

RETURN ADDRESS:

Michael P. Higgins
Marsh, Higgins, Beaty & Hatch, P.C.
P O Box 54
Vancouver, WA 98666

Please print neatly or type information
Document Title(s)

Entry of Judgment and Order Granting Summary Judgment

Reference Number(s) of related documents:

10-9-00024-8; 08-2-00106-9

Additional Reference #'s on page

Grantor(s) (Last name, First name and Middle Initial)

Geisler, Grant Anthony & Robertson-Geisler, Joan Marie

Additional grantors on page

Grantee(s) (Last name, First name and Middle Initial)

Gift, JoanMarie

Additional grantees on page

Legal Description: (abbreviated form: i.e. lot, block, plat or section township, range, quarter/quarter)

N/A

Additional legal is on page

Assessor's Property Tax Parcel/Account Number

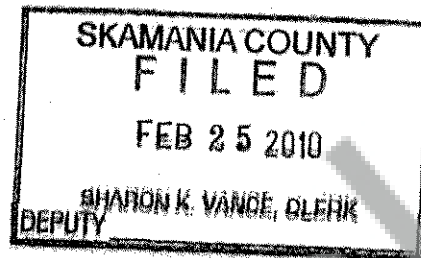
N/A

Additional parcel #'s on page

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording process may cover up or otherwise obscure some part of the text of the original document.

Signature of Requesting Party



IN THE SUPERIOR COURT OF WASHINGTON
IN AND FOR THE COUNTY OF SKAMANIA

JOANMARIE GIFT, a single person,

Plaintiff,

vs.

No. 08-2-00106-9

10-9-00024-8
ENTRY OF JUDGMENT AND ORDER
GRANTING SUMMARY JUDGMENT

GRANT ANTHONY GEISLER, and JOAN
MARIE ROBERTSON-GEISLER, husband
and wife and the marital community composed
thereof,

Defendants.

JUDGMENT SUMMARY PURSUANT TO RCW 4.64.030

A.	Judgment Creditor:	Joanmarie Gift
B.	Judgment Creditor's Attorney:	Michael P. Higgins
C.	Judgment Debtors:	Grant Anthony Geisler and Joan Marie Robertson-Geisler
D.	Principal Amount:	\$0.00
E.	Interest to Date of Judgment:	\$0.00
F.	Attorney's Fees:	\$21,120.00
G.	Costs:	\$ 1,329.84
H.	Other Recovery Amounts:	\$1888.00 (survey costs)

Total Attorney Fees, Costs, and Other Recovery Amounts: \$24,337.84
Attorney Fees, Costs, and Other Recovery Amounts shall bear interest at 12% per annum.

ABBREVIATED LEGAL DESCRIPTION OF REAL PROPERTY IMPOSED BY EASEMENT
INTEREST AWARDED BY JUDGMENT:

LOT 1 KELLY SP BK 3/PG 224~

1 THIS MATTER came before the Court on November 12, 2009, on Plaintiff JOANMARIE
2 GIFT's Motion for Summary Judgment with respect to her claim legally establishing that her existing
3 easement driveway is situated within that Grant of Easement which was recorded on July 10, 2002, under
4 Book 226 at Page 342, under Skamania County Auditor's File No. 145222, and which Grant of Easement
5 instrument was legally recognized by this Court as a valid basis for a non-exclusive perpetual easement
6 for ingress, egress, and utilities for Plaintiff and her heirs, successors, personal representatives, and
7 assigns pursuant to the terms of the Order Granting Partial Summary Judgment entered herein on
8 February 26, 2009, and that Plaintiff is entitled to an award of attorneys fees and costs as the prevailing
9 party in this action to pursuant to paragraph 6 of the Grant of Easement instrument.

10 The Court having heard the oral argument of counsel for the Plaintiff, MICHAEL P. HIGGINS,
11 and the Defendants having personally appeared and having made their respective oral arguments to the
12 Court, and the Court having considered the pleadings filed in the action, including the Plaintiff's Motion
13 for Summary Judgment, the previously filed supporting affidavits and declarations, including the
14 Declaration of Terry Trantow dated September 1, 2009, which was based upon the findings of his survey
15 conducted on March 2, 2009, and March 5, 2009, which established that the existing easement driveway
16 is situated within the real estate legally described within the Grant of Easement previously recognized as
17 valid by this Court, and the affidavit of Michael P. Higgins which was filed in support of an award of
18 attorneys fees and legal costs incurred by Plaintiff in this action to which Plaintiff is entitled to recover
19 from Defendants pursuant to paragraph 6 of the Grant of Easement instrument.

