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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SAMMAMISH HOMEOWNERS, A
WASHINGTON NON-PROFIT
CORPORATION; THOMAS E. HORNISH
AND SUZANNE J. HORNISH, TRUSTEES
OF THE THOMAS E. HORNISH AND
SUZANNE J. HORNISH JOINT LIVING
TRUST; TRACY AND BARBARA
NEIGHBORS; ARUL MENEZES AND
LUCRETIA VANDERWENDE; AND
HEBERT MOORE AND ELYNNE MOORE,

Plaintiffs,

vs.

KING COUNTY, a political subdivision of the
State of Washington,

Defendant.

COMPLAINT FOR DECLARATORY
RELIEF AND TO QUIET TITLE

COME NOW Plaintiffs Sammamish Homeowners, Thomas E. Hornish and
Suzanne J. Hornish as trustees of the Thomas E. Hornish and Suzanne J. Hornish Joint
Living Trust, Tracy and Barbara Neighbors, Arul Menezes and Lucretia Vanderwende,

COMPLAINT FOR DECLARATORY RELIEF AND TO
QUIET TITLE AND - PAGE 1

RODGERS DEUTSCH & TURNER, P.L.L.C.
Attorneys At Law
Three Lake Bellevue Dr. Suite 100
Bellevue, Washington 98005-2440
Tel. (425)455-1110 Fax (425)455-1626

1 and Herbert and Elynne Moore, for their causes of action against King County,
2 pursuant to the Revised Code of Washington § 7.28.010, *et seq*, and § 7.24.010, *et. seq.*,
3 and allege as follows:

4 **NATURE OF ACTION**

5 1. Plaintiffs are landowners who own fee title in land adjoining a 12.45
6 mile length of abandoned railroad right-of-way in King County, Washington between
7 milepost 7.3, near Redmond, and milepost 19.75, at Issaquah, in King County,
8 Washington along Lake Sammamish.
9

10 2. The railroad, both at the time of the acquisition of the right-of-way in the
11 late 1800s and the abandonment of the right-of-way in 1998, acquired an easement for
12 railroad purposes over and through the adjacent landowners' land that was limited to
13 the surface of the adjacent landowners' fee ownership in their land.
14

15 3. The railroad line in question was originally constructed by the Seattle,
16 Lake Shore & Eastern Railway Company (SLS&E) from May 1887 through March
17 1888. The SLS&E acquired rights-of-way across public lands under the 1875 Act,
18 easement deeds and prescriptive easements.

19 4. The 1875 Act granted railroad companies rights-of-way over public land
20 to construct tracks and operate railways. Requirements for obtaining a right-of-way
21 were set forth in the 1875 Act, and included filing a map of the intended railroad with
22 the local district land office and receiving approval from the Secretary of the Interior.
23 See 1875 Act, § 4 (codified at 43 U.S.C. § 937 (repealed by the Federal Land Policy
24

1 and Management Act of 1976, Pub. L. No. 94-579, § 706(a), 90 Stat. 2743)). Pursuant
2 to the 1875 Act, between 1887 and 1891, the SLS&E took the necessary steps to
3 establish a railroad right-of-way across public land along the eastern shore of Lake
4 Sammamish in King County, Washington.

5 5. On July 5, 1887, the SLS&E secured approval from the Department of
6 the Interior of their map identifying the location for proposed construction of a railroad
7 running generally along the eastern shoreline of Lake Sammamish, Washington.
8 Construction of the railroad was completed in 1888. On April 15, 1891, the SLS&E
9 filed a Map of Location showing the final location of the constructed railroad, with the
10 United States Land Office in Seattle, Washington.

11 6. On May 13, 1998, the Surface Transportation Board (“STB”) granted
12 Burlington Northern an exemption to abandon a 12.45 mile length of railroad between
13 milepost 7.3, near Redmond, and milepost 19.75, at Issaquah, in King County,
14 Washington. *See id.*

15 7. On September 16, 1998, the STB authorized The Land Conservancy of
16 Seattle and King County (TLC) to assume financial responsibility for the rights-of-way
17 pursuant to the National Trails System Act Amendments of 1983, Pub. L. No. 98-11, §
18 208, 97 Stat. 42, codified at 16 U.S.C. § 1247(d) (2006) (the “Trails Act”). *See*
19 *Burlington N. & Santa Fe Ry. Co. - Abandonment Exemption - in King Cnty., WA,*
20 *STB Docket No. AB-6 (Sub. No. 380X), 1998 STB LEXIS 519, 1998 WL 638432.*

1 8. The STB also authorized the issuance of a Notice of Interim Trail Use
2 (“NITU”) for the Burlington Northern right-of-way, permitting King County and the
3 TLC to establish a public recreational trail over the railroad right-of-way. The STB’s
4 ruling authorized conversion of the railroad rights-of-way into a recreational trail,
5 pursuant to 16 U.S.C. § 1247(d). The NITU was issued on September 18, 1998.

6 9. King County subsequently reached an agreement with Burlington
7 Northern Santa Fe (“BNSF”) for use of the rights-of-way for trail purposes. On
8 September 29, 1998, counsel for the TLC informed the STB that the parties had reached
9 agreements railbanking the railroad corridor pursuant to the NITU. Since the STB
10 approved conversion of the railway to a trail, no railway carriers have used the railroad,
11 and the tracks have been removed from the rights-of-way.

12 10. King County, by and through The National Trails System Act
13 Amendments of 1983, 16 U.S.C. § 1247(d) (“Trails Act”), and a series of related
14 transactions, contracts, and deeds have improperly and illegally invaded and clouded
15 Plaintiffs’ fee ownership in their subsurface and aerial rights associated with the right-
16 of-way.
17

18 11. Plaintiffs seek, among other things, a declaratory judgment and to quiet
19 title, and any actual and statutory damages, attorneys’ fees, and costs.
20

21 **THE PARTIES**

22 12. Sammamish Homeowners is comprised of over 400 landowners who
23 own land adjacent to the former railroad easement acquired by the King County in
24

1 1998. The Homeowners of Sammamish Homeowners own the fee title to the railroad's
2 abandoned right-of-way that is now subject to an easement for an interim trail and
3 possible future railroad reactivation pursuant to the Trails Act. (A copy of the
4 Certificate of Incorporation is attached as Exhibit A).

