

MEMORANDUM OF UNDERSTANDING
James and Eliza Lloyd Family Farmstead Park
Dated July 31, 2015

This Memorandum of Understanding ("MOU") is made on this 31st day of July, 2015 by and between: the Snohomish County Department of Parks and Recreation ("County"); Forterra, a Washington non-profit corporation, as successor to Cascade Land Conservancy ("Forterra"); and Jeanette Henderson, former Special Administrator for the Estate of Hanna Elizabeth Lloyd (Snohomish County Cause Number 13-4-01600-7) ("Administrator for the Estate") and family member. All parties understand that this MOU is a non-binding agreement but believe it is the intention of the parties to reasonably comply with the MOU.

Whereas, a Bargain Sale Real Estate Purchase and Sale Agreement with an Option to Purchase dated July 26, 2000 ("Purchase & Sale Agreement") was executed between David James Lloyd, Jessie Lloyd and Hannah Elizabeth Lloyd and Cascade Land Conservancy ("Forterra"); and

Whereas, David James Lloyd, Jessie Lloyd and Hannah Elizabeth Lloyd reserved a Life Estate interest over a portion of the property subject to the Purchase & Sale Agreement, referred to as the Remainder Interest Portion of the Fee Property (the "Remainder Interest") and legally described in Exhibit A, attached hereto and incorporated herein by this reference; and

Whereas, recital D on page 2 of the executed Purchase & Sale Agreement, states, in part, "Upon conveyance of title to the Remainder Interest Portion of the Fee Property, Buyer intends this property to become a park and/or museum, named the "James and Eliza Lloyd Family Farmstead Park," which will preserve the historic homesite on the property "for future generations to admire, and which will be used exclusively for open space and passive recreational purposes"; and

Whereas, Forterra assigned its interest in the Purchase & Sale Agreement to Snohomish County, a political subdivision of the State of Washington, by an Assignment of Real Estate Purchase and Sale Agreement dated 14 August 2000, which states, in part, that Forterra and Snohomish County desire that the Remainder Interest of the property become a park and/or museum, named the "James and Eliza Lloyd Family Farmstead Park" (the "Farmstead"), to preserve the historic homesite on the Lloyd Family Farmstead Property for future generations to admire, and which will be used exclusively for open space and passive recreational purposes; and

Whereas, a Declaration of Protective Covenants, Conditions and Restrictions (the "Declaration") was recorded by Snohomish County, under Snohomish County Auditor File No. 200012220804, per the terms of the Assignment of Real Estate Purchase and Sale Agreement, which provides, in part, that the historic homesite on the Farmstead, in particular the residential cabin ("Cabin"), shall be reasonably maintained and preserved in its historic condition; provided, however that the Declaration created no duty of replacing the Cabin should it be significantly damaged or destroyed through fire, flood or other act of nature; and

Whereas, the Declaration, Exhibit B, attached hereto and incorporated herein, provides that Forterra or its successor may enforce the Declaration on behalf of the public; and

Whereas, subsequent to the date of the Deed and Declaration, and during the retained life estate of the Grantors, the interior of the Cabin on the Farmstead was remodeled by a person authorized to undertake and complete such remodeling, and most historic features and furniture were removed, while the exterior and various systems were poorly maintained or repaired; and

Whereas, Grantor Jessie Lloyd died on July 8, 2002; Grantor David James Lloyd died on October 22, 2010; and Grantor Hannah Elizabeth Lloyd died on September 25, 2013 (last surviving Grantor); and

Whereas, Jeannette Henderson was appointed Special Administrator for the Estate of Hanna Elizabeth Lloyd (Snohomish County Cause Number 13-4-01600-7) and was discharged February 19, 2015; and

Whereas, the retained life estate allowed a period of time subsequent to the death of the last surviving Grantor for removal of personal property and clean-up of the homestead; and

Whereas, during the period of this clean-up the Special Administrator for the Estate of Hannah Elizabeth Lloyd and Snohomish County identified several management concerns of more particular detail than specified in the Declaration.

Therefore, the parties understand as follows.

