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NO. 63099-7-I

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COURT OF APPEALS
STATE OF WASHINGTON
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**COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION ONE**

DARRIN G. HANSON and ERIN J. HANSON, husband and wife;
JUSTIN ATCHLEY and LEAH M. ATCHLEY, husband and wife,

Appellants

v.

PETER BEVERSTOCK AND VIOLA BEVERSTOCK, husband and
wife,

Respondents

ON APPEAL FROM THE SUPERIOR COURT OF
THE STATE OF WASHINGTON FOR SKAGIT COUNTY

Case No.: 03-2-00836-5

RESPONSE BRIEF

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ORIGINAL

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INTRODUCTION

This appeal involves appellants' failed attempts at trial and thereafter by motion for reconsideration to condemn for their personal access to their property a portion of respondents' property under RCW 8.24. et seq, the private condemnation statute. The property at issue is a twenty-five foot (25') wide by fifty-foot (50') long portion of railroad property that was *purchased* by respondents Peter and Viola Beverstock (the "Beverstocks") by settlement after litigation over the same in 1992. *See Trial Exhibit 14* attached herein under **Appendix E**. The Beverstocks had owned their beachfront property on Big Lake which, in essence, abuts the west side of the purchased railroad property since 1980¹. In addition to the respondents, the appellants, Darrin Hanson's and Leah Atchley's ("Darrin and "Leah") parents, Gary and Linda Hanson (collectively referred to as the "Sr. Hansons") were the owners of appellants' property since 1991 and were also, along with the Beverstocks and an additional one-hundred-eighty-three (183) other affected property owners were plaintiffs in this matter. At the time of

¹ The Beverstocks' property actually abutted an access road for *beach front* properties on the east named "Westview Road" and which separated them and took up approximately twenty five feet (25') of their purchased railroad property. The remaining twenty-five (25') which abutted the appellants' purchased railroad property was cleared, dug out and maintained by the Beverstocks for parking, which is at a premium in the area.

settlement in 1992, all parties received new deeds for the purchase of the railroad property, each reciting that title now vested in the new 185 owners in *Fee Simple*. See *John H. Weppeler, et al v. Burlington Northern Railroad, et al.*, Superior Court of Washington for Skagit County; Judgment and Decree Quieting Title, Superior Court No. 91-2-000070, attached hereto a **Exhibit A**.

1. ASSIGNMENTS OF ERROR

Peter and Viola Beverstock respond to this appeal only out of necessity and with very little resources, but they feel that they need to protect their interests by reiterating that the ruling of the Trial Court both after trial and after appellants motion for reconsideration in Beverstocks' favor was correct in all matters and therefore do not assign error in any of the Findings and Conclusions of the Trial Court. Once again, and as found by the Trial Court in plaintiffs failed Motion for Reconsideration, the appellants are merely restating the exact same arguments in this Appeal that they did at trial and during the reconsideration, all of which resulted in defendants favor. Defendants assert that the plaintiffs' statements in this Appeal rely on nothing more than pure speculation and attempt to overly complicate and make confusing a very simple case when the statutory requirements and the totality of the circumstances are

taken into full consideration. Under RCW 8.24. et seq. which controls in this matter, the appellants cannot show a “necessity” for their bold and unjust conclusions of taking the respondents property, a proposition that concerns a very important constitutional right and must be looked at with strict scrutiny and in its totality. As previously found in appellants two bites of the apple, the record is clear that substantial evidence supports all of the Trial Court’s Findings and Conclusions along with the statutory award of attorney fees and costs, all in favor of the respondents/ condemnees. in this action.

STATEMENT OF FACTS

In 2003 the appellants’ parents, the Sr. Hansons gifted part of their larger property to appellants, which included two lots for each child and which included the purchased railroad property purchased in 1992 in fee simple. The Sr. Hansons then retained the remainder of the larger parcel which encompassed the entire easterly boundary line of appellants’ property. In short, this instant action of appeal was commenced well after the two separate adjacent lots were gifted to appellants (lots 10 and 11 to Darrin and lots 12 and 13 to Leah) which were once part of a large rectangular parcel of real property owned by the Sr. Hansons by settlement and purchase in the 1992 *Weppler*

litigation. More specifically, after the conveyance to their children, the Sr. Hansons retained the four remaining lots (13, 14, 15 and 16) of the large parcel to the east and adjacent to the four lots conveyed to their children and which necessarily formed the eastern boundary line of their children's lots.

As noted, respondents acquired their beachfront property in 1980. They also, along with 183 other plaintiffs affected by the Railway property, were part of the *Weppler* case and purchased the Railway property affecting their properties through settlement in 1992 in *Fee Simple*. It is the respondent Beverstocks' 25' of Railroad property that is at issue in this case.

A. THE RAILROAD EITHER OWNED THE SUBJECT PROPERTY IN FEE TITLE OR THE DEFENDANTS OWNED THE SUBJECT PROPERTY IN FEE TITLE AND THEREFORE TITLE IN FEE SIMPLE WAS CONVEYED TO THE RESPONDENTS BEVERSTOCKS.

The litigation in *Weppler* was somewhat different than in most railway property cases; normally a railroad usually will abandon such lands which have not been in use for long periods of time, with the end result being that adjoining property owners each take their respective shares of the abandoned property out to the center line of the abandoned

property. However, in the Weppler case, the Railways asserted that it owned the entire property in fee, as it was granted to them at the time of the conveyance to them, even though the term Railroad “right-of-way” was used. The term right-of-way can convey either an easement or a fee title. In this case, and considering that no other language was used in the conveyance such as “for as long as it is used for a railroad” or “specifically for railroad purposes” or any “right of reverter” language, the Weppler Court must have found that it passed fee title because the instructions to John Milnor, the expert in the case, he drafted the 185 deeds at issue in fee title to all property owners. The Railroad’s claim of fee title in the strip of property must have prevailed or been agreed to, as they did not abandon such without compensation, but instead conveyed it for substantial consideration, which infers that such was based on the circumstances at the time of conveyance and was agreed with by the Weppler Court.

Mr. Milnor was also the Beverstocks’ expert witness in the instant trial leading to this appeal, is highly credentialed, who wrote all new deeds for the 185 properties purchased by the plaintiffs and who the Trial Court Judge John O. Linde case stated his reliance on Mr. Milnor as a fact, stating “The Court finds the testimony of senior title officer John Milnor, who was involved in the quiet title action (the Weppler

case) when the Railroad transferred property to the plaintiffs and defendants and who wrote all new legal descriptions for said conveyances to be compelling.” At the trial, Mr. Milnor testified for the respondents as follows:

Q Good morning Mr. Milnor. For the record, would you state your name and spell your last name?

A John, middle initial S, Milnor, M-i-l-n-o-r (spelling)

Q And what is your occupation?

A I am a title officer with Security Northwest Title in Mount Vernon.

Q Any other type of title you have held?

A I am the claims administrator and special projects coordinator, records custodian.

Q And how long have you been there?

A Most of the last thirty-one (31) years.

Q And are you familiar with this particular area of properties that we are talking about?

A I examined many titles *there before* I became involved in the acquisition from the railway and of course looking at it at your request.

Q And have you actually been out to the property?

A I have been out to the property. I took a quick view once last year and then you and I went back out in the spring and took a look at the property down on Westview and back.

Q And to access the properties we are talking about as far as the Hanson property and the Engberg property [next door neighbor] where is one required to enter?

A There wasn't much choice. It had to be Fire Mountain Road.

Q And that is off Highway 9?

A Off of Highway 9.

Q Can you tell me what this document is that I am handing you?

A Plaintiffs' trial memorandum.

Q And have you seen it before?

A Earlier this morning.

Q Okay and did you read it?

A I did.

Q Would you please tell me, down on the first page, two lines up, starting with the first word "The" can you read that for me?

A “The area as part of the Railroad right-of-way which originally was one hundred (100) feet wide, plaintiffs own the easterly fifty (50) feet of the old railroad right-of way, defendants own the east twenty-five (25) feet of the west half of the old railroad right-of way.” Emphasis added.

Q And in that language do you see anything about [they] own the *use* of that property? Emphasis added.

A It states “*own*” and its stated as a *fact* and *I concur* with the fact. Emphasis added.

Q And are you concurring with the fact as far as what type of ownership they have?

A Yes.

Q Which is?

A Fee.

Q So [in the *Weppler* case] the Court kind of consolidated all of this [railroad properties as to the 185 plaintiffs property rights therein] into one and made one decision?

A Yes.

Q And did the decision in your opinion grant to the Beverstocks and to the Hansons fee [title]?

A Yes.

(VRP 176-181)

Further, Mr. Milnor explained why the Beverstocks and all other 184 plaintiffs in that case had fee title while being cross examined by plaintiff's counsel, Mr. Hicks, as follows:

Q So you can't testify then today that the Beverstocks were deeded fee or if they were given the interest which Burlington [railroad] had, which was an easement, can you?

A Actually, I disagree, sir. If they were not granted fee that was because they already owned the fee and what was done by the Court was eliminate the easement of the railroad to fee that the Beverstocks already owned.

Q Let's go back through that scenario that you were just using because I didn't catch who was who.

A Okay well the Weppler case did one of two things depending on the nature of the original railroad grant. If the railroad originally owned fee then the Weppler case took fee in exchange for money. If in the Weppler case the railroad had an easement the fee title

was already owned by the adjoining owners who owned the fee to the railroad and so the effect of the case was to wipe out the railroads easement thereby restoring full fee to the adjoining landowners, Hansons and Beverstocks and all others.

Q So it's your position then that Beverstocks acquired a fee in this area, is that correct, twenty (20) by fifty (50)?

A They either acquired fee or they had their fee confirmed.

From all of the *facts* found by the Trial Court, and through the testimony of expert John Milnor, it is a fact that no public or private roads existed in any portion of the conveyed Railroad property and the appellants have no claim to use or cross over any lands belonging to the Beverstocks..

ARGUMENT

III. STANDARD OF REVIEW

Appellants do not allude to the proper standard of review under the applicable controlling statute in this matter, i.e. RCW 8.24. et. seq and its plethora of case law, but again attempt to convince this Court that this is a case of a "private easement over a vacated street" which is in error, or that it is about the trial Court's decision not to grant a private way of necessity. First, the former is not the issue in this

matter. Second, the latter is, but it is a factual question in which the standard of review is “abuse of discretion.” All other matter that are valid in this case regard the trial court’s findings of factual questions, to which long standing law holds that the Appellate Court shall not substitute its finding of facts for those of the trial court, as long as the trial court based those findings on substantial evidence. The “abuse of discretion” standard should be the standard of review in this entire matter, the Appellate Court should not allow the Appellants to argue ancient history which is speculative and inapplicable in this matter as no one relied on any of Appellants’ theories, and the present law under RCW 8.24. et seq should have absolute control over such an important constitutional question such as the taking of a private citizen’s real property by another private citizen. This rings especially true when one party, in this case the appellants, are in a far greater financial position to be able to afford arguing every possible theory in its greatest depth under such a very “iffy” proposition and then appeal to the Court that such an open standard as *de novo* review be used when finding of fact are at issue. Where there is reasonable necessity for a private way must be determined by the court as a finding of fact from the entire situation. An Appellate Court does not review *de novo* disputes of fact even if all the evidence is before it. *Thorndike v.*

Hesperian Orchards, Inc., 54 Wn.2d 570, 343 P.2d 183 (1959), Department Two Supreme Court August 20, 1959), as cited in The Washington State Bar News; The Case of the Golden Apple, July 2009; The case of the Golden Apple, Part II, August, 2009.

The holding in *Thorndike* is usually explained in a single sentence: “We will not substitute our judgment for that of the trial court on disputed issues of fact.” This proposition now seems indisputable, even intuitive, after 50 years of constant repetition by the Supreme Court of Washington, and more recently by the Court of Appeals, Division 1. (Unpublished Opinion).

