

ADELSTEIN, SHARPE & SERKA LLP
ATTORNEYS AT LAW

STEVEN P. ADELSTEIN
PHILIP E. SHARPE, JR.
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JEFFREY P. FAIRCHILD
MITCHELL G. FABER
DANA C. QUAM

direct e-mail: pserka@adelstein.com

via U.S. Mail

February 26, 2004

Carole J. Washburn
Office of the Secretary
Washington Utilities and Transportation Commission
1300 S. Evergreen Park Drive SW
P. O. Box 47250
Olympia, Washington 98504-7250

RECEIVED
RECORDS MANAGEMENT
04 FEB 27 AM 9:39
STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

**Re: In re Matter of Blaine-Bay Refuse, Inc.
Motion to Amend Commission Order M.V.G. No. 656**

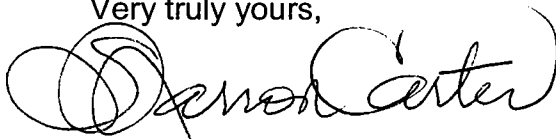
Dear Ms. Washburn:

Enclosed for filing are an original and nineteen (19) copies of the following documents:

- (1) Re: Blaine-Bay Refuse, Inc.'s Supplemental Memorandum in Regard to the Motion to Amend Order M.V.G. No. 656
- (2) Motion to Supplement the Record

Please conform a copy of each and return it to me in the enclosed self-addressed, stamped envelope. Thank you for your assistance in this matter.

Very truly yours,



Sharron Carter, Legal Assistant
to Attorney Philip A. Serka

/sc

Enclosures

- cc: Judge Karen M. Caillé
- Polly McNeill
- Don Trotter
- Larry McCarter
- Jim Sands

blaine-bay/lt WUTC 2-24-04

RECEIVED
RECORDS MANAGEMENT

04 FEB 27 AM 9:39

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In Re Matter of
Blaine-Bay Refuse, Inc.
Motion to Amend Commission
Order M.V.G. No. 656

**RE: BLAINE-BAY REFUSE,
INC.'S SUPPLEMENTAL
MEMORANDUM IN REGARD TO
THE MOTION TO AMEND
ORDER M. V. G. No. 656**

**I.
IDENTITY AND ADDRESS OF MOVING PARTY**

Blaine-Bay Refuse, Inc. ("Blaine-Bay") is the moving party. Their address is 4916 LaBounty Place, Ferndale, WA 98248.

**II.
STATEMENT OF AUTHORITY**

The motion is based on authority set forth in RCW 81.04.200, WAC 480-09-820(1), WAC 480-09-815.

**III.
SUPPLEMENTAL AUTHORITY**

Blaine-Bay Refuse, Inc. has previously filed a motion to amend Order M.V.G. No. 656 dated October 28, 2003 together with Declaration of Gary D. Gifford and Memorandum of Authority in Support of Motion to Amend Order

RE: SUPPLEMENTAL MEMORANDUM IN REGARD TO
MOTION TO AMEND ORDER M. V. G. NO. 656
Page 1 of 6

ORIGINAL

1 M.V.G. No. 656. This memorandum is intended to supplement the
2 memorandum of authority previously filed by Blaine-Bay Refuse, Inc.
3

4 **1. The Blaine-Bay Service Area described in Order M.V.G. No. 656**
5 **should be interpreted to include the "Point Whitehorn" area and/or**
6 **amended to include the Point Whitehorn area as a part of Blaine-Bay**
7 **service area.**

8 (a) The Blaine-Bay Service Area described in Order M.V.G. No. 656
9 includes the Point Whitehorn area.

10 Washington Utility Transportation Commission personnel have mapped
11 Blaine-Bay service area to not include the Point Whitehorn area in its existing
12 service area. Attached as Exhibit "A" to this supplemental memorandum is the
13 map of the Blaine-Bay service area which omits the entire Point Whitehorn area.
14 Blaine-Bay contends that Order M.V.G. No. 656 grants the entire Point
15 Whitehorn area as a part of the Blaine-Bay service area. (See Exhibit "A") The
16 Order M.V.G. No. 656 defines the boundaries of the service area as roads
17 except where it pertains to the Point Whitehorn area. The pertinent part of the
18 order states that the service area begins at Grandview Road and "thence west
19 on the Grandview Road extended to Point Whitehorn." Thus, the southerly line
20 of the Blaine-Bay service area is Grandview Road extended to Point Whitehorn.
21 (See Exhibit "A") Thus, the Blaine-Bay service area encompasses the Point
22 Whitehorn area. The order then proceeds to state that from "Point Whitehorn
23 the service area thence is north on Birch Bay Drive to Birch Point Road." Thus,
24 the service area encompasses the entire Point Whitehorn area. Interpreting the
25
26

27 RE: SUPPLEMENTAL MEMORANDUM IN REGARD TO
28 MOTION TO AMEND ORDER M. V. G. NO. 656
Page 2 of 6

1 Order M.V.G. No. 656 established a boundary which excluded waterfront
2 properties from being serviced by Gifford. Order M.V.G. No. 656 should be
3 amended to include within the Blaine Bay service area those waterfront
4 properties abutting the water bodies of Birch Bay, Drayton Harbor, Point
5 Whitehorn, and Semiahmoo in order to conform with the evidence that
6 established the need for service in 1973.
7

8 **3. The Washington Utility Transportation Commission has the authority**
9 **to amend the Order M.V.G. No. 656.**

10 RCW 81.04.210 and WAC 480-09-815(1) grant the Commission the
11 authority to amend any order which it has entered, after notice and an
12 opportunity to be heard by the affected parties. RCW 81.04.210 and WAC 480-
13 09-815. The Washington Administrative Code and the statutes do not limit the
14 Commission's discretion to amend previously entered order. Nevertheless,
15 Blaine-Bay has provided numerous reasons for the Commission to amend the
16 previously entered order to extend Blaine-Bay service area to include all
17 waterfront lands in Birch Bay.
18

19 Gary D. Gifford and successors believed that the order granted the
20 authority to provide refuse collection service to all lands of Birch Bay including
21 the waterfront and has been providing this collection service for the last thirty one
22 (31) years. At the time Gary D. Gifford began servicing the area, his was the
23 only refuse collection service provider in the area.
24

25 **4. The Commission has the authority to amend the order pursuant to**
26 **RCW 81.04.200.**

27 RE: SUPPLEMENTAL MEMORANDUM IN REGARD TO
28 MOTION TO AMEND ORDER M. V. G. NO. 656
Page 4 of 6

1
2 The Commission has the authority to amend a prior order based upon
3 "change conditions since the issuance of such order, or by showing result
4 injuriously affecting the Petitioner which was not considered, or anticipated at the
5 former hearing, or that the affect of such order has been such as it was not
6 contemplated by the Commission or the Petitioner, or for any good and sufficient
7 cause which for any reason was not considered and determined at such former
8 hearing." See RCW 81.40.200. It is Blaine-Bay's contention that the
9 Commission intended to grant Blaine-Bay authority to service the waterfront
10 property in Birch Bay area consistent with the evidence of need submitted at the
11 hearing on the initial Gifford request. Furthermore, Blaine-Bay contends that the
12 Commission did not anticipate that the final order granting Gifford authority
13 prohibited him from servicing parts of properties owned by an owner abutting the
14 waterfront. For example, Gifford demonstrated a need to provide refuse
15 collection service to Birch Bay State Park, which includes waterfront property.
16 However, the order technically precluded him from providing the service to the
17 part of the Park located on the waterfront separated from the remainder of the
18 Park by Birch Bay Drive. It was not the intent of the Commission to create a
19 situation of precluding needed service on the waterfront property of Birch Bay.
20
21

22 **5. Gifford and successor company, Blaine-Bay, believed that the order**
23 **granted the authority to provide refuse collection service to the properties**
24 **located on both sides of a road, which road abuts a water body.**

25 Gary D. Gifford and Blaine-Bay have provided a much needed refuse
26 collection service for those properties abutting the water bodies of Birch Bay,
27

28 RE: SUPPLEMENTAL MEMORANDUM IN REGARD TO
MOTION TO AMEND ORDER M. V. G. NO. 656
Page 5 of 6

1 Point Whitehorn, Birch Point, and Semiahmoo Bay, since the order was entered
2 in 1973. Blaine-Bay has always believed that their service area overlapped with
3 Sanitary Service Company's service area in regard to those properties abutting
4 the water in Birch Bay. The Commission has the power to amend the prior
5 order, to right this wrong, and extend Blaine-Bay's service area to include those
6 properties abutting the water on Birch Bay.
7

8
9 **IV.
CONCLUSION**

10 Based on the aforementioned reasons, Blaine-Bay Refuse, Inc. would
11 respectfully request that its motion be granted and that the Commission amend
12 Order M.V.G. No. 656 to change the service area upon which Blaine-Bay
13 Refuse, Inc. has authority to provide solid waste disposal service to include
14 those properties "in Birch Bay abutting water bodies of Birch Bay, Drayton
15 Harbor, Point Whitehorn, and Semiahmoo as set forth in Exhibit "A" to Blaine-
16 Bay Refuse, Inc.'s Memorandum of Authority. In addition, Blaine-Bay request
17 the Commission to rule that Blaine-Bay service area as defined in existing Order
18 M.V.G. No. 656 includes the Point Whitehorn area.
19

20 DATED this 20 day of February, 2004.

21 Respectfully submitted,

22 ADELSTEIN, SHARPE & SERKA LLP

23
24 By: 

25 Philip A. Serka, WSBA #6814
26 of Attorneys for Blaine-Bay Refuse, Inc.

27 Blaine-Bay Refuse, Inc. supplemental authority memo 2-17-04

28 RE: SUPPLEMENTAL MEMORANDUM IN REGARD TO
MOTION TO AMEND ORDER M. V. G. NO. 656
Page 6 of 6


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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by mailing, properly addressed with first class postage prepaid to Attorney for Protestant:

Polly L. McNeill
Summit Law Group PLLC
315 Fifth Ave South, Suite 1000
Seattle, WA 98104-2682

DATED this 26 day of February, 2004.



Sharron Carter

Blaine-Bay Refuse, Inc. cert of service 2-24-04

EXHIBIT "A"

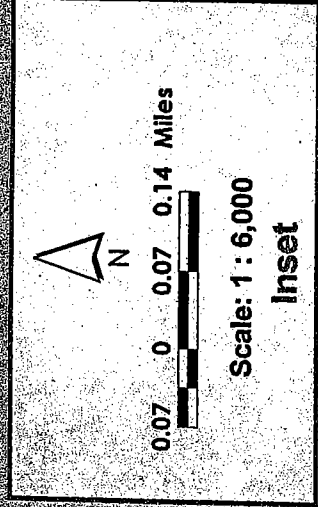
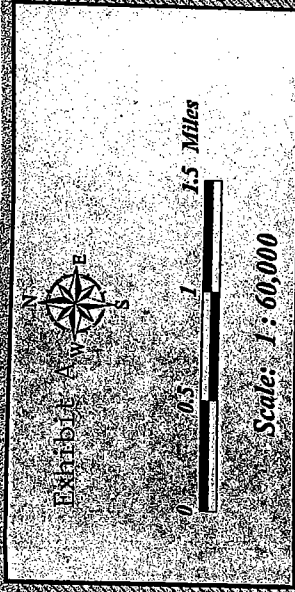
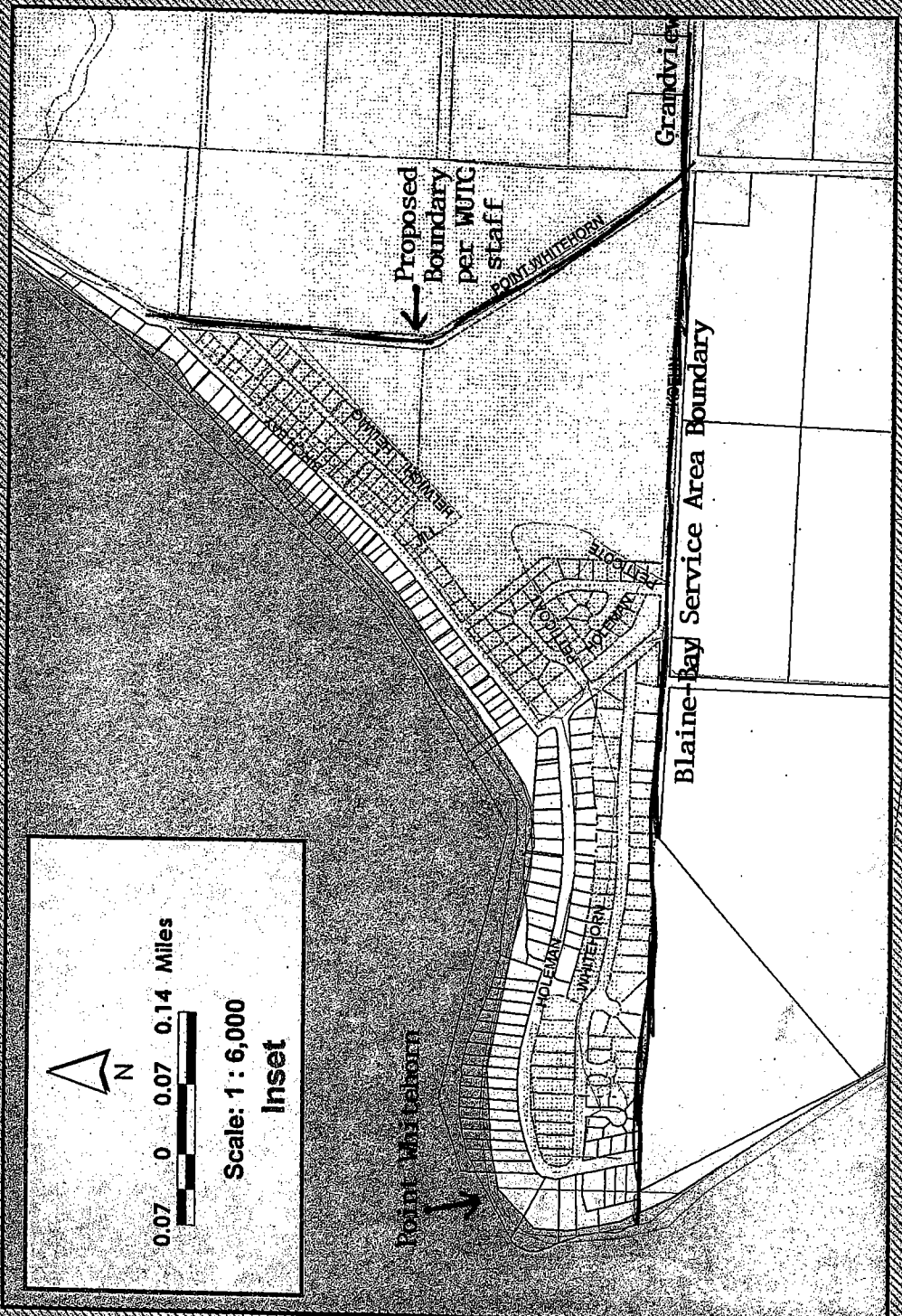


