



201909160175

09/16/2019 01:53 PM Pages: 1 of 3 Fees: \$209.00
Skagit County Auditor

Filed for Record at Request of:

John L. Miller, Jr. and Margaret K. Miller

1102 – 7th Street

Anacortes, WA 98221

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
EASEMENT
SEP 16 2019

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

Notice Easements AF #201811290002, AF #201812030186 Not Valid

Grantor: Forrest A. and Chery R. Foss, et al

Grantee: Whistle Lake, LLC

Abbreviated legal: Lot 1, Short CARD No. PL 06-1147 (Grantor)

W1/2 SW1/4 SE1/4 S31 T35N R2E WM (Grantee)

Tax Parcel No: 350231-4-013-0106 (Grantor)

350231-4-013-0007 (Grantee)

NOTICE: EASEMENTS AF #201811290002 and AF #201812030186 NOT VALID

The undersigned GRANTORS, John L. Miller Jr and Margaret K. Miller, of that certain EASEMENT dated August 26, 1997, and Recorded under Skagit County Auditor File # **9709080043**, do hereby declare that those certain utility Easements Granted by Forrest A. Foss and Cheryl R. Foss, et al, to Whistle Lake, LLC (Grantee), Recorded under Auditor #**201811290002**, and to Puget Sound Energy, under #**201812030186**, to be in violation of the Conditions of that governing Easement between GRANTORS John L. Miller Jr and Margaret K. Miller, and GRANTEES John and Jane Wiegand, Howard and Cheryl Rogers, and Forrest Foss, Dated August 26, 1997, and Recorded by Forrest Foss under Auditor #**9709080043**, to wit:

Millers granted Easement to Foss, et al, subject to the following Conditions and Restrictions which specifically **prohibiting extension of utilities to W1/2 SW1/4 SE1/4 S31 T35N R2E WM without GRANTOR Millers written approval**, which, to date, has not been granted:

"(4) RESTRICTION: This Easement is expressly limited to the appurtenant properties below and is specifically unavailable to the benefit of the West Half of the Southwest Quarter of the Southeast Quarter of Section 31, Township 35N, Range 2 E, WM, without the express written consent of the Grantor" and "Any granting of utility easements by Grantees Rogers and Foss, their heirs, successors, and assigns, in favor of the West Half of the Southwest Quarter of the Southeast Quarter of Section 31, Township 35N, Range 2E, WM shall require prior written approval of the Grantor", and "In event grantees Rogers or Foss grant easement without Grantors approval, Grantees Rogers and Foss agree . . . to pay Grantor the sum of Fifty Thousand Dollars (\$50,000)."

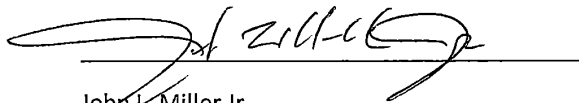
Grantee Foss, along with others, subsequently granted Utility Easement to Whistle Lake, LLC, under AF #201811290002, and Utility Easement to Puget Sound Energy, under AF #201812030186, without the required "expressed written consent of the Grantor" (Miller), a direct violation of Restriction 4 of governing Easement AF #9709080043, and without said "written consent of the Grantor" is not valid.

John and Margaret Miller are the sole Grantors under Easement AF #9709080043, and have not assigned or transferred Grantors' interest to any other party.


Additionally, Condition (2) of Easement AF #9709080043, requires Grantee (Foss) to construct a water storage tank, and is prohibited from utilizing any existing water storage capacity supplied by existing storage tank located within Fidalgo Bay Addition, to wit:

"(2) Any water storage requirements needed to serve Grantees' properties shall be constructed at Grantees' expense. Grantees shall not use any existing water storage capacity supplied by existing storage tank located within Fidalgo Bay Addition."

IN WITNESS WHEREOF the John L. Miller Jr and Margaret K. Miller, have caused this instrument to be executed on this 16th day of September, 2019.



John L. Miller Jr

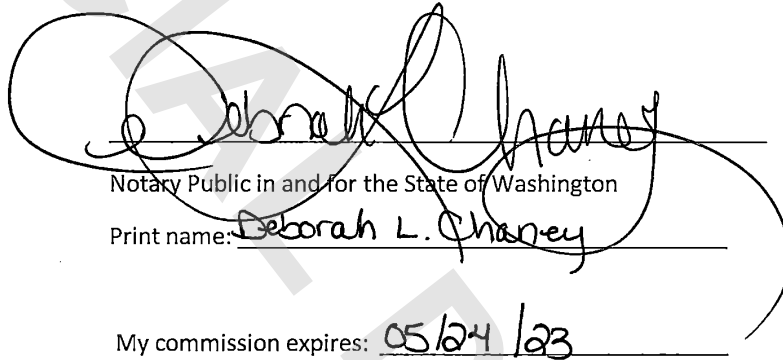


Margaret K. Miller

STATE OF WASHINGTON
COUNTY OF SKAGIT

On this day personally appeared before me John L. Miller Jr. and Margaret K. Miller, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledge that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Subscribed and Sworn to before me this 16th day of September, 2019.


Notary Public in and for the State of Washington
Print name: Deborah L. Chaney
My commission expires: 05/24/23