The Trial Court, after determining the case and facts in the entire situation between the plaintiffs and defendants found that as a *matter of fact*, the properties conveyed by the railroad right-of way to both the plaintiffs and defendants in the instant matter were conveyed in *Fee Simple*, which was also the conclusion of defendants highly credible expert, John Milnor, the Senior Title Officer at Guardian Title and who wrote all 185 new deeds for the conveyance of all parties who were who also was part of the *Weppler* case and purchased said right-of-ways in *fee* in the 1992 action to Quiet Title to the properties at issue. Defendants convoluted and confusing method of referring to very old plat maps, one which showed on its face a diagram of a

supposed road called Railroad Avenue (Plat of the Town of Montborne) and another dated years later for the same property (Reserve Addition to the Plat of the Town of Montborne) which did not show such road as diagramed on its face calls for speculation as to that roads true existence, especially when after the 1991 quiet title action, fee title was conveyed to all affected parties. Determining whether or not to take a parties private land and give it to another based upon and by mere speculation of the parties intent many years ago must fail, especially since the trial court held in both the trial of this case, in reconsideration and in the prior quiet title litigation, as fact, that title passed to the respondents over the subject property in Fee, a fact which this court cannot substitute its judgment for that of the trial court on any disputed issues of fact.

A. THE APPELLANTS PROPERTY ALREADY HAS AN EXISTING EASEMENT AND THEREFORE RCW 8.24 ET SEQ. IS NOT AVAILABLE TO TAKE THE BEVERSTOCK PROPERTY
.....

If a property involved already has an existing easement, whether by grant, by implication or otherwise, condemnation under the statute (RCW 8.24. et seq) is not available provided the existing easement already provides adequate access. *Hellberg v. CoffinSheep Co*, 66 Wn.

2d 664, 404 P.2d 770(1965) (dictum). But see *Roberts v. Smith*, 41 Wn.App. 861, 707 P. 2d 143 (1985) holding the same. Further, the intent to grant an access easement over grantor's land is implied when a grantor sells landlocked property. *State ex rel. Carlson et al. v. Superior Court for Kitsap County*, 107 Wash. 228, 181 P. 689 (1919). More importantly, it is the condemnor who has the burden of proving both reasonable necessity and the absence of another feasible route. *Sorenson v. Czinger*, 70 Wn App. 270, 852 P.2d 124, rev. den. 122 Wn. 2d 1026, 866 P.2d 40 on subsequent appeal 96 Wn. App. 1013. The appellants in this case have been unable to prove either element as recited in *Sorenson*. or *Roberts* and because they claim that their property is landlocked for whatever reason, an easement over their parents' retained property is implied and they can not take the Beverstock property for access. As found by the Trial Court, such access for appellants is through their parents property, who have been accessing their property for nearly 20 years through the driveway at their Northeast corner and which the appellants themselves have used since they received the property in 2003, including the use of the *new entrance* off of Highway 9 for their initial access, and then down the *new* twenty foot (20') roadway and straight onto and over their parents property. See testimony of Darrin Hanson. See also Survey by Darrin

and Erin Hanson Trial **Exhibit No. 1**, attached as **Appendix A** and Survey by Sr. Hansons Trial **Exhibit No. 2**, attached as **Appendix B**, both clearly showing the unused old driveway that each of them used for access from the time the purchase their property in 1991 until 2003 as seen in Trial **Exhibit No. 3**, attached as **Appendix C** which is a Survey, approved and completed in January of 2003 which clearly shows both the old and the approved new access route, which is far from any curve on Highway 9, has a full concrete “apron” built into it and a regarded twenty foot (20’) driveway and has been approved by request for immediate improvements on the property. *See Trial Exhibits No. 5, 7 - 9*, showing anew entrance and driveway and attached hereto as **Appendix D**. *See Also Trial Exhibit No. 4*, attached hereto as **Appendix E** which displays said driveway, apron and circle of road to old but widened driveway from across Highway 9.

Such leads to the conclusion that said entrance and driveway are in no way “dangerous” as of 2003, which is post to the appellant’s testimony that the Department of Transportation found the *old* driveway itself and its location to be dangerous. It is obvious that this counters any argument by Appellants that access to Highway 9 at this time is dangerous and any and all allegations regarding the opposite as put for by appellants are without merit and purposely misleading to this Court.

B. THE APPELLANTS AND THEIR PARENTS ARE MAINTAINING THEIR ACTION FOR FINANCIAL GAIN AND THERE IS NO “NECESSITY” FOR APPELLANTS TO USE THE BEVERSTOCK PROPERTY

The Trial Court recognized that the value of both the appellant’s properties and that of the retained property of their parents would increase substantially if said access was given. It comes as no surprise that the defendant Beverstocks property would substantially decrease in value with the loss of parking for even the members of their own nuclear family, as lack of ample parking has been a major issue of value to all beach-front homes.

Most importantly, and after testimony and evidence was presented, the trial court found there was no “necessity” that the appellants needed the defendants’ property to gain ingress and egress to their own property, as an implied grant or reservation over their parents property should have either been given to them for access or by law would be given to them. The trial court also found that there were other alleyways and the like that would be much less disruptive for access for the appellants than to take the Beverstocks’ property and thereafter found in favor of defendants, and upheld this decision in favor of defendants Beverstocks in plaintiffs subsequent bid for reconsideration.

(VRP 227- 229) The true answer to this question posed is found directly in the inverse condemnation statute 8.24. et. seq and its requirement for property to be landlocked causing an unmistakable “necessity” for access, which cannot be found in this case. It has been the appellants’ argument that they should be allowed to cut a full driveway for both their houses through the Beverstocks’ property which is adjacent to Westview road in order to access their properties because they are “landlocked and cannot access their properties without taking the Beverstocks’ property”. The Beverstocks argue the obvious and as found by the Trial Court; the appellants are not legally landlocked as they can, and by law should, gain access through their parents’ retained property which has clear access by an established access route which the appellants have over their original grantor’s property [their parents’ property] which is located in the Northeast corner of their parents’ property and has been used by their parents and themselves for ingress and egress since at least 1992. See Picture of driveway at specified location named as **Trial Exhibit 4** and attached herein under **Appendix D**. At trial, and after hearing all of the facts from numerous experts, Judge John O. Linde agreed with the Beverstocks, *finding* that:

Defendants [the Beverstocks] have produced credible evidence that plaintiffs [Darrin and Leah] have an implied access over their parents’

remaining land and it would be improper to impose the burden of an easement on defendants' land by private condemnation.

The trial Court also found, in Finding of Fact Number 9, that the portion of the railroad right-of-way adjoining those two lots)(which were subsequently conveyed to appellants) was previously conveyed to the Sr. Hansons in *fee* title through litigation [*See Weppler, supra*] in approximately 1992 by Judgment and Decree Quieting Title, Skagit County Cause No. 91-2-00070-3. Additionally, the trial Court found in Finding of Fact No. 12 that the defendants [Beverstocks] own a residential parcel on Big Lake, a part of Lot 40 of the Reserve Plat of the Town of Montborne and the Addition to the Plat of the Town of Montborne which they acquired in 1980 by Real Estate Contract recorded under Skagit County Auditors No. 800111120059 and by Statutory Warranty Dee recorded under Skagit County Auditors No. 8601030070 and in addition found under Finding of Fact No. 13 that in 1992 the defendants purchased and own in *Fee Title* a twenty-five foot (25') by fifty foot (50') strip of land, which was once a portion of the one hundred foot Railway Right-of-Way owned by Burlington Northern Railroad Company, et. al. It can not be stressed enough the hardship and injustice that would be the Beverstocks' fate if they lost their land under

such speculative and misleading facts. The true responsibility, both by statute and by justice, should require the appellants' parents, the Sr. Hansons to grant appellants access through their own, established easement by implication.

CONCLUSION

Condemnation of easement for private way of necessity takes property of one man and gives it to another, and a constitutional right is involved which should not be lightly regarded or swept away merely for convenience; the circumstances must be strictly construed. *Dreger v. Sullivan*, 46 Wash.2d 36, 278 P.2d 647. Most importantly, whether there is reasonably necessity for private way must be determined by a Court from the entire situation. *State ex rel. Stephens v. Superior Court* (1920) 11 Wash. 205, 190 P. 234; *State ex rel. St. Paul & Tacoma Lbr. Co. v. Dawson* (1946) 25 Wash.2d 499, 171 P.2d 189.

The defendants have shown credible proof that there are other routes available for appellants access that do not encumber the defendants' property, most notably, and most justifiably, by implication through their grantors access rout which travels through a new concrete skirted driveway on Highway 9 which in 2003 was moved far away

from any curve in the Highway 9 (and which was asserted by Appellants was dangerous based upon the driveway's pre-2003 condition including referring to a finding at that time from the Washington State Department of Transportation, all of which is no longer true).

All of appellants' contentions failed at trial and with good reason; they have no right to use the statutory method under 8.24.01 et seq. as their property is not landlocked and failed in proving all other factors which are their burden in this case. (VRP 228-230). Thereafter they use speculation as fact when using the different Plat maps (Plat of the Town of Montborne and the subsequent Reserve Addition to the Plat of the Town of Montborne), all of which was to no avail by the testimony of John Milnor, **supra**. The serious nature of the appellants' arguments which would take substantial and very important property of another is a constitutional question and requires strict scrutiny and absolutely no speculation. As such, and because the Beverstocks had to defend to save their property from the appellants in good faith at trial, at reconsideration and now at this appeal, this Court should affirm the judgment of the Trial Court including all its fee awards, and additionally award the Beverstocks additional attorney fees and costs for defending this appeal.

. Respectfully submitted this 16th day of December, 2009.



John A. Christopherson, WSBA# 24813
Attorney for Respondents

VOLUME 13 OF SURVEYS
E 140

SEE VOLUME 13 OF SURVEYS
AT PAGE 140

(FIRE MOUNTAIN LANE?)
10 AND 20 FOOT WIDE EASEMENT
FOR INGRESS AND EGRESS TO
P74656, P120490, P120491
P29895 AND P29897
A.F.#200310290029