Exhibit "B"

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**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In Re Matter of
Blaine-Bay Refuse, Inc.
Motion to Amend Commission
Order M.V.G. No. 656

**DECLARATION OF
JAMES SANDS**

I, JAMES SANDS, declare as follows:

That I am Vice President of Blaine-Bay Refuse, Inc.


Attached as Exhibit 1 to the declaration is a map that identifies the location of the various individuals that testified at the Gary D. Gifford 1973 public hearing on the need for refuse collection service in the Birch Bay area.

Attached as Exhibit 2 are the deeds of the individuals that spoke at the 1973 public hearing. Each witness owned waterfront property and tidelands that are bisected from the remainder of their property by roads except for Yates, who lived in Birch Bay Village and testified to the need for refuse collection service in the Birch Bay Village development.

DECLARATION OF JAMES SANDS
Page 1 of 2

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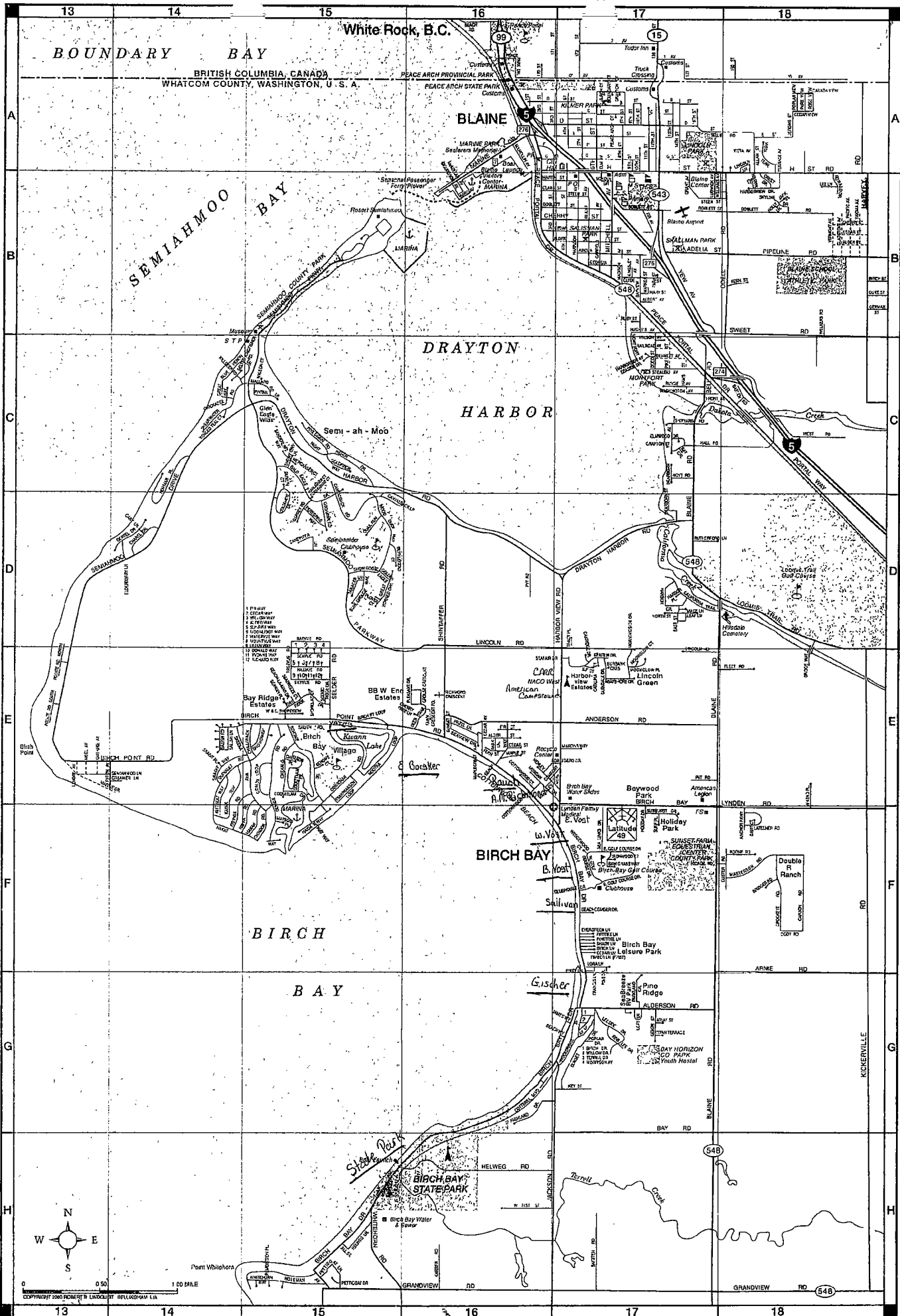
DATED this 23rd day of FEBRUARY, 2004.



JAMES SANDS

Blaine-Bay Refuse, Inc. Declaration of JAMES SANDS 2-20-04

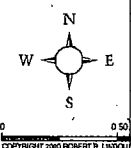
DECLARATION OF JAMES SANDS
Page 2 of 2

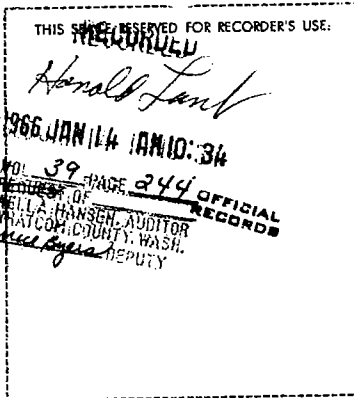


INDEX

| Grid | Lot/Block | Grid | Lot/Block |
|------|-----------|------|-----------|
| A | 13-14 | A | 17-18 |
| B | 13-14 | B | 17-18 |
| C | 13-14 | C | 17-18 |
| D | 13-14 | D | 17-18 |
| E | 13-14 | E | 17-18 |
| F | 13-14 | F | 17-18 |
| G | 13-14 | G | 17-18 |
| H | 13-14 | H | 17-18 |

Numbered Index (Detailed list of lots and blocks follows in a similar grid format)





1009204 Vogh

Filed for Record at Request of

Name Harold Lent
Address 215 Mason Bldg
City and State Bellingham

1009204

Form 467- 1-REV

Statutory Warranty Deed

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

~~in and to~~ conveys and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington:

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W.M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning, LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

JAN 14 1966 07 540 - DE REC 000

Dated this 5th day of January, 1966. HUGH CORY, Notary Public

Anna Charlotte Vogt (SEAL)

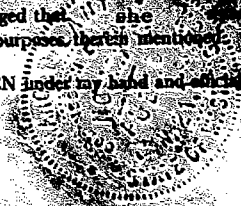
..... (SEAL)

STATE OF WASHINGTON, }
County of Whatcom } ss.

On this day personally appeared before me ANNA CHARLOTTE VOGT

to me known to be the person described in and who executed the within and foregoing instrument, and acknowledged that she executed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and seal this 5th day of January, 1966.



Harold Lent
Notary Public in and for the State of Washington,
residing at Bellingham.

VOL 39 PAGE 244

Wright



981948

THIS SPACE RESERVED FOR RECORDER'S USE.

Mr. Fleason

1965 FEB 11 PM 3:46

VOL. 24 PAGE 192

REQUEST OF
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
James Cyers DEPUTY

OFFICIAL RECORD

Fleason

981948

Filed for Record at Request of

Name _____

Address _____

City and State _____

Statutory Warranty Deed

Form 487- 1-REV

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

~~her and~~ conveys and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, Washington, State of

h.

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W. M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21°2' East, 456 feet; thence South 71°28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning; LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

FEB-11-65 \$535.2 -- DExcTax 0.00

Dated this 24th day of December, 1964

Anna Charlotte Vogt

STATE OF WASHINGTON,

County of Whatcom

ANNA CHARLOTTE VOGT

Witness my hand and seal this 24th day of December, 1964.

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

[Signature]

Vogt



THIS SPACE RESERVED FOR RECORDER'S USE.

RECORDED

Mr. Fleason

1965 FEB 11 PM 3:46

VOL 24 PAGE 193

OFFICIAL RECORDS

WILLA HANSEN, AUDITOR
WALLA WALLA COUNTY, WASH.
James E. [unclear] DEPUTY

Filed for Record at Request of

Name.....

Address.....

City and State.....

Statutory Warranty Deed

Form 457- 1-REV

THE GRANTOR , ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

doth hereby convey and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington:

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W. M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning; LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

FEB 11 1965

Dated this 25th day of January, 1965.

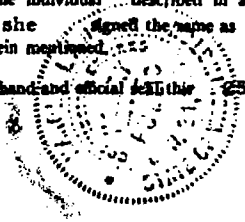
Anna Charlotte Vogt (SEAL)

STATE OF WASHINGTON, }
County of Whatcom }

On this day personally appeared before me ANNA CHARLOTTE VOGT

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25th day of January, 1965



[Signature]
Notary Public in and for the State of Washington,
residing at Bellingham.

VOL 24 PAGE 193

984168

Statutory Warranty Deed

Vogt

RECORDED

WHATCOM CO. TITLE CO.
1965 MAR 26 PM 3:18

VOL 25 PAGE 74
OFFICIAL RECORDS
WELLA HANSEN, ADDIT.
WHATCOM COUNTY, WASH.

Shelby...

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to *Wm Simonson*
Box 631
Lynden

Send Tax Statement to

2.72

984168

FORM L58

Statutory Warranty Deed

THE GRANTOR S, Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection

in hand paid, conveys and warrants to William Otto Vogt

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of Land in Govt Lot 1, Section 30, Township 40 North, Range 1 East W.M. described as follows:

Beginning at a point on the west line of said Govt Lot 1. 602.24 feet south of the northwest corner of said Section 30 thence east, 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence north 66° 47' East, 141.43 feet; thence south 28° 27' East, 160.37 feet; thence south 61° 56' 30" West, 224.9 feet, more or less, to the easterly line of Drayton Harbor Road; thence northwesterly along the Easterly line of Drayton Harbor Road, 191.2 feet, more or less, to the true point of beginning.

012470

MAR-26-65 71384 -Excise 0.00

PAID HUGH CORY, TREAS.
Dated this 22nd day of March, 1965.

STATE OF WASHINGTON, } ss.
County of Whatcom

Sarah Elizabeth Vogt (SEAL)
Earl Witherow Vogt (SEAL)
William Otto Vogt (SEAL)

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, and William Otto Vogt and Earl Witherow Vogt, being all of the children of Sara Elizabeth Vogt to me known to be the individuals described in and who executed the within and for-going instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.



GIVEN under my hand and official seal this 22nd day of March, 1965.

Einar Simonson
Notary Public in and for the State of Washington,
residing at Lynden.

VOL 25 PAGE 741

984167

Statutory Warranty Deed

Vogt

RECORDED

WHATCOM CO. TITLE CO.