1. The historic homesite consists of the following buildings or structures as of the date of this MOU, the condition of which is described in a property inspection report by Northwest Building Inspections (Michael Linde) dated 9/19/2014:

- Cabin
- Garage
- Barn
- Shed 1
- Shed 2
- Milk house
- Woodshed
- Shed / guesthouse / coop (small, behind Woodshed)
- Water tank (elevated)

2. Preservation of all existing structures is preferred in order to retain the historic elements of a working farmstead. However, certain structures have deteriorated prior to and during the life estate of the Grantors to a point where preservation may not be feasible.

3. Preservation of the Farmstead may be best served by allowing continued residential use of the Cabin, and farming of existing fields and pastures including livestock, and/or educational uses such as 4-H, provided that such uses comply with the Assignment of Real

Estate Purchase and Sale Agreement, Declaration and other recorded covenants and restrictions. These stated uses would be considered compatible with the required uses of the Farmstead for open space and passive recreation, and would maintain the cultural historic uses of the property which date to the late 1880's.

4. Use of the name Paradise Farm is allowed as the traditional name of the James and Eliza Lloyd Family Farmstead Park and may be incorporated in the name of the park and displayed on signage in the park.



5. The County will make a good faith effort to maintain the Cabin as intrinsic to the Farmstead. Because the interior of the Cabin was significantly remodeled during the life estate of the Grantors, it does not retain specific museum quality features except for the wood-burning stove, which dates to approximately 1900. The County shall endeavor to retain the historic stove in the Cabin as long as the Cabin remains and it is feasible and safe to retain the stove in the Cabin. The piano dates to approximately 1920 and may also be retained in the Cabin. An original screen door was found in the barn and may be suitable for restoration. Newer elements of the interior may be removed in order to repair and/or restore the Cabin.

6. The County shall endeavor to preserve the other existing buildings and structures, as reasonable, per the Declaration which is the binding document and until the Paradise Valley Conservation Area Adaptive Management Plan (the "Plan"), dated May, 2004, is updated and preservation of the historic homesite within the Farmstead is properly identified within the Plan.

7. The County shall endeavor to minimize paving on the Farmstead. Access to the Farmstead may be improved/expanded from the existing parking lot that serves Paradise Valley Conservation Area.

8. The more detailed Plan for the Farmstead must be approved by the Washington State Recreation and Conservation Office, and which process will include public participation. Notice of opportunity to comment on the Plan, and any subsequent modifications, shall be provided to Forterra, and to relatives of the Lloyds at the addresses attached in Exhibit C.

9. The County will continue to support the James and Eliza Lloyd Family Farmstead Park through non-profit participation, other public/private partnerships, and will pursue grant funding, if available, for historic building preservation.

10. Appropriate signage shall memorialize the James & Eliza Lloyd Family Farmstead Park and Paradise Farm.

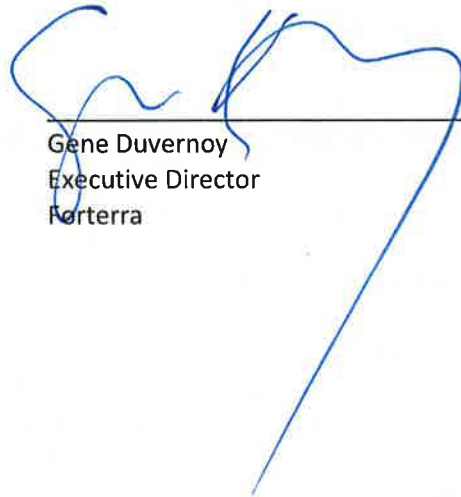
11. The parties agree that this Memorandum of Understanding is not a legally binding document, and agree that the MOU does not create any legal obligation on any party.



Tom Teigen
Director, Snohomish County Parks
Department



Jeanette Henderson
former Special Administrator,
Estate of Hannah Elizabeth Lloyd and
family member



Gene Duvernoy
Executive Director
Forterra

Exhibit A

Remainder Interest Portion of the Fee Property

Legal Description

SEC 31 TWP 27 RGE 06. SEGD FOR TAX PURP ONLY (TO SET UP LIFE ESTATE ON THIS ACCT) TH PTN NE1/4 NE1/4 LY SWLY OF PARADISE LK RD TGW N 330FT OF SE1/4 NE1/4 PER SWD REC AFN 200012180615. REFER TO 270531-001-002-00 FOR REMAINDER.

