

H-67236-11

2700

AFTER RECORDING MAIL TO:

Colony Mtn Community Club  
410 Dayman LeSar, President  
1443 Karma Place  
Brew, WA

FILED FOR RECORD AT  
REQUEST OF:  
PIONEER NATIONAL TITLE INSURANCE CO 1736  
2221 Riverside Drive, Mount Vernon, WA  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID *Stamp*

Recorded at May 19 1980 3:27pm

8005190633

MAY 19 1980

QUIT CLAIM DEED

Amount Paid \$ *none*  
Ruth Wylie, Co. Treas.  
By *M. Savage* Deputy

THE UNDERSIGNED parties, JERRY HAMMER, ROBERT STARRY and ELAINE STARRY, hereinafter referred to as Grantors, herewith grant, bargain, sell, convey and quit claim all of their right, title and interest to the easements, private roadways, utilities, well sites, water systems, wells and well clearzones and water storage tanks on the properties described on Exhibit A hereto attached and incorporated herein by reference. The Grantee hereof is COLONY MOUNTAIN COMMUNITY CLUB, a mutual corporation of the State of Washington.

This Deed is intended to encompass all of the ownership of Grantors in and to said easements, private roadways, utilities, well sites, water systems, wells and well clearzones and water storage tanks within the area of Exhibit A hereto attached, commonly known as Colony Mountain Development. It is not intended to include the sellers' interests of Grantors for their security interests in and to any of the lots being sold on contract in which Grantors retain a security interest and the legal fee title.

The well site clearzone and well site are described on the instrument filed under Skagit County Auditor's File No. 791555 as subsequently clarified by instrument filed under Skagit County Auditor's File No. 7909210015 (see attached Exhibits B and C incorporated herein by reference) and said well site clearzone is intended to comply with WAC 243-54-660(2) and is specifically intended to restrict the property owners within 100 feet of the well, including their heirs, successors and assigns, from constructing, maintaining or suffering to be constructed or maintained upon said land within a 100 foot radius of the well, any cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides or insecticides.

The private roadways are described in instruments filed under Skagit County Auditor's File Nos. 800130 and 793602 (see attached Exhibits D, E and F incorporated herein by reference).

There is also conveyed herein all Grantors' interest in and to the reserved easements over each of the five acre tracts in the property described on Exhibit A, which easements are a strip of land

ten feet in width across each lot parallel with and adjacent to the roads abutting each lot and along five feet of each other lot line for the purpose of constructing, repairing, reconstructing, improving and maintaining water pipes, light and power lines, telephone lines and other facilities for utilities, including the right to enter upon such easement for such purposes.

Grantors herewith also convey to Grantee the right to enforce all covenants, restrictions and agreements, those certain covenants, restrictions and agreements being filed under Skagit County Auditor's File No. 787652, including specifically the right for said Grantee to charge annual assessments and to file liens therefor against the individual property, all as contained in said filed restrictions, covenants and agreements. A copy of the filed restrictions, covenants and agreements is attached hereto as Exhibit G and incorporated herein by reference.

DATED at Bellingham, Washington, this 12<sup>th</sup> day of May, 1980.

Jerry Hammer  
JERRY HAMMER

Robert Starry  
ROBERT STARRY

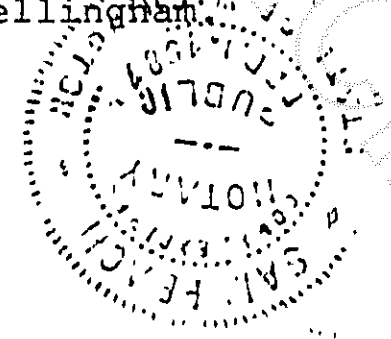
Elaine Starry  
ELAINE STARRY

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF WHATCOM )

On this day personally appeared before me JERRY HAMMER, ROBERT STARRY and ELAINE STARRY, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 12<sup>th</sup> day of May, 1980.