FOUND 1 1/2" IRON PIPE
PLUG & TACK 5/9/91

SURVEY FILED IN
A.F.#20030707027

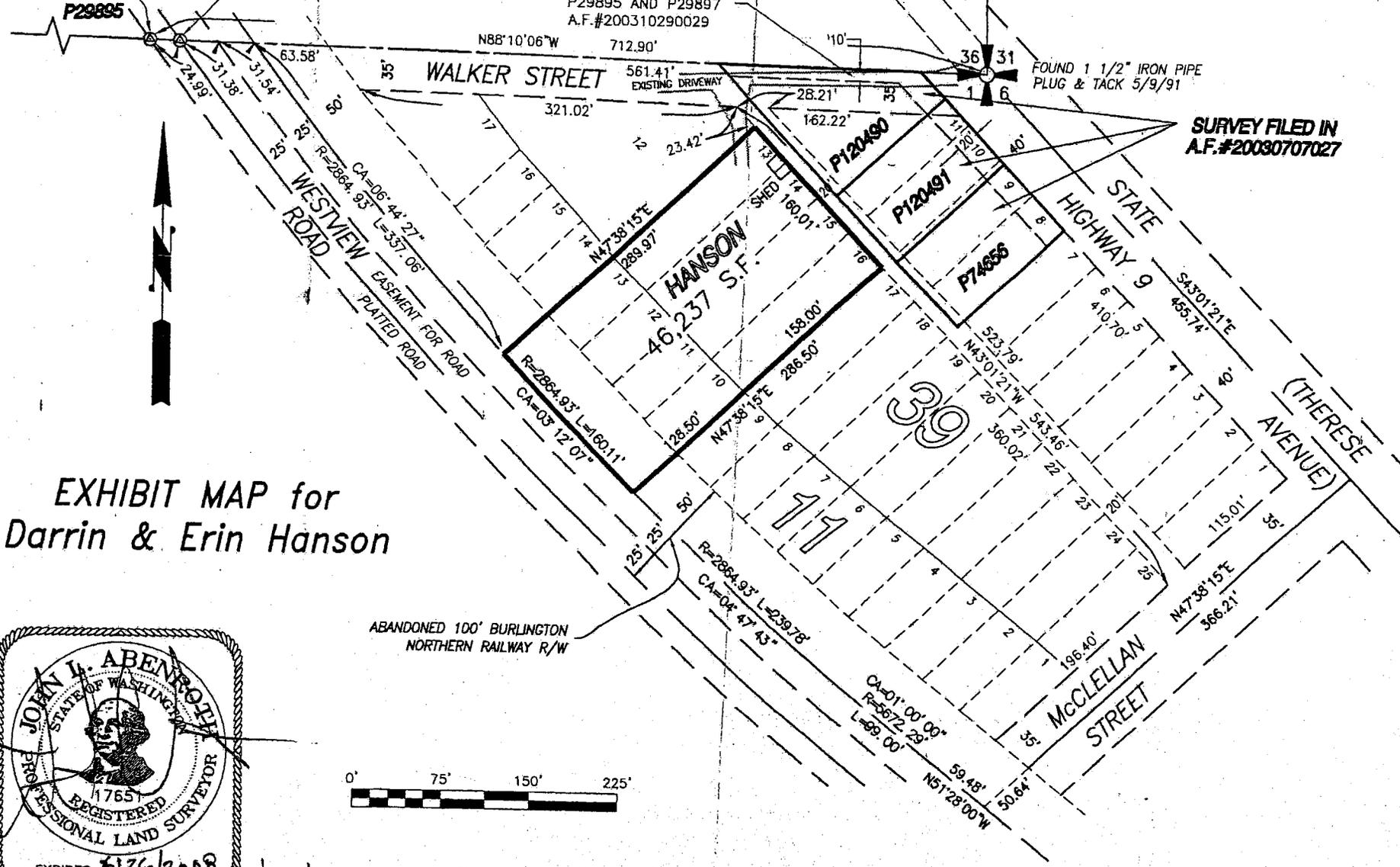
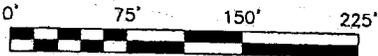
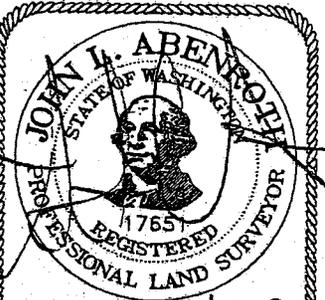


EXHIBIT MAP for
Darrin & Erin Hanson



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

Skagit
Surveyors & Engineers

JN201132 28J

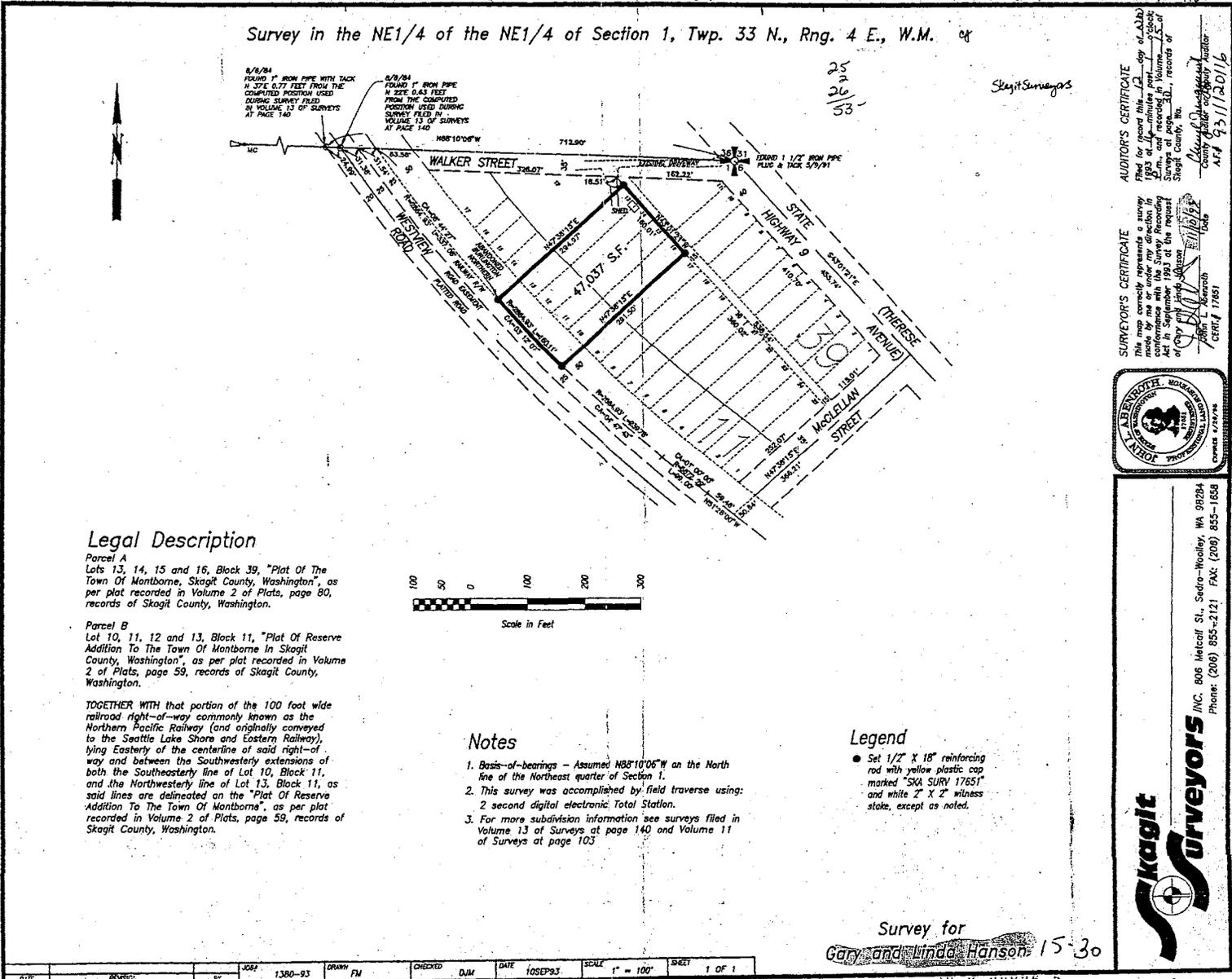
Appendix
A

SUR 15-30

2-59 10-13/111 TGD PM R/R E 2-80 13-110/39

93112016

Survey in the NE1/4 of the NE1/4 of Section 1, Twp. 33 N., Rng. 4 E., W.M.

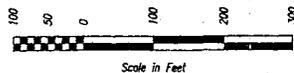


Legal Description

Parcel A
 Lots 13, 14, 15 and 16, Block 39, "Plat Of The Town Of Montbome, Skagit County, Washington", as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington.

Parcel B
 Lot 10, 11, 12 and 13, Block 11, "Plat Of Reserve Addition To The Town Of Montbome In Skagit County, Washington", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.

TOGETHER WITH that portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the Southeastery line of Lot 10, Block 11, and the Northwesterly line of Lot 13, Block 11, as said lines are delineated on the "Plat Of Reserve Addition To The Town Of Montbome", as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington.



Notes

1. Basis-of-bearings - Assumed N88°10'06"W on the North line of the Northeast quarter of Section 1.
2. This survey was accomplished by field traverse using: 2 second digital electronic Total Station.
3. For more subdivision information see surveys filed in Volume 13 of Surveys at page 140 and Volume 11 of Surveys at page 103

Legend

- Set 1/2" x 18" reinforcing rod with yellow plastic cap marked "SKA SURV 17651" and white 2" x 2" witness stake, except as noted.

Survey for

Gary and Linda Hanson 15-30

| | | | | | | | | | | | | | | |
|------|---------|----|------|---------|-------|----|---------|-----|------|---------|-------|-----------|-------|--------|
| DATE | REVISED | BY | JOB# | 1380-93 | DRAWN | FM | CHECKED | DJM | DATE | 10SEP93 | SCALE | 1" = 100' | SHEET | 1 OF 1 |
|------|---------|----|------|---------|-------|----|---------|-----|------|---------|-------|-----------|-------|--------|

DR 2 00836 5

DESIGN AND CONSTRUCTION NO. 2

Approved

V.15 Survey Pg 30

1993

Skagit Surveyors

25
26
58

AUDITOR'S CERTIFICATE
 Filed for record this 12 day of July 1993
 I am and each of us are duly qualified and sworn
 Surveyors of page 58, records of Skagit County, Wa.
 County Auditor
 AFA 93112016

SURVEYOR'S CERTIFICATE
 This map correctly represents a survey made by me or under my supervision in accordance with the Survey Recording Act in September 1993 at the request of Gary and Linda Hanson
 of Skagit County, Washington
 Skagit Surveyors
 CERT. # 17651

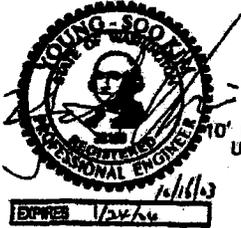
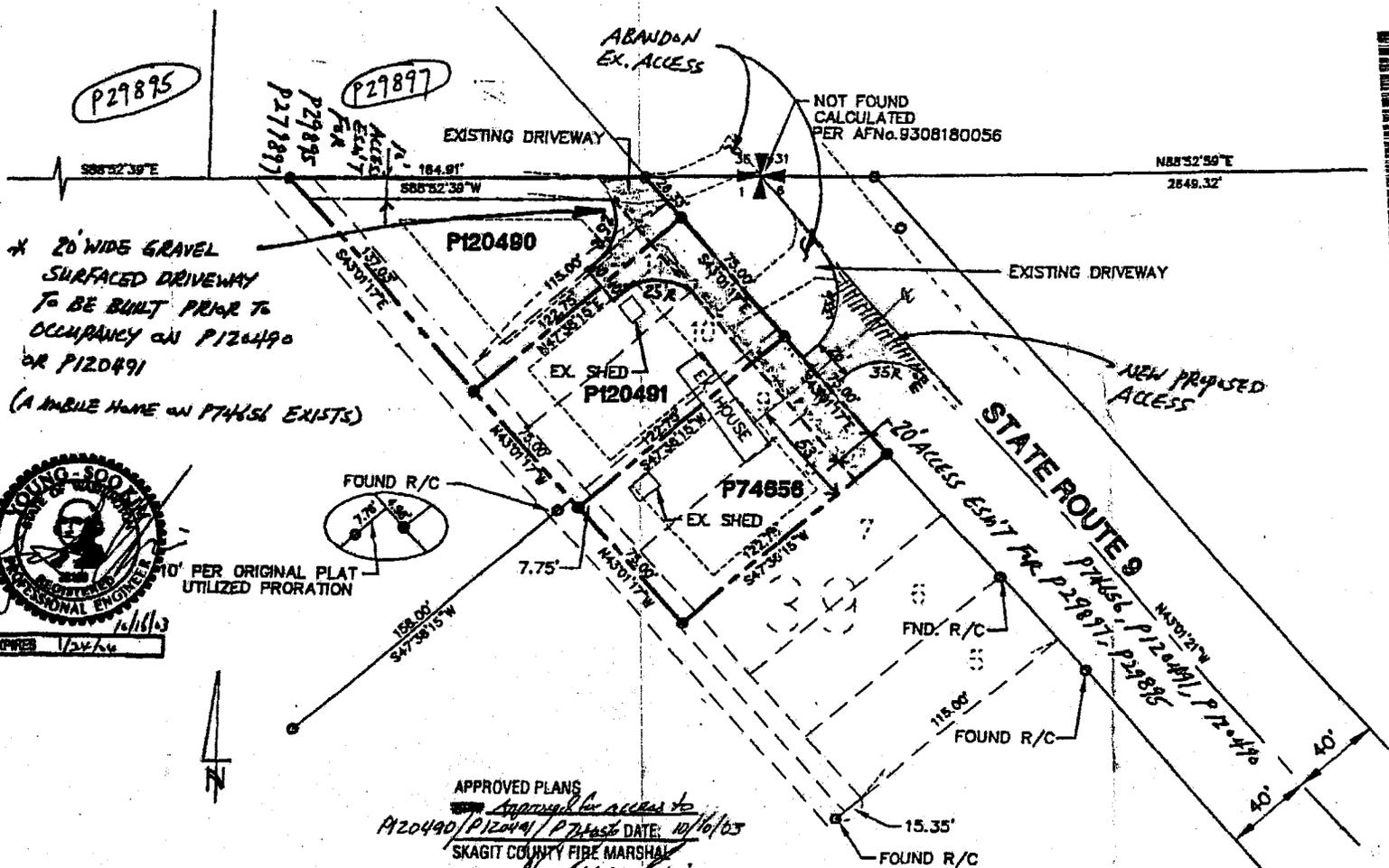