Situate County of Snohomish, State of Washington

Tax Parcel No. 27063100100100

Exhibit B

Declaration of Protective Covenants, Conditions and Restrictions

Ret: Snohomish County
Property Management
3000 Rockefeller, MS 404
Everett, WA 98201

CONFORMED COPY

200012220804

12/22/2000 04:45 PM Snohomish
P.0008 RECORDED County

COPY

DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS

Grantor: Snohomish County, a political subdivision of the State of Washington
Grantee: Public

Cascade Land Conservancy

Abbreviated Legal: Ptn. Sections 30, 31 & 32, Township 27 N., Range 6 EWM

Additional Legal(s) on page 4

Assessor's Tax Parcel Number(s): 27063000302000, Ptn. 27063100200300, 27063200200200, &
270600200500

This declaration is made this date by Snohomish County, a political subdivision of the State of Washington, which is the owner of present or future interests in that certain real property located in Snohomish County, Washington, commonly known as the Lloyd Family Farmstead property, which is legally described on Exhibit A, attached hereto and incorporated herein, as "Fee Property", and does not include (a) retained timber rights on that portion of the Fee Property legally described on Exhibit B, attached hereto and incorporated herein, as "Timber Rights Interest Portion of the Fee Property"; and subject to (b) a retained life estate on that portion of the Fee Property legally described on Exhibit C, attached hereto and incorporated herein, as "Remainder Interest Portion of the Fee Property."

Snohomish County finds that the Lloyd Family Farmstead property possesses ecological, historical and open space features, including a historic homesite, important to present and future citizens of Snohomish County and meets the criteria for open space land provided for in RCW 84.34.200. The purpose of this declaration is to ensure that the Lloyd Family Farmstead property be retained forever predominantly in its open space and historical condition and to prevent any use of the property that will significantly impair or interfere with the open space, wildlife habitat, and historical values of the property.

Snohomish County hereby declares that all of the real property described in Exhibit A shall be held, sold, and conveyed subject to the following restrictions, covenants, and conditions, which shall inure to the benefit of the public and be enforceable on behalf of the public by Cascade Land Conservancy, a Washington nonprofit corporation, or its successor, through injunction or demand for specific performance, and shall burden the real property described in Exhibit A and shall pass with the property and each and every lot therein, and shall bind the owners of the property and

owners of each and every lot therein, their legal representatives, grantees, heirs, successors and assigns, in perpetuity:

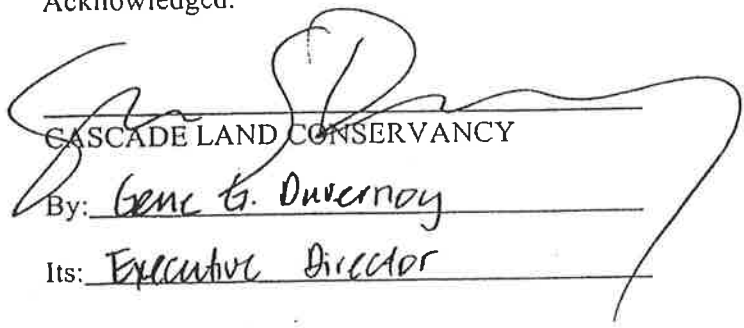
1. The historic homesite on the subject property, in particular the cabin, shall be reasonably maintained and preserved in its current and historic condition; provided, however, that the owner of the subject property has no duty of replacing the cabin should it be significantly damaged or destroyed through fire, flood or other act of nature.
2. Any use or activity on the subject property or improvements to the subject property shall be limited to those which are passive in nature and meet the requirements and intent of RCW 84.34.200-.220. Passive improvements include, but are not limited to, trails, interpretive centers, viewpoints, picnicking facilities, access, restrooms, and landscaping. Active recreational development includes, but is not limited to, ball fields, use by motorized vehicles, playgrounds, swimming pools, and recreation centers, and is not allowed.
3. Any new utility lines installed on the subject property shall be located underground.
4. Any use or activity on the subject property that causes or is likely to cause significant surface alteration (such as excavation or removal of minerals), soil degradation or erosion, or significant pollution of any surface or subsurface waters is not allowed.
5. The draining, filling, dredging, or diking of the wetland areas on the subject property is not allowed; provided, however, that activities that directly support the restoration of habitat for species native within the Bear Creek basin, and performed in conformance with all applicable laws, are allowed.
6. The forested areas of the subject property, in which Snohomish County owns timber rights either as of the date of this Declaration or thereafter, shall be maintained in a manner that protects soil stability and water quality and promotes wildlife habitat. The clear-cutting or high-grading of trees located on the subject property is not allowed.
7. The dumping or disposal of wastes, refuse and debris on the subject property is not allowed.