1965 MAR 26 PM 3: 18

VOL 25 PAGE 740
REQUEST OF: OFFICIAL RECORDS
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
Wella Hansen DEPUTY

WASHINGTON
TITLE INSURANCE
COMPANY

SEATTLE WASHINGTON

Mail to *Ed Simonson*

Ed Simonson

Send Tax Statement to

2.20

984167

FORM L88

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, WILLIAM OTTO VOGT and EARL WITHEROW VOGT, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection

in hand paid, conveys and warrants to WILLIAM OTTO VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East W.M., described as follows:

Beginning at a point on the west line of said Govt Lot 1, 362.38 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence south 45° 01' East, 69.00 feet; thence south 38° 51' 30" East, 38.30 feet; thence south 28° 27' East, 120 feet; thence south 66° 47' West, 141.43 feet to the east line of Drayton Harbor Road; thence North, parallel to and 30 feet east of the West line of said Govt Lot 1, 239.86 feet to the true point of beginning.

009437

MAR-26-65 7 1 3 0 3 - D Exc Tax 0.00

PAID

HUGH GORY
TREAS

Dated this

22nd

day of March, 1965.

Sarah Elizabeth Vogt (SEAL)

Earl Witherow Vogt (SEAL)

William Otto Vogt (SEAL)

STATE OF WASHINGTON,

County of Whatcom

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Witherow Vogt

to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the purposes therein contained.

I, *Ed Simonson*, County Clerk and official seal this 22nd day of March, 1965.

Ed Simonson

County Clerk in and for the State of Washington,
Residing at Lynden.

VOL 25 PAGE 740

Statutory Warranty Deed

Vogt

WHATCOM CO. TITLE
1965 MAR 26 PM 3:18
VOL 25 PAGE 739
OFFICIAL RECORDS
RECORDED
BY LA FARRER & PHILIP
WASHINGTON COUNTY CLERK
Charles [unclear]

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to *Wm. Lawrence*
Box 631
Spokane
Send Tax Statement to

984164

FORM L58

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, WILLIAM OTTO VOGT and EARL WITHEROW VOGT, being all of the children of Sarah Elizabeth Vogt

for and in consideration of love and affection

in hand paid, conveys and warrants to EARL WITHEROW VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East, W.M., described as follows:
Beginning at a point on the west line of said Govt Lot 1, 181.65 feet south of the northwest corner of said Section 30, thence east 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence south 39° 43' east, 171.50 feet; thence south 19° 04' East, 198.67 ft; thence south 66° 37' 20" West, 178.19 ft; thence North 38° 51' 30" West, 38.30 ft; thence north 45° 01' West, 69.00 feet to the east line of Drayton Harbor Road; thence north, parallel to and 30 feet east of the west line of said Govt Lot 1, 180.73 feet to the true point of beginning.

013508

MAR 26 65 0.00

PAID HUG...

Dated this 22nd day of March, 1965.

Sarah Elizabeth Vogt (SEAL)
William Otto Vogt (SEAL)
Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON, }
County of Whatcom }

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Vogt, being all of the children of Sarah Elizabeth Vogt to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Under my hand and official seal this 22nd day of March, 1965.

Statutory Warranty Deed

Handwritten initials

1966 MAR -8 AM 11:24
VOL 41 PAGE 686 OFFICIAL RECORDS
James Byers

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to
Send Tax Statement to

FORM L58

Statutory Warranty Deed

THE GRANTOR S, SARAH ELIZABETH VOGT, a widow, and EARL WITHEROW VOGT

for and in consideration of Love and affection

in hand paid, conveys and warrants to WILLIAM OTTO VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East, W.M., described as follows:
Beginning at a point on the West line of said Govt Lot 1, 602.24 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road; thence North 66° 47' East, 141.43 feet; thence south 28° 27' East, 160.37 feet to the true point of beginning; Thence south 28° 27' East, 735.49 feet to the south line of said Govt Lot 1; thence North 89° 37' 42" West 305.6 feet, more or less, to the northeasterly line of Birch Bay Drive; thence northwesterly, along the northeasterly line of Birch Bay Drive and the northeasterly line of Drayton Harbor Road, 583.5 feet, more or less, to a point that bears south 61° 56' 30" West of the true point of beginning; thence North 61° 56' 30" East, 224.9 feet, more or less, to the true point of beginning.

PAID

Dated this 28th day of February, 1966.

Sarah Elizabeth Vogt (SEAL)
Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON,
County of Whatcom

Manners Cove
016457

W. P. M.
054356

1209629

QUIT CLAIM DEED

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow, for and in consideration of love and affection, conveys and quit claims to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington, including any after acquired title:

The following described tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W. M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the rightof way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning, LESS road.

EXCEPTING THEREFROM that part thereof described as follows:

Commencing on the Northerly line of said Government Lot 2, a distance of 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 02' 00" East, 459.13 feet; thence South 71° 28' 00" West 226.79 feet to the point of beginning;

Thence North 01° 08' 33" West, 85.74 feet;

Thence North 19° 14' 51" West, 83.49 feet;

Thence South 72° 42' 52" West, 196.45 feet more or less to the

Northeasterly right of way line of Birch Bay Drive;

Thence Southeasterly along said Northeasterly line to a point that bears South 71° 28' 00" West of the point of beginning;

Thence North 71° 28' 00" East, 163.36 feet more or less to the point of beginning.

RECORDED
Done Melinda
MAR 3 2 58 PM '76
VOL 344 PAGE 344
REGISTRY
COUNTY OF WHATCOM
STATE OF WASHINGTON

TOGETHER WITH all second class tidelands abutting on or in front of the real estate hereby conveyed.

This deed is executed and delivered for the purpose of correcting and describing more specifically the tract of real estate excepted from the deeds recorded under Whatcom County Auditor's File Nos. 981948, 981949 and 1000204, and reserved to the Grantor thereunder.

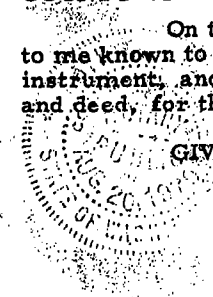
DATED this 2nd day of March, 1976.

Anna C. Vogt

STATE OF WASHINGTON)
COUNTY OF WHATCOM)^{ss.}

On this day personally appeared before me ANNA CHARLOTTE VOGT to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2nd day of March, 1976.



[Signature]
Notary Public in and for the State of Washington, residing at Bellingham.



SAFECO TITLE INSURANCE COMPANY
 1108 SECOND AVENUE · SEATTLE, WASHINGTON 98101 · 623-0279

Filed for Record at Request of

NAME Abbott, Lant & Fleeson
 ADDRESS 215 Mason Building
 CITY AND STATE Bellingham, Wa.

THIS SPACE RESERVED FOR RECORDER'S USE
 RECORDED
 MAR 3 2 57 PM '76
 VOL 280 PAGE 345
 REQUEST FOR
 WELLA HANSEN, AUDITOR
 WHATCOM COUNTY, WASH.
 DEPUTY

1209630

Quit Claim Deed

03653

THE GRANTOR, ROBERT C. VOGT and ANNE V. VOGT, husband and wife,

for and in consideration of love and affection

convey and quit claim to ANNA CHARLOTTE VOGT, a widow

the following described real estate, situated in the County of Whatcom
 State of Washington, including any after acquired title:

That part of Government Lot 2, Section 30, Township 40 North, Range 1
 East, W. M., Whatcom County, Washington, described as follows:

Commencing on the Northerly line of said Government Lot 2, a
 distance of 1935.2 feet West of the Northeast corner of the South-
 east Quarter of the Northwest Quarter of said Section 30; thence
 South 21°02'00" East, 459.13 feet; thence South 71°28'00" West,
 226.79 feet to the point of beginning;

Thence North 01°08'33" West, 85.74 feet;

Thence North 19°14'51" West, 83.49 feet;

Thence South 72°42'52" West, 196.45 feet more or less to the North-
 easterly right of way line of Birch Bay Drive;

Thence Southeasterly along said Northeasterly line to a point that bears
 South 71°28'00" West of the point of beginning;

Thence North 71°28'06" East, 163.36 feet more or less to the point of beginning.

TOGETHER WITH all second class tidelands abutting on or in front of the real estate
 hereby conveyed.

This deed is executed and delivered for the purpose of correcting and describing more
 specifically the tract of real estate excepted from the deeds recorded under Whatcom
 County Auditor's File Nos 981948, 981949 and 1000204, and reserved to the Grantor
 thereunder.

DATED This 2nd day of March, 1976, *Robert C. Vogt* (SEAL)
 STATE OF WASHINGTON, *Anne V. Vogt*

County of Whatcom

On this 2nd day of March, 1976, before me, the undersigned,

a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared
 ROBERT C. VOGT and ANNE V. VOGT,

to me known to be the individuals described in and who executed the foregoing instrument, and acknowl-
 edged to me that they signed and sealed this said instrument as their free and voluntary act and
 deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2nd day of March, 1976.



Dorothy [Signature]
 Notary Public in and for the State of Washington,
 residing at Bellingham.

VOL 280 PAGE 345



STATUTORY WARRANTY DEED

SAFECO TITLE INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE

1233571

Filed for Record at Request of

Nov 23 3 15 PM '76
VOL 310 PAGE 896
REQUEST OF
WELLA HANSEN REGISTER
WHATCOM COUNTY WASH.
DEPUTY
125

NAME Abbott, Lant & Fleeson
ADDRESS 215 Mason Building
CITY AND STATE Bellingham, Wa/

1233571

23129

125
C/O
9100
A-Ex-12
NOV-3-76

THE GRANTOR, ANNA C. VOGT, one and the same person as Anna Charlotte Vogt,
for and in consideration of love and affection
in hand paid, conveys and warrants to ROBERT C. VOGT, as his sole and separate property,
as Grantee, the following described real estate, situated in the County of Whatcom
State of Washington:
That part of Government Lot 2, Section 30, Township 40 North, Range 1 East, W.M.,
Whatcom County, Washington, described as follows:

Commencing on the Northerly line of said Government Lot 2, a distance of 1935.2
feet West of the Northeast corner of the Southeast Quarter of the Northwest
Quarter of said Section 30; thence South 21°02'00" East, 459.13 feet; thence
South 71°28'00" West, 226.79 feet to the point of beginning;
Thence North 01°08'33" West, 85.74 feet;
Thence North 19°14'51" West, 83.49 feet;
Thence South 72°42'52" West, 196.45 feet more or less to the Northeasterly
right of way line of Birch Bay Drive;
Thence Southeasterly along said Northeasterly line to a point that bears
South 71°28'00" West of the point of beginning;
Thence North 71°28'00" East, 163.36 feet more or less to the point of beginning.

TOGETHER WITH all second class tidelands abutting on or in front of the real estate
hereby conveyed.

Dated this 1st day of November, 1976
Richard Fleeson
Richard Fleeson
STATE OF WASHINGTON

Anna C. Vogt
Anna C. Vogt (SEAL)
Mark (SEAL)

County of Whatcom } ss.

On this 1st day of November, 1976, before me, the
undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared
ANNA C. VOGT

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me
that she signed and sealed this said instrument as her free and voluntary act and deed for the
uses and purposes therein mentioned

GIVEN under my hand and official seal this 1st day of November, 1976

[Signature]
Notary Public in and for the State of Washington,
residing at Bellingham.

Statutory Warranty]

Vogt

5 MAR 26 PM 3:18
MAR 25 1965
OFFICIAL RECORDS
Edley

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to
Send Tax Statement to

984169

FORM L58

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection in hand paid, conveys and warrants to Earl Witherow Vogt,

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 49 North, Range 1 East, W.M. described as follows:
Beginning at a point on the west line of said Govt Lot 1, 131.55 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road; thence south 89° 43' east, 171.50 feet to the true point of beginning; thence south 13° 04' East, 133.67 feet; thence south 23° 44' east, 120 feet; thence south 36° 47' west, 133.35 feet; thence south 26° 27' East, 895.66 feet to the south line of said Govt Lot 1; thence south 89° 37' 42" East, along the south line of Govt Lot 1, 530.00 feet; thence north 1° 49' 04" East, 1332.53 feet to the North line of Govt Lot 1; thence north 89° 43' west, along the north line of Govt Lot 1, 957.53 feet, to a point that bears north of the true point of beginning; thence south 181.50 feet to the true point of beginning, less road.

MAR 20 1965 7 15 1 0.00

PAID HUGHES

Dated this 22nd day of March, 1965.