5 13. Plaintiff The Thomas E. Hornish and Suzanne J. Hornish Joint Living
6 Trust dated June 21, 2013, Thomas and Suzanne Hornish, trustees, are residents of
7 King County, Washington who own land adjacent to the former railroad easement
8 acquired by the King County in 1998. The Thomas E. Hornish and Suzanne J. Hornish
9 Joint Living Trust's parcel number 062406-9042, was acquired on November 7, 2013
10 and includes the fee title to all that property of the abandoned right-of-way that is now
11 subject to an easement for an interim trail and possible future railroad reactivation
12 pursuant to the Trails Act. (A copy of the current deed evidencing ownership of the
13 above-described property is attached as Exhibit B).

14 14. Plaintiffs Tracy and Barbara Neighbors are residents of King County,
15 Washington who own land adjacent to the former railroad easement acquired by the
16 King County in 1998. Tracy and Barbara Neighbors' parcel number 072406-9006, was
17 acquired on June 22, 2011 and includes the fee title to all that property of the
18 abandoned right-of-way that is now subject to an easement for an interim trail and
19 possible future railroad reactivation pursuant to the Trails Act. (A copy of the current
20 deed evidencing ownership of the above-described property is attached as Exhibit C).

1 15. Plaintiffs Arul Menezes and Lucretia Vanderwende are residents of King
2 County, Washington who own land adjacent to the former railroad easement acquired
3 by the King County in 1998. Arul Menezes and Lucretia Vanderwende's parcel
4 number 072406-9024, was acquired on July 22, 1997 and includes the fee title to all
5 that property of the abandoned right-of-way that is now subject to an easement for an
6 interim trail and possible future railroad reactivation pursuant to the Trails Act. (A
7 copy of the current deed evidencing ownership of the above-described property is
8 attached as Exhibit D).

10 16. Plaintiffs Hebert Moore and Elynne Moore are residents of King
11 County, Washington who own land adjacent to the former railroad easement acquired
12 by the King County in 1998. Hebert Moore Elynne Moore's parcel number 172406-
13 9077, was acquired on May 24, 2012 and includes the fee title to all that property of the
14 abandoned right-of-way that is now subject to an easement for an interim trail and
15 possible future railroad reactivation pursuant to the Trails Act. (A copy of the current
16 deed evidencing ownership of the above-described property is attached as Exhibit E).

18 17. King County is a home rule charter county and a political subdivision of
19 the State of Washington.

20 **JURISDICTION AND VENUE**

21 18. This Court has jurisdiction pursuant to the Revised Code of Washington
22 § 7.28.010 *et seq* and 7.24.010 *et seq*. because the Defendants have clouded the title to
23 Plaintiffs' property. The Defendants only obtained an easement for trail use over the
24

1 surface of Plaintiffs' property by and through implementation of the Trails Act. This
2 action presents a claim arising under the laws of the United States as well as the laws of
3 Washington.

4 19. Pursuant to the Revised Code of Washington § 4.12.10, venue is proper
5 because (1) Defendants reside in King County; (2) a substantial part of the events or
6 omissions giving rise to the claims occurred in King County; and (3) all of the property
7 that is the subject of this action is situated in King County.
8

9 **FACTS PERTINENT TO ALL CAUSES FOR RELIEF**

10 20. In the late 1800s, SLS&E acquired land to construct their railroad right-
11 of-way along Lake Sammamish by way of the 1875 Act, easement deeds and
12 prescriptive easements.

13 21. The original conveyances to the railroad have already been analyzed and
14 determined to convey mere easements for railroad purposes by Judge Marian Blank
15 Horn of the United States Court of Federal Claims in *Beres v. United States*, 104 Fed.
16 Cl. 408 (Fed. Cl. 2012). Judge Horn's Opinion and Order, rendered on April 5, 2012,
17 concluded that the conveyances at issue in this case were conveyances of easements to
18 the railroad for their railroad purposes only and that the easement currently on
19 Plaintiffs' land is a surface easement for recreational trail use with the potential
20 reactivation of a railroad.
21

22 22. The Seattle, Lake Shore & Eastern Railway Company changed names
23 and ownership on several occasions over many decades. After many changes in
24

1 ownership and acquisition of the line from previous railroads, the Burlington Northern
2 Sante Fe Railroad (“BNSF”) became the rail operator. BNSF operated the railroad line
3 over the railroad corridor for a time and ultimately stopped using the right-of-way for
4 the operation of a railroad.

5 23. The Trails Act authorizes the STB, the governmental entity responsible
6 for regulating railroads and their common carrier obligations, to “preserve for possible
7 future railroad use rights-of-way not currently in service and to allow interim use of the
8 land as recreational trails.”
9

10 24. Congress enacted the Trails Act to address the national problem of
11 railroad abandonments and the loss of the national network of rights-of-way. The
12 Trails Act authorizes the STB to preserve railroad corridors or rights-of-way not
13 currently in use for train service for possible future rail use by converting those rights-
14 of-way into recreational trails. In essence, the Trails Act allows a railroad to relinquish
15 responsibility for a rail line by transferring the corridor to an entity that will use it as a
16 recreational trail. Although the corridor is not used as a railroad during the period of
17 interim trail use, it remains intact for potential future use for rail service. This process
18 is called “railbanking.”
19

20 25. Pursuant to the Trails Act, before a railroad corridor may be converted
21 into a recreational trail, the railroad must either initiate abandonment proceedings with
22 the STB under 49 U.S.C. § 10903 or seek an exemption from the ordinary abandonment
23 procedures under 49 U.S.C. § 10502. Under either procedure, abandonment of the rail
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25

1 line and right-of-way will not be approved by the STB if a qualified trail provider
2 submits to the STB a request to use the right-of-way as a recreational trail.

3 26. If the trail provider submits a statement of willingness to assume
4 financial and legal responsibility to the STB and the railroad, the STB will issue a
5 NITU, which preserves the STB's jurisdiction over the rail corridor while the parties
6 negotiate an Interim Trail Use Agreement. 49 C.F.R. § 1152.29(c).

7 27. The NITU preserves the STB's jurisdiction over the rail corridor, allows
8 the railroad to discontinue operations and remove track and equipment, and affords the
9 railroad and the trail provider 180 days to negotiate a railbanking and Trails Use
10 Agreement. During this period, the railroad will negotiate an agreement for the transfer
11 of the corridor to the trail operator.