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 Phone: (206) 855-2121 FAX: (206) 855-1688



Appendix B

Exhibit A



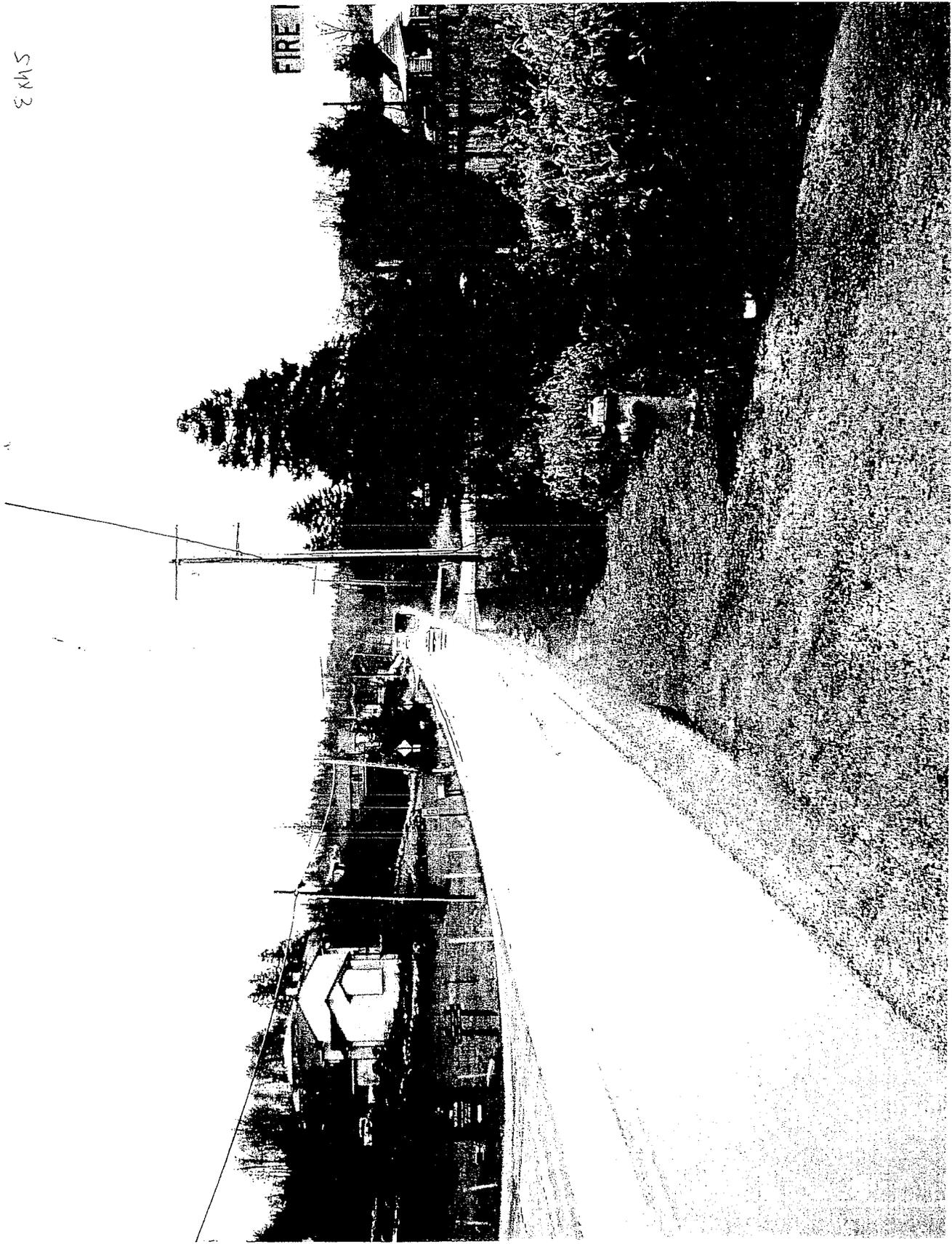
APPROVED PLANS
 Approved for access to
 P120490/P120491/P74656 DATE: 10/16/03
 SKAGIT COUNTY FIRE MARSHAL
[Signature]



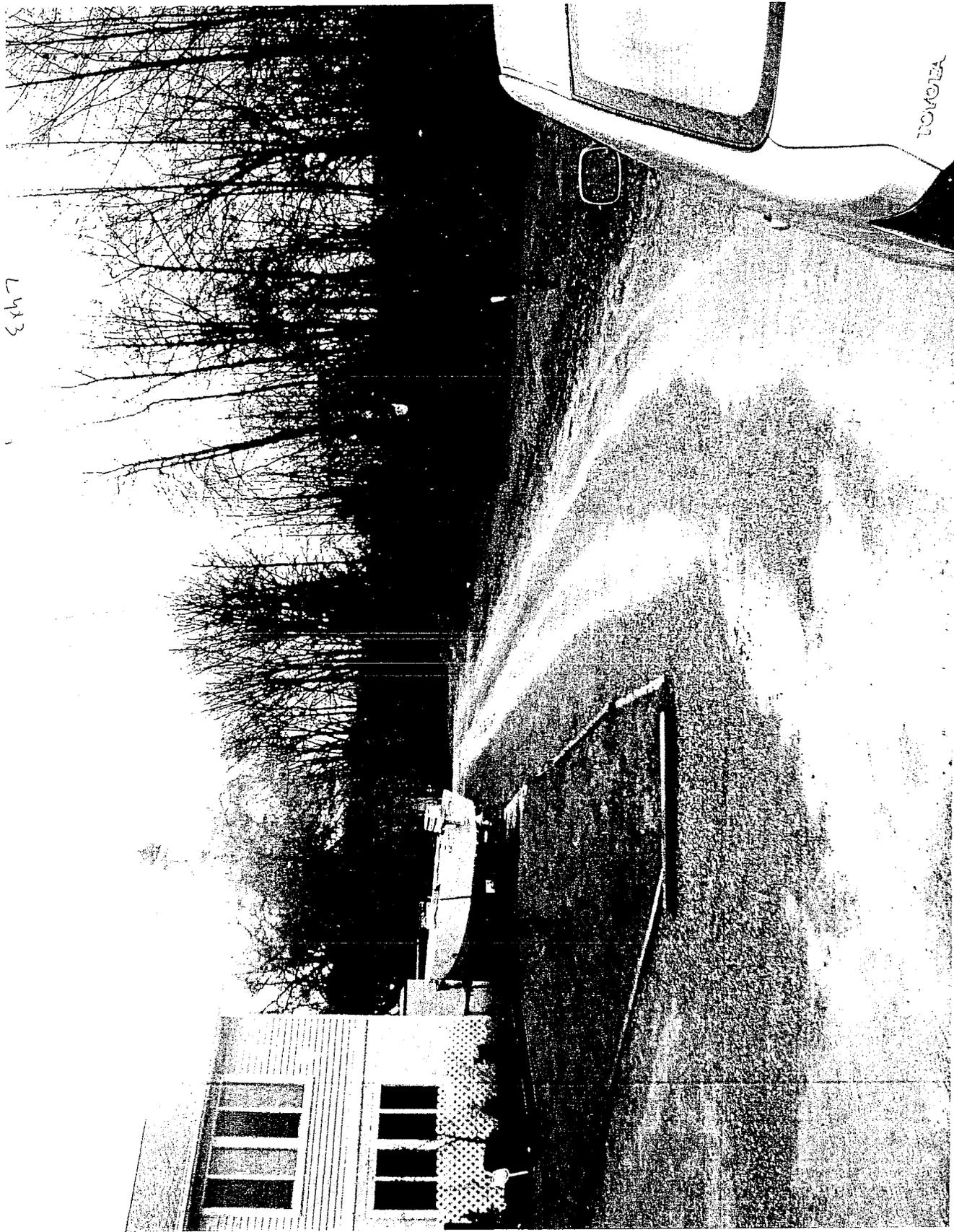
Appendix C

FIRE

EM15



Appendix D



L43

Appendix
D



Appendix
D

8/1/3



41 00000

5 1/2

Appendix
D

HVP3



Appendix
E

N88°10'06" W



Shed

HOUSE

ENGBERG

Gary + Linda
HANSON
P74658

Leah
Atchely
P74741

Darrin
HANSON
P18209

BRIGHAM
12,360 S.F.

BRIGHAM
10,771 S.F.

BRIGHAM
16,624 S.F.

Beverstock
P74757

Big
LAKE

Appendix
E

(COUNTY)

MEASURE
107.70
C1
R-2914.93' C=15 29' 44"
L=788.34'

MEASURE
110.80
C1
R-2914.93' C=15 29' 44"
L=788.34'

MEASURE
76.40
N72°15'E
91.60

MEASURE
90.00
N72°15'E
91.60

MEASURE
81.90
N72°15'E
91.60

MEASURE
92.30
N72°15'E
91.60

MEASURE
92.30
N72°15'E
91.60

R-2914.93' C=15 29' 44" L=788.34'

1057. 0719. 70
17-33-5
2/11

0-33-5 1-33-5
7-33-5 36-34-4
8-33-5
17-33-5

SKAGIT COUNTY, WASH.
FILED

MAY 11 1992

Phyllis Gause-McKeenhen, Co. Clerk
By Deputy

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IN THE SUPERIOR COURT OF WASHINGTON FOR SKAGIT COUNTY

| | | |
|------------------------------|---|---------------------|
| JOHN H. WEPPLER, et al., |) | NO. 91-2-00070-3 |
| |) | |
| Plaintiffs, |) | JUDGMENT AND DECREE |
| |) | QUIETING TITLE |
| vs. |) | |
| |) | |
| BURLINGTON NORTHERN RAILROAD |) | |
| COMPANY, et al., |) | |
| |) | |
| Defendants. |) | |

THIS MATTER coming on for hearing; plaintiff being present represented by JERRY JEWETT, the president of the Big Lake Railroad Association, an unincorporated association, and by SAM PEACH, attorney for plaintiffs, and by RICHARD WEYRICH, a member of the Board of Directors of the Big Lake Railroad Association; defendant Burlington Northern Railroad Company having signed the Stipulation for Settlement on file herein and having approved this Judgment and Decree and having waived notice of presentment, the same having been approved by defendant's attorneys ROBERT E. WALKLEY and KURT W. KROSCHEL; and it further appearing that the Stipulation for Settlement between plaintiffs and the principal defendant, Burlington Northern Railroad Company, is on file herein; and it further appearing that publication of Summons was duly made in the Skagit Valley Herald against "the unknown heirs or assigns of the remote grantors of railroad rights of way through Sections 6, 7, 8 and 17 in T. 33 N., R 5 E., W.M., and Section 1, T. 33 N. R 4 E., W.M., and Section 36, T. 34 N., R 4 E. W.M. and all other persons or parties unknown claiming any right, title, estate, lien or interest in the real property described in the Complaint

JUDGMENT & DECREE
QUIETING TITLE -1

41

ORIGINAL

SAM PEACH
515 BELLINGHAM NATIONAL BANK BUILDING
BELLINGHAM, WASHINGTON 98225
TELEPHONE (206) 734-2030
FAX (206) 647-1337

Exhibit "A"

1 herein", and no parties appearing to make their claims, a
2 default judgment was duly made and entered against those remote
3 grantors, heirs and assigns and against the unknown claimants;
4 and it further appearing that an Affidavit of John Milnor that
5 the highway presumption should apply and the abutting property
6 owners should take their appropriate share of the railroad right
7 of way, less roads; and the Court duly considering the entire
8 record and file herein and having reviewed the brief of plain-
9 tiffs in support of this Judgment and Decree, now therefore,

10 IT IS HEREBY ORDERED:

11 1. That the publication of Summons and the entry of
12 the default judgment thereon forecloses all other claimants
13 except Burlington Northern Railroad Company.