Sarah Elizabeth Vogt (SEAL)
William Otto Vogt (SEAL)
Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON, ss.
County of Whatcom

On this day personally appeared before me Sarah Elizabeth Vogt, widow, and William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt to me known to be the individuals described in and who executed the within and foregoing instrument, and Vogt acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

041314
074492

TOWNSHIP
40

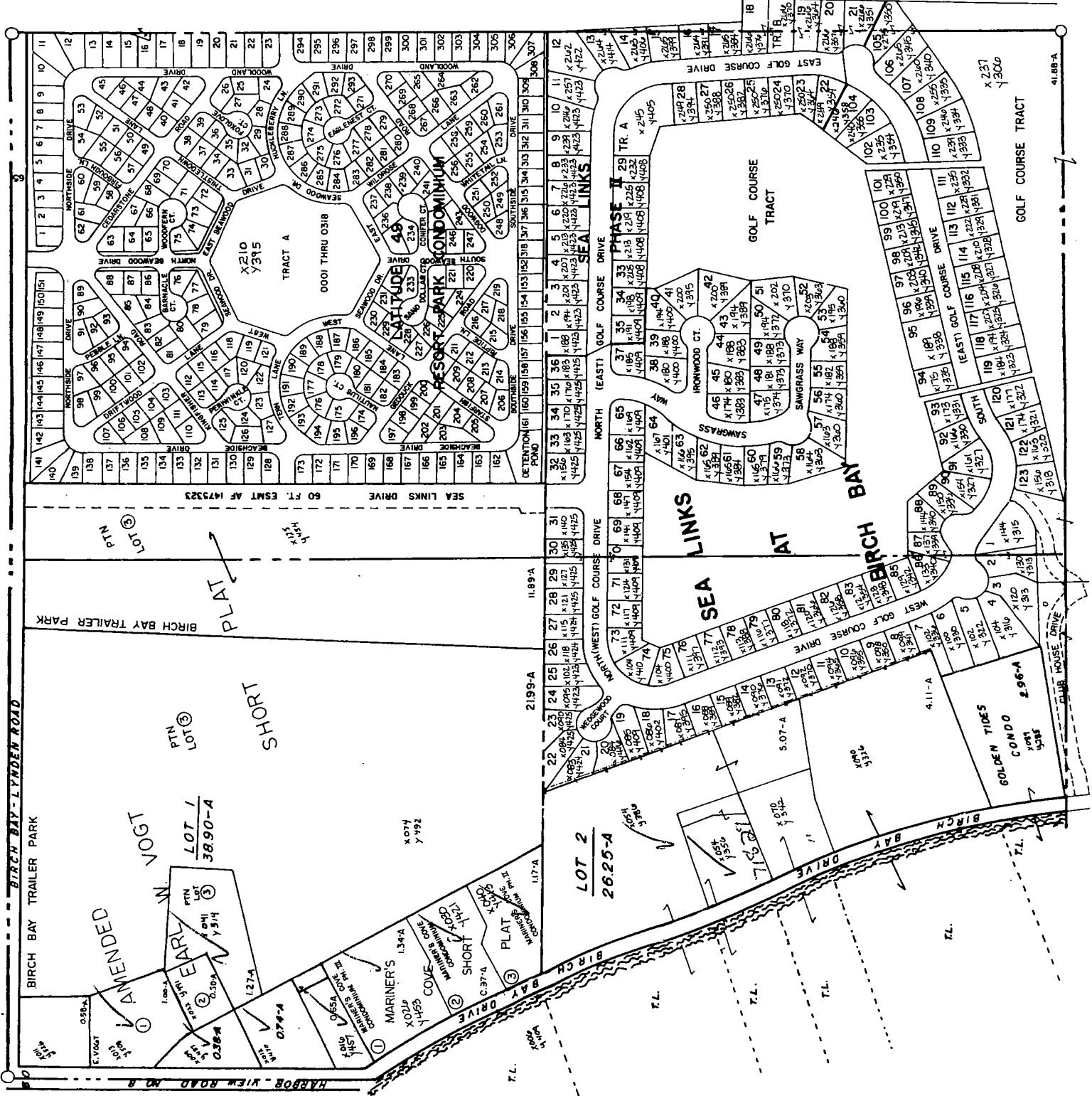
RANGE
1 E

SECTION
30

MAP NO.
03

SCALE
1"=200'

DATE
6/2/84



195815

Warranty Deed

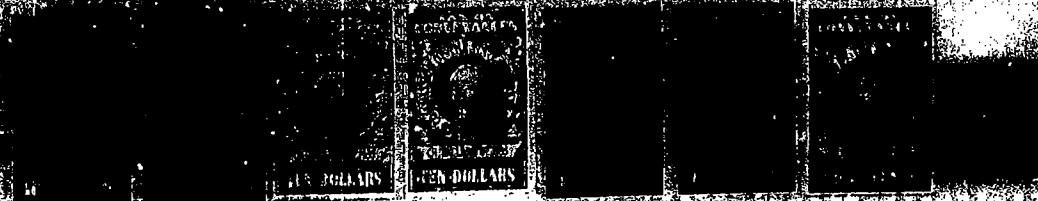
Richmond

James D. Richmond
Nena R. Richmond

James D. Richmond
Nena R. Richmond

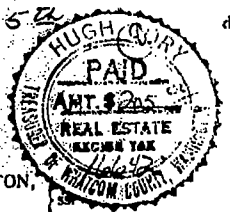
Warranty Deed

Know all men that *JAMES D. RICHMOND* and *NENA R. RICHMOND*, his wife,
for and in consideration of the sum of *1000* (\$10.00) DOLLARS
to *JAMES D. RAUCH* and *BARBARA J. RAUCH*, his wife,
of the County of *Whatcom*, State of *Washington*



This deed is executed in fulfillment of a contract of sale between
the parties hereto dated the *19th* day of March, 1958, and the
warranty by grantors herein does not extend to any taxes or assess-
ments becoming due since that date, nor to acts or encumbrances
done or suffered by grantees or their successors since the date
of said contract.

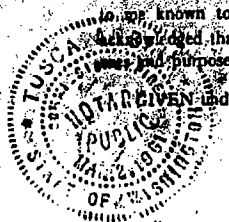
Dated this *5th* day of *May* ~~April~~, 1958.



James D. Richmond (SEAL)
Nena R. Richmond (SEAL)

STATE OF WASHINGTON,
County of *K I N G*

On this day personally appeared before me *JAMES D. RICHMOND* and *NENA H. RICHMOND*,
his wife,
known to be the individuals described in and who executed the within and foregoing instrument, and
advised that they signed the same as their free and voluntary act and deed, for the
purposes therein mentioned.



GIVEN under my hand and official seal this *5th* day of *May* ~~April~~, 1958.

Tosca Wilkin
Notary Public in and for the State of Washington,
residing at *Seattle*.

Deed

Richard

RECORDED
1953
JAN 13 1953
JAMES D. RICHMOND
JAMES D. RICHMOND



James D. Richmond

956615

FORM 138

Statutory Warranty Deed

956615

PARCEL A: That part of Lot A in Block 2, "Morgan Cottonwood Beach Plat", Whatcom County, Washington, as per the map thereof, recorded in Book 7 of Plats, pages 51 and 52, in the Auditor's office of said county and state, more particularly described as follows:

Commencing at a point on the County Road 50 feet Southeasterly along said Road from the Westerly line of said Lot A; running thence in a Northeasterly direction to a point on the Northeasterly line of said Lot A where the side line between Lots 9 and 10 in the said Block 2 intersect said Lot A; thence Northwesterly along the Northeasterly line of said Lot A to the North corner of said Lot A; thence Southwesterly along the line between Lots A and B in said Block 2, to the County Road; thence Southeasterly along the County Road to the point of beginning.

PARCEL B: That part of Government Lot 4, Section 24, Township 40 North, Range 1 West of W.M., lying immediately in front of that part of Lot A, Block 2, "Morgan Cottonwood Beach Plat", conveyed by C. Delbert Richmond and Amalie M. Richmond, husband and wife, to James D. Richmond and Mena R. Richmond, husband and wife, by deed recorded in the office of the Auditor of said county and state under Auditor's File No. 623049, and there of record in Volume 327 of Deeds, page 480, between the Northwesterly line of said Lot A extended Southwesterly to the meander line and the Southeasterly line of that part of said Lot A conveyed by said Deed extended Southwesterly to the meander line and between the Southwesterly line of the County Road and the Government Meander line.

ALSO all tide and shore lands of the second class situate in front of that portion of said Lot A conveyed by said Deed and in front of the lands above described.

LESS all roads.

VOL 7 PAGE 144



1145973

00027

REAL ESTATE CONTRACT

(FORM A-1964)

THIS CONTRACT, made and entered into this 30th day of August, 1973, between ALBERT L. HICKINBOTHAM and NORMA E. HICKINBOTHAM, his wife, hereinafter called the "seller," and EVERETT BORAKER and HELEN A. BORAKER, his wife, hereinafter called the "purchaser,"

1145973

WITNESSETH: That the seller agrees to sell to the purchaser and the purchaser agrees to purchase from the seller the following described real estate, with the appurtenances, in Whatcom County, State of Washington: A portion of Gov. Lot 1, Sec. 24, Twp. 40 N., R. 1 W. of W.M., Whatcom County, Washington, more particularly described as follows: Beginning at the 1/4 corner between Sections 23 and 24; thence S 261.3 ft. to Gov. Meander Line; thence following along said Meander Line S 62°45' E 1359.6 ft. to true point of beginning; thence N 545.58 ft. thence S 74°38' E 100 ft. to Westerly line of Shintaffer Rd. (County Rd. #470); thence S following along said Westerly line and a projection of said line 175.13 ft.; thence S 73°25' E 20.6 ft.; thence S 398.7 ft to Gov. Meander Line; thence following along said line N 62°45' W 130.9 ft. to true point of beginning, LESS that part of Birch Bay Drive (County Road #46) that falls within this legal description.

The terms and conditions of this contract are as follows: The purchase price is TWENTY-TWO THOUSAND AND NO/100 (\$22,000.00 Dollars, of which ONE THOUSAND TWO HUNDRED AND NO/100 (\$1,200.00) Dollars have been paid, the receipt whereof is hereby acknowledged, and the balance of said purchase price shall be paid as follows: ONE HUNDRED AND NO/100 (\$100.00) Dollars, or more at purchaser's option, on or before the 1st day of May, 1973, and ONE HUNDRED AND NO/100 (\$100.00) Dollars, or more at purchaser's option, on or before the 1st day of each succeeding calendar month until the balance of said purchase price shall have been fully paid. The purchaser further agrees to pay interest on the diminishing balance of said purchase price at the rate of five per cent per annum from the 1st day of May, 1973, which interest shall be deducted from each installment payment and the balance of each payment applied in reduction of principal.

All payments to be made hereunder shall be made at sellers' residence, Box 384, Route 1, Blaine, Washington or at such other place as the seller may direct in writing.

As referred to in this contract, "date of closing" shall be August 30, 1973

- (1) The purchaser assumes and agrees to pay before delinquency all taxes and assessments that may as between grantor and grantee hereafter become a lien on said real estate...
(2) The purchaser agrees, until the purchase price is fully paid, to keep the buildings now and hereafter placed on said real estate insured to the actual cash value thereof against loss or damage by both fire and windstorm...
(3) The purchaser agrees that full inspection of said real estate has been made and that neither the seller nor his assigns shall be held to any covenant respecting the condition of any improvements thereon...
(4) The purchaser assumes all hazards of damage to or destruction of any improvements now on said real estate or hereafter placed thereon...
(5) The seller has delivered, or agrees to deliver within 15 days of the date of closing, a purchaser's policy of title insurance...
(6) If seller's title to said real estate is subject to an existing contract or contracts under which seller is purchasing said real estate...

720000 3.00 Ls A Exclax S SEP-11-73 73561

1145973

(7) The seller agrees, upon receiving full payment of the purchase price and interest in the manner above specified, to execute and deliver to purchaser a statutory warranty fulfillment deed to said real estate, excepting any part thereof hereafter taken for public use, free of encumbrances except any that may attach after date of closing through any person other than the seller, and subject to the following:

Reservations and restrictions of record.

May 1, 1973

1145973

(8) Unless a different date is provided for herein, the purchaser shall be entitled to possession of said real estate ~~HEREIN~~ ~~HEREIN~~ and to retain possession as long as purchaser is not in default hereunder. The purchaser covenants to keep the buildings and other improvements on said real estate in good repair and not to permit waste and not to use, or permit the use of, the real estate for any illegal purpose. The purchaser covenants to pay all services, installation or construction charges for water, sewer, electricity, garbage or other utility services furnished to said real estate after the date purchaser is entitled to possession.

(9) In case the purchaser fails to make any payment herein provided or to maintain insurance, as herein required, the seller may make such payment for default hereunder, and any amounts so paid by the seller, together with interest at the rate of 10% per annum in arrears from date of payment until repaid, shall be repayable by purchaser on seller's demand, all without prejudice to any other rights the seller may have by reason of such default.

(10) Time is of the essence of this contract, and the purchaser agrees that in case the purchaser shall fail to comply with or perform any condition or agreement hereunder, or to make any payment required hereunder, promptly at the time and in the manner herein required, the seller may elect to terminate the purchaser's rights hereunder, and upon his doing so, all payments made by the purchaser hereunder, and all improvements placed upon the real estate shall be forfeited to the seller as liquidated damages, and the seller shall have right to re-enter and take possession of the real estate; and no waiver by the seller of any default on the part of the purchaser shall be construed as a waiver of any subsequent default.

Service upon purchaser of all notices and other papers with respect to forfeiture and termination of purchaser's rights may be made by United States Mail, postage paid, return receipt requested, directed to the purchaser at his address last known to the seller.

(11) Upon seller's election to bring suit to enforce any covenant of this contract, including suit to collect any payment required hereunder, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, which sums shall be included in any judgment or decree entered in such suit.

If the seller shall bring suit to secure an adjudication of the termination of the purchaser's rights hereunder, and judgment is so entered, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, and also the reasonable cost of searching records to determine the condition of title at the date such suit is commenced, which sums shall be included in any judgment or decree entered in such suit.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date first written above.