12 28. If an agreement is ultimately reached, the NITU automatically authorizes
13 the interim trail use. If the STB takes no further action, the trail sponsor then may
14 assume management of the right-of-way, subject only to the right of the railroad to
15 reassert control of the property for restoration of rail service. If an agreement is not
16 reached, the railroad will be allowed to abandon the line, at which time the STB's
17 jurisdiction over the right-of-way terminates and the fee ownership in the rail corridor
18 returns to the adjacent landowners.

19 29. In 1998, BNSF filed a Petition for Exemption to abandon the line with
20 the STB. On September 16, 1998 the STB authorized the Land Conservancy of Seattle
21 and King County to assume financial responsibility for the corridor and the conversion
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1 of the corridor into a recreational trail. The NITU from the STB was filed pursuant to
2 the Trails Act and is attached as Exhibit F.

3 30. Pursuant to the Trails Act and its implementing regulations, King
4 County entered into an interim Trail Use Agreement with BNSF on September 29, 1998
5 to railbank the railroad corridor from milepost 7.3 near Redmond and milepost 19.75 at
6 Issaquah, in King County, Washington, subject to reactivation for the resumption of
7 interstate freight service. The interim Trail Use Agreement designated King County as
8 the interim trail user for railbanking purposes. The Trail Use Agreement is attached as
9 Exhibit G.
10

11 31. King County, through the Quit Claim Deed from BNSF recorded under
12 King County Recording No. 9704280575, and pursuant to the Trails Act, acquired an
13 easement over the surface of the right-of-way, which pursuant to the Trails Act, is now
14 an easement for a hiking and biking trail with the possible reactivation of a railroad.
15 King County, who improperly and illegally attempted to usurp the landowners' fee
16 interests in the subsurface rights and improperly is attempting to claim ownership in
17 land that belongs to Plaintiffs, which King County has no right to do.
18

19 32. King County only acquired a surface easement from BNSF pursuant to
20 the Trails Act. King County could only and did only receive a surface easement by and
21 through the Quit Claim Deed with and from BNSF, but has repeatedly made false
22 claims and representations of fee ownership. King County's easement from the BNSF,
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1 to the extent it purportedly grants any rights beyond the surface of Plaintiffs' land, is
2 invalid and unenforceable.

3 **COUNT I - DECLARATORY JUDGMENT**

4 For Count I against King County, Plaintiffs Sammamish Homeowners, Tom and
5 Suzanne Hornish, Tracy and Barbara Neighbors, Arul Menezes and Lucretia
6 Vanderwende, and Herbert and Elyne Moore, allege as follows:

7 33. Plaintiffs hereby incorporate by reference paragraphs 1-32 as though
8 fully set forth herein.
9

10 34. Plaintiffs own the underlying fee in the railroad right-of-way adjacent to
11 their property, including subsurface and aerial rights.

12 35. BNSF, prior to implementation of the Trails Act and the granting of a
13 quit claim deed to King County, possessed an easement for railroad purposes on the
14 surface of Plaintiffs' fee ownership in the railroad's right-of-way.
15

16 36. King County acquired BNSF's easement, which is now an easement for
17 a hiking and biking trail with the potential reactivation of a railroad pursuant to the
18 Trails Act, on the surface of Plaintiffs' fee ownership.

19 37. Pursuant to the Trails Act, BNSF abandoned their easement for railroad
20 purposes on the surface of Plaintiffs' fee ownership and King County, as trail operator
21 under the Trails Act, acquired a surface easement for a hiking and biking trail with the
22 possible reactivation of a railroad.
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1 38. Although King County merely acquired a surface easement for a hiking
2 and biking trail on Plaintiffs' property with the possible reactivation of a railroad, is
3 now claiming rights beyond a surface easement for a recreational trail on Plaintiffs'
4 property.

5 39. Under the Uniform Declaratory Judgments Act, Chapter 7.24 of the
6 Revised Code of Washington, the Court has jurisdiction to declare the rights of the
7 parties with respect to the railroad right-of-way at issue. Specifically, under Section
8 7.24.020 of the Revised Code of Washington, any person claiming an interest under a
9 deed, written contract, or statute is entitled to a determination of rights arising under the
10 deed, written contract, or statute.

11 40. Plaintiffs are entitled to a declaration of rights that the original source
12 conveyances to the railroad were easements, that the easements were for railroad
13 purposes only, and that they are the fee owners of the railroad right-of-way at issue,
14 because King County only acquired a surface easement for a hiking and biking trail
15 with the possible reactivation of a railroad pursuant to the Trails Act and has no right to
16 utilize any area of the corridor beyond the area used for railroad purposes.

17
18
19 **COUNT II - QUIET TITLE**

20 For Count II against King County, Plaintiffs Tracy and Barbara Neighbors, Arul
21 Menezes and Lucretia Vanderwende, Herbert and Elyne Moore, and Eva
22 Vanderhoeven allege as follows:
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1 41. Plaintiff incorporates by reference paragraphs 1-40 as though fully set
2 forth herein.

3 42. BNSF held an easement for railroad purposes by way of a prescriptive
4 easement and the easement width is dictated by the railroad's historic use.

5 43. After the STB issued the NITU applicable to Plaintiff's land, King
6 County acquired the right-of-way from BNSF through a quit claim deed on April 23,
7 1997, attached as Exhibit I. By and through operation of the NITU, the Trails Act, and
8 the quit claim deed, King County acquired an easement on the surface of Plaintiff's
9 land and Plaintiff's land was then encumbered with a surface easement for a hiking and
10 biking trail with the possible reactivation of a railroad.

11 44. Although King County acquired an easement on the surface of Plaintiff's
12 land, it has asserted that it acquired Plaintiff's fee ownership in the railroad corridor
13 including Plaintiff's subsurface and aerial rights, in addition to Plaintiff's surface rights,
14 as well as greater widths than the railroad owned or utilized.

15 45. King County, by and through the Quit Claim deed from the BNSF,
16 acquired BNSF's easement for a hiking and biking trail with the possible reactivation of
17 a railroad, which are the specific legal rights that King County assumed as the Trail
18 User under the Trails Act.