14 2. The Court specifically approves the Stipulation for
15 Settlement herein and in particular, the Court approves the
16 release of all interest of Burlington Northern Railroad Company
17 in that portion of the property described in the ten deeds
18 attached to the Stipulation for Settlement which is between the
19 North line of Section 36, Township 34 North, Range 4 East of
20 W.M. and the South line of the North quarter of Section 17,
21 Township 33 North, Range 5 East of W.M. plus all interest of
22 Burlington Northern Railroad Company between those lines. The
23 Court hereby quiets title to those portions of the railroad
24 rights of way to the specific plaintiffs as are set out below ✓
25 The specific property quieted is that described after each
26 plaintiff's name, all as set out below.

27 3. All of those portions of the rights of way
28 described on the ten deeds attached to the Stipulation for
29 Settlement which are not specifically quieted in the plaintiffs
30 listed below shall be and the same hereby are distributed to
31 Jerry Jewett as Trustee. The Court hereby authorizes Jerry
32 Jewett as Trustee, or his duly appointed successor, to convey by
33 quit claim deeds to adjoining owners from the border of their
34 property their appropriate share of the railroad right of way,

35 JUDGMENT & DECREE
QUIETING TITLE -2

SAM PEACH
815 BELLINGHAM NATIONAL BANK BUILDING
BELLINGHAM, WASHINGTON 98225
TELEPHONE (206) 734-2030
FAX (206) 647-1337

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less roads, and to charge for said deeds in accordance with the amount set out in the Stipulation for Settlement and to distribute said proceeds as set out in the said Stipulation. The deeds so issued to adjoining property owners shall be for title quieted in said adjoining property owner.

4. The specific plaintiffs and the specific property quieted in them by order of the Court is as set out in Exhibit A which is incorporated herein by reference.

5. All claims against Burlington Northern Railroad Company are released and dismissed without costs or attorney fees to either party.

DONE IN OPEN COURT this 17th day of May, 1992.

Stanley K. Bruhn
JUDGE OF THE SUPERIOR COURT

Presented by:

Sam Peach
SAM PEACH, Attorney for Plaintiffs
WSBA #02506

Approved and notice of presentment waived:
KROSCHEL & GIBSON

By: Robert E. Walkley, for
KURT W. KROSCHEL of Attorneys
for Burlington Northern Railroad Co., WSBA #12364

Approved and notice of presentment waived:

Robert E. Walkley
ROBERT E. WALKLEY of Attorneys
for Burlington Northern Railroad Co., WSBA #3589

JUDGMENT & DECREE
QUIETING TITLE -3

SAM PEACH
815 BELLINGHAM NATIONAL BANK BUILDING
BELLINGHAM, WASHINGTON 98225
TELEPHONE (206) 734-2030
FAX (206) 647-1337

EXHIBIT A

| Parcel Nos.: | Owner(s): | Property Description Quieted in Owner(s): |
|--------------|---|---|
| 1 | John H. Wepler & Diana M. Wepler 17-33-5 2/11 | That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running North and South through the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and within the South 1/2 of said subdivision. |
| 2 | Charles D. Minerich & Lynn K. Minerich 17-33-5 2/10 | That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running North and South through the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and within the North 1/2 of said subdivision. |
| 3 | Whispering Winds Starry's Inc. & A.L.R.T. Corp. 17-33-5 G.F. SP# 90-82 2/23 | That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running North and South through the Northeast 1/4 of the Northwest 1/4 of Section 17, Township 33 North, Range 5 East W.M., which lies East of the centerline of said right-of-way and within said subdivision. |
| 4 | Thor Nersten & Francis Nersten (1/3), Samuel T. Nersten & Lois R. Nersten (1/3), Norman Nersten & Nancy L. Nersten (1/3) 8-33-5 3/31, 32, 39 | That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the South 1/2 of the Southwest 1/4 and through the South 1/2 of the North 1/2 of the Southwest 1/4 of Section 8, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and within said subdivisions; TOGETHER WITH that portion of said right-of-way lying East of the centerline and within the Southwest 1/4 of the Southwest 1/4 of said Section 8. |
| 7 | Ronald D. Gagne & Constance Gagne 8-33-5 3/26, 27 | That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the South 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 33 North, Range 5 East W.M., which lies East of the centerline of said right-of-way and within said subdivision. |

8 Helen Neal
8-33-5
2/29
3/30, 33

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the North 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 8, Township 33 North, Range 5 East W.M., which lies within said subdivision and Southeasterly of those premises conveyed to the State of Washington by Deed recorded 5/4/81, as AF #8105040044.

9 Stan Fox, et al.
7-33-5
1/43

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract conveyed to Stan Fox, et al., by Treasurer's Deed dated 1/18/79 as AF #894969, EXCEPT that portion thereof, if any, lying within those premises conveyed to the State of Washington by Deed recorded 5/5/81 as AF #8105040044.

10/11 Frank S. Follman &
Elsie M. Follman
7-33-5
1/45

That portion of the 140 foot railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract conveyed to Frank S. Follman and Donald R. Follman by deed recorded as AF #8811150007.

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through the South 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extension of the Northwesterly line of that certain tract conveyed to Frank S. Follman and Donald R. Follman by deed recorded under AF #8811150007 and the West line of said subdivision.

12 Arie Grin
7-13
17.19

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies Southeasterly of the Northeasterly extension

of Tract 19 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington, and within said subdivision.

- 14 Scott J. Perrault
& Kathleen W.
Perrault
9-13
LT. 16
- That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 16 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per the plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
- 15 Judith D. Landry
9-13
LT. 15
- That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 15 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington.
- 16 John B. Chaney &
Sallie C. Chaney
9-13
LT. 14
- That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 14 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
- 17 Ralph T. Rogerson/
Sohee Smith
9-13
LT. 13
- That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 13 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
- 18 R. C. Burrill &
Carla J. Burrill
9-13
LT. 12
- That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through

Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 12 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA

- 19 James W. Fredericks & Catherine C. Fredericks
9-13
LT. 11
That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 11 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
20. W. R. Bunn & Charlotte Bunn
9-13
LT. 10
That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 10 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA
- 21 Patrick Ahlers & Ruth M. Ahlers
9-13
LT. 9
That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 9 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
- 22 Harold V. Bates & Nancy E. Bates
9-13
LT. 8
That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 8 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.
- 23 Donald G. Shea & Jennette R. Shea
9-13
LT. 7
That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific

Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 7 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.

24 Harriette E. Bendel

9-13
LT. 6

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 6 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.

25 Joseph Gianola &
Peggy L. Gianola

9-13
LT. 4 & 5

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly line of Tract 4 and the Southeasterly line of Tract 5 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat re-corded in Volume 9 of Plats, page 13, records of Skagit County, Washington, EXCEPT that portion of the Northeasterly 50 feet of said right-of-way which lies between the Northeasterly extension of the Northwesterly line of said Tract 4 and a line drawn at right angles to the centerline of said right-of-way from the Southerlymost point of that portion of said Government Lot 1 which lies Easterly of said right-of-way and Westerly of the Montborne McMurray Road commonly known as State Highway No. 9. ALSO EXCEPT that portion thereof conveyed to James A. Smith and Cindy Seidler, a partnership, by deed recorded August 15, 1991, as AF #9108150048.

27 Holly Burton, Daniel
Deibert, Dennis
Diebert & Sandra
Diebert

9-13
LT. 3

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 3 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, Washington,

EXCEPT the Northeasterly 50 feet of said right-of-way and ALSO EXCEPT that portion thereof lying within that certain tract conveyed to James A. Smith and Cindy Seidler, a partnership, by deed recorded August 15, 1991, as AF #9108150048.

28 Daniel D. Jones &
Charlene M. Jones

9-13

LT. 2

That portion of the 140 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northwesterly and Southeasterly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., which lies between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 2 of the "Assessor's Plat of Sunnyside Big Lake Tracts," as per plat recorded in Volume 9 of Plats, page 13, records of Skagit County, WA.

30 Nancy Elaine Nelson

6-33-5

4/14

SP # 91-97

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 1 of Section 7, Township 33 North, Range 5 East W.M., and through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies Easterly of the centerline of said right-of-way and Northerly of a line drawn at right angles to the centerline of said right-of-way from the Southerlymost point of that portion of said Government Lot 1 which lies Easterly of said right-of-way and Westerly of the Montborne McMurray Road commonly known as State Highway No. 9; EXCEPT that portion thereof lying within the County road right-of-way across the North 30 feet of said Government Lot 9.

31 Allan Gordon Hill &
Carol A. Hill

5-13

LT. 26

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies Westerly of the centerline of said right-of-way and Southeasterly of the Northeasterly extension of the Northwesterly line of Lot 26, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, WA, and Northerly of the South line of said Government Lot 9.

32 Keith Erwin

5-13

LT. 25

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M.,

which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 25, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

33/34 Lonnie T. Aschenbrenner & Grace E. Aschenbrenner

5-13

LT. 24, 23

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 24, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 23, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

36. Jerald J. Friar & Lillian J. Friar

5-13

LT. 21

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 21 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

37 Nels A. Johnson & Barbara A. Johnson

5-13

LT. 19, 20

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly line of Lot 19 and the Southeasterly line of Lot 20 of "Sulphur Springs Lake Tracts, Skagit County,

Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

38/39

Bonita L. Kirby

5-13
LT. 17, 18

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 18, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 17, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

40, 41

The Earle Stewart
Miller & Betty Jean
Miller Trust under
Agreement dated
September 18, 1990

5-13
LT. 15, 16

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 16 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Northeasterly extensions of the Southeasterly and Northwesterly lines of Lot 15 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

42A Bjorn Nymark &
Norma R. Nymark

5-13
LT. 14 1/2

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of the Southerly and Northerly lines of Lot 14-1/2 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

43 Dan Baird & Pamela
Baird

5-13
S 1/2 LT. 14

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of the South 1/2 of Lot 14, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

44 Howard Friar &
Louise Friar

5-13
N 1/2 LT. 14

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of the North 1/2 of Lot 14, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

45 Arnold Alseth &
Nancy Alseth

5-13
LT. 13

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of Lot 13 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

46 John P. Verdoes

5-13
LT. 11, 12

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North line

of Lot 11 and the South line of Lot 12 of "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

- 47 Silfo C. Olson
5-13
LT. 10
That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of Lot 10, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- 48 Donald L. Bakken
& Betty June Bakken
5-13
LT. 8,9
That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North line of Lot 8 and the South line of Lot 9 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- 49 Michael J. Tarbox &
Katherine L. Tarbox
5-13
LT. 7
That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of of Lot 7, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- 50 Jerald M. Rindal &
Mildred C. Rindal
5-13
LT. 5,6
That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North line of Lot 5 and the South line of Lot 6 of "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.

