

SAN JUAN ISLANDS

REAL ESTATE TAB | SEPTEMBER 2025

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CORNER STAKES AND PURCHASING PROPERTY

Corner stakes or monuments are one of the most important components of purchasing real estate, I have learned this over 30 years of selling real estate on San Juan Island. For the properties that transacted years ago, corner monuments were not a big issue; of course, nor was a water source, or a septic permit or archaeological areas. Times have changed in our rural area and the buyer must know what they are purchasing before they close.

To make an informed purchase decision on any type of real estate, even if already improved with structures, they must know the property's boundaries. Within every contract I write, I request that the seller show the buyer the monument locations and further, seller agrees to hire a surveyor to mark any missing monuments. Many sellers strike this provision due to the added costs, but then I recommend to my buyer to hire the surveyor to find the corners at their expense.

Monuments have gone missing over the years because a tree might fall on them, a car runs them over, a neighbor might remove or relocate them and if they were wood, they rot. Of course, cows and horses love to scratch their chins on them. Surveyors mark a date and their firm name on each monument and are required to record the survey if any new monuments must be set.

In some cases, we have found that the corners were originally set improperly. This is typically due to improvements in equipment with GPS and/or errors made back in the 1960's and 1970's when many of our subdivisions were platted.

I recall one map that indicated 100 feet of waterfront. When we taped it off, it was only 80 feet corner to corner. It was a very good thing we discovered this prior to closing so the buyer could make an informed decision.

Monuments on unimproved land are even more important. A buyer needs to understand the side, front and back setbacks, especially if the lot is waterfront, in order to determine if what they want to build can actually be constructed in the space the County has legally allocated. Shoreline can be tricky to measure; the County may use a straight-line approach or corner to corner. In many cases the shoreline meanders. The County decides based on regulations how wide and far back the home must be on a lot, which is important to know to determine if the lot is suitable.

One of the reasons corner monuments are so important is they disclose any problems with the lot boundary lines. Occasionally with rural real estate, fences meander back-and-forth across the property line. With this condition, there can be large and small encroachments such as landscaping, fenced garden, a greenhouse, the parking pad, a hot tub, or shed, or my all-time favorite.... an outhouse.

Lenders and buyers are typically accepting of a fence meandering a few inches over the line but anything

more than 6-8 inches can be a problem. The lenders and buyers need to have the encroachment resolved prior to closing.

There are numerous remedies to an encroachment and the options include the following:

I will use a shed that encroaches onto the neighbor's land as an example.

Asking the offending neighbor to move their shed. One would think that this is a common solution and that the neighbor would agree to relocate the shed over to their own property. In many cases, this easy solution does not work out. For example, perhaps the neighbor bought the property and did not know where their corner stakes were, and they installed their shed 20 years ago. They like their shed in its current location, so they are unwilling to relocate and correct the encroachment. Another aspect could be that they bought the property with the shed already in that location. They assumed it was properly installed. Regardless, they do not want to move it.

With this scenario, the neighbor may have an adverse action claim for the shed's location. Rarely are all the adverse action's components present, but regardless, in order to resolve an adverse action claim, a lawsuit must be filed. This makes for a costly and tough relationship with the neighbor, and most people choose to avoid it.

Per Washington statute, the components of a real estate adverse action that must be met are listed below:

- Continuous: the Disseissor has been in continuous possession of the property in question.
- Hostile: the Disseissor is using the property without an existing agreement or license from the landowner as with a written easement or rent agreement.
- Open and notorious: the Disseissor's possession of the property is obvious to anyone observing it.
- Actual: the Disseissor is actively in possession of the property, including maintaining it and (depending on state law) paying taxation upon it.
- Exclusive: the Disseissor is using the property and excluding others from using it as well.

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Corner Stakes and Purchasing Property
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PENDING

HANGAR AND HOUSE ON ROCHE HARBOR AIRSTRIP
\$1,500,000 - LISTING ID 2416524



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\$1,895,000



Stunning Waterfront on the West Side • Listing ID 2385214



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NEW



Listed for \$1,750,000 · Listing ID 2423034

It's all about location. Nestled at the water's edge, this custom 1984 NW Contemporary offers breathtaking views and a private pocket beach. Two bedrooms, 2 baths, 1985 SF, fireplace.

NEW



Listed for \$749,500 · Listing ID 2425068

Mt Baker views from forested landscape with madrona and fir trees. This 1,646± sq ft home features main-floor primary bedroom and bath, a spacious loft with office area, half bath, and open-concept bedroom.

REDUCED



Listed for \$399,500 · Listing ID 2390825

Waterfront lot at Mineral Heights offers lovely views towards Orcas Island, San Juan Channel, boating activity. Beautifully treed and terraced lot, viewing platform. Comm water, beach. Newly installed 2 bed septic.

REDUCED



Listed for \$664,500 · Listing ID 2400376

Delightful, sunny, and private acreage near town offers so much! Gently terraced and over 5 acres, with mix of trees and pasture. Tidy 3 bedroom 2 bath manufactured home and site for second home cleared.



Listed for \$2,387,750 · Listing ID 2395174

Understated elegance in this architecturally pleasing 2142 +/- SF custom Cape Cod beach home. Lovely, private setting on over 1 acre, with tranquil and everchanging views into False Bay, amazing grounds, comm beach.



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Listed for \$14,950,000 • Listing ID 2255472

Waterfront overlooking Haro Strait & Olympic Mtns; 5788 sf custom home, 1165 sf guest cottage, two 3-bay garages, 4-bay service garage, D-Sal water system, 3.2 acres and 368 ft of shoreline. Turn-key!



Listed for \$5,550,000 • Listing ID 2348523

Incredible views and whale watching! 4517 sf home with 2 primary bedrooms, guest suite, studio, fiber optic, solar panels, 786 sf guest house, 3-bay garage, 2 water sources, garden, 6.7 acres, and beach rights.



Listed for \$2,550,000 • Listing ID 2274154

Exciting & rare opportunity in the heart of downtown Friday Harbor. Great commercial location on a major corner lot with southern exposure providing all-day sun. Water, sewer, & power available.



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