

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
Craig E. Cammock
Law Office of Craig E. Cammock
P.O. Box 836 / 415 Pine Street
Mount Vernon, WA. 98273

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200203070125
Skagit County Auditor
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**AMENDMENT OF EASEMENT
AND
COST SHARING AGREEMENT**

Grantor (s) WILLIAM W. WOODING, a married man, his separate estate;
DANIEL FOLKERS & BETH FOLKERS, husband and wife;
E. ROGER NOAR & KATHLEEN F. CARNEY-NOAR, husband and wife;
Grantee (s) WILLIAM W. WOODING, a married man, his separate estate;
DANIEL FOLKERS & BETH FOLKERS, husband and wife;
E. ROGER NOAR & KATHLEEN F. CARNEY-NOAR, husband and wife;
Additional Grantor(s) on page(s)
Additional Grantee(s) on page(s)
Abbreviated Legal: Lots 2,3, 4, Tract B and Tract C, Rancho San Juan Del Mar Div. #2, S2,
T 34N, R 1E W.M.
Additional Legal on page(s) Page 2 and Exhibit A
Assessor's Tax Parcel No's: P19057, P68245, P68246, P107939, P107940, P68282

THIS AGREEMENT is entered into between, E. ROGER NOAR & KATHLEEN F. CARNEY-NOAR, husband and wife; (hereinafter referred to as "Owner A") and WILLIAM W. WOODING, a married person as to his separate estate, (hereinafter referred to as "Owner B"); and DANIEL FOLKERS & BETH FOLKERS, husband and wife, (hereinafter referred to as "Owner C"). Owner A, Owner B and Owner C hereby agree as follows:

I. DESCRIPTION OF EASEMENT

The Owners are the owners of the benefited and burdened estates for that certain easement established by document recorded under Skagit County Auditor's File Number 9511300080, recorded November 30th, 1995, in the Records of Skagit County Washington (hereinafter referred to as "Easement"). Subsequent to the recording of the Easement, a Cost Sharing Agreement was recorded under Skagit County Auditor's File Number 200003140064,

and which was recorded on March 14, 2000, in the Records of Skagit County Washington (hereinafter referred to as "Cost Sharing Agreement") Subsequent to the recording of both the Easement and Cost Sharing Agreement, improvements have been constructed upon the easement. However the improvements are not located solely on the property identified in the Easement. The Owners execute this document with the intent to amend the legal description identified in the Easement and Cost Sharing Agreement to refer to the property descriptions set forth in this document.

NOW, THEREFORE, Owner A, Owner B and Owner C (Grantors) hereby grant and convey to Owner A, Owner B and Owner C (Grantees), an easement for ingress, egress and utilities over, under and across the following described real property:

A portion of Tracts "B" and "C" of the Plat of Rancho San Juan Del Mar, Division 2 in Volume 5 of Plats, Page 30 Records of Skagit County, Washington being a portion of Government Lots 5 and 6 and the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter, all within Section 2, Township 34 North, Range 1 East, W.M., the contiguous centerline of said easement is described as follows:

Commencing at the Southeast corner of said Government Lot 5, also known as the Northeast Corner of Government Lot 6; Thence North 89°48'37" West along that line common to Government Lots 5 and 6 for 498.74 feet, to the East Line of Marine Drive, being 30.00 feet east of the centerline; Thence North 18°29'34" East along said East line for 374.47 feet to the True Point of Beginning of said contiguous centerline; Thence along said contiguous centerline, the easement being 80.00 feet in width of which 30.00 feet lies to the North and East of said centerline and 50.00 feet lies South and West of said centerline, South 69°30'22" East for 16.53 feet, to a point of curvature; Thence continuing along said contiguous centerline, being a curve to the Southeast, the radius center of which bears South 20°29'38" West, 50.00 feet, having a central angle of 65°15'16" for an arc length of 56.95 feet; Thence continuing along said contiguous centerline, South 4°15'06" East for 211.03 feet; Thence continuing along said contiguous centerline, being a curve to the Southeast, the radius center of which bears North 85°44'54" East, 50.00 feet, having a central angle of 103°27'11" for an arc length of 90.28 feet; Thence continuing along said contiguous centerline, the easement being 60.00 feet in width, of which now lies 30.00 feet and each side of said contiguous centerline, North 72°17'43" East for 169.21 feet; Thence continuing along said contiguous centerline, being a curve to the Southeast, the radius center of which bears South 17°42'17" East, 110.00 feet, having a central angle of

111°28'17" for an arc length of 214.01 feet; Thence continuing along said contiguous centerline South 03°46'00" West for 112.56 feet, the terminus of said contiguous centerline easement; Together with an easement for ingress, egress and utilities being a circle 100 feet in diameter, the radius center of which lies at the terminus of the above described contiguous centerline easement.