- 51 Frederic C. Dunlap & JoAnn Hanson
5-13
LT. 4
- 52 Robert F. Garing & Viola L. Garing
5-13
LT. 3
- 53 Ralph Dean Nicholson & Norma J. Nicholson
5-13
LT. 8 1/2 2
- 55 Sanford G. Kerney & Betty Jean Kerney
Arlen C. Mootz & Donna Lee Mootz
5-13
LT. 1
- 56 Raymond C. Kemp
2-59
LT. 1-8/2
2-80
LT. 1-4, 9, 10/51
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of Lot 4, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of Lot 3, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M. which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of the South 40 feet of Lot 2 of "Sulphur Springs Lake Tracts, Skagit County, Wash.", as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, running Northerly and Southerly through Government Lot 9 of Section 6, Township 33 North, Range 5 East W.M., which lies West of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of Lot 1, "Sulphur Springs Lake Tracts, Skagit County, Wash." as per plat recorded in Volume 5 of Plats, page 13, records of Skagit County, Washington.
- That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Westerly line of Block 2 of the vacated plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington, which lies

Northerly of the Southerly line of said Block 2 extended West to the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970, and Easterly of said centerline, and Southerly of the centerline of vacated Alder Street extended West to said railway centerline;

TOGETHER WITH Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 2 of the vacated plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington TOGETHER WITH that portion of vacated Alder Street which has reverted thereto by operation of law;

TOGETHER WITH Lots 1, 2, 3, 4, 9 and 10, Block 51, of the vacated plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington;

TOGETHER WITH that portion of vacated Alder Street which has reverted thereto by operation of law;

EXCEPT from all of the above those portions thereof lying within the South 650 feet of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M.; ALSO EXCEPT those portions thereof, if any, lying within the South 1/2 of said Government Lot 6.

TOGETHER WITH a 15 foot wide sewer line easement, the exact location of which shall be determined later, over and across Parcels "A" and "B" of Parcel No. 62 of this action, which is owned by Marvin H. Sims and Barbara A. Sims, husband and wife.

57

Knute S. Figenshow &
Ann M. Figenshow

2-80

item 6 (ptn. 55)

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying between the Easterly extensions of the Northerly and Southerly lines of that portion of Block 55, "Plat of the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Knute C. Figenshow by deed recorded as AF #8610170025 and Westerly of the centerline of said right-of-way; EXCEPT that portion thereof conveyed to Sylvia Jensen to the North, AND ALSO EXCEPT those portions thereof, if any, conveyed to Helmer Loy, et ux, by AF #8403200053 and quieted in Helmer Loy et ux, by decree entered November 8, 1988, in Skagit County Superior Court cause #87-2-00748-3.

60

Robert Miller &
Phyllis Miller

2-80
Item 5 (ptn. 55)

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle-Lake Shore and Eastern Railway), lying between the Easterly extensions of the Northerly and Southerly lines of that portion of Block 55, "Plat of the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Robert G. Miller, et ux, by deed recorded August 19, 1987, as AF #8708190025, and lying Westerly of Line "RR" described below; EXCEPT that portion thereof, if any, along the North line thereof conveyed to Marion P. Neale, by a deed recorded July 6, 1977, as AF #859950. AND ALSO EXCEPT those portions thereof, if any, conveyed to Helmer Loy, et ux, by AF #8403200053 and quieted in Helmer Loy et ux, by decree entered November 8, 1988, in Skagit County Superior Court cause #87-2-00748-3.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

61

Marion P. Neale

Item 4 (ptn. 55)

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying between the Easterly extensions of the Northerly and Southerly lines of that portion of Block 55, "Plat of the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Marion P. Neale, by deed recorded March 27, 1964, as AF #648400, and Westerly of Line "RR" described below; EXCEPT that portion thereof, if any, along the South line thereof conveyed to Robert Gay Miller, et ux, by a deed recorded October 18, 1976, as AF #844525.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

62

Marvin H. Sims &
Barbara A. Sims

2-80
item 2 (ptn. 55)

Parcel "A": That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying between the Northeasterly extensions of the Northwesternly and Southeasterly lines of the following described Tract "X" and Westerly of Line "RR" described below:

Tract "X":

That portion of Block 55 and vacated Lakeside Boulevard abutting, of "Plat of the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, lying within the following described tract: Commencing at the Northeasterly corner of Lot 1, Block 43 of said "Plat of the Town of Montborne"; thence North 47°25'45" East along a projection of the Northerly line of said Lot 1, a distance of 50.22 feet; thence South 37°10'00" East, parallel with the Easterly line of said Block 43 and along the original centerline of the Northern Pacific Railroad a distance of 236.94 feet to the point of beginning; thence continuing South 37°10'00" East along said parallel line and along centerline a distance of 133.05 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 1°35'49", an arc distance of 31.95 feet; thence South 59°11'37" West 119 feet, more or less, to the shoreline of Big Lake; thence Northwesternly along said shoreline 166 feet, more or less, to a point which is South 60°10'00" West from the point of beginning; thence North 60°10'00" East 115 feet, more or less, to the point of beginning.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline

of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

Parcel "B": That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Westerly line of Block 2 of the vacated plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington, which lies Northerly of the Southerly line of said Block 2 extended West to the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970, and Westerly of said centerline, and Southerly of the centerline of vacated Alder Street extended West to said railway centerline;

TOGETHER WITH Lots 1, 2, 3, 4, 5, 6, 7 and 8, Block 2 of the vacated plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA, TOGETHER WITH that portion of vacated Alder Street which has reverted thereto by operation of law;

TOGETHER WITH Lots 1, 2, 3, 4, 9 and 10, Block 51, of the vacated plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, TOGETHER WITH that portion of vacated Alder Street which has reverted thereto by operation of law;

EXCEPT from all of the above those portions thereof lying within the South 650 feet of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M.; ALSO EXCEPT those portions thereof, if any, lying within the South 1/2 of said Government Lot 6.

EXCEPT that portion thereof lying Westerly of the following described Line "RR":

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33

North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

Said Parcels "A" and "B" being subject to a 15 foot wide sewer line easement, the exact location of which shall be determined later, in favor of Ray Kemp, the owner of Parcel No. 56 of this action.

63

Robert A. Fabrick &
Carolyn B. Fabrick

2-80
Item 3 (ptn. 55)
E (ptn. 43)

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of the Northwesterly and Southeasterly line of the following described Tract "A":

Tract "A": All those portions of Blocks 43 and 55 and vacated Lakeside Boulevard, "Plat of the Town of Montborne," as per plat recorded in Volume 2, page 80, records of Skagit County, Washington, lying within the boundaries of the following described tract: Commencing at the Northeasterly corner of Lot 1, Block 43, "Plat of the Town of Montborne"; thence North 47°25'45" East along a projection of the Northerly line of said Lot 1, a distance of 50.22 feet; thence South 37°10' East parallel to the Easterly line of said Block 43, a distance of 236.94 feet to the true point of beginning of this description; thence North 37°10' West a distance of 127.00 feet; thence South 77°17'17" West a distance of 98.87 feet to the Southeasterly corner of that certain tract conveyed to Fred West and Cecile C. West, husband and wife, by instrument dated April 1, 1963, ad recorded April 23, 1963, under AF #634911; thence continuing South 77°17'17" West along the Southerly line of said West tract a distance of 99.98 feet, more or less, to the shore of Big Lake; thence Southeasterly along the shore of Big Lake a distance of 170.00 feet, more or less, to a point that bears South 69°10' West from the point of beginning; thence North 60°10' West a distance of 115.00 feet, more or less, to the true point of beginning; EXCEPT that portion thereof, if any, lying

within that center 40 foot roadway conveyed to Skagit County by deed dated October 9, 1946, recorded under AF #397033. ALSO EXCEPT that portion, if any, lying within the Northern Pacific Railroad right-of-way.

Parcel "B": Lots 1, 2, 12 and 13, Block 4, "Plat of the Reserve Addition to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

Parcel "C": Lots 10 through 14, inclusive, Block 3, "Plat of the Reserve Addition to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

Parcel "D": That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lakeshore and Eastern Railway) lying Easterly of Line "RR" described below and between the Southwesterly extension of the Northwesterly line of Lot 12, Block 4, "Plat of the Reserve Addition to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington, and the Southwesterly extension of the Southeasterly line of Lot 14, Block 3, of said Plat.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Easterly of Line "RR" described below and lying Southeasterly of the Southwesterly extension of the Northwesterly line of Lot 15, Block 3, "Plat of the Reserve Addition to Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington, and lying Northerly of the centerline of Alder Street extended

64 Patrick Mason &
Malinda Mason

2-59
13-20/3

Was not posted

Westerly; TOGETHER WITH Lots 13 through 20, inclusive, of said Block 3; TOGETHER WITH those portions of vacated Alder and Division Streets which have reverted thereto by operation of law.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

65/66 Fred West & Cecilie
C. West

2-80
Item 1 (Ptn. 1-4)
43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, sold by Real Estate Contract recorded as AF #634911 to Fred West, et ux.

ALSO that portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Fred West, et ux, by deed recorded January 27, 1982, as AF # 8201270005.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of

the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

67 Cheryl Dee Ann
Gardner & Brent
Frederic Gardner

2-80

item 6 (ptn. 3-5)

43

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and between the Northeasterly extension of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Brent Frederic Gardner, et al, by Deed recorded 12/24/73 as AF #794867.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

69 Charles K. Noyes

2-80

item 3 (ptn. 5-7)

43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Charles K. Noyes by deed recorded May 4, 1972, as AF #767822.

Line "RR": Begin at a point on the North line of the

South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

70 Joanne P. Clancy

2-80
item 8 (ptn. 6-9)
/43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to J. Warren Clancy, et ux, by deeds recorded April 2, 1979, and September 2, 1981 as AF #7904020017 and #8109020024.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

71/74 Woodrow White & Janet White

2-80
item 9 (ptn. 9/10)
/43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of the following described tract:

That portion of Lots 8, 9 and 10, Block 43, "Plat of the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington,

2-80
13 + 14, exc. N30 LT 14
/43

and that portion of vacated Lakeside Boulevard adjoining said lots described as follows: Beginning at the intersection of the Southwesterly line of that certain 40 foot roadway conveyed to Skagit County by deed dated October 9, 1946, and recorded October 15, 1946, as AF #397033 in Volume 213 of Deeds, page 368, and the Southeasterly line of said Lot 8; thence Northwesterly along the Southwesterly line of said 40 foot roadway, a distance of 75 feet to a point 5 feet Southeasterly of the Southeasterly line of said Lot 10; thence Southwesterly in a straight line to an intersection of the shoreline of Big Lake with the Southeast line of the Northwesterly 20 feet of said Lot 10 extended Southwesterly to the shoreline of Big Lake; thence Southeasterly along the shoreline of Big Lake to an intersection of the said shoreline with the Northwesterly line of the Southeasterly 10 feet of said Lot 9 extended Southwesterly to the shoreline of Big Lake; thence Northeasterly in a straight line to the point of beginning.

ALSO that portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Woodrow White, et ux, by deed recorded September 25, 1987, as AF #8709250034.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

72

Jean Molitor

2-80
11/43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Jean Nelson by deed recorded October 11, 1972, as AF #775205.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

73

Betty L. Molitor

2-80
12, N1/4 10' of 11
43

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and between the Northeasterly extension of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Betty L. Molitor by Deed recorded May 24, 1984 as AF #8405240019.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

75

R. Elaine Pederson

2-80
N 30' LT. 14
S 20' OF LT. 15
/43

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to R. Elaine Pedersen, et ux, by deed recorded December 27, 1983, as AF #8312270023.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

76

Elmer S. Jamison
& Deena L. Jamison

2-80
N 20' LT. 15 & 16
E.X.C. N 10'
/43

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and between the Northeasterly extension of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Elmer S. Jamison, et ux., by Deed recorded May 7, 1979 as AF #7905070062

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of

intersection of said centerlines, said point being the terminus of this line description.