Sam Peck  
Notary Public in and for the State of Washington, residing at Bellingham

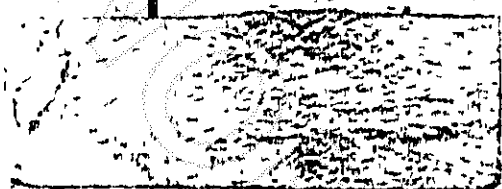


Official Record

VOL 404 PAGE 414


8005190033





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H-67236-11

  
 JAMES E. WILSON & ASSOCIATES  
 610 HERALD BLDG  
 BELLINGHAM WASHINGTON 98225  
 FUMMER, F. & W. McELMON & ASSOCIATES

- JAMES E. WILSON, P.E.
- EDWARD V. SHORT, L.S.
- DEAN E. MONTGOMERY, L.S.
- GREGORY A. DIBBLE, P.E.
- RICHARD A. McELMON, L.S.

LEGAL DESCRIPTION

An easement for a well site clearzone area, being a 200 foot diameter circle, the center of which is 867.7 feet South and 1336.9 feet East of the Northwest corner of Section 26, Township 36 North, Range 3 East, W. 111, Skagit County, Washington.

The Basis of Bearing of this description is the westerly line of the Northwest Quarter of said Section 26 which bears North 0° 13' 11" East.

791555

#06573 - Colony  
 5/27/73

8005190033

EXHIBIT B - Page 2

Official Record  
 VOL 404 PAGE 417

700

H-67236-11

7909210015  
CLARIFICATION OF EASEMENT

This Clarification of Easement is intended to clarify that certain Easement filed with the Skagit County Auditor under File No. 791555, copy of which is attached hereto as Exhibit A.

The undersigned parties, for valuable consideration, herewith declare that they hereby grant a non-exclusive, perpetual easement to the respective properties adjoining said easement and said respective properties are all of those properties served by the Colony Mountain water system and the owners of each of said properties are all members of the Colony Mountain Community Club, a Washington mutual corporation, which is a non-profit corporation.

The restrictions were intended to be on the property as herein-after described and as also described on the original of Exhibit A filed under Skagit County Auditor's File No. 791555. That well site clear zone area was intended to fully comply with WAC 248-54-660(2) and specifically is intended to restrict the property owners within 100 feet of the well, including their heirs, successors and assigns, from constructing, maintaining or suffering to be constructed or maintained upon said land within a 100 foot radius of the well, so long as the same is operated to furnish water for public consumption, any of the following: cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides.

The description of the well site clear zone area easement is:

A 200 foot diameter circle, the center of which is 887.7 feet South and 1,330.9 feet East of the Northwest corner of Section 26, Township 36 North, Range 3 East of W.M., Skagit County, Washington.

DATED this 5<sup>th</sup> day of September, 1979.

15/  
ROBERT STARRY

15/  
ELAINE STARRY

15/  
JERRY HAMMER

STATE OF WASHINGTON )  
COUNTY OF WHATCOM ) ss.

On this day personally appeared before me Robert Starry, Elaine Starry and Jerry Hammer, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

Official Record  
VOL 404 PAGE 418

1700

H-67236-11

GIVEN under my hand and official seal this 5<sup>th</sup> day of  
September, 1979.

1st Sam Peach  
Notary Public in and for the State of  
Washington, residing at Bellingham.

Official Record

VOL 404 PAGE 419

-2-

8005130033

EXHIBIT C - Page 2

7:11:55

EASEMENT

The undersigned parties, for valuable consideration, herewith declare that they herewith grant a non-exclusive easement for roadway for ingress and egress, and all utilities to all other parties having lands adjoining said descriptions. The width of said easements are as stated in said legal descriptions and are measured along the center lines therein described; said easements are continuous and perpetual and shall run with the respective properties adjoining said easements and shall run with the land.

The legal description for each of said easements are hereto attached marked "Exhibit A" and by reference made a part hereof as if set out in full.

DATED this 7<sup>th</sup> day of September, 1973.