Situate in Skagit County, Washington.

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

II. AGREEMENT IS APPURTENANT

The Grantors and Grantees have respective interests in parcels of real property located in Skagit County, Washington, which property is legally described in Exhibit "A", which is attached hereto and incorporated by this reference.

The amended easement is to be held by Owner A, Owner B and Owner C, their heirs and successors and assigns as appurtenant to the lands owned by Owner A, Owner B and Owner C adjoining to said amended easement and shall run with the land. This amended easement is for the purposes of benefiting the Owners' properties only.

III. OBLIGATION FOR COST SHARING

This amended easement shall be subject to the Cost Sharing Agreement referenced above.

IV. CONFLICT

This amended easement is intended to reflect the as-built location of the improvements and the application of the Cost Sharing Agreement thereto. In the event of a conflict between this document and the Easement, the terms of the Easement shall prevail.

IN WITNESS THEREOF, the parties hereto have executed this amended easement on the day and year first above written.

DATED this 13 day of February, 2002.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAR 07 2002

Amendment of Easement
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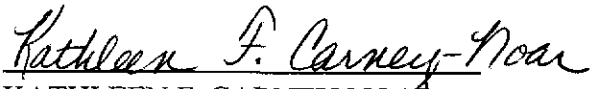
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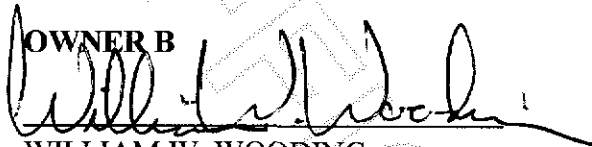
Amount Paid \$
Skagit Co. Treasurer
By [Signature] Deputy

OWNER A


E. ROGER NOAR


KATHLEEN F. CARNEY-NOAR

OWNER B


WILLIAM W. WOODING

OWNER C


DANIEL FOLKERS


BETH FOLKERS



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State of Washington)
) ss
County of)

I certify that I know or have satisfactory evidence that **WILLIAM W. WOODING** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 2-13-02

NOTARY PUBLIC

Lori M. Hedlund
(Signature)

Lori M. Hedlund
(Print or Type Name of Notary)

My appointment expires 01-01-05

State of Washington)
) ss
County of)

I certify that I know or have satisfactory evidence that **DANIEL FOLKERS & BETH FOLKERS**, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 2-13-02

NOTARY PUBLIC

Lori M. Hedlund
(Signature)

Lori M. Hedlund
(Print or Type Name of Notary)

My appointment expires 01-01-05

Amendment of Easement
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State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that **E. ROGER NOAR & KATHLEEN F. CARNEY-NOAR**, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: 10-3-01

NOTARY PUBLIC

Theresa E Young
(Signature)

Theresa E Young
(Print or Type Name of Notary)

My appointment expires 12-16-03

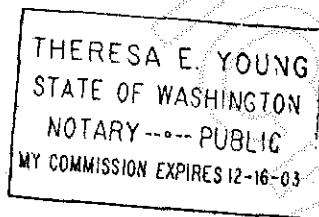


EXHIBIT "A"

PARCEL A:

Tract B, RANCHO SAN JUAN DEL MAR, SUBDIVISION NO. 1, according to the plat thereof recorded in Volume 5 of Plats, page 30, records of Skagit County, Washington;

EXCEPT the South 65 feet thereof;

ALSO EXCEPTING that portion thereof conveyed to Del Mar Community Service, Inc., a Washington corporation, by deed recorded January 9, 1963 under Auditor's File No. 630692, described as follows:

Commencing at a point on the center line of the County Road known as Marine Drive lying South 22° East of the Southeast corner of Lot 22, Rancho San Juan Del Mar, Subdivision No. 2;
thence South 22° East 385 feet to the true point of beginning of this description;
thence North 68° East 30 feet;
thence South 22° East 30 feet;
thence South 68° West 60 feet;
thence North 22° West 60 feet;
thence North 68° East 30 feet to the point of beginning;