Hugh M. Fike &
Evelyn M. Fike

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and Southeasterly of the centerline of vacated Hancock Street and Northwesterly of the Northeasterly extension of the Southeasterly line of that certain tract of land in Block 43 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Hugh M. Fike, et ux, by Deed recorded 7/12/61 as AF #609880.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

78 Robert K. Oliver &
Kimberly A. Oliver

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and Northwesterly of the centerline of vacated Hancock Street and Southeasterly of the Northeasterly extension of the Northwesterly line of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Robert K. Oliver, et ux, by Deed recorded April 9, 1987, as AF #8704090017.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern

Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

80 Milo F. Hicks &
Virginia M. Hicks

2-80
3 exc. SELY 10'
SELY $\frac{1}{2}$ 4' / 42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Milo F. Hicks, et ux, by deed recorded December 30, 1985, as AF #8512300020.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

81 Clarence M. Vander-
griend & Lona
Vandergriend

2-80
NWLY $\frac{1}{2}$ 4' 0.125' / 42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Clarence M. Vandergriend, Jr., et ux, by deed recorded July 18, 1977, as AF #860833.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33

North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

82 C. K. Ash & Regina
Ash

2-80
67/42

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of Line "RR" described below and lying Westerly of that portion, if any, of the centerline of said right-of-way lying Northerly of Line "RR" and lying between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to C. K. Ash, et ux, by Deed recorded June 13, 1972, as AF #769577.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

83 Jeffery P. Bell &
Penny Bell

2-90
8-10/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of Line "RR" described below and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Jeffery P. Bell,

et ux, by deed recorded July 31, 1986, as AF #8407310016.

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

84 Richard A. Revoyr & Molly B. McNulty

2-80

11/2, 13/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Roger A. Dalseg, et ux, by deed recorded May 13, 1982 as AF #82051300072.

85 Roger A. Dalseg & Marilyn J. Dalseg

2-80

14/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Roger A. Dalseg, et ux, by deed recorded May 13, 1982, as AF #82051300072.

86 Baxter A. Sims & Beverley Sims

2-80

15, 16/42

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly

lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Baxter A. Sims and Beverley Sims, husband and wife, by Deed recorded May 25, 1989 as AF #8905250070.

87 Vernon O. Teeters
& Bonnie L. Teeters

2-80

17/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, sold to Vernon O. Teeters, et ux, by Contract recorded June 18, 1964, as AF #652046.

89 John E. Colburn
& Joan A. Colburn

2-80

19/42

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to John E. Colburn, et ux, by Contract recorded April 18, 1973, as AF #783662.

90/91 Doralee F. Hammond

2-80

N30' 21, S 1/2

22/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Doralee F. Floe by deed recorded 11/23/66 as AF #691271

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and

Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Doralee F. Hammond by deed recorded 10/30/72 as AF #775999.

92 James W. Haley &
Shirley J. Haley

2-80
N¹/₂ 22, ALL 23, 3¹/₂
24/42

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to James Haley by Deed recorded 10/23/73 as AF #792368.

93 James Berk Kelley &
Lindsay Ann Fiker

2-80
N¹/₂ 24, ALL 25/
42

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to James Berk Kelley, et ux, by Deed recorded 5/21/87 as AF #8705210048.

95 Richard S. Eskola

2-80
29/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, conveyed to Richard S. Eskola by deed recorded 3/29/90 as AF #9003290041.

96 Carlyle J. Hanson &
Mildred F. Hanson

2-80
30/42

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway

(and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land in Block 42 and vacated Lakeside Boulevard of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80; records of Skagit County, Washington, conveyed to Carlyle J. Hanson, et ux, by deed recorded 6/3/86, as AF #8606030024.

97

Alcina Harwood

2-59
1-10/5

Those portions of Block 5, "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington, described as follows: All of Lot 1 and those portions of Lots 2 through 10, inclusive, lying Southwesterly of a line drawn parallel with and 50 feet distant North-easterly, when measured at right angles, from the centerline of the railroad of the Northern Pacific Railway Company as said line existed on June 19, 1913; ALSO that portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Easterly of Line "RR" described below and lying Easterly of that portion of the centerline of said right-of-way lying Northerly of Line "RR" and lying between the Southwesterly extensions of the centerline of Sheridan Street and the Northerly line of Hancock Street as said streets are delineated on the above referenced "Reserve Add. to the Town of Montborne."

Line "RR": Begin at a point on the North line of the South 1/2 of Government Lot 6 of Section 6, Township 33 North, Range 5 East W.M., which is midway between the centerline of the original 100 foot wide right-of-way of the Seattle Lake Shore and Eastern Railway and the centerline of the last mainline track of the Northern Pacific Railway as it existed in 1970; thence Northerly on a line drawn midway between the centerline of the original 100 foot wide right-of-way and the centerline of the above described mainline track to the point of intersection of said centerlines, said point being the terminus of this line description.

98

Theron Larry
Thompson & Betty L.
Thompson

2-59

1-4/6

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of the Northwesterly line of Lot 4, Block 6 and the centerline of Sheridan Street as delineated on the plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, Washington; ALSO that portion of Lots 1, 2, 3 and 4, of said Block 6, conveyed to the Northern Pacific Railway Company by Deed dated June 19, 1913, as AF #97285.

99/100

James Buening &
Albert A. Buening

2-59

5/6

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the Northwesterly and Southeasterly lines of Lot 5, Block 6, Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of the centerline of Lee Street and the Southeasterly line of Lot 6, Block 6, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

101

John M. Wilson &
Annie C. Wilson

2-59

5/7

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of the centerline of Lee Street and the Northwesterly line of Lot 5, Block 7, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.; ALSO TOGETHER WITH the additional railway right-of-way lying between said Southwesterly extension lines.

102

Jean Yandle

2-59
7/7

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the Northwesterly and Southeasterly lines of Lot 7, Block 7, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.; ALSO TOGETHER WITH the additional railway right-of-way lying between said 100 foot wide right-of-way and said Block 7 and within said Southwesterly extension lines.

103

Nancy Dean

2-59
1-10/8

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of the Southeasterly line of that certain portion of vacated Grant Street conveyed to Robert Blizard by deed recorded July 9, 1986, as AF #8607090009; and the Southeasterly line of Block 8, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.; ALSO TOGETHER WITH the additional railway right-of-way lying between said 100 foot wide right-of-way and said Block 8 and within said Southwesterly extension lines.

GRANT

104

Robert J. Blizzard & Susan Blizzard

2-59
1/9

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of the Northwesterly lines of Lot 1, Block 9, and the Southeasterly line of that certain portion of vacated Grant Street conveyed to Robert Blizard by deed recorded July 9, 1986, as AF #8607090009, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

105

Dennis Farmer & Virginia Farmer

2-59
2-6/9

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of

said right-of-way and between the Southwesterly extensions of both the Northwesterly line of Lot 6, Block 9, and the Southeasterly line of Lot 2, Block 9, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

106 Alf P. Overby &
Marion P. Overby

2-59
9/9

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the centerline of vacated Sherman Street and the Southeasterly line of Lot 9, Block 9, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

107 Lawrence M. McKinnon
& Michelle McKinnon

2-59
3-6/10

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the centerline of vacated Sherman Street and the Northwesterly line of Lot 6, Block 10, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

108 Jean E. Guthrie

2-59
7-9/10

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the centerline of McClellan Street and the Southeasterly line of Lot 7, Block 10, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

109 Dan Windish &
Velma Windish

2-59
1-4/11

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly

extensions of both the centerline of McClellan Street and the Northwesterly line of Lot 4, Block 11, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

110 Inez Farmer

2-59
5-9/11

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the Southeasterly line of Lot 5, Block 11, and the Northwesterly line of Lot 9, Block 11, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

111 Gary L. Hansen & Linda S. Hansen

2-59
10-13/11

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extensions of both the Southeasterly line of Lot 10, Block 11, and the Northwesterly line of Lot 13, Block 11, as said lines are delineated on the Plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

112 Carl Brigham

2-59
14-17/11

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), lying Easterly of the centerline of said right-of-way and between the Southwesterly extension of the Southeasterly line of Lot 14, Block 11, and the Westerly extension of the Northerly line of Walker Street, as said lines are delineated on the plat of "Reserve Add. to the Town of Montborne," as per plat recorded in Volume 2 of Plats, page 59, records of Skagit County, WA.

113 Clarence M. Vander Griend & Lona C VanderGriend

2-80
LT. 1-3
EXC N 30'
41

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining Block 41 of the Plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-

way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land conveyed to Clarence M. VanderGriend, Jr. et ux, by deed recorded March 16, 1984, as AF #8403160061.)

114 Mark Brown & Adrienne R. Brown

2-80
N 30' OF LTS,
ALL 4/41

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining Block 41 of the Plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land conveyed to Adrienne R. Brown, et ux, by deed recorded January 24, 1985, as AF #8501240044.

115 Roland J. Johnston & Paula K. Johnston

2-80
56/41

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) adjoining Block 41 of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land conveyed to Roland J. Johnston, et ux, by Deed recorded August 21, 1984, as AF #8408210028.

119 Rhonda L. Olmsted

2-80
13,14/41
TEW VAC. BLVD.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) adjoining Block 41 of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land conveyed to E.J. Olmsted, by Deed recorded July 15, 1984, as AF #8707150084.

120 Harry L. Kline & Janet Kline

2-80
15,16/41
(EXC NELY 40')

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining Block 41 of the Plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-

way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of that certain tract of land conveyed to Harry L. Kline, et ux, by deed recorded October 31, 1966, as AF #690328.

121 A. M. Stennes &
Helga Stennes

2-80
17, 18/
41

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining Block 41 of the Plat of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and South-easterly lines of that certain tract of land conveyed to A. M. Stennes, et ux, by deed recorded April 28, 1975, as AF #816649.

122 Gerald R. Severson

2-80
19, 20/
41

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) adjoining Block 41 of "The Town of Montborne," as per plat recorded in Volume 2 of Plats, page 80, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the centerline of Sherman Street and the Southeasterly line of Lot 19 of said Block 41.

123 Jon S. Miller &
Bernadette R. Miller

6-5

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (and originally conveyed to the Seattle Lake Shore and Eastern Railway) adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of the centerline of Sherman Street and the Northwesterly line of Lot 1 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

124/ Matthew T. Zerngast &
125 Rebecca A. Zerngast
& Benjamin A. Zerngast

6-5
LT. 2, 3

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats,

page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 2 of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 3 of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

126 Neal E. Kane

G-5
LT. 4,5

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of both the centerline of said right-of-way and between the Northeasterly extensions of the Northwesterly line of Lot 5 and the Southeasterly line of Lot 4 of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

127 Elmer L. Curry

G-5
LT. 6

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 6 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

128 Patrick L. Brown

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway

6-5
LT. 7

(as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 7 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

129 James T. Jones & Ann M. Jones

6-5
LT. 8

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 8 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

136 Robert Jonkheer

6-5
LT. 16

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 16 of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

137

Peter Beverstock & Viola Beverstock

6-5
LT. 17

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Tract 17 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

- 138 Nancy D. Greenstreet
6-5
LT. 18, 19
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly line of Lot 19 and the Southeasterly line of Lot 18 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.
- 139 James A. Carlsen & Lynn M. Carlson
6-5
LT. 20
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the Northwesterly and Southeasterly lines of Lot 20 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.
- 140 Willard M. Hendrickson & Ida M. Hendrickson
6-5
LT. 21, 22
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of the Northwesterly line of Lot 22 and the Southeasterly line of Lot 21 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.
- 141 Dee Anne Essary
6-5
LT. 23
- That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between the Northeasterly extensions of both the

Northwesterly and Southeasterly lines of Lot 23 of said plat; EXCEPT that portion thereof, if any, lying within a County road right-of-way.