19 46. The conduct of King County in claiming to be able to utilize Plaintiff's
20 subsurface and aerial rights for their own purposes, as well as at greater widths than the
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1 railroad had, amounts to a cloud on Plaintiffs' fee ownership in their subsurface and
2 aerial rights.

3 47. Pursuant to § 7.28.010 of the Revised Code of Washington, and because
4 the Plaintiffs own the fee interest in the right-of-way, the actions and conduct of King
5 County in claiming fee ownership of the right-of-way and an interest in Plaintiff's
6 subsurface and aerial rights, as well as at greater widths that the railroad had, has
7 improperly placed a cloud on Plaintiff's title.

8
9 48. As a direct and proximate result of the cloud on Plaintiff's title created
10 by the unlawful acts and conduct of King County in claiming rights to Plaintiff's
11 subsurface and aerial rights, as well as at greater widths that the railroad had, Plaintiff is
12 entitled to an order quieting any claim of any interest in the subsurface and aerial rights
13 by King County.

14 WHEREFORE, Plaintiffs respectfully request that judgment be entered for
15 Plaintiff and against King County quieting title in Plaintiffs' favor and for a declaratory
16 judgment declaring that King County only obtained a surface easement for a hiking and
17 biking trail with the possible reactivation of a railroad by and through the Trails Act
18 and the Quit Claim Deed with BNSF, and for such further monetary and equitable relief
19 and for allowable costs and attorney fees as the Court may deem just and proper.
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Date: February 25, 2015

BAKER STERCHI COWDEN & RICE, L.L.C.

By /s/ Thomas S. Stewart

Thomas S. Stewart
Elizabeth McCulley
2400 Pershing Road, Suite 500
Kansas City, MO 64108
Telephone: (816) 471-2121
Facsimile: (816) 472-0288
stewart@bscr-law.com
mcculley@bscr-law.com
Bettenhausen@bscr-law.com

AND

RODGERS DEUTSCH & TURNER, P.L.L.C.

By /s Daryl A. Deutsch

Daryl A. Deutsch, WSBA No. 11003
3 Lake Bellevue Dr. Suite 100
Bellevue, WA 98005
Telephone (425) 455-1110
Facsimile (425) 455-1626
daryl@rdtlaw.com

ATTORNEYS FOR PLAINTIFFS

4837-2331-7794, v. 1

UNITED STATES OF AMERICA

The State of Washington



Secretary of State

I, SAM REED, Secretary of State of the State of Washington and custodian of its seal, hereby issue this

CERTIFICATE OF INCORPORATION

to

SAMMAMISH HOMEOWNERS

a/an WA Non-Profit Corporation. Charter documents are effective on the date indicated below.

Date: 5/18/2011

UBI Number: 603-114-820

APPID: 2040414



Given under my hand and the Seal of the State of Washington at Olympia, the State Capital.

Sam Reed

Sam Reed, Secretary of State



FIRST AMERICAN

2143969
31274



2013112000935

FIRST AMERICAN WD 74.00
PAGE-001 OF 003
11/12/2013 12:30
KING COUNTY, WA

AFTER RECORDING MAIL TO:

Hornish Joint Living Trust
1237 E Lake Sammamish Shore Lane SE
Sammamish, WA 98075

E2640347

11/12/2013 12:27
KING COUNTY, WA
TAX \$35,605.00
SALE \$2,000,000.00

PAGE-001 OF 001

Filed for Record at Request of:
First American Title Insurance Company

Space above this line for Recorders use only

STATUTORY WARRANTY DEED

File No: 4243-2143969 (rv)

Date: November 07, 2013

Grantor(s): Bilarie Family Trust

Grantee(s): Hornish Joint Living Trust

Abbreviated Legal: PTN OF GL 2, SEC 6 TWP 24N RGE 6E, KING COUNTY

Additional Legal on page:

Assessor's Tax Parcel No(s): 062406904201

THE GRANTOR(S) JOHN NYBERG, RICHARD LACKEY AND JOSHUA HELLING, TRUSTEES OF THE BILARIE FAMILY TRUST ESTABLISHED UNDER TRUST AGREEMENT DATED DECEMBER 21, 2012, OR THEIR SUCCESSORS for and in consideration of Ten Dollars and other Good and Valuable Consideration, in hand paid, conveys, and warrants to Thomas E. Hornish and Suzanne J. Hornish, Trustees of The Thomas E. Hornish and Suzanne J. Hornish Joint Living Trust dated June 21, 2013, the following described real estate, situated in the County of King, State of Washington:

LEGAL DESCRIPTION: Real property in the County of King, State of Washington, described as follows:

PARCEL A:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF GOVERNMENT LOT 2, SECTION 6, TOWNSHIP 24 NORTH, RANGE 6 EAST W.M., IN KING COUNTY, WASHINGTON, WITH THE WESTERLY LINE OF THE NORTHERN PACIFIC RAILWAY RIGHT-OF-WAY;
THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE 315 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTHWESTERLY ALONG SAID RIGHT-OF-WAY LINE 52.3 FEET;
THENCE WEST PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 2, 160 FEET, MORE OR LESS, TO THE WEST LINE OF GOVERNMENT LOT 2;
THENCE NORTHERLY ALONG SAID LOT LINE 62 FEET, MORE OR LESS, TO A POINT WEST OF SAID POINT OF BEGINNING;



APN: 062406904201

Statutory Warranty Deed
- continued

File No.: 4243-2143969 (rv)

**THENCE EAST PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT 2, 158 FEET,
MORE OR LESS, TO THE POINT OF BEGINNING;**

TOGETHER WITH ALL SHORE LANDS OF THE SECOND CLASS FRONTING THEREON.

PARCEL B:

**AN EASEMENT FOR ROAD AS DERIVED FROM KING COUNTY SUPERIOR COURT CAUSE
NO. 79-2-04452-1 AND DISCLOSED BY RECORDING NO. 8804290384.**

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Subject To: This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

Bilarie Family Trust

John Nyberg, Trustee

Joshua Helling, Trustee

STATE OF Washington

COUNTY OF King

)-ss
)

I certify that I know or have satisfactory evidence that **JOHN NYBERG AND JOSHUA HELLING**, is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they is/are authorized to execute the instrument and acknowledged it as the **TRUSTEES of Bilarie Family Trust** to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: _____

Notary Public in and for the State of Washington

Residing at:

My appointment expires:

APN: 062406904201

Statutory Warranty Deed
- continued

File No.: 4243-2143969 (rv)

TOGETHER WITH ALL SHORE LANDS OF THE SECOND CLASS FRONTING THEREON.