AND FURTHER EXCEPTING all that portion conveyed to Stewart J. Ford, a single person, by deed recorded under Auditor's File No. 8906140041, described as follows:

Beginning at the Southwest corner of Lot 1 of Short Plat 17-75, recorded in Volume 1 of Short Plats, page 36, records of Skagit County;
thence North 0°52'40" West along the East line of said Tract B, being the West line of said Lot 1, a distance of 206.13 feet to Southeasterly line of the County Road shown on said Plat of Rancho San Juan Del Mar;
thence South 29°53' West a distance of 154.64 feet to the beginning of a curve to the left having a radius of 686.20 feet;
thence along the arc of said curve through a central angle of 26°58' an arc distance of 322.97 feet;
thence South 2°57' West a distance of 202.34 feet;
thence North 18°36'30" East a distance of 195.23 feet to the beginning of a curve to the right having a radius of 1175.92 feet;
thence along the arc of said curve through a central angle of 13°37'39" an arc distance of 279.69 feet;
thence South 89°07'20" West a distance of 1.11 feet to the point of beginning;

Situated in Skagit County, Washington.

PARCEL B:

The Northeast Quarter of the Southwest Quarter, and the Southeast Quarter of the Northwest Quarter of Section 2, Township 34 North, Range 1 East of the Willamette Meridian, Skagit County, Washington;

EXCEPTING therefrom said Southeast Quarter of the Northwest Quarter that portion lying within the boundaries of Short Plat 17-75, as recorded in Volume 1 of Short Plats, page 36, Auditor's File No. 817573.

Situate in Skagit County, Washington.

EXHIBIT A

owner A



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RECEIVED

AUG - 8 1995

RECORDS OF
SKAGIT COUNTY

LEGAL DESCRIPTION

BOUNDARY LINE ADJUSTMENT PARCEL No. 1

THAT PORTION OF LOT 4, RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON, LYING EAST OF THE COUNTY ROAD, TOGETHER WITH LOTS 2 AND 3, RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THE SOUTH 60 FEET OF SAID LOT 2, ALSO TOGETHER WITH THAT PORTION OF TRACT C, PLAT OF RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT C; THENCE NORTH $0^{\circ}14'05''$ EAST, ALONG THE EAST LINE OF SAID TRACT C, A DISTANCE OF 345.00 FEET; THENCE SOUTH $87^{\circ}30'36''$ WEST, A DISTANCE OF 262.26 FEET; THENCE SOUTH $3^{\circ}38'57''$ WEST, A DISTANCE OF 393.66 FEET TO A POINT ON THE INTERSECTION ON THE EASTERLY MARGIN OF COUNTY ROAD AS SHOWN ON SAID PLAT AND THE NORTH LINE OF SAID LOT 4; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 467.23 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, OR CONDITIONS EXPRESSED OR IMPLIED.

BOUNDARY LINE ADJUSTMENT PARCEL No. 2

TRACT C, PLAT OF RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON.

TOGETHER WITH THE SOUTH 60.00 FEET OF TRACT B, PLAT OF RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON, EXCEPT THAT PORTION OF TRACT C, PLAT OF RANCHO SAN JUAN DEL MAR SUBDIVISION No. 2, AS RECORDED IN VOLUME 3 OF PLATS, AT PAGE 30, RECORDS OF SKAGIT COUNTY, WASHINGTON, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID TRACT C; THENCE NORTH $0^{\circ}14'05''$ EAST, ALONG THE EAST LINE OF SAID TRACT C, A DISTANCE OF 345.00 FEET; THENCE SOUTH $87^{\circ}30'36''$ WEST, A DISTANCE OF 262.26 FEET; THENCE SOUTH $31^{\circ}30'57''$ WEST, A DISTANCE OF 393.66 FEET TO A POINT ON THE INTERSECTION ON THE EASTERLY MARGIN OF COUNTY ROAD AS SHOWN ON SAID PLAT AND THE NORTH LINE OF SAID LOT 4; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT 4, A DISTANCE OF 467.23 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, OR CONDITIONS EXPRESSED OR IMPLIED.

BASIS OF BEARING

NORTH QUARTER SECTION 2 MONUMENT TO THE SOUTHEAST CORNER GOVERNMENT LOT 3 MONUMENT AS SHOWN HEREON BEARS SOUTH $17^{\circ}51'05''$ WEST.

