

When recorded, return to:  
BananaBelt Boats, LLC  
2919 V Avenue  
Anacortes, WA 98221



201712040189

Skagit County Auditor \$79.00  
12/4/2017 Page 1 of 6 4:00PM

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 04 2017

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



HILARY S. FRANZ  
COMMISSIONER OF PUBLIC LANDS

### AQUATIC LANDS AGREEMENT AMENDMENT

**Easement No. 51-091104**

Grantor: Washington State Department of Natural Resources  
Grantee(s): BananaBelt Boats, LLC  
Legal Description: Section 19, Township 35 North, Range 2 East, W.M.  
Assessor's Property Tax Parcel or Account Number: P33185  
Assessor's Property Tax Parcel or Account

THIS EASEMENT AMENDMENT is made by and between the STATE OF WASHINGTON, acting through the Department of Natural Resources ("State"), and BANANABELT BOATS, LLC, a Washington corporation ("Grantee").

### BACKGROUND

Easement No. 51-091104 was entered into on the 21<sup>st</sup> day of December, 2016, by and between BANANABELT BOATS, LLC, a Washington corporation, as Grantee and the STATE OF WASHINGTON, acting by and through the Department of Natural Resources, as landlord ("State"), and recorded with the Skagit County Auditor's office under recording number 201702150070.

Easement No. 51-091104 is hereinafter referred to as the "Agreement." Grantee now possesses the rights, duties, and liabilities under the Agreement.

The parties now desire to amend the Agreement under the following terms and conditions:

THEREFORE, the parties agree as follows:

### **SECTION 1 AMENDMENTS**

Section 3.1 Term Defined of the Easement is amended to read:

**3.1 Term Defined.** The term of this Easement is twenty-five (25) years (the "Term"), beginning on the 16<sup>th</sup> day of September, 2017 (the "Commencement Date"), and ending on the 15<sup>th</sup> day of September, 2042 (the "Termination Date"), unless terminated sooner under the terms of this Easement.

### **SECTION 2 EFFECTIVE DATE**

The amended provisions shall become effective as of November 16, 2017.

### **SECTION 3 NO RELEASE**

State is not releasing any previous Assignor from fully performing the provisions of the Agreement in effect at the time of such assignment or as otherwise agreed in writing between the State, previous Assignor, and the Grantee.

### **SECTION 4 WARRANTIES**

Grantee represents and warrants to State that (i) the Agreement is in full force and effect; (ii) Grantee is not in default or breach of the Agreement; (iii) Grantee has no knowledge of any claims, offsets, or defenses of the Grantee under the Agreement; and (iv) to the best of Grantee's knowledge, the Property is in full compliance with all applicable federal, state, and local governmental permits, rules, ordinances, and laws.

### **SECTION 5 CONFIRMATION OF AGREEMENT**

All other terms of the Agreement not inconsistent with this Amendment are hereby affirmed and ratified.

**SECTION 6 RECORDATION**

At State's expense and no later than thirty (30) days after receiving the fully-executed Amendment, State shall record this Amendment in the county in which the Property is located. State shall include the parcel number of the upland property used in conjunction with the Property, if any

THIS AGREEMENT requires the signature of all parties and is executed as of the date of the last signature below.

BANANABELT BOATS, LLC

Dated: November 13, 2017

Amy Ripley Thornton  
By: AMY RIPLEY THORNTON  
Title: Member  
Address: 2919 V Ave.  
Anacortes, WA 98221  
Phone: 360-588-9208

BANANABELT BOATS, LLC

Dated: Nov 13, 2017

John Irvin Ripley  
By: JOHN IRVIN RIPLEY  
Title: Member  
Address: 2919 V Ave.  
Anacortes, WA 98221  
Phone: 360-588-9208

STATE OF WASHINGTON  
DEPARTMENT OF NATURAL RESOURCES

Dated: Nov 28, 2017

Kristin Swenddal  
By: Kristin Swenddal  
Title: Acting Deputy Supervisor for Aquatics,  
Geology, and IT  
Address: 1111 Washington St. SE  
Olympia, WA 98504-7000



Approved as to Form this  
This 1<sup>st</sup> day of November 1, 2017  
Jennifer Clements, Assistant Attorney General

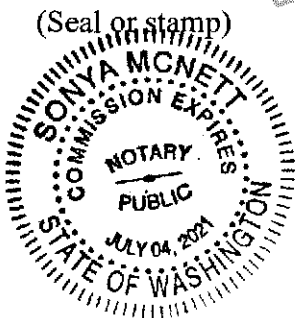
REPRESENTATIVE ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) SS  
County of Skagit )

I certify that I know or have satisfactory evidence that AMY RIPLEY THORNTON is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Member of BananaBelt Boats, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Nov 13, 2017

*Sonya McNett*  
(Signature)



Sonya McNett  
(Print Name)

Notary Public in and for the State of Washington,  
residing at

Skagit

My appointment expires July 4, 2021

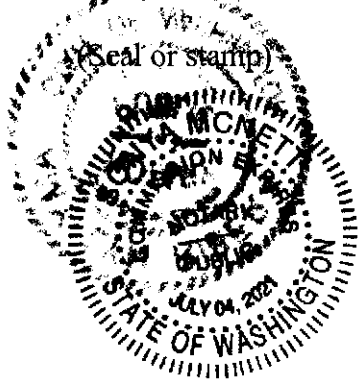
REPRESENTATIVE ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) ss  
County of Skagit )

I certify that I know or have satisfactory evidence that JOHN IRVIN RIPLEY is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Member of BananaBelt Boats, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: Nov 13, 2017

Sonya McNett  
(Signature)



Sonya McNett  
(Print Name)

Notary Public in and for the State of Washington,  
residing at

Skagit

My appointment expires July 4, 2021

STATE ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) ss  
County of Thurston )

I certify that I know or have satisfactory evidence that KRISTIN SWENDDAL is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the Acting Deputy Supervisor for Aquatics, Geology, and IT of the Department of Natural Resources, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 11.28.17

[Signature]  
(Signature)

(Seal or stamp)



Amylyn Ribera  
(Print Name)

Notary Public in and for the State of Washington,  
residing at

Olympic

My appointment expires 12.17.20