

## Ellen Fairleigh

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**From:** DS <biabacus@comcast.net>  
**Sent:** Monday, January 15, 2018 8:11 AM  
**To:** Ellen Fairleigh  
**Subject:** Public Comment #3 - Tani Creek Road Short Plat PLN50590  
**Attachments:** Tani Creek Road Lot L\_Purchase Agreement\_Covenant & Easement Addendum\_12-5-01.pdf; Tani Creek Road Lot L\_Deed from Samson to Smith\_12-19-01.pdf; Tani Creek Road Lot L\_No Divide Covenant in Favor of Lots J K and M\_12-19-2001.pdf; Tani Creek Road Lot L\_Trail Easement\_12-19-01.pdf; Tani Creek Road Lot L\_Title Policy\_Easement & Covenant Exceptions\_12-19-01.pdf

Ms. Fairleigh,

This email is my 3rd public comment on the application to short plat Lot O, PLN50590.

Many of the Port Blakely lots sold to the public were created by boundary line adjustments, rather than subdivisions. Based on my personal experience and talking to others, this sometimes affected the recording of easements, covenants, etc. I'll use the 2001 purchase of Lot L as an example. My goal is the same as my 2nd public comment - to provide you and other interested parties background information on the Lot O "No-Divide" covenant.

1. The 1st attachment is from the December 5, 2001 Lot L sale agreement between Samson Family Land Company LLC (Seller) and Daniel & Nancy Smith (Buyer). Among the provisions in the agreement were (a) a "No-Divide" covenant and (b) a trail easement.
2. The statutory warranty deed was signed by Kelly Samson on December 19, 2001. It was recorded on December 19, 2001 at 3:53 PM. See 2nd attachment.
3. The "No-Divide" covenant was signed by Daniel and Nancy Smith on December 5, 2001. It was recorded on December 19, 2001 at 3:53 PM. See 3rd attachment.
4. The trail easement was signed by Kelly Samson on December 5, 2001. It was recorded on December 19, 2001 at 3:51 PM. See 4th attachment.
5. Pacific Northwest Title Insurance Company, Inc. issued a title policy on Lot L to Daniel and Nancy Smith dated December 19, 2001 at 3:53 PM. Among the special exceptions were a trail easement and "No-Divide" covenant. See 5th attachment.

Note that the statutory warranty deed does not list the trail easement nor the "No-Divide" covenant. However, these two items are listed in the title policy special exceptions.

Daniel Smith