<i>Donna Hamner</i>	_____
<i>Jerry Hamner</i>	_____
<i>Robert Starry</i>	_____
<i>Elaine Starry</i>	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

STATE OF WASHINGTON )  
                                  : ss  
COUNTY OF WILACON )

On this day personally appeared before me DONNA HAMNER, JERRY HAMNER, ROBERT STARRY and ELAINE STARRY,

NOTARY PUBLIC  
1973-1975  
STATE OF WASHINGTON  
My Comm. Expires \_\_\_\_\_

7:11:55


-1-

P

8005190033

EXHIBIT C - Page 3

Official Records  
VOL 404 PAGE 420

  
JAMES E. WILSON & ASSOCIATES  
INCORPORATED  
A PROFESSIONAL CORPORATION  
110 WEST 5th AVE  
BILLYMORAVIA WASHINGTON 98725  
FURNISHING PROFESSIONAL SERVICES

• JAMES E. WILSON PE  
• RICHARD A. HERRMANN LS  
• GREGORY A. DIXIE PE  
• STEVE MUMFORD LS  
• EDWARD V. SHOFF LS

**LEGAL DESCRIPTION**

An easement for a well site clearzone area, being a 260 foot diameter circle, the center of which is 167.7 feet South and 1330.9 feet East of the Northwest corner of Section 26, Township 36 North, Range 3 East, W.H., Skagit County, Washington.

The Basis of Bearing of this description is the westerly line of the Northwest Quarter of said Section 26 which bears North 0° 13' 11" East.

791555

700973 - Colony  
5/27/73

8005190033

EXHIBIT C - Page 4

Official Record  
VOL 404 PAGE 421

1319  
SPOKANE COUNTY WASHINGTON  
Real Estate License Tax  
PAID  
MAY 1 - 1974  
Amount Paid \$ 1.00  
Edward W. Johnson, Co. Treas.  
By *[Signature]* Deputy

800130

H-55540-4

EASEMENT

The undersigned parties, for valuable consideration, herewith declare that they herewith grant a non-exclusive easement for roadway for ingress and egress, and all utilities to all other parties having lands adjoining said descriptions. The width of said easements are as stated in said legal descriptions and are measured along the center lines therein described; said easements are continuous and perpetual and shall run with the respective properties adjoining said easements and shall run with the land.

The legal description for each of said easements are hereto attached marked "Exhibit A" and by reference made a part hereof as if set out in full.

DATED this 21st day of April 1974

X *[Signature]*  
X *[Signature]*  
X *[Signature]*  
X *[Signature]*

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
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STATE OF WASHINGTON )  
                                  : ss  
COUNTY OF WHATCOMB )

On this day personally appeared before me DONNA HAMMER, JERRY HAMMER, ROBERT STARRY AND ELAINE STARRY to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 21st day of April 1974.

*[Signature]*  
Notary Public in and for the State of  
Washington, residing at Bellingham.

8005190033

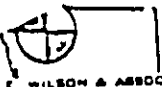
EXHIBIT D - Page 1

Official Records  
VOL 404 PAGE 422

800130

H-55346-9

EASEMENT


  
 JAMES E. WILSON & ASSOCIATES
   
 SURVEYING & ENGINEERING
   
 810 HERALD BLDG
   
 BELLINGHAM WASHINGTON 98223
   
 FORMERLY FRED W. MCELWAIN & ASSOCIATES

- JAMES E. WILSON PE
- LLOYD V. SHORT LS
- DEAN E. HUNTER LS
- GREGORY A. DIBBLE PE
- RICHARD A. WEBERMAN LS

LEGAL DESCRIPTION

50' Wide Easement Affecting Lots 43 - 46, Inclusive.

A 50' wide easement for ingress, egress and utilities in the Northeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 25 feet on each side of the following described centerline.

Beginning at a point 611.43 feet South and 215.11 feet East of the North Quarter corner of said Section 22; thence North 26° 20' 33" East, 674.6 feet to the Point of Ending.

The Basis of Bearing of this description is the Northerly line of the said Northeast Quarter which bears South 88° 20' 54" East.