IN WITNESS WHEREOF, Snohomish County has executed this Declaration this 20th day of December 2000.

for
SNOHOMISH COUNTY Executive
Bob Driscoll

Gary Weikel
Gary Weikel, Deputy Executive

Acknowledged:


GASCADDE LAND CONSERVANCY
By: Gene G. Duvernoy
Its: Executive Director

STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

On this ____ day of _____, 2000, before me personally appeared _____, to me known to be the _____ of SNOHOMISH COUNTY, the entity that executed the foregoing instrument, and acknowledge said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath state she/he is authorized to execute said instrument on behalf of Snohomish County.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal the day and year first above written,

(print)
NOTARY PUBLIC in and for Washington
Residing at: _____
My commission expires: _____

Acknowledged:

CASCADE LAND CONSERVANCY

By: _____

Its: _____



STATE OF WASHINGTON)
) ss
COUNTY OF SNOHOMISH)

On this 20th day of December, 2000, before me personally appeared Sherri Kelley, to me known to be the Executive Director of SNOHOMISH COUNTY, the entity that executed the foregoing instrument, and acknowledge said instrument to be the free and voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on oath state she/he is authorized to execute said instrument on behalf of Snohomish County.

IN WITNESS WHEREOF I have hereunto set my hand and affixed by official seal the day and year first above written,

Sherri Kelley
Sherri Kelley (print)
NOTARY PUBLIC in and for Washington
Residing at: Everett WA
My commission expires: 12-24-2001

EXHIBIT A

Legal Description for "Fee Property"

PARCEL A:

THAT PORTION OF THE E ½ OF THE E ½ OF THE SE ¼ OF THE SW ¼ OF SECTION 30, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M., LYING SOUTH OF COUNTY ROAD, AND ALL OF THE SE ¼ OF SECTION 30, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.

EXCEPT COUNTY ROAD, WITH THE S ¼ CORNER OF SAID SECTION BEING 2844.64 FEET EAST OF THE SW CORNER OF SAID SECTION 30 AND 2741.82 FEET WEST OF THE SE CORNER OF SAID SECTION 30, AS PER CORRECTED JUDGMENT AFTER APPEAL ENTERED JUNE 18, 1971, UNDER SNOHOMISH COUNTY SUPERIOR COURT CASE NUMBER 91943.

PARCEL B:

NE ¼ OF SW ¼ OF SECTION 31, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.

PARCEL C:

THE N ½ OF THE SE ¼ AND THE SE ¼ OF THE SE ¼, ALL IN SECTION 31, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

EXCEPT COUNTY ROAD.

PARCEL D:

THE NE ¼ OF SECTION 31, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M. AND GOVERNMENT LOT 2 AND THE SE ¼ OF THE NW ¼ OF SECTION 31, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

EXCEPT COUNTY ROAD.

PARCEL E:

THE W ½ OF THE NW ¼ OF SECTION 32, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

EXCEPT THE COUNTY ROAD; AND

TOGETHER WITH THE N ½ OF THE NW ¼ OF THE SW ¼ OF SECTION 32, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

EXCEPT THE COUNTY ROAD.

PARCEL F:

BEGINNING AT THE SW CORNER OF THE SE ¼ OF THE NW ¼ OF SECTION 32, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

THENCE NORTH 89° 14' 10" EAST ALONG THE EAST AND WEST CENTERLINE OF SAID SECTION 32 FOR 66.74 FEET;

THENCE NORTH 2° 11' 48" WEST FOR 68.38 FEET;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 349.42 FEET AND SUBTENDING AN ANGLE OF 28°48'12" FOR A DISTANCE OF 175.66 FEET;

THENCE NORTH 31°00' WEST FOR 42.92 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE SE ¼ OF THE NW ¼;

THENCE SOUTH 1°36'35" EAST ALONG SAID WEST LINE FOR 272.70 FEET TO POINT OF BEGINNING;