Albert L. Hickinbotham (SEAL)
Norma E. Hickinbotham (SEAL)
Cornelia L. Brinkley (SEAL)
Helen A. Brinkley (SEAL)

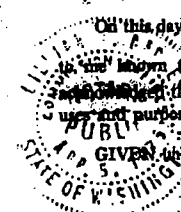
STATE OF WASHINGTON,
County of Whatcom



On this 30th day personally appeared before me **NORMA E. HICKINBOTHAM**
the individual described in and who executed the within and foregoing instrument, and acknowledged that
she signed the same as her free and voluntary act and deed,
for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 30th day of August, 1973.
John T. Hester
Notary Public in and for the State of Washington
residing at Bellingham

STATE OF WASHINGTON,
County of Whatcom



On this day personally appeared before me **ALBERT L. HICKINBOTHAM**
to me known to be the individual described in and who executed the within and foregoing instrument, and
acknowledged that he signed the same as his free and voluntary act and deed, for the
uses and purposes therein mentioned.

GIVEN under my hand and official seal this 30th day of August, 1973.
Luther J. Berne
Notary Public in and for the State of Washington,
residing at Blaine.

FORM 888. ACKNOWLEDGMENT, INDIVIDUAL

NAME *John Hester, atty*
ADDRESS _____
CITY AND STATE *Bellingham, Wn*

VOL 202 PAGE 679
VOL 202 Page 678
REQUEST OF
WELLS HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY

RECEIVED FOR RECORD AT
BELLINGHAM TITLE CO.
REQUEST OF
WELLS HANSEN, CO. AUDITOR

SEP 4 1973

Pioneer National Title Insurance Company
 WASHINGTON TITLE DIVISION
 Filed for Record at Request of

1195670

FRED YATES
BX 1387
BLAINE WASH
98230

THIS SPACE RESERVED FOR RECORDER'S USE

AUG 19 1 52 PM '75
 VOL. 262 PAGE 421
 REQUEST OF
 WELLA HANSEN, REGISTER
 WHATCOM COUNTY, WASH.
 Deputy

1195670

REVENUE STAMPS

13456

FORM L58F

Statutory Warranty Deed

THE GRANTOR S JACK C. GRAVES and KATHERINE A. GRAVES, his wife,

for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration, in hand paid, conveys and warrants to FREDERICK A. YATES and JUNE I. YATES, his wife, the following described real estate, situated in the County of Whatcom, State of Washington:

Lot 24, BIRCH BAY VILLAGE DIVISION NO. 2, according to the plat thereof, recorded in Volume 9 of Plats, Pages 93 and 94, records of Whatcom County, Washington.



This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated April 28, 1972, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Real Estate Excise Tax was paid on this deed or stamped exempt on MAY 4 - 1972, Rec. No. 2401

Dated this 28th



APRIL 1972
 Jack C. Graves (REAL)
 Katherine A. Graves (REAL)

STATE OF WASHINGTON, }
 County of King }

On this day personally appeared before me JACK C. GRAVES and KATHERINE A. GRAVES, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 28th day of APRIL 1972

Richard H. Daly
 Notary Public in and for the State of Washington,
 residing at Mercer Island

VOL 262 PAGE 421

Gordon Sullivan
1972 DEC 1 AM 11:59
VOL 182 PAGE 141
REQUEST OF
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY
05161

1128722

Filed for Record at Request of

Name Gordon S. and Catherinn H. Sullivan
Address Route 1 Box 115
City & State Blaine, Washington

1128722

FORM 488-1-REV.

Quit Claim Deed

THE GRANTOR **RUTH A. MC PHADEN**, an unmarried woman, formerly **RUTH BRAUNER**
for and in consideration of **ONE DOLLAR** and other valuable considerations.
conveys and quit claims to **GORDON SULLIVAN** and **CATHERINE H. SULLIVAN**, his wife
the following described real estate, situated in the County of **Whatcom** State of **Washington**,
together with all after acquired title of the grantor(s) therein:

County of **Whatcom**, State of **Washington**, - The North half of Government Lot 3 and
the North half of the Northeast quarter of the Southwest quarter.

All of Government Lot 2, and the Southeast quarter of the Northwest quarter except
the following described tracts designated (a), (b), and (c);

(a) A tract of land situated in said Lot 2, more particularly described as follows,
to-wit: Beginning at a point on the North line of Lot 2, Section 30, Township 40
North, Range 1 East, W.M., 2935.2 feet West of the Northeast corner of the Southeast
quarter of the Northwest quarter of the Section 30; thence South 21° - 02' East, 456
feet; thence South 71° 28' West to the Government Meander Line of Birch Bay; thence
Northwesterly along said meander line to an intersection with the North line of Lot
2 of the said Section 30; thence East along the North line of Lot 2 of the said
Section 30 to the point of beginning, less roads.

(CONTINUED ON REVERSE HEREOF)

epa pd 1/53
3998



Dated this 1st day of December, 1972.



Ruth A. McPhaden
Ruth A. McPhaden

STATE OF WASHINGTON, }
County of **KING** } ss.

On this day personally appeared before me **RUTH A. MC PHADEN**, formerly **RUTH A. BRAUNER**
to me known to be the individual described in and who executed the within and foregoing
instrument, and acknowledged that she signed the same as her **free and voluntary**
act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of December, 1972.

Carl [Signature]

(b) A tract of land situated in said Lot 2, more particularly described as follows, to-wit: Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 30, Township 40 North, Range 1 East, W.M. and running thence West along the North line of the Southeast quarter of the Northwest quarter of the said Section 30 and along the North line of Lot 2, of the said Section 30, 1935.2 feet; thence South $21^{\circ} - 02'$ East, 456 feet to the true point of beginning; thence South $21^{\circ} - 02'$ East, 587 feet; thence South $71^{\circ} 28'$ West to the Government Meander Line of Birch Bay; thence Northwesterly along said meander line to a point which bears South $71^{\circ} 28'$ West of the true point of beginning; thence North $71^{\circ} 28'$ East to the true point of beginning, less roads.

(c) A tract of land situated in said Lot 2 more particularly described as follows, to-wit: Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of the said Section 30; thence West, along the North line of the Southeast quarter of the Northwest quarter of the said Section 30 and along the North line of Government Lot 2 of the said Section 30, 1935.2 feet; thence South $21^{\circ} 02'$ East, 1043 feet; thence South $71^{\circ} 28'$ West, 80 feet to the true point of beginning; thence South $21^{\circ} 02'$ East, 253 feet; thence South $82^{\circ} 20'$ East to the Gov't Meander line of Birch Bay; thence Northwesterly along the said Gov't meander line to a point which bears South $71^{\circ} 28'$ West of the true point of beginning; thence North $71^{\circ} 28'$ East to the true point of beginning, less roads.

the West $99'$ of the North Half of the North Half of the Southeast quarter.

the West 3 acres of the South Half of the Northeast quarter.

All tide and shore lands of the second class situate in front of, adjacent to or abutting upon Government Lot 2, except the three tracts of land described in paragraphs designated (a), (b) and (c) above, and the North half of Government Lot 2, Expressly excepting herefrom all tide and shore lands of the second class situate in front of, adjacent to or abutting upon that portion of Government Lot 2 described in said paragraphs designated (a), (b) and (c) above.

1 in Section 30, Township 40 North, Range 1 East of W.M., less roads.

DEC 14 1972
RECEIVED FOR RECORD AT 11.57
AT REQUEST OF Borden Sullivan
WELLA HANSEN, CO. AUDITOR WHATCOM CO. WASH.

Vol 182 Page 142

RECEIVED
RECORDS MANAGEMENT

04 FEB 27 AM 9:39

STATE OF WASH.
UTIL. AND TRANSP.
COMMISSION

**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

In Re Matter of

Blaine-Bay Refuse, Inc.
Motion to Amend Commission
Order M.V.G. No. 656

**MOTION TO SUPPLEMENT THE
RECORD**

**I.
IDENTITY AND ADDRESS OF MOVING PARTY**

Blaine-Bay Refuse, Inc. ("Blaine-Bay") is the moving party. Their address is 4916 LaBounty Place, Ferndale, WA 98248.

**II.
RELEVANT STATUTES AND RULES**

The Applicant's motion to amend order is based on RCW 81.04.200, WAC 480-09-820(1), WAC 480-09-815.

**III.
REQUEST FOR RELIEF**

Blaine-Bay Refuse, Inc. moves for an order to supplement the record on the above entitled matter by including as part of the record the attached declaration of James Sands dated February 23, 2004, with attached Exhibit 1,

MOTION TO SUPPLEMENT THE RECORD
Page 1 of 3

ORIGINAL

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1 map, and Exhibit 2, deeds of original parties who testified at the 1973 public
2 hearing in regard to the entry of Order M.V.G. No. 656.

3
4 **IV.**
5 **ARGUMENT**

6 The parties have essentially agreed on the record for Blaine-Bay Refuse,
7 Inc.'s motion to amend Order M.V.G. No. 656. However, the only item missing
8 from the record is a clear determination as to the location of the properties
9 owned by those individuals who testified at the initial public hearing in 1973
10 before the Washington Utility Transportation Commission which lead to the entry
11 of Order M.V.G. No. 656 in favor of Gary D. Gifford. It is Blaine-Bay's contention
12 that it would be helpful to the determination of the issues in this case to confirm
13 whether or not the parties who testified in need of refuse collection services
14 owned waterfront properties in Birch Bay and whether or not those parties'
15 properties located on the waterfront were separated from the remainder of their
16 property by public roads. James Sands has researched and attached to his
17 declaration the original deeds of the parties who testified in 1973 and located
18 their properties on the attached map.
19
20

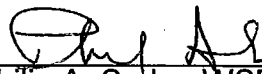
21 Polly McNeill for Sanitary Service Company, Inc. is out of town. I have not
22 had an opportunity to discuss whether or not she would stipulate to entry of this
23 particular declaration. Blaine-Bay believes that the declaration and attached
24 exhibits would be helpful for making a final determination on Blaine-Bay Refuse,
25 Inc.'s request.
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V.
CONCLUSION

Blaine-Bay Refuse, Inc. respectfully request that the motion to supplement the record by including as part of the records James Sands' declaration dated February 23, 2004 with attached Exhibits 1 and 2 be granted.

DATED this 23 day of February, 2004.

Respectfully submitted,
ADELSTEIN, SHARPE & SERKA LLP
By: 
Philip A. Serka, WSBA #6814
of Attorneys for Blaine-Bay Refuse, Inc.

Blaine-Bay Refuse, Inc. motion to supplement the record 2-23-04

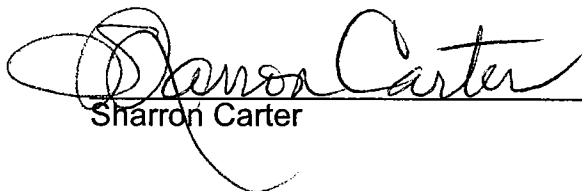
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CERTIFICATE OF SERVICE

I hereby certify that I have this day served this document upon all parties of record in this proceeding, by mailing, properly addressed with first class postage prepaid to Attorney for Protestant:

Polly L. McNeill
Summit Law Group PLLC
315 Fifth Ave South, Suite 1000
Seattle, WA 98104-2682

DATED this 26 day of February, 2004.



Sharron Carter

Ublaine-Bay Refuse, Inc. cert of service 2-24-04

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**BEFORE THE WASHINGTON UTILITIES AND
TRANSPORTATION COMMISSION**

| | |
|--|---------------------------------------|
| In Re Matter of Blaine-Bay Refuse, Inc. Motion to Amend Commission Order M.V.G. No. 656 | DECLARATION OF JAMES SANDS |
|--|---------------------------------------|

I, JAMES SANDS, declare as follows:


That I am Vice President of Blaine-Bay Refuse, Inc.

Attached as Exhibit 1 to the declaration is a map that identifies the location of the various individuals that testified at the Gary D. Gifford 1973 public hearing on the need for refuse collection service in the Birch Bay area.

Attached as Exhibit 2 are the deeds of the individuals that spoke at the 1973 public hearing. Each witness owned waterfront property and tidelands that are bisected from the remainder of their property by roads except for Yates, who lived in Birch Bay Village and testified to the need for refuse collection service in the Birch Bay Village development.