142 Darlene Hamburg
6-5
LT. 24
Ptn. Rd.

That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of both the centerline of said right-of-way and between the Northeasterly extensions of the Southeasterly line of Lot 24 and the centerline of an unnamed roadway lying between Lot 24 and Tract "B" of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

143 State of Washington
6-5
LT. B
36-34-4
Map 3
4/30

Parcel "A"
That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railway (as originally conveyed to the Seattle Lake Shore and Eastern Railway), adjoining the Plat of "West View, Replat of Block 40, Montborne, Skagit County, Washington," as per plat recorded in Volume 6 of Plats, page 5, records of Skagit County, Washington, that lies Westerly of the centerline of said right-of-way and between both the Easterly extension of the North line of Tract "B" and the Northeasterly extension of the centerline of an unnamed roadway lying between Lot 24 and Tract "B" of said plat; EXCEPT that portion thereof, if any, lying within a county road right-of-way.

Parcel "B"
That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., which lies Westerly of the centerline of said right-of-way and between the Easterly extensions of both the North and South lines of the South 165 feet of said subdivision; EXCEPT that portion thereof lying within the County road right-of-way established by that certain easement recorded April 10, 1979, as Auditor's File N. 7904100016.

144 Alex Von Cube
36-34-4
Map 3
4/30

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East

W.M., lying Easterly of the centerline of said right-of-way and Southeasterly of the Southeasterly line of that certain portion of said right-of-way granted to Skagit County for a road easement by Easement recorded April 10, 1979, as AF #7904100016.

145 Gary L. Hanson &
Linda S. Hanson

36-34-4
4/29 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Gary L. Hanson, et ux, by deed recorded May 31, 1989, as AF #8905310040; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9; ALSO EXCEPT that portion thereof, if any, lying within that certain easement granted to Skagit County by easement recorded April 10, 1979, as AF #7904100016.

146 Jerry S. Rothweiler
& Betty R. Rothweiler

36-34-4
4/2 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Jerry S. Rothweiler, et ux, by deed recorded May 10, 1983, as AF # 8305100088; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

147 Mark Mauden & Elizabeth Mauden

36-34-4
4/28 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Mark Mauden, et ux, by deed recorded June 21, 1989, as AF #8906210042; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

148 Harry Wilcox &
Inga Britt Wilcox

36-34-4
4/24-27
map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract sold to Harry Wilcox, et ux, by contract recorded November 14, 1979, as AF #7911140024; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

149, Patrick L. Loughlin
150 & Christine Loughlin
151

36-34-4
map 3 4/1

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36-34-4
4/20 map 3

That portion of the 100 foot wide railroad right-of way, commonly known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Patrick J. Loughlin, et ux, by Deed recorded 10/12/82 as AF #8210120026; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

That portion of the 100 foot wide railroad right-of way, commonly known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Patrick J. Loughlin, et ux, by Deed recorded 12/7/77 as AF #869965; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

That portion of the 100 foot wide railroad right-of way, commonly known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Patrick J. Loughlin, et ux, by Deed recorded 9/20/74 as AF #807619; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

152 Richard L. Moe
& Dorothy D. Moe

36-34-4
4/19
map 3

That portion of the 100 foot wide railroad right-of way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract sold to Richard L. Moe, et ux, by contract recorded October 2, 1962, as AF #626957; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

153 Bruce L. Shellhamer
& Teresa A. Shellhamer

36-34-4
4/4
map 3

That portion of the 100 foot wide railroad right-of way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Bruce L. Shellhamer, et ux, by deed recorded March 21, 1983, as AF #8303210002; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

- 154 Jerry D. Jewett & Betty J. Jewett
36-34-4
4/18
map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract sold to Jerry D. Jewett, et ux, by instrument recorded June 23, 1978, as AF #882063; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 155 Arthur P. Poorte & Antonia Voorde Poorte
36-34-4
4/17
map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Arthur P. Voorde Poorte, by deed recorded November 24, 1975, as AF #826552; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 156/ Neil Louis Willey
36-34-4
4/16
map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Neil Willey, et ux, by deed recorded July 18, 1978, as AF #883718; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 157 Neil Louis Willey James R. Patterson & Linda L. Patterson
36-34-4
4/15
map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to James R. Patterson, et ux, by deed recorded April 29, 1983, as AF #8304290034; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 158/ James R. Patterson & Linda L. Patterson
36-34-4
4/3
map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to James R. Patterson, et ux, by deed recorded April 29, 1983 as AF #9003080026; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

- 164 Charles B. Schaffer & Linida Schaffer
 36-34-4
 4/12, 12.6
 T.C.D 48-73
 4/12.9 map 3
 That portion of the 100 foot wide railroad right-of-way commonly known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract described as Parcel "A" on that certain Deed recorded October 11, 1989, as AF #8910110072, wherein the grantee was Palma Linida Schaffer; EXCEPT that portion thereof, if any, lying within the existing, as built right-of-way of State Highway 9.
- 165 Stephen J. Ruhl & Janet M. Ruhl
 4/12.1, 12.3,
 12.5 map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract sold to Stephen J. Ruhl, et ux, by contract recorded November 8, 1976, as AF #845643; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 166 Michael F. Kerwick & Cathi P. Kerwick
 36-34-4
 4/6 map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract sold to Michael F. Kerwick, et ux, by contract recorded October 30, 1980, as AF #8010300056; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 167 Donald P. Wesen & Vicki J. Wesen
 36-34-4
 4/6.1 map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Donald P. Wesen, et ux, by deed recorded december 15, 1976, as AF #847546; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.
- 168/ Betty J. Smaby
 169 36-34-4
 4/9, 10, 11 map 3
 That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract, conveyed to Lloyd G. Smaby, et ux, by deed recorded May 5, 1964, as AF #650126; EXCEPT that portion thereof, if any, lying

36-34-4
4/14 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to James R. Patterson, et ux, by deed recorded April 24, 1985, as AF #8504240025; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

160 William Earl Clinger & Ruth E. Clinger
36-34-4
4/13 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to William Earl Clinger, et ux, by deed recorded June 13, 1989, as AF #8906130018; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

161 Elmer A. Thompson & Gwen H. Thompson
36-34-4
4/12.2 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Elmer A. Thompson, et ux, by deed recorded January 20, 1976, as AF #829959; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

Barley #828959

162 Randy C. Merritt & Beth A. Merritt
36-34-4
4/12.4 map 3

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Randy C. Merritt, et ux, by Deed recorded 5/20/85 as AF #8505200006; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

163 Neil P. Hansen & Freida Hansen
36-34-4
4/12, 12.6
T. O. D. SP#
48-73
-map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Neil P. Hansen, et ux, by deed recorded December 27, 1988, as AF #8812270030; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

within the existing, as-built right-of-way of State Highway 9.

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Lloyd G. Smaby, et ux, by deed recorded January 1, 1966, as AF #678025; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

170 Frank R. Nelson
& Maxine V. Nelson

36-34-4
2/8 map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Frank R. Nelson, et ux, by contract recorded September 13, 1957, as AF #556068; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

171 Richard D. Benston
& Janice M. Benston

36-34-4
map 3
4/5

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to Richard D. Benston, et ux, by deed recorded January 11, 1965, as AF #680711; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

172 Marguerita Ammeter

36-34-4
4/7
map 3

That portion of the 100 foot wide railroad right-of-way known as the Northern Pacific Railroad, in the Southeast 1/4 of Section 36, Township 34 North, Range 4 East W.M., lying between the Easterly extensions of both the North and South lines of that certain tract conveyed to John Ammeter, by deed recorded August 24, 1943, as AF #364978; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway 9.

173 Robert J. Young

4-49
L.T. 80

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Easterly extensions of the North and South lines of

that certain tract conveyed to Robert J. Young, et ux, by Deed recorded April 7, 1987, as AF #8704070025; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

174/ Richard A. Weyrich
175 Babetta R. Spinelli

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Easterly extensions of the North and South lines of that certain tract conveyed to Richard A. Weyrich, et ux, by Deed recorded March 30, 1990, as AF #9003300113; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

4-49
LT. 76, *81, 77
78, 79

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Northeasterly extensions of the Northwesterly and Southeasterly lines of that certain tract conveyed to Richard A. Weyrich, et ux, et al, by Deed recorded October 6, 1988, as AF #8810060058; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

176 Timothy Albrecht
& Todd Albrecht

4-49
item 1, (ptn. 74)
LT. 75

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Northeasterly extensions of the Northwesterly and Southeasterly lines of that certain tract conveyed to Timothy Albrecht, et al, by Deed recorded August 17, 1983, as AF #8308170010; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

177 James C. Hanson
& Voyce A. Hanson

4-49
item 2 (ptn. 74)

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit

County, Washington, lying between the following described lines: The Northeasterly extension of the Southerly line of that certain tract conveyed to James C. Hanson, et ux, by deed recorded August 20, 1980, as AF #8008200015 and a line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of Lot 74 of said plat; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

178 Bob E. Knight &
Bonnie E. Knight

4-49
LT. 73, 9
Item 2 (ptn. 74)

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Easterly extension of the Northerly line of Lot 73 of said plat and a line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of Lot 74 of said plat; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

179 Carl Crisp &
Grace Crisp

4-49
LT. 41

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Easterly extension of the Southerly line of Lot 41 of said plat and a line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of said Lot 41; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

180 Christopher Bouey &
Dorcas Bouey

4-49
item 1
T.A. 'SPT# 17-76
(xpt. 27, 28, 29)

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: A line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of Lot 41 of said plat and a line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of Lot 27 of said plat; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.

- 181 Edward Wardell & Gail Wardell
4-49
LT. 22, item 2 (ptn. 25)
26, 33, ptn. 56

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: A line drawn at right angles to the centerline of said right-of-way through the Northerlymost corner of Lot 27 of said plat and a line drawn at right angles to the centerline of said right-of-way through the midpoint of the Northeasterly line of Garden Street as delineated on said plat; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.
- 182 John F. Govern & Virginia M. Govern
4-49
1-4

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the Easterly line of the "Plat of Cheasty's Big Lake Tracts, Skagit County, Washington," as per plat recorded in Volume 4 of Plats, page 49, records of Skagit County, Washington, lying between the following described lines: The Easterly extension of the Northerly line of Lot 1 of said plat and a line drawn at right angles to the centerline of said right-of-way through the mid-point of the Northeasterly line of Garden Street as delineated on said plat; EXCEPT that portion thereof, if any, lying within the right-of-way of State Highway No. 9.
- 183 Big Lake Limited Partnership
5-2
LT. 24-29

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the East line of "Plat 1, Lakeview Tracts, Big Lake, Skagit Co., Wash.", as per plat recorded in Volume 5 of Plats, page 2, records of Skagit County, Washington, that lies between the following described lines: The Easterly extension of the South line of Lot 29 of said plat and the Northeasterly extension of the Northwesterly line of Lot 24 of said plat; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway No. 9.
- 184/185 Ralph C. Lindbloom & Margaret Lindbloom
5-2
LT. 23, 22

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the East line of "Plat 1, Lakeview Tracts, Big Lake, Skagit Co., Wash.", as per plat recorded in Volume 5 of Plats, page 2, records of Skagit County, Washington, that lies between the following described lines: The Northeasterly extensions of both the Southeasterly and Northwesterly lines of Lot 23 of said plat; EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway No. 9.

That portion of the 100 foot wide railroad right-of-way, commonly known as the Northern Pacific Railway, adjoining the East line of "Plat 1, Lakeview Tracts, Big Lake, Skagit Co., Wash.", as per plat recorded in Volume 5 of Plats, page 2, records of Skagit County, Washington, that lies between the following described lines: The Northeasterly-extension of the Southeasterly line of Lot 22 of said plat and the North line of Section 36, Township 34 North, Range 4 East W.M., EXCEPT that portion thereof, if any, lying within the existing, as-built right-of-way of State Highway No. 9.