveyors and Engineers—

805 Mercall St. Sedro-Woolley, WA 98284
360.855.2121 360.855.1650(f)
www.sseconsultants.com

LEGAL DESCRIPTION
FOR
JAMES BECKNER
OF

TRACT TO BE ACQUIRED FROM SOUTH ADJOINER

August 4, 2015

Commencing at the northeasterly corner of Lot 1, Block 43 of the Plat of the Town of Montborne, recorded in Volume 2 of Plats, at page 80 records of Skagit County, Washington; thence N 47°25'45" E along a projection of the northerly line of said Lot 1, a distance of 50.22 feet; thence S 37°10'00" E parallel with the easterly line of said Block 43 and along the original centerline of the Northern Pacific Railroad, a distance of 369.99 feet to a point of curvature in said centerline; thence southerly along the arc of said curve to the right having a radius of 1,146.28 feet, through a central angle of 9°50'39" an arc distance of 196.95 feet; thence continuing along the arc of said curve through a central angle of 4°07'25", an arc distance of 82.50 feet to the southeasterly corner of that tract of land conveyed to F. James Beckner and Karen A. Beckner by deed filed under Skagit County Auditors File No. 200506100088; thence S 66°07'29" W along the southeasterly line of said Beckner tract, a distance of 25.95 feet to a point on the 1860.08 foot radius southwesterly concaved curve of the southwesterly right of way line of the newer Northern Pacific Railway right of way and the point of beginning of this description; thence southeasterly along the arc of said Northern Pacific Railway right of way curve through a central angle of 00°08'50", and an arc distance of 4.78 feet, thence S 63°51'49" W, a distance of 13.63 feet; thence S 74°59'00" W, a distance of 16.68 feet; thence S 61°05'52" W, a distance of 18.95 feet; thence N 81°43'49" W, a distance of 8.28 feet to a point on the southeasterly line of said Beckner tract which is 82.02 feet southwesterly of the southeasterly corner of the Beckner tract; thence N 66°07'29" E along said southeasterly line, a distance of 56.07 feet to the point of beginning of this description.

Containing 218 square feet.