LEGEND

- 0. FIELD EVERY MARKER AS NOTED
- SET BY 30' C/MAC WITH ORANGE PLASTIC CAP MARKED "LS 2506"

EXHIBIT A

Owner B

FIELD PROCEDURES AND INSTRUMENTATION

FIELD TECHNIQUE: CLOSED CIRCUIT FIELD TRAVERSE
PRECISION RATIO: GREATER THAN 1 PART IN 5000
FIELD EQUIPMENT: TOPCON GTS 3030-ELECTRONIC
TOTAL STATION
LEAST COUNT ANGLE: 5 SECONDS
STANDARD FLOOR DISTANCE: 1.5 MM



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EXHIBIT B TO DEED

This deed of real property (hereafter the "Property") is subject to the following:

1. Covenants, Conditions, and Restrictions recorded under Skagit County Auditors File No. 9511300079 (hereafter the "Covenant").

2. Stipulation contained in instrument recorded May 16, 1995, under Auditor's File No. 9505160048 as follows:

The above-described property will be combined or aggregated with contiguous property owned by the Grantors. This boundary adjustment is not for the purposes of creating an additional building lot.

3. Dues, charges, and assessments, if any, levied by Del Mar Community Service.

The Grantor hereby further expressly reserves to itself, its successors and assigns, a perpetual easement as described in Schedule 1 to this Exhibit B, for the benefit of the property retained by Grantor which is described as the "Adjacent Property" in Exhibit B as attached to the above referenced Covenant, which Adjacent Property is subject to future development and division into multiple lots. Except as otherwise agreed to by the owners of the Property and the Adjacent Property, maintenance costs shall be shared by such owners proportionate to the number of lots making up the Property and the Adjacent Property.

EXHIBIT A

owner B



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Thomas E. Barry
Professional Land Surveyor
P.O. Box 430
Silverdale, WA 98287-0430

Metron and Associates, Inc.

Telephone 360-852-3044
Fax 360-852-2878

Ingress, Egress and Utility Easement for the US Bank-McCorkle Trust Lands

A 60.00 feet easement for ingress, egress and utilities, over, under, across and through that portion of Tract B and Tract C as shown on the Plat of Rancho San Juan Del Mar Subdivision No. 2, as recorded in Volume 5 of Plats, Pages 80, records of Skagit County Washington, and also that portion of the Northeast Quarter of the Southwest Quarter of Section 2, Township 34 North, Range 1 East, W.M., and said easement lies 30.00 feet on each side of the following described center line;

Commencing at the Southeast corner of said Tract B; thence North $0^{\circ} 14' 05''$ East, along the East line thereof, a distance of 44.62 feet; thence Southeasterly, along a curve to the right, which center of said curve bears South $33^{\circ} 40' 04''$ West, having a radius of 115.00 feet, an arc distance of 83.10 feet; thence South $14^{\circ} 55' 42''$ East, a distance of 72.36 feet to a Point hereinafter referred to as Point "A" and the TRUE POINT OF BEGINNING OF THIS DESCRIBED CENTER LINE; thence North $14^{\circ} 55' 42''$ West, a distance of 72.38 feet; thence Northwesterly, along a curve to the left, which center of said curve bears South $75^{\circ} 04' 18''$ West, having a radius of 115.00 feet, an arc distance of 156.72 feet; thence South $88^{\circ} 59' 19''$ West, a distance of 135.38 feet; thence Northwesterly, along a curve to the right, which center of said curve bears North $3^{\circ} 00' 41''$ West, having a radius of 115.00 feet, an arc distance of 131.51 feet; thence North $27^{\circ} 29' 31''$ West, a distance of 12.35 feet; thence Northerly, along a curve to the right, having a radius of 115.00 feet, an arc distance of 42.27 feet; thence North $6^{\circ} 25' 46''$ West, a distance of 124.24 feet; thence Northerly, along a curve to the left, having a radius of 80.00 feet, an arc distance of 71.78 feet to the Easterly margin of a 60.00 feet right of way of the county road known as Marine Drive and the TERMINUS OF THIS DESCRIBED CENTER LINE.

TOGETHER WITH a 50.00 feet radius circle, which the center of said circle is located at the aforementioned Point "A".