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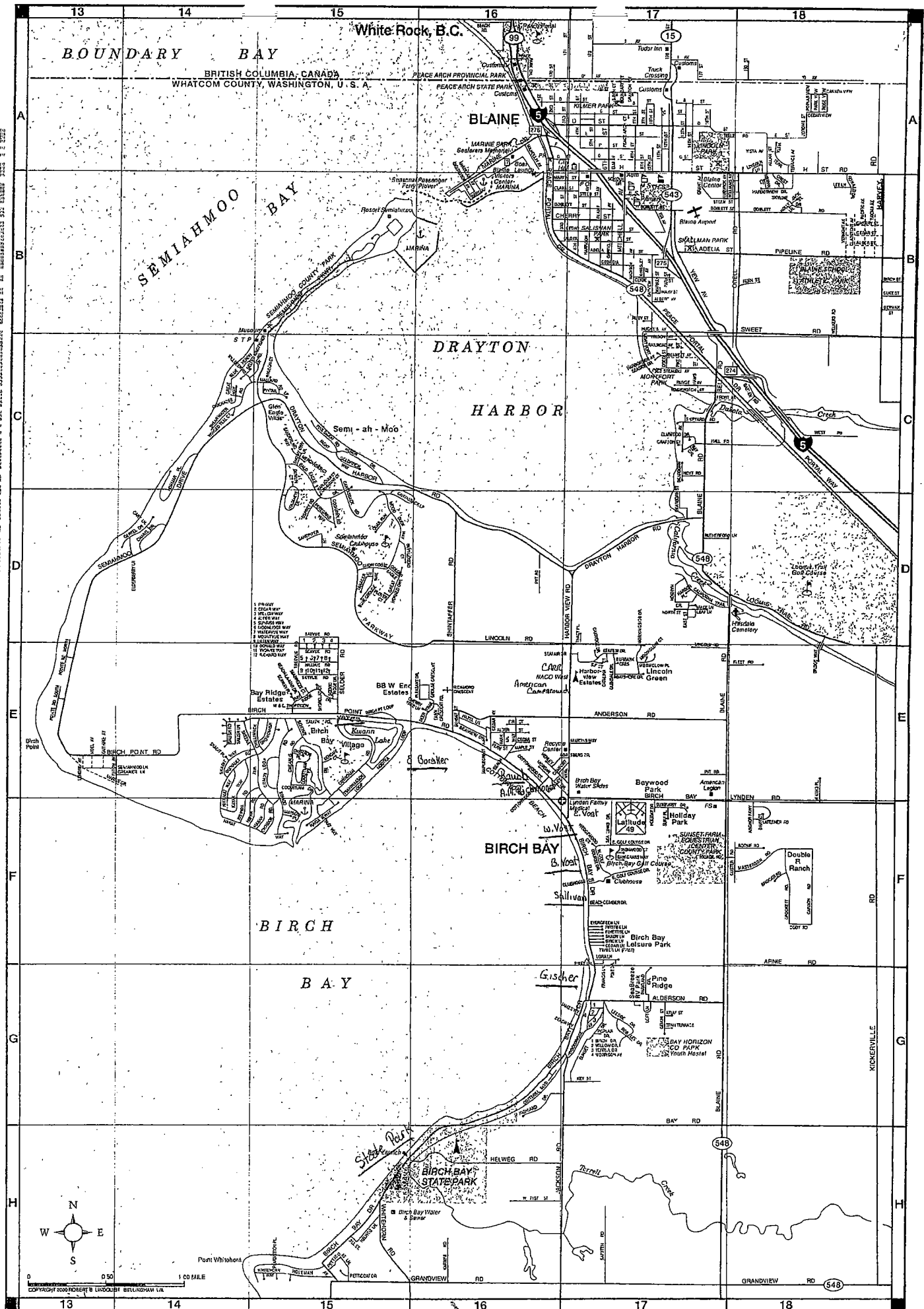
DATED this 23rd day of FEBRUARY, 2004.



JAMES SANDS

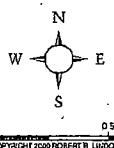
Blaine-Bay Refuse, Inc. Declaration of JAMES SANDS 2-20-04

DECLARATION OF JAMES SANDS
Page 2 of 2



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| D | 13 | 14 | 15 | 16 | 17 | 18 |
| E | 13 | 14 | 15 | 16 | 17 | 18 |
| F | 13 | 14 | 15 | 16 | 17 | 18 |
| G | 13 | 14 | 15 | 16 | 17 | 18 |
| H | 13 | 14 | 15 | 16 | 17 | 18 |





THIS SPACE RESERVED FOR RECORDER'S USE.
RECORDED
Harold Lent
 1966 JAN 14 AM 10:34
 VOL. 39 PAGE 244 OFFICIAL RECORD
 NOTARY OF
 WELLS HANSEN, AUDITOR
 WHATCOM COUNTY, WASH.
Paul Copia DEPUTY

10002047 Vogh

Filed for Record at Request of

Name *Harold Lent*
 Address *215 Mason Bldg*
 City and State *Bellingham*

1000204

Form 467- 1-REV

Statutory Warranty Deed

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

~~in hand paid~~, conveys and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington:

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W.M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning, LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

JAN 14 1966 08 54 00 - PL. REC 000

Dated this 5th day of January, 1966. HUGH COPY

Anna Charlotte Vogt (SEAL)

..... (SEAL)

STATE OF WASHINGTON, } ss.
 County of Whatcom

On this day personally appeared before me ANNA CHARLOTTE VOGT

to me known to be the person described in and who executed the within and foregoing instrument, and acknowledged that she executed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5th day of January, 1966.



Harold Lent
 Notary Public in and for the State of Washington,
 residing at Bellingham.

VOL 39 PAGE 244

Wright

981948



981948

RECORDED
 THIS SPACE RESERVED FOR RECORDER'S USE
Mr. Hleson
 1965 FEB 11 PM 3:46
 VOL. 24 PAGE 192
 REQUEST OF
 WELLA HANSEN, AUDITOR
 WHATCOM COUNTY, WASH.
Jessie Byers DEPUTY
 OFFICIAL RECORDS
Hleson

Filed for Record at Request of
 Name _____
 Address _____
 City and State _____

Statutory Warranty Deed

Form 487- 1-REV

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

do hereby grant, convey and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife,
 the following described real estate, situated in the County of Whatcom, State of Washington:

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W.M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning; LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

FEB 11 65 9 53 AM -- Exc Tax 0.00

Dated this 24th day of December, 1964

Anna Charlotte Vogt

STATE OF WASHINGTON,
 County of Whatcom

I, the undersigned, appeared before me ANNA CHARLOTTE VOGT
 and she acknowledged to me that she executed the within and foregoing instrument, and that she executed the same as her free and voluntary act and deed, for the purposes therein expressed.

Witness my hand and seal this 24th day of December, 1964.

[Signature]
 Notary Public in and for the State of Washington,
 residing at Bellingham.

VOL 24 PAGE 192

Voght



THIS SPACE RESERVED FOR RECORDER'S USE.
RECORDED
Mr. Helson
1965 FEB 11 PM 3:46
VOL 24 PAGE 193
OFFICIAL RECORDS
WILLA HANSEN, AUDITOR
WHATCOMB COUNTY, WASH.
James E. Byle, DEPUTY

Filed for Record at Request of
Name
Address
City and State

Statutory Warranty Deed

Form 467- 1-REV

THE GRANTOR , ANNA CHARLOTTE VOGT, a widow,

for and in consideration of love and affection,

do hereby grant, convey and warrants to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington:

An undivided one-third interest in the following tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W. M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning; LESS road.

EXCEPTING THEREFROM a rectangular tract in the Southwest corner thereof extending 160 feet North and South and 200 feet East and West.

TOGETHER WITH an undivided one-third interest in all second class tidelands abutting on or in front of the real estate hereby conveyed.

FEB 11 1965

Dated this 25th day of January, 1965.

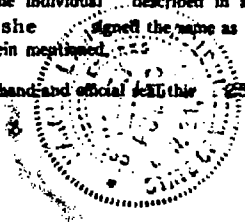
Anna Charlotte Vogt (SEAL)

STATE OF WASHINGTON, ss. County of Whatcom

On this day personally appeared before me ANNA CHARLOTTE VOGT

to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 25th day of January, 1965



[Signature]
Notary Public in and for the State of Washington, residing at Bellingham.

984168

Statutory Warranty Deed

Vogt

RECORDED

WHATCOM CO. TITLE CO.
1965 MAR 26 PM 3:18

VOL 25 PAGE 741
OFFICIAL RECORDS
WETA HANSEN, ADJUTANT
WHATCOM COUNTY, WASH.

Shelby...

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to *Mrs. Simonson*
Box 31
Lynden

Send Tax Statement to

2.20

984168

FORM L58

Statutory Warranty Deed

THE GRANTOR S, Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection

in hand paid, conveys and warrants to William Otto Vogt

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of Land in Govt Lot 1, Section 30, Township 40 North, Range 1 East W.M. described as follows:
Beginning at a point on the west line of said Govt Lot 1. 602.24 feet south of the northwest corner of said Section 30 thence east, 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence north 56° 47' East, 141.43 feet; thence south 28° 27' East, 160.37 feet; thence south 61° 56' 30" West, 224.9 feet, more or less, to the easterly line of Drayton Harbor Road; thence northwesterly along the Easterly line of Drayton Harbor Road, 191.2 feet, more or less, to the true point of beginning.

012470

MAR-26-65 71384 -Dexfax 0.00

PAID

HUGH CORY, TREAS.

Dated this

22nd

day of March, 1965.

Sarah Elizabeth Vogt (SEAL)

Earl Witherow Vogt (SEAL)

William Otto Vogt (SEAL)

STATE OF WASHINGTON,

County of Whatcom

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, and William Otto Vogt and Earl Witherow Vogt, being all of the children of Sara Elizabeth Vogt, known to be the individuals described in and who executed the within and for-going instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this

22nd

day of March, 1965.

Emar Simonson
Notary Public in and for the State of Washington,
residing at Lynden.



VOL 25 PAGE 741

984167

Statutory Warranty Deed

Vogt

RECORDED

WHATCOM CO. TITLE CO.

1965 MAR 26 PM 3: 18

VOL. 25 PAGE 740
REQUEST OF: OFFICIAL RECORDS
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY

WASHINGTON
TITLE INSURANCE
COMPANY

SEATTLE WASHINGTON

Mail to *Will Simonson*

April 6, 61

Agreement

Send Tax Statement to

224

984167

Form L58

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, WILLIAM OTTO VOGT and EARL WITHEROW VOGT, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection

in hand paid, conveys and warrants to WILLIAM OTTO VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East W.M., described as follows:
Beginning at a point on the west line of said Govt Lot 1, 362.38 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence south 45° 01' East, 69.00 feet; thence south 38° 51' 30" East, 38.30 feet; thence south 28° 27' East, 120 feet; thence south 66° 47' West, 141.43 feet to the east line of Drayton Harbor Road; thence North, parallel to and 30 feet east of the West line of said Govt Lot 1, 239.86 feet to the true point of beginning.

009437

MAR-26-65 713.03 --DExcTax 0.00

PAID

HUGH GORY
TREAS.

Dated this

22nd

day of March, 1965.

Sarah Elizabeth Vogt (SEAL)

Earl M. Vogt (SEAL)

William Otto Vogt (SEAL)

STATE OF WASHINGTON,

County of Whatcom

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Witherow Vogt

to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the purposes therein mentioned.

At test, given my hand and official seal this 22nd day of March, 1965



Earl Simonson
Notary Public in and for the State of Washington,
residing at Lynden.

VOL. 25 PAGE 740

Statutory Warranty Deed

Vogt ✓

WHATCOM CO. TITLE
MAR 26 PM 3:18
VOL 25 PAGE 739
OFFICIAL RECORDS
Christopherson

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to *Mr. Christopherson*
Box 631
Spokane
Send Tax Statement to

984164

FORM L58

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, WILLIAM OTTO VOGT and EARL WITHEROW VOGT, being all of the children of Sarah Elizabeth Vogt

for and in consideration of love and affection

in hand paid, conveys and warrants to EARL WITHEROW VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East, W.M., described as follows:

Beginning at a point on the west line of said Govt Lot 1, 181.65 feet south of the northwest corner of said Section 30, thence east 30 feet to the east line of Drayton Harbor Road and the true point of beginning; thence south 89° 43' east, 171.50 feet; thence south 19° 04' East, 198.67 ft; thence south 66° 37' 20" West, 178.19 ft; thence North 38° 51' 30" West, 38.30 ft; thence north 45° 01' West, 69.00 feet to the east line of Drayton Harbor Road; thence north, parallel to and 30 feet east of the West line of said Govt Lot 1, 180.73 feet to the true point of beginning.

013508

MAR 26 1965 4 30 PM 1965 0.00

PAID HUG...

Dated this 22nd day of March, 1965.

Sarah Elizabeth Vogt (SEAL)

William Otto Vogt (SEAL)

Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON, }
County of Whatcom } ss.

On this day personally appeared before me Sarah Elizabeth Vogt, a widow, William Otto Vogt and Earl Vogt, being all of the children of Sarah Elizabeth Vogt to me known to be the individual^s described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

I have under my hand and official seal this 22nd day of March, 1965.

Statutory Warranty Deed

Page 1

1966 MAR -3 11:24
VOL 41 PAGE 686 OFFICIAL RECORDS
James Gyer

WASHINGTON
TITLE INSURANCE
COMPANY

SEATTLE, WASHING

Mail to
James Gyer

Send Tax Statement to

FORM L58

Statutory Warranty Deed

THE GRANTOR S, SARAH ELIZABETH VOGT, a widow, and EARL WITHEROW VOGT

for and in consideration of Love and affection

in hand paid, conveys and warrants to WILLIAM OTTO VOGT

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East, W.M., described as follows:
Beginning at a point on the West line of said Govt Lot 1, 602.24 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road; thence North 66° 47' East, 141.43 feet; thence south 28° 27' East, 160.37 feet to the true point of beginning; Thence south 28° 27' East, 735.49 feet to the south line of said Govt Lot 1; thence North 89° 37' 42" West 305.6 feet, more or less, to the northeasterly line of Birch Bay Drive; thence northwesterly, along the northeasterly line of Birch Bay Drive and the northeasterly line of Drayton Harbor Road, 583.5 feet, more or less, to a point that bears south 61° 56' 30" West of the true point of beginning; thence North 61° 56' 30" East, 224.9 feet, more or less, to the true point of beginning.