20 Based on the arguments of counsel and the evidence presented, the Court made certain oral
21 findings of fact and conclusions of law summarized as follows: The existing easement driveway as
22 located in the survey conducted by Terry N. Trantow and recorded under Skamania County Auditor's File
23 No. 2009173783 in Records of Surveys is situated within the parcel of real estate legally described in the
24
25

1 Grant of Easement instrument which was recorded on July 10, 2002, under Book 226 at Page 342, under
2 Skamania County Auditor's File No. 145222, and legally described as follows:

3 An easement for ingress, egress and utilities over under and across property situated in
4 the Northeast-quarter of the Northeast-quarter of Section 34. Township 2 North, Range 6
5 East, Willamette Meridian, Skamania County, Washington, more particularly described
6 as follows: Beginning at the southeast corner of the said Northeast-quarter of the
7 Northeast-quarter of Section 34; thence North 25 degrees 33' 14" West 38.99 feet; thence
8 North 43 degrees 47' 28" West 161.29 feet to the TRUE POINT OF BEGINNING of the
9 easement herein described; thence continuing North 43 degrees 47' 28" West 30.17 feet;
10 thence North 52 degrees 18' 24" east 107.00 feet; thence North 25 degrees 43' 18" east
11 166.48 feet to the eastern boundary of said Section 34; thence South 1 degree 07' 14"
12 West 58.85 feet along said eastern boundary of Section 34 to the Northwest corner of the
13 Southwest-quarter of the Northwest-quarter of Section 35, Township 2 North, Range 6
14 East, Willamette Meridian; thence North 89 degrees 32' 00" East along the northerly
15 boundary of said Southwest-quarter of the Northwest-quarter 6.13 feet; thence South 25
16 degrees 43' 18" West 122.76 feet; thence South 52 degrees 18' 24" West 110.88 feet to
17 the TRUE POINT OF BEGINNING.

18 And the Court having concluded as a matter of law that the existing easement driveway as located on the
19 above-referenced survey and used by Plaintiff for ingress, egress, and utilities does exist and is properly
20 situated within that portion of real estate legally described in the Grant of Easement described herein, and
21 Plaintiff, and her heirs, personal representatives, successors, assigns, and invitees are legally entitled to
22 use and maintain the existing easement driveway pursuant to the terms of the Grant of Easement
23 described herein without any interference by Defendants, or their heirs, personal representatives,
24 successors, and assigns, and this Court having further concluded that the Plaintiff is entitled to her
25 reasonable attorneys fees and legal costs incurred herein, including the survey fee paid to Terry Trantow
in the amount of \$1,888.00.

Based upon the above findings of fact and conclusions of law, now, therefore,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Summary Judgment Motion
filed by the Plaintiff JOANMARIE GIFT be, and is hereby granted, specifically recognizing that the
existing easement driveway is a non-exclusive, perpetual, and valid easement for ingress, egress, and
utilities for the benefit of Plaintiff, her heirs, personal representatives, successors, assigns, and invitees,

1 and Defendants GRANT A. GEISLER and JOAN MARIE ROBERTSON-GEISLER, and their heirs,
 2 personal representatives, successors, and assigns shall not deny, obstruct, restrain, or in any way interfere
 3 with the use and maintenance of such valid easement pursuant to the terms of the Grant of Easement
 4 described herein by Plaintiff, her heirs, personal representatives, successors, assigns, and invitees; and

5 IT IS HEREBY FURTHER ORDERED that Plaintiff JOANMARIE GIFT be, and she is hereby
 6 awarded judgment against Defendants GRANT A. GEISLER and JOAN MARIE ROBERTSON-
 7 GEISLER, for her attorneys fees in the amount of \$21,120.00, legal costs incurred of \$1,329.84, and
 8 survey fees paid to Terry Trantow in the amount of \$1,888.00, for a total judgment award of \$24,337.84,
 9 which judgment shall accrue interest at the rate of twelve percent (12%) per annum until paid in full.

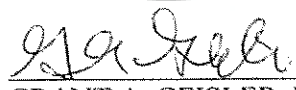
10 DONE IN OPEN COURT this 26th day of February, 2010.

11 
 12 SUPERIOR COURT JUDGE
 13 E. THOMPSON REYNOLDS

14 Presented by:

15 
 16 MICHAEL P. HIGGINS, WSBA #12483
 17 Of Attorneys for Plaintiff

18 Approval as to Content, Consent to Entry and
 19 Presentment without Further Notice Waived
 20 This 11th day of February, 2010.

21  2-11-2010
 22 GRANT A. GEISLER, Defendant Pro Se

23 
 24 JOAN MARIE ROBERTSON-GEISLER
 25 Defendant Pro Se

02/11/2010

Unofficial
Copy

State of Washington, SS
County of Skamania

I Sharon K. Vance, County Clerk of the Superior Court of Skamania County, Washington, DO HEREBY CERTIFY that this instrument, consisting of 1 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.

Signed and sealed at Stevenson, Washington
this date 2/25/10 Sharon K. Vance
Sharon K. Vance County Clerk
By Olivia Munch Deputy