ALSO TOGETHER WITH a 30.00 feet easement for ingress, egress and utilities, over, under, across and through that portion of the aforementioned subdivision and lying 15.00 feet on each side of the following described line; Beginning at the aforementioned Point "A"; thence South $79^{\circ} 42' 23''$ West, a distance of 67.70 feet to the East line of the aforementioned Tract C and the terminus of this line.

EXHIBIT A

Owner - B



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EXHIBIT A

owner c

SA-15255

EXHIBIT "A"

That portion of Lot 4, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 2, as recorded in Volume 5 of Plats, at page 30, records of Skagit County, Washington, lying East of the county road.

TOGETHER WITH Lots 2 and 3, RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 2, as recorded in Volume 5 of Plats, at page 30, records of Skagit County, Washington, EXCEPT the South 60 feet of said Lot 2.

ALSO TOGETHER WITH that portion of Tract C, PLAT OF RANCHO SAN JUAN DEL MAR SUBDIVISION NO. 2, as recorded in Volume 5 of Plats, at page 30, records of Skagit County, Washington, and is described as follows:

Beginning at the Southeast corner of said Tract C;
thence North $0^{\circ}14'05''$ East, along the East line of said Tract C, a distance of 345.00 feet;
thence South $87^{\circ}50'36''$ West, a distance of 262.26 feet;
thence south $31^{\circ}38'57''$ West, a distance of 393.68 feet to a point on the intersection on the Easterly margin of county road as shown on said plat and the North line of said Lot 4;
thence East along the North line of said Lot 4, a distance of 467.23 feet to the point of beginning.

Situated in Skagit County, Washington.

TOGETHER WITH a 60 foot easement for ingress, egress and utilities over, under and across and through that portion of Tracts B and C as shown on the Plat of Rancho San Juan Del Mar Subdivision No. 2, as recorded in Volume 5 of Plats, page 30, records of Skagit County, Washington; and also that portion of the Northeast Quarter of the Southwest Quarter of Section 2, Township 34 North, Range 1, EWM, and said easement lies 30.00 feet on each side of the following described centerline:

Commencing at the Southeast corner of said Tract B;
thence North $0^{\circ}14'05''$ East along the East line thereof, a distance of 44.62 feet;
thence Southeasterly along a curve to the right, which center of said curve bears South $33^{\circ}40'04''$ West having a radius of 115.00 feet, an arc distance of 83.10 feet;
thence South $14^{\circ}55'42''$ East a distance of 72.36 feet to a point hereinafter referred to as Point A and the true point of beginning of this described centerline;
thence North $14^{\circ}55'42''$ West a distance of 72.36 feet;
thence Northwesterly along a curve to the left, which center of said curve bears South $75^{\circ}04'18''$ West having a radius of 115.00 feet, an arc distance of 156.72 feet;
thence South $86^{\circ}59'19''$ West a distance of 135.38 feet;
thence Northwesterly, along a curve to the right, which center of said curve bears North $3^{\circ}00'41''$ West having a radius of 115.00 feet, an arc distance of 131.51 feet;
thence North $27^{\circ}29'31''$ West a distance of 12.35 feet;
thence Northerly along a curve to the right having a radius of 115.00 feet, an arc distance of 42.27 feet;



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Page 2
Exhibit "A"

thence North 6°25'46" West a distance of 124.24 feet;
thence Northerly, along a curve to the left, having a radius of 80.00 feet, an arc distance of 71.78 feet to the Easterly margin of a 60.00 foot right of way of the county road known as Marine Drive and the terminus of this described center line.

ALSO TOGETHER WITH a 50.00 foot radius circle, which the center of said circle is located at the aforementioned Point "A".

ALSO TOGETHER WITH a 30.00 foot easement for ingress, egress and utilities over, under, across and through that portion of the aforementioned subdivision and lying 15.00 feet on each side of the following described line:

Beginning at the aforementioned Point "A";
thence South 79°42'23" West, a distance of 67.70 feet to the East line of the aforementioned Tract C and the terminus of said line.

The Grantor herein reserves a 60 foot non-exclusive easement for ingress, egress and utilities and drainage and purposes incidental thereto, over, under and across a strip of land commencing on the Southwest corner of the property the entire length of the Southern most portion of the property and a 30 foot wide easement proceeding in a Northerly direction the entire length of the Eastern most portion of the property. Purchaser agrees to facilitate Bill Wooding for additional width on easement if such is required due to physical restraints on property.

EXHIBIT A

Owner C



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