PARCEL B:

AN EASEMENT FOR ROAD AS DERIVED FROM KING COUNTY SUPERIOR COURT CAUSE NO. 79-2-04452-1 AND DISCLOSED BY RECORDING NO. 8904290384.

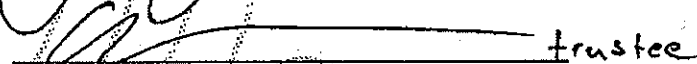
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Subject To: This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

Bilarie Family Trust



John Nyberg, Trustee **TRUSTEE**

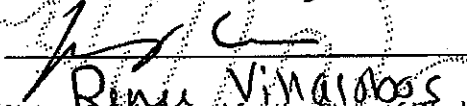


Joshua Helling, Trustee **trustee**

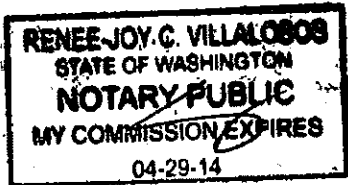
STATE OF Washington)
)-ss
COUNTY OF King)

I certify that I know or have satisfactory evidence that **JOHN NYBERG AND JOSHUA HELLING**, is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he/she/they is/are authorized to execute the Instrument and acknowledged it as the **TRUSTEES** of **Bilarie Family Trust** to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

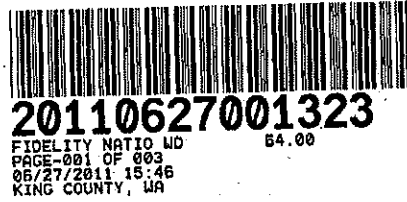
Dated: 11/7/13



Renee Villalobos
Notary Public in and for the State of Washington
Residing at: Issaquah
My appointment expires: 4/29/14



When recorded return to:
Tracy Charles Neighbors and Barbara Jane
Neighbors
3015 E. Lake Sammamish Pkwy SE
Sammamish, WA 98075



E2497903

06/27/2011 15:44
KING COUNTY, WA
TAX \$32,935.00
SALE \$1,850,000.00

PAGE-001 OF 001

Filed for record at the request of
Fidelity National Title
10655 NE 4th St., Suite 200
Bellevue, WA 98004

Escrow No.: 811007691

FIDELITY NATIONAL TITLE

STATUTORY WARRANTY DEED

THE GRANTOR(S) George H. Rumberger, III and Kathleen Rumberger, husband and wife
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable
consideration

in hand paid, conveys, and warrants to Tracy C. Neighbors and Barbara J. Neighbors,
a married couple

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

Abbreviated Legal: (Required if full legal not inserted above.)

Ph Govl. Lot 2, 7-21-7

Tax Parcel Number(s): 072406-9006-04

Subject to:

- 1. Subject to: Easements, Covenants, Conditions and Restrictions of record, if any

Dated: June 22, 2011

George H. Rumberger, III
by [Signature]
Kathleen Rumberger
by [Signature]
Kathleen Rumberger



STATUTORY WARRANTY DEED
(continued)

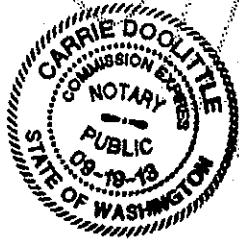
State of: Washington
County of King

I certify that I know or have satisfactory evidence that Thomas J. Sullivan

(~~is~~are the person(s) who appeared before me, and said person acknowledged that (~~he~~she/they) signed this instrument, on oath stated that (~~he~~she/they) was authorized to execute the instrument and acknowledged it as the Attorney in Fact of George H. Rumberger, III and Kathleen Rumberger to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 6-24-11

(Signature)
Name: Carrie Doolittle
Notary Public in and for the State of Washington
Residing at: Bellevue WA
My appointment expires: 09-19-13



Document

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 072406-9006-04

THAT PORTION OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 24 NORTH, RANGE 6 EAST, WILLAMETTE MERIDIAN, IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE QUARTER CORNER ON THE EAST LINE OF SAID SECTION;
THENCE SOUTH 0°10'00" EAST ALONG SAID EAST LINE, A DISTANCE OF 74.4 FEET TO THE MEANDER CORNER;
THENCE ALONG THE MEANDER LINE NORTH 79°51'00" WEST 490 FEET;
THENCE NORTH 68°30'00" WEST 177.40 FEET;
THENCE NORTH 54°45'00" WEST 298.6 FEET;
THENCE NORTH 52°23'00" WEST 208.4 FEET TO A POST AND THE TRUE POINT OF BEGINNING;
THENCE NORTH 43°33'00" WEST 93.84 FEET;
THENCE LEAVING SAID MEANDER LINE NORTH 48°00'00" EAST TO THE WESTERLY LINE OF REDMOND-ISSAQUAH COUNTRY ROAD;
THENCE SOUTHEASTERLY ALONG SAID ROAD LINE TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 48°00'00" WEST;
THENCE SOUTH 48°00'00" WEST 200.25 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING;

EXCEPT THAT PORTION WITHIN THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY;
TOGETHER WITH SECOND CLASS SHORE LAND ADJACENT THERETO.

GR III by JIS POA
KR by RB POA

5/27/28-0304 10:57:00 AM KING COUNTY RECORDS 003 JUN 10:00

AFTER RECORDING MAIL TO:
Arul Menezes
16415 Northeast 30th
Bellevue, WA 98008

Filed for Record at Request of
ESCROW PROFESSIONALS OF WASHINGTON
Escrow Number: E2554G6

4015795 **Statutory Warranty Deed** 10-

Grantor(s): Lynne Goldsmith
Grantee(s): Arul Menezes, Lucretia Vanderwende
Abbreviated Legal: PTN OF GOV LOT 2 SEC 7 TOWN24N RNG6E
Additional legal(s) on page: 2
Assessor's Tax Parcel Number(s): 072406-9024-02

THE GRANTOR Lynne Goldsmith, a single person, as her separate estate for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Arul Menezes, a single person, and Lucretia Vanderwende, a single person, the following described real estate, situated in the County of King, State of Washington. SEE LEGAL DESCRIPTION-EXHIBIT "A" ATTACHED HERETO