PAID

HU

Dated this *28th* day of February, 1966.

Sarah Elizabeth Vogt (SEAL)
Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON

Mainer's Cove
016457

W. P. M.
054356

1209629

QUIT CLAIM DEED

THE GRANTOR, ANNA CHARLOTTE VOGT, a widow, for and in consideration of love and affection, conveys and quit claims to ROBERT C. VOGT and ANNE V. VOGT, husband and wife, the following described real estate, situated in the County of Whatcom, State of Washington, including any after acquired title:

The following described tract in Government Lot 2, Section 30, Township 40 North, Range 1 East of W. M., to-wit:

Beginning on the North line of said Lot 2, 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 2' East, 456 feet; thence South 71° 28' West, 400 feet, more or less, to the Easterly line of the right of way of County Road No. 46; thence continuing on same course to the meander line of said Lot 2; thence Northwesterly along the meander line to the North line of said Lot 2; thence East to the point of beginning, LESS road.

EXCEPTING THEREFROM that part thereof described as follows:

Commencing on the Northerly line of said Government Lot 2, a distance of 1935.2 feet West of the Northeast corner of the Southeast Quarter of the Northwest Quarter of said Section 30; thence South 21° 02' 00" East, 459.13 feet; thence South 71° 28' 00" West, 226.79 feet to the point of beginning;

Thence North 01° 08' 33" West, 85.74 feet;

Thence North 19° 14' 51" West, 83.49 feet;

Thence South 72° 42' 52" West, 196.45 feet more or less to the

Northeasterly right of way line of Birch Bay Drive;

Thence Southeasterly along said Northeasterly line to a point

that bears South 71° 28' 00" West of the point of beginning;

Thence North 71° 28' 00" East, 163.36 feet more or less to the

point of beginning.

TOGETHER WITH all second class tidelands abutting on or in front of the real estate hereby conveyed.

This deed is executed and delivered for the purpose of correcting and describing more specifically the tract of real estate excepted from the deeds recorded under Whatcom County Auditor's File Nos. 981948, 981949 and 1000204, and reserved to the Grantor thereunder.

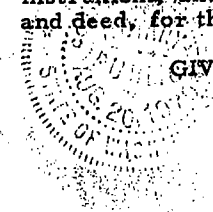
DATED this 2nd day of March, 1976.

Anna C. Vogt

STATE OF WASHINGTON)
COUNTY OF WHATCOM)^{ss.}

On this day personally appeared before me ANNA CHARLOTTE VOGT to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2nd day of March, 1976.



[Signature]
Notary Public in and for the State of Washington, residing at Bellingham.

VOL 280 PAGE 344

03652

RECORDED
MAR 3 2 18 PM '76
Dove Nichols

Len 1

639

am



SAFECO TITLE INSURANCE COMPANY
 1108 SECOND AVENUE · SEATTLE, WASHINGTON 98101 · 623-0879

Filed for Record at Request of

NAME Abbott, Lant & Fleeson
 ADDRESS 215 Mason Building
 CITY AND STATE Bellingham, Wa.

THIS SPACE RESERVED FOR RECORDER'S USE
 RECORDED
 MAR 3 2 57 PM '76
 VOL 280 PAGE 345
 REQUEST OF
 WELLA HANSEN, AUDITOR
 WHATCOM COUNTY, WASH.
 DEPUTY

1209630

Quit Claim Deed

03653

THE GRANTOR, ROBERT C. VOGT and ANNE V. VOGT, husband and wife,

for and in consideration of love and affection

convey and quit claim to ANNA CHARLOTTE VOGT, a widow

the following described real estate, situated in the County of Whatcom
 State of Washington, including any after acquired title:

That part of Government Lot 2, Section 30, Township 40 North, Range 1
 East, W. M., Whatcom County, Washington, described as follows:

Commencing on the Northerly line of said Government Lot 2, a
 distance of 1935.2 feet West of the Northeast corner of the South-
 east Quarter of the Northwest Quarter of said Section 30; thence
 South 21°02'00" East, 459.13 feet; thence South 71°28'00" West,
 226.79 feet to the point of beginning;

Thence North 01°08'33" West, 85.74 feet;

Thence North 19°14'51" West, 83.49 feet;

Thence South 72°42'52" West, 196.45 feet more or less to the North-
 easterly right of way line of Birch Bay Drive;

Thence Southeasterly along said Northeasterly line to a point that bears
 South 71°28'00" West of the point of beginning;

Thence North 71°28'06" East, 163.36 feet more or less to the point of beginning.

TOGETHER WITH all second class tidelands abutting on or in front of the real estate
 hereby conveyed.

This deed is executed and delivered for the purpose of correcting and describing more
 specifically the tract of real estate excepted from the deeds recorded under Whatcom
 County Auditor's File Nos. 981948, 981949 and 1000204, and reserved to the Grantor
 thereunder.

DATED This 2nd day of March, 1976, Robert C. Vogt (SEAL)
 STATE OF WASHINGTON, Anne V. Vogt

County of Whatcom } ss.

On this 2nd day of March, 1976, before me, the undersigned,

a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared
 ROBERT C. VOGT and ANNE V. VOGT,

to me known to be the individuals described in and who executed the foregoing instrument, and acknowl-
 edged to me that they signed and sealed this said instrument as their free and voluntary act and
 deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 2nd day of March, 1976.



Robert C. Vogt
 Notary Public in and for the State of Washington,
 residing at Bellingham



STATUTORY WARRANTY DEED

SAFECO TITLE INSURANCE COMPANY

THIS SPACE RESERVED FOR RECORDER'S USE

1233571

Filed for Record at Request of

Nov. 2 3 15 PM '76
VOL 312 PAGE 896
REQUEST OF
WELLAMARSH AUDITOR
WHATCOM COUNTY WASH.
DEPUTY

NAME Abbott, Lant & Fleeson
ADDRESS 215 Mason Building
CITY AND STATE Bellingham, Wa/

1233571

23129

200
CFO
9100
A-Exclat B
NOV-3-76

THE GRANTOR , ANNA C. VOGT, one and the same person as Anna Charlotte Vogt,
for and in consideration of love and affection
in hand paid, conveys and warrants to ROBERT C. VOGT, as his sole and separate property,
as Grantee, the following described real estate, situated in the County of Whatcom
State of Washington:
That part of Government Lot 2, Section 30, Township 40 North, Range 1 East, W.M.,
Whatcom County, Washington, described as follows:

Commencing on the Northerly line of said Government Lot 2, a distance of 1935.2
feet West of the Northeast corner of the Southeast Quarter of the Northwest
Quarter of said Section 30; thence South 21°02'00" East, 459.13 feet; thence
South 71°28'00" West, 226.79 feet to the point of beginning;
Thence North 01°08'33" West, 85.74 feet;
Thence North 19°14'51" West, 83.49 feet;
Thence South 72°42'52" West, 196.45 feet more or less to the Northeasterly
right of way line of Birch Bay Drive;
Thence Southeasterly along said Northeasterly line to a point that bears
South 71°28'00" West of the point of beginning;
Thence North 71°28'00" East, 163.36 feet more or less to the point of beginning.

TOGETHER WITH all second class tidelands abutting on or in front of the real estate
hereby conveyed.

Dated this 1st day of November, 1976
Witnesses to Mark
Richard Fleeson
Richard Fleeson
STATE OF WASHINGTON
Anna C. Vogt (SEAL)
Mark (SEAL)

County of Whatcom } ss.

On this 1st day of November, 1976, before me, the
undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared
ANNA C. VOGT

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged to me
that she signed and sealed this said instrument as her free and voluntary act and deed for the
uses and purposes therein mentioned

GIVEN under my hand and official seal this 1st day of November, 1976
[Signature]
Notary Public in and for the State of Washington,
residing at Bellingham.

Statutory Warranty 1

Vogt

5 MAR 26 1965
OFFICIAL RECORDS
Charles F. ...

WASHINGTON
TITLE INSURANCE
COMPANY
SEATTLE, WASHINGTON

Mail to

Send Tax Statement to

984169

FORM L58

Statutory Warranty Deed

THE GRANTORS, SARAH ELIZABETH VOGT, a widow, William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt for and in consideration of love and affection in hand paid, conveys and warrants to Earl Witherow Vogt,

the following described real estate, situated in the County of Whatcom, State of Washington:

A tract of land in Govt Lot 1, Section 30, Township 40 North, Range 1 East, W.M. described as follows:
Beginning at a point on the west line of said Govt Lot 1, 131.55 feet south of the northwest corner of said Section 30; thence east 30 feet to the east line of Drayton Harbor Road; thence south 39° 43' east, 131.50 feet to the true point of beginning; thence south 19° 04' East, 103.67 feet; thence south 23° 44' east, 120 feet; thence south 36° 47' west, 133.35 feet; thence south 26° 27' East, 895.66 feet to the south line of said Govt Lot 1; thence south 39° 37' 42" East, along the south line of Govt Lot 1, 530.00 feet; thence north 1° 49' 04" East, 1332.53 feet to the North line of Govt Lot 1; thence north 39° 43' west, along the north line of Govt Lot 1, 957.53 feet, to a point that bears north of the true point of beginning; thence south 131.50 feet to the true point of beginning, less road.

MAR 20 1965 7 5 1 0.00

PAID HUG...

Dated this 22nd day of March, 1965.

Sarah Elizabeth Vogt (SEAL)
William Otto Vogt (SEAL)
Earl Witherow Vogt (SEAL)

STATE OF WASHINGTON, } ss.
County of Whatcom

On this day personally appeared before me Sarah Elizabeth Vogt, widow, and William Otto Vogt and Earl Witherow Vogt, being all of the children of Sarah Elizabeth Vogt to me known to be the individuals described in and who executed the within and foregoing instrument, and Vogt acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

041314
074492

TOWNSHIP

40

RANGE

1E

SECTION

30

MAP NO.

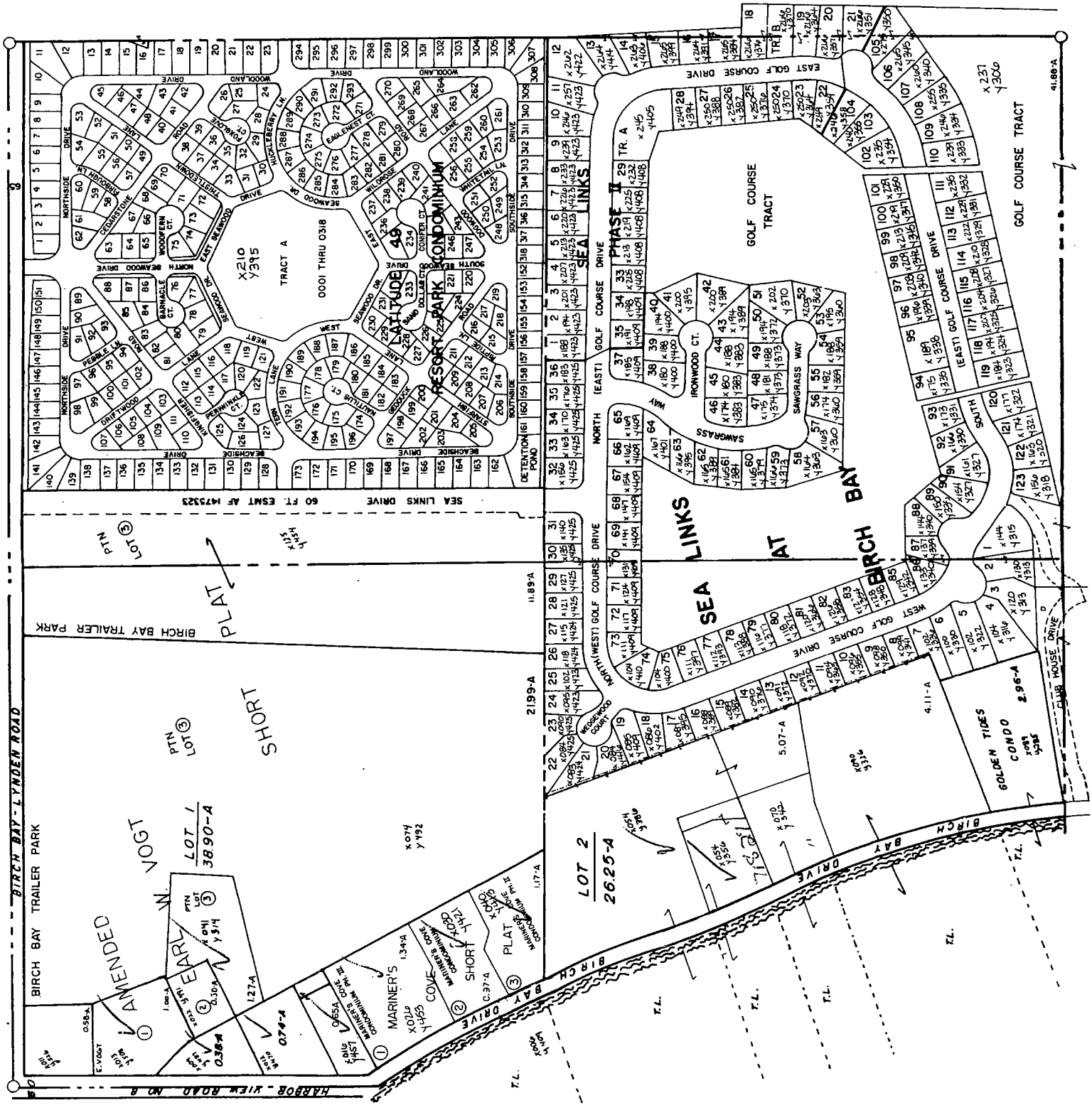
03

SCALE

1"=200'

DATE

6/2/184



Statutory Warranty Deed

Richard
Land

RECORDED
JUN 13 1953
1:30 PM '53
J. J. [unclear]
[unclear]



[Handwritten signature]

956615

FORM LBB

Statutory Warranty Deed

956615

PARCEL A: That part of Lot A in Block 2, "Morgan Cottonwood Beach Flat", Whatcom County, Washington, as per the map thereof, recorded in Book 7 of Plats, pages 51 and 52, in the Auditor's office of said county and state, more particularly described as follows:

Commencing at a point on the County Road 50 feet southeasterly along said Road from the westerly line of said Lot A; running thence in a northeasterly direction to a point on the northeasterly line of said Lot A where the side line between Lots 9 and 10 in the said Block 2 intersect said Lot A; thence northwesterly along the northeasterly line of said Lot A to the North corner of said Lot A; thence southwesterly along the line between Lots A and B in said Block 2, to the County Road; thence southeasterly along the County Road to the point of beginning.