TOGETHER WITH THAT PORTION OF THE NORTH 660 FEET OF THE NE ¼ OF THE SW ¼ OF SECTION 32, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF THE NE ¼ OF THE SW ¼;

THENCE SOUTH 1°36'35" EAST ALONG THE WEST LINE OF SAID NE ¼ OF THE SW ¼ FOR 660.09 FEET;

THENCE NORTH 89°14'10" EAST FOR 76.50 FEET;

THENCE NORTH 2°11'48" WEST FOR 660.21 FEET TO AN INTERSECTION WITH THE NORTH LINE OF SAID NE ¼ OF THE SW ¼;

THENCE SOUTH 89°14'10" WEST FOR 66.74 FEET TO THE POINT OF BEGINNING.

PARCEL G:

A PORTION OF THE SE ¼ OF THE NW ¼ AND A PORTION OF THE NE ¼ OF THE SW ¼, ALL IN SECTION 32, TOWNSHIP 27, RANGE 6 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NE CORNER OF SAID NE ¼ OF THE SW ¼;

THENCE SOUTH 1°34'00" EAST ALONG THE EAST LINE THEROF FOR 660.06 FEET TO THE SOUTH LINE OF THE NORTH 660.0 FEET OF SAID NE ¼ OF THE SW ¼;

THENCE SOUTH 89°14'10" WEST ALONG THE SOUTH LINE THEROF FOR 1208.10 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUE SOUTH 89°14'10" WEST FOR 30.01 FEET;

THENCE NORTH 2°11'48" WEST FOR 728.59 FEET;

THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 349.42 FEET AND CONSUMING A CENTRAL ANGLE OF 28°48'12" FOR 175.66 FEET;

THENCE NORTH 31°00'00" WEST FOR 42.92 FEET TO THE WEST LINE OF SAID SE ¼ OF THE NW ¼;

THENCE NORTH 1°36'35" WEST ALONG THE WEST LINE THEREOF FOR 61.14 FEET;

THENCE SOUTH 31°00'00" EAST FOR 96.21 FEET;

THENCE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 379.42 FEET AND CONSUMING AN ANGLE OF 28°48'12" FOR 190.74 FEET;

THENCE SOUTH 2°11'48" EAST FOR 729.34 FEET TO THE TRUE POINT OF BEGINNING;

SITUATE IN THE COUNTY OF SNOHOMISH IN THE STATE OF WASHINGTON. 3

EXHIBIT B

**Legal Description for
"Timber Rights Interest Portion of the Fee Property"**

THAT PORTION OF PARCEL B DESCRIBED AS NE 1/4 OF SW 1/4 of SECTION 31,
TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.

THAT PORTION OF PARCEL C DESCRIBED AS N 1/2 OF SE 1/4 AND SE 1/4 OF SE 1/4, ALL
IN SECTION 31, TOWNSHIP 27 NORTH, RANGE 6 EAST, W.M.;

EXCEPT COUNTY ROAD.

THAT PORTION OF PARCEL D DESCRIBED AS S 1/2 OF NE 1/4, SE 1/4 OF NW 1/4,
GOVERNMENT LOT 2, AND NW 1/4 OF NE 1/4, IN SECTION 31, TOWNSHIP 27 NORTH,
RANGE 6 EAST, W.M.,

EXCEPT THE NORTH 292 FEET OF NW 1/4 OF NE 1/4,

AND EXCEPT THE NORTH 330 FEET OF SE 1/4 OF NE 1/4,

AND EXCEPT COUNTY ROAD.

SITUATE IN THE COUNTY OF SNOHOMISH IN THE STATE OF WASHINGTON.

Exhibit C
Contact Information for Relatives of Lloyd Family

Thomas L. Edwards
921 N. Bear Creek Road
Curtin, OR 97424

Bonnie Edwards Sannes
78696 Cedar Park Road
Cottage Grove, OR 97424

Evelyn Edwards Hartman
31633 Yonna Street
Bonanza, OR 97623

Darlene Huntington
13210 Springhetti Road
Snohomish, WA 98296
360.568.5400 (h) 425.308.5028 (c)
dhunt7734@comcast.net

Jeanette Henderson
1522 6th Ave W
Seattle, WA 98119
206.285.0405 (h) 206.391.9346 (c)
JLH2249@hotmail.com