FILED FOR RECORD AT REQUEST OF
TRANSACTION TITLE INSURANCE CO

SUBJECT TO SPECIAL EXCEPTIONS-EXHIBIT "B" ATTACHED HERETO

Dated this 22nd day of July, 1997

By Lynne Goldsmith By _____
Lynne Goldsmith

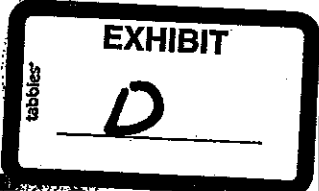
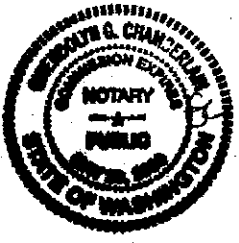
By _____ By _____

STATE OF Washington)
County of King) SS:

I certify that I know or have satisfactory evidence that Lynne Goldsmith is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: July 24, 1997

Gwendolyn Chase
Notary Public in and for the State of Washington
Residing at Seattle, WA
My appointment expires: 5/29/2000



9707280704

Exhibit A

LEGAL DESCRIPTION:

PARCEL 1:

THAT PORTION OF GOVERNMENT LOT 2, SECTION 7, TOWNSHIP 24 NORTH, RANGE 6 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING ON THE EASTERLY LINE OF SAID SECTION AT A POINT SOUTH 08°10'00" EAST 74.40 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION;
THENCE NORTH 79°51'00" WEST 243.98 FEET;
THENCE NORTH 10°07'10" EAST 49.84 FEET TO THE TRUE POINT OF BEGINNING;
THENCE SOUTH 10°07'10" WEST 49.84;
THENCE NORTH 79°51'00" WEST 75.80 FEET;
THENCE NORTH 10°07'10" EAST 50.38 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF THE NORTHERN PACIFIC RAILWAY;
THENCE NORTH 12°32'40" EAST 160.03 FEET TO THE SOUTHERLY LINE OF THE ISSAQUAH/REDMOND COUNTY ROAD;
THENCE SOUTHEASTERLY ALONG SAID SOUTHERLY LINE 75 FEET MORE OR LESS TO A POINT FROM WHICH THE TRUE POINT OF BEGINNING BEARS SOUTH 12°32'40" WEST;
THENCE SOUTH 12°32'40" WEST 94 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING;

TOGETHER WITH ALL UPLAND AND SECOND CLASS SHORELANDS ADJOINING, LYING BETWEEN THE LINES OF SAID TRACT EXTENDED SOUTHWESTERLY;

EXCEPT THE RIGHT-OF-WAY OF THE NORTHERN PACIFIC RAILWAY COMPANY;

AND EXCEPT AN 8 FOOT STRIP ON THE SOUTHERLY SIDE OF SAID RIGHT-OF-WAY, RESERVED FOR ROAD PURPOSES;

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

PARCEL 2:

THAT PORTION OF GOVERNMENT LOT 2 IN SECTION 7, TOWNSHIP 24 NORTH, RANGE 6 EAST W.M., DESCRIBED AS FOLLOWS:

BEGINNING ON THE EASTERLY LINE OF SAID SECTION AT A POINT SOUTH 08°10'00" EAST 74.40 FEET FROM THE EAST 1/4 CORNER OF SAID SECTION;
THENCE NORTH 79°51'00" WEST 243.98 FEET;
THENCE NORTH 10°07'10" EAST 49.84 FEET TO THE TRUE POINT OF BEGINNING;
THENCE CONTINUING NORTH 10°07'10" EAST, A DISTANCE OF 20.12 FEET TO THE SOUTHERLY EDGE OF AN EXISTING ASPHALT ROAD;
THENCE ALONG SAID SOUTHERLY EDGE OF THE FOLLOWING COURSES;
THENCE NORTH 70°22'54" WEST, A DISTANCE OF 16.08 FEET;
THENCE NORTH 79°22'54" WEST, A DISTANCE OF 42.67 FEET;
THENCE NORTH 75°44'50" WEST, A DISTANCE OF 16.52 FEET;
THENCE LEAVING SAID SOUTHERLY EDGE SOUTH 10°07'10" WEST, A DISTANCE OF 23.76 FEET;
THENCE SOUTH 79°26'15" EAST, A DISTANCE OF 75.00 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

EXHIBIT "B" SPECIAL EXCEPTIONS

NOTICE OF TAP OR CONNECTION CHARGES WHICH HAVE BEEN OR WILL BE LEVIED AGAINST THE LAND AS DISCLOSED BY RECORDED INSTRUMENT. INQUIRIES REGARDING THE SPECIFIC AMOUNT OF THE CHARGES SHOULD BE MADE TO THE CITY/COUNTY/AGENCY.

CITY/COUNTY/AGENCY: Sammamish Plateau Water & Sewer District
RECORDED: November 15, 1990 and July 30, 1993
RECORDING NO.: 9011150805 and 9307301617

Reservation contained in deed from the State of Washington recorded under Recording No. 2345237, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the

9707280704

Exhibit B (continued)

right of entry for opening, developing and working the same, and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of State of Washington or its successors, subject to payment of compensation therefor, to acquire rights-of-way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

PURPOSE: Electric transmission and/or distribution line
AREA AFFECTED: as described therein
RECORDING NO.: 2723412

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

PURPOSE: Electric transmission and/or distribution line
AREA AFFECTED: as described therein
RECORDING NO.: 2723418

AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:

RECORDED: April 30, 1991
RECORDING NO.: 910430103B
REGARDING: Grinder pump service

Right of the State of Washington in and to that portion, if any, of the land herein described which lies below the line of ordinary high water of Lake Sammamish.

Rights and easements of the public for commerce, navigation, recreation and fisheries.

Any prohibition of or limitation of use of the land resulting from the rights of the public or riparian owners to use any portion which is new, or has formerly been, covered by water.

Location of the lateral boundaries of second class tidelands and shorelands.

Restrictions imposed by instrument recorded on March 15, 1933, under Recording No. 2880720.

NOTE: Restrictions indicating any preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin have been deleted.

EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

GRANTEE: Washington Natural Gas Company, a Washington corporation
PURPOSE: Gas pipeline
AREA AFFECTED: 5 feet on either side of the natural gas distribution line(s) as constructed or to be constructed
RECORDING NO.: 9609060086

Lack of a recorded means of ingress and egress to a public road from the land.

Lack of a recorded means of ingress and egress to a public road due to the location of a railroad right-of-way between the land and a public road.

9707280704

FIRST AMERICAN 1856878

2163



20120604001163

FIRST AMERICAN GCD
PAGE-001 OF 002
06/04/2012 14:49
KING COUNTY, WA

AFTER RECORDING MAIL TO:

Herbert C. Moore and Elyne S. Moore
4299 E Lake Sammamish Pkwy SE
Sammamish, WA 98072

E2546874

06/04/2012 14:37
KING COUNTY, WA
TAX
SALE

\$10.00
\$0.00

PAGE-001 OF 001

Filed for Record at Request of:
First American Title Insurance Company

Space above this line for Recorders use only

QUIT CLAIM DEED

File No: **4203-1856878 (vap)**

Date: **May 24, 2012**

Grantor(s): **H. Carvel Moore, Jr. and Elyne S. Moore, husband and wife**

Grantee(s): **Herbert C. Moore and Elyne S. Moore, husband and wife**

Abbreviated Legal: **PTN GL 3 SEC 17 TWP 24N RGE 6E, KING COUNTY**

Additional Legal on page:

Assessor's Tax Parcel No(s): **172406-9077-06**

THE GRANTOR(S) H. Carvel Moore, Jr. and Elyne S. Moore, husband and wife for and in consideration of mere change of identity WAC 458-61-211(1) in hand paid, conveys and quit claims to **Herbert C. Moore and Elyne S. Moore, husband and wife**, the following described real estate, situated in the County of **King**, State of **Washington**, together with all after acquired title of the grantor(s) herein:

LEGAL DESCRIPTION: Real property in the County of King, State of Washington, described as follows:

PARCEL A: THE EAST 75 FEET OF THE WEST 1,319.12 FEET OF THAT PORTION OF GOVERNMENT LOT 3, SECTION 17, TOWNSHIP 24 NORTH, RANGE 6 EAST, W.M., LYING SOUTH OF THE NORTHERN PACIFIC RAILROAD RIGHT-OF-WAY, THE EAST LINE OF SAID PARCEL BEING COINCIDENT WITH THE EAST LINE OF SAID GOVERNMENT LOT 3 (AS MEASURED AT RIGHT ANGLES TO WEST LINE OF SAID GOVERNMENT LOT 3); TOGETHER WITH SECOND CLASS SHORE LANDS AS CONVEYED BY THE STATE OF WASHINGTON SITUATE IN FRONT OF, ADJACENT TO OR ABUTTING THEREON. PARCEL B: A NON-EXCLUSIVE EASEMENT FOR INGRESS AND EGRESS AS ESTABLISHED UNDER EASEMENT AGREEMENT RECORDED APRIL 4, 1957 UNDER RECORDING NO. 4785452; EXCEPT THAT PORTION OF SAID EASEMENT LYING WITHIN THE ABOVE DESCRIBED PARCEL A.

SITUATE IN THE CITY OF SAMMAMISH, COUNTY OF KING, STATE OF WASHINGTON.



APN: 172406-9077-06

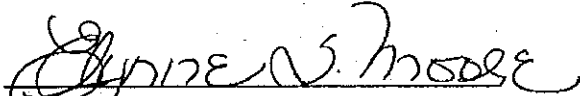
Quitclaim Deed - continued

File No.: 4203-1856878 (vap)

Date: 05/24/2012



H. Carvel Moore, Jr.



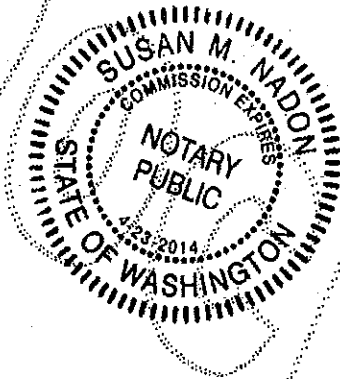
Elynn S. Moore

STATE OF Washington)
)-ss.
COUNTY OF King)

I certify that I know or have satisfactory evidence that **H. Carvel Moore, Jr. and Elynn S. Moore**, is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledged it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 5.30.12 Susan M. Nadon

Notary Public in and for the State of Washington
Residing at: Renton
My appointment expires: 4.23.2014



29583
DO

SERVICE DATE - SEPTEMBER 18, 1998

SURFACE TRANSPORTATION BOARD

DECISION AND NOTICE OF INTERIM TRAIL USE OR ABANDONMENT

STB Docket No. AB-6 (Sub-No. 380X)

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
--ABANDONMENT EXEMPTION--IN KING COUNTY, WA

Decided: September 16, 1998

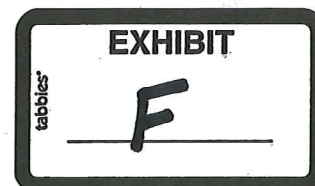
In a decision served May 13, 1998, the Board granted The Burlington Northern and Santa Fe Railway Company (BNSF) an exemption to abandon a 12.45-mile line of railroad between milepost 7.3, near Redmond, and milepost 19.75, at Issaquah, in King County, WA (the Redmond-Issaquah Line), subject to labor protective and environmental conditions. Thereafter, in a decision served August 5, 1998, the Board rejected an offer of financial assistance filed by Redmond-Issaquah Railroad Preservation Association under 49 U.S.C. 10904 to continue service on the line.¹

Also in the August 5 decision, the Board deferred action on requests by King County and The Land Conservancy of Seattle and King County (TLC) that the Board impose interim trail use/rail banking under 16 U.S.C. 1247(d). The Board noted that King County and TLC had submitted statements of willingness to assume financial responsibility for the right-of-way and acknowledged that use of the right-of-way is subject to possible future reconstruction and reactivation of the right-of-way for rail service, as required under 49 CFR 1152.29. The Board also found that the requests complied with the requirements for interim trail use/rail banking. However, the Board deferred action on the requests pending BNSF's notifying the Board as to whether the railroad was going to exercise its abandonment exemption authority and, if so, whether it was willing to negotiate for trail use.

By letter filed August 10, 1998, BNSF has notified the Board that it intends to act on its abandonment exemption authority. BNSF also joins in the requests that a notice of interim trail use (NITU) be issued in this proceeding.