PARCEL B: That part of Government Lot 4, Section 24, Township 40 North, Range 1 West of W.M., lying immediately in front of that part of Lot A, Block 2, "Morgan Cottonwood Beach Flat", conveyed by C. Delbert Richmond and Amalie M. Richmond, husband and wife, to James D. Richmond and Mena R. Richmond, husband and wife, by deed recorded in the office of the Auditor of said county and state under Auditor's File No. 623049, and there of record in Volume 327 of Deeds, page 480, between the northwesterly line of said Lot A extended southwesterly to the meander line and the southeasterly line of that part of said Lot A conveyed by said Deed extended southwesterly to the meander line and between the southwesterly line of the County Road and the Government Meander line.

ALSO all tide and shore lands of the second class situate in front of that portion of said Lot A conveyed by said Deed and in front of the lands above described.

LESS all roads.

VOL 7 PAGE 144

1145973

(7) The seller agrees, upon receiving full payment of the purchase price and interest in the manner above specified, to execute and deliver to purchaser a statutory warranty fulfillment deed to said real estate, excepting any part thereof hereafter taken for public use, free of encumbrances except any that may attach after date of closing through any person other than the seller, and subject to the following:

Reservations and restrictions of record.

May 1, 1973

1145973

(8) Unless a different date is provided for herein, the purchaser shall be entitled to possession of said real estate ~~HEREIN~~ and to retain possession as long as purchaser is not in default hereunder. The purchaser covenants to keep the buildings and other improvements on said real estate in good repair and not to permit waste and not to use, or permit the use of, the real estate for any illegal purpose. The purchaser covenants to pay all services, installation or construction charges for water, sewer, electricity, garbage or other utility services furnished to said real estate after the date purchaser is entitled to possession.

(9) In case the purchaser fails to make any payment herein provided or to maintain insurance, as herein required, the seller may make such payment or effect such insurance, and any amounts so paid by the seller, together with interest at the rate of 10% per annum in arrears from date of payment until repaid, shall be repayable by purchaser on seller's demand, all without prejudice to any other rights the seller may have by reason of such default.

(10) Time is of the essence of this contract, and the purchaser shall make any payment required hereunder promptly at the time and in the manner herein required. If the purchaser fails to do so, the purchaser's rights hereunder terminated, and upon his doing so, all payments made by the purchaser hereunder, and all improvements placed upon the real estate shall be forfeited to the seller as liquidated damages, and the seller shall have right to re-enter and take possession of the real estate, and no waiver by the seller of any default on the part of the purchaser shall be construed as a waiver of any subsequent default.

Service upon purchaser of all notices or other papers with respect to forfeiture and termination of purchaser's rights may be made by United States Mail postage prepaid, return receipt requested, directed to the purchaser at his address last known to the seller.

(11) Upon filing a petition or writ to enforce any covenant of this contract, including suit to collect any payment required hereunder, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, which sums shall be included in any judgment or decree entered in such suit.

If the seller shall bring suit to procure an adjudication of the termination of the purchaser's rights hereunder, and judgment is so entered, the purchaser agrees to pay a reasonable sum as attorney's fees and all costs and expenses in connection with such suit, and also the reasonable cost of searching records to determine the condition of title at the date such suit is commenced, which sums shall be included in any judgment or decree entered in such suit.

IN WITNESS WHEREOF, the parties hereto have executed this instrument as of the date first written above.

Albert L. Hickinbotham (SEAL)
Norma E. Hickinbotham (SEAL)
Connelly L. Brooks (SEAL)
Selen A. Brooks (SEAL)

STATE OF WASHINGTON, } ss.

County of Whatcom

On this 30th day personally appeared before me

NORMA E. HICKINBOTHAM

she

signed the same as

her

free of voluntary act and deed,

for the purposes therein mentioned.

30th day of August, 1973.

Don J. Kater
Notary Public in and for the State of Washington
residing at Bellingham



STATE OF WASHINGTON, } ss.

County of Whatcom

On this day personally appeared before me ALBERT L. HICKINBOTHAM

to and known to be the individual described in and who executed the within and foregoing instrument, and

signed the same as

he

signed the same as

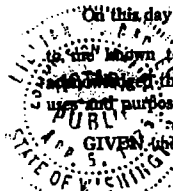
his

free and voluntary act and deed, for the

uses and purposes therein mentioned.

30th day of August, 1973.

Lillian A. Berne
Notary Public in and for the State of Washington,
residing at Blaine.



FORM 88B, ACKNOWLEDGMENT, INDIVIDUAL

NAME *John Blater, atty*
ADDRESS _____
CITY AND STATE *Bellingham, Wn*

VOL 202 PAGE 678
REQUEST OF
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
DEPUTY
SEP 4 1973

RECEIVED FOR RECORD AT
BELLINGHAM TITLE CO.
REQUEST OF
WELLA HANSEN, CO. AUDITOR

VOL 202 PAGE 679



Pioneer National Title Insurance Company
 WASHINGTON TITLE DIVISION
 Filed for Record at Request of

1195670
FRED YATES
BX 1287
BLAINE WASH
98230

THIS SPACE RESERVED FOR RECORDER'S USE

AUG 19 1 52 PM '75
 VOL 262 PAGE 421
 REQUEST OF OR
 WELLA HARTGEN, AUDITOR
 WHATCOM COUNTY, WASH.
 DEPUTY

1195670

REVENUE STAMPS

13456

FORM L58F

Statutory Warranty Deed

THE GRANTOR S JACK C. GRAVES and KATHERINE A. GRAVES, his wife,

for and in consideration of TEN AND NO/100 (\$10.00) DOLLARS, and other valuable consideration, in hand paid, conveys and warrants to FREDERICK A. YATES and JUNE I. YATES, his wife, the following described real estate, situated in the County of Whatcom, State of Washington:

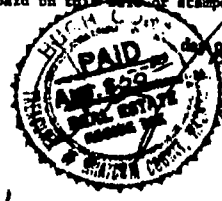
Lot 24, BIRCH BAY VILLAGE DIVISION NO. 2, according to the plat thereof, recorded in Volume 9 of Plats, Pages 93 and 94, records of Whatcom County, Washington.



This deed is given in fulfillment of that certain real estate contract between the parties hereto, dated April 28, 1972, and conditioned for the conveyance of the above described property, and the covenants of warranty herein contained shall not apply to any title, interest or encumbrance arising by, through or under the purchaser in said contract, and shall not apply to any taxes, assessments or other charges levied, assessed or becoming due subsequent to the date of said contract.

Real Estate Excise Tax was paid on this deed or stamped exempt on MAY 4 - 1972, Rec. No. 2401 ~~11128~~

Dated this 28th



APRIL 1972

Jack C. Graves (GRAL)
Katherine A. Graves (GRAL)
 Katherine A. Graves

STATE OF WASHINGTON, }
 County of King }

On this day personally appeared before me JACK C. GRAVES and KATHERINE A. GRAVES, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 28th day of APRIL 1972

Richard H. Daly
 Notary Public in and for the State of Washington,
 residing at Mercer Island, Wash.

VOL 262 PAGE 421

Gordon Sullivan
1972 DEC 14 AM 11:59
VOL 183 PAGE 141
REQUEST OF
WELLA HANSEN, AUDITOR
WHATCOM COUNTY, WASH.
W. H. H. DEPUTY
05161

1128722

Filed for Record at Request of

Name Gordon S. and Catherine H. Sullivan
Address Route 1 Box 115
City & State Blaine, Washington

1128722

FORM 488-1-REV.

Quit Claim Deed

THE GRANTOR **RUTH A. MC PHADEN**, an unmarried woman, formerly **RUTH BRAUNER**
for and in consideration of **ONE DOLLAR** and other valuable considerations.
conveys and quit claims to **GORDON SULLIVAN** and **CATHERINE H. SULLIVAN**, his wife
the following described real estate, situated in the County of **Whatcom** State of **Washington**,
together with all after acquired title of the grantor(s) therein:

County of **Whatcom**, State of **Washington**, * **The North half of Government Lot 3 and the North half of the Northeast quarter of the Southwest quarter.**

All of Government Lot 2, and the Southeast quarter of the Northwest quarter except the following described tracts designated (a), (b), and (c);

(a) **A tract of land situated in said Lot 2, more particularly described as follows, to-wit: Beginning at a point on the North line of Lot 2, Section 30, Township 40 North, Range 1 East, W.N., 2935.2 feet West of the Northeast corner of the Southeast quarter of the Northwest quarter of the Section 30; thence South 21° - 02' East, 456 feet; thence South 71° 23' West to the Government Meander Line of Birch Bay; thence Northwesterly along said meander line to an intersection with the North line of Lot 2 of the said Section 30; thence East along the North line of Lot 2 of the said Section 30 to the point of beginning, less roads.**

(CONTINUED ON REVERSE HEREOF)

lpa pd 6/53
3998



Dated this 1st day of December 1972.

Ruth A. McPhaden
Ruth A. McPhaden

STATE OF WASHINGTON, }
County of **KING** } ss.

On this day personally appeared before me **RUTH A. MC PHADEN**, formerly **RUTH A. BRAUNER**
to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her **free and voluntary** act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of December, 1972.

[Signature]

(b) A tract of land situated in said Lot 2, more particularly described as follows. to-wit: Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of Section 30, Township 40 North, Range 1 East, W.M. and running thence West along the North line of the Southeast quarter of the Northwest quarter of the said Section 30 and along the North line of Lot 2, of the said Section 30, 1935.2 feet; thence South $21^{\circ} - 02'$ East, 456 feet to the true point of beginning; thence South $21^{\circ} - 02'$ East, 587 feet; thence South $71^{\circ} 28'$ West to the Government Meander Line of Birch Bay; thence Northwesterly along said meander line to a point which bears South $71^{\circ} 28'$ West of the true point of beginning; thence North $71^{\circ} 28'$ East to the true point of beginning, less roads.

(c) A tract of land situated in said Lot 2 more particularly described as follows, to-wit: Beginning at the Northeast corner of the Southeast quarter of the Northwest quarter of the said Section 30; thence West, along the North line of the Southeast quarter of the Northwest quarter of the said Section 30 and along the North line of Government Lot 2 of the said Section 30, 1935.2 feet; thence South $21^{\circ} 02'$ East, 1043 feet; thence South $71^{\circ} 28'$ West, 80 feet to the true point of beginning; thence South $21^{\circ} 02'$ East, 253 feet; thence South $82^{\circ} 20'$ East to the Gov't Meander line of Birch Bay; thence Northwesterly along the said Gov't meander line to a point which bears South $71^{\circ} 28'$ West of the true point of beginning; thence North $71^{\circ} 28'$ East to the true point of beginning, less roads.

the West $99'$ of the North Half of the North Half of the Southeast quarter.

the West 3 acres of the South Half of the Northeast quarter.

All tide and shore lands of the second class situate in front of, adjacent to or abutting upon Government Lot 2, except the three tracts of land described in paragraphs designated (a), (b) and (c) above, and the North half of Government Lot 2, Expressly excepting herefrom all tide and shore lands of the second class situate in front of, adjacent to or abutting upon that portion of Government Lot 2 described in said paragraphs designated (a), (b) and (c) above.

in Section 30, Township 40 North, Range 1 East of W.N., less roads.

DEC 14 1972
RECEIVED FOR RECORD AT 11.59
AT REQUEST OF Arthur Sullivan
WELLA HANSEN, CO. AUDITOR WHATCOM CO. WASH

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