The requests by King County and TLC comply with the requirements of section 1152.29, and BNSF is willing to negotiate for trail use. Therefore, a NITU will be issued. The parties may negotiate an agreement during the 180-day period prescribed below. If BNSF reaches a mutually acceptable final agreement or agreements with King County and/or TLC, no further Board action is necessary. If no agreement is reached within 180 days, BNSF may fully abandon the line. See 49 CFR 1152.29(d)(2). Use of the right-of-way for trail purposes is subject to restoration for railroad purposes.

¹ See pages 1-5 of the decision for a more detailed discussion of the history of this and related proceedings.



STB Docket No. AB-6 (Sub-No. 380X)

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the decision served August 5, 1998, exempting BNSF's abandonment of the Redmond-Issaquah Line, is modified to the extent necessary to implement interim trail use/rail banking as set forth below for a period of 180 days from the service date of this decision and notice.
 3. If an interim trail use/rail banking agreement is reached, it must require the trail user to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
 4. Interim trail use/rail banking is subject to the future restoration of rail service and to the user's continuing to meet the financial obligations of the right-of-way.
 5. If interim trail use is implemented, and subsequently the user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.
 6. If an agreement for interim trail use/rail banking is reached by the 180th day after service of this decision and notice, interim trail use may be implemented. If no agreement is reached by that time, BNSF may fully abandon the line, provided that the labor protective and environmental conditions imposed in the August 5 decision are met.
7. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

CHARLES H. MONTANGE

ATTORNEY AT LAW
418 NW 182ND STREET
SEATTLE, WASHINGTON 98117

(206) 546-1935
FAX (206) 546-3729

29 September 1998

Hon. Vernon Williams,
Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423

Re: Burlington Northern Santa Fe -- Exemption --
in King County, WA, AB 6 (Sub-no. 280X) and
and consolidated cases

Dear Mr. Williams:

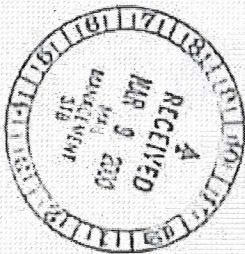
Pursuant to the Notice of Interim Trail Use (NITU) served and effective in this proceeding on September 18, 1998, and 16 U.S.C. § 1247(d), the parties have reached agreements railbanking the railroad corridor in this proceeding as follows: King County, WA is the interim trail manager for NP 7.30 (near Redmond) to approximately NP 18.2 (near Issaquah) (more specifically described as Gilman Blvd. in Issaquah), all in King County, WA. The contact person for King County is Director, King County Department of Parks and Recreation, 2040--84th Ave. SE, Mercer Island, WA 98040.

The Land Conservancy of Seattle and King County is the interim trail manager for approximately NP 18.2 (near Issaquah) (more specifically described as Gilman Blvd. in Issaquah) to end of line at NP 19.75 in Issaquah. The contact person for The Land Conservancy is Executive Director, The Land Conservancy of Seattle and King County, 615--2d Ave., Suite 525, Seattle, WA 98104.

It is our understanding that the NITU now automatically continues indefinitely. If further information is required, please contact the undersigned. Please include this notice letter in the permanent docket file.

Respectfully submitted,
Charles H. Montange
Charles H. Montange
for The Land Conservancy of Seattle
and King County

cc. Sarah Whitely Balliff, Esq. (BMSF--Law Dept.)
Thomas MacFarland, Esq. (RTRPA)
TLCSCC, King County



THIS SPACE PROVIDED FOR RECORDER'S USE:
930511-1687 01:19:00 PM KING COUNTY RECORDS 002
810

FILED FOR RECORD AT REQUEST OF

OLD REPUBLIC TITLE, LTD.
11040 Main Street, Suite 280
Bellevue, WA 98004
Order No. 58842

WHEN RECORDED RETURN TO

REID L. BROWN
3139 E LK SAMMAM SHORELINE SE
ISSAQUAH, WA 98027

Escrow No. 931564HM

QUIT CLAIM DEED

THE GRANTOR REID L. BROWN, WHO ACQUIRED TITLE AS A SINGLE MAN
for and in consideration of LOVE AND AFFECTION
conveys and quit claims to REID L. BROWN AND TERESA W. BROWN, A MARITAL COMMUNITY
the following described real estate, situated in the County of King, State of Washington,
together with all after acquired title of the grantor(s) therein:

FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

OLD REPUBLIC TITLE, LTD. 58842-2

9305111687

DATED: May 4, 1993

Reid L. Brown
REID L. BROWN

STATE OF WASHINGTON)
) ss.
COUNTY OF King)

On this day personally appeared before me REID L. BROWN known to be the individual(s) 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 4th day of May, 1993.

HEIDI MACDONALD
NOTARY PUBLIC
STATE OF WASHINGTON
My Comm. Exp. July 07, 1996

Heidi Macdonald
Notary Public in and for the state of Washington, residing at
Woodinville

My commission expires: 7-7-96

EXHIBIT
I

EXHIBIT "A"

That portion of Government Lot 2, Section 7, Township 24 North, Range 6 East, W.M., in King County, Washington, described as follows:

Beginning on the Easterly line of said Section at a point South 0°10'00" East 74.40 feet from the East quarter corner of said Section;

THENCE North 79°51'00" West 419.07 feet;

THENCE North 10°24'40" East 52.20 feet to the True Point of Beginning;

THENCE South 10°24'40" West 52.20 feet;

THENCE North 79°51'00" West 50.59 feet;

THENCE North 11°35'10" East 56.90 feet to the Southerly line of the right-of-way of Northern Pacific Railway;

THENCE North 12°32'40" East 121.50 feet to the Southerly line of the Issaquah Redmond County Road;

THENCE Southeasterly along said Southerly Line 51 feet, more or less, to a point from which the True Point of Beginning bears South 12°32'40" West;

THENCE South 12°32'40" West 111.46 feet to the True Point of Beginning;

TOGETHER WITH all upland and second class shorelands adjoining and lying between the Southwesterly production of the Northwesterly and Southeasterly lines of the above described property,

EXCEPT the right of way to the Northern Pacific Railway Company.

SITUATE in the County of King, State of Washington.

END OF EXHIBIT "A"

9305111687