50' Wide Easement Affecting Lots 46-7 - 49, Inclusive.

A 50' wide easement for ingress, egress and utilities in the Northeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 25 feet on each side of the following described centerline:

Beginning at a point 1816.64 feet South and 1225.13 feet East of the North Quarter corner of said Section 22; thence North 1° 40' 00" West, 414.40 feet; thence North 12° 23' 45" West, 194.47 feet; thence North 34° 26' 00" East, 224.90 feet; thence North 9° 45' 00" West, 352.61 feet; thence North 10° 31' 00" East, 90.17 feet to the Point of Ending.

The Basis of Bearing of this description is the Northerly line of the said Northeast Quarter which bears South 88° 20' 54" East.

#00973 - Colony  
 10/31/73

800130


50-51  
 1, 12

5-1-74

8005190033

EXHIBIT D - Page 2

Official Records  
 VOL 404 PAGE 423

  
**JAMES E. WILSON & ASSOCIATES**  
 SURVEYORS & ENGINEERS  
 805 DUPONT 7336100  
 BELLINGHAM WASHINGTON 98225  
 FORMERLY FRED W. MCELWAIN & ASSOCIATES

- JAMES E. WILSON PE
- LLOYD V. SHORT LS
- DENISE MURTER LS
- GILBERT A. DIBBLE PE
- RICHARD A. HERMANN LS
- DONALD W. ELLIS PE

**LEGAL DESCRIPTIONS**

An Easement Affecting Tracts 50, 51, 52 and 55.

A 50 foot wide easement for ingress, egress and utilities in the Northeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 25 feet on each side of the following described centerline:

Beginning at a point 1053.62 feet South and 268.54 feet West of the Northeast Corner of said Section 22, thence from a tangent which bears South 81° 10' 00" East on a curve to the left having a radius of 100 feet through a central angle of 123° 48' 41", an arc distance of 216.09 feet; thence North 24° 58' 41" West, 248.33 feet, thence North 3° 12' 00" East, 405.34 feet; thence North 54° 00' 00" West, 199.12 feet to the Point of Ending.

The Basis of Bearing of this description is the Easterly line of said Section 22 which bears North 0° 55' 15" West.

Easement for Tank Site *At the Tank Site*

An easement for the construction and maintenance of a water tank on the following described tract of land in the Northeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Skagit County, Washington, described as follows:

Beginning at a point on the Northerly line of said Section 22, a distance of 205.00 feet on a Bearing of North 88° 20' 54" West from the Northeast Corner of said Section 22; thence South 49° 28' 39" West, 300 feet, thence North 19° 26' 07" West 215.87 feet to the said Northerly line of Section 22, thence South 88° 20' 54" East, along said Northerly line, 300 feet to the Point of Beginning.

1,54

00973 - Colony  
4/19/74

800130

5-1-74

8005190033

EXHIBIT D - Page 3

Official Records  
VOL 404 PAGE 424

JAMES L. WILSON & ASSOCIATES  
 SURVEYING & ENGINEERING  
 610 WERALD BLVD.  
 BELLINGHAM, WASHINGTON 98225  
 FORMERLY FRED W. McELWAIN & ASSOCIATES

• JAMES L. WILSON PE  
 • ERIC V. SHIFFER LS  
 • DEAN E. MUNIER LS  
 • GREGORY A. CASLE PE  
 • RICHARD A. HEINMANN LS

**LEGAL DESCRIPTION**

60 Foot Wide Easement (Revised) Affecting Tracts 40A to 58 inclusive, and 60, 62 to 65 inclusive.

A 60 foot wide easement for ingress and egress and utilities in the Northeast Quarter of Section 22; Township 30 North, Range 3 East, W.M., Skagit County, Washington, being 30 feet on each side of the following described centerline

Beginning at a point 1231.52 feet South and 1304.31 feet West of the Northeast corner of said Section 22; thence North 3° 46' 00" East, 187.66 feet to a curve to the right having a radius of 450 feet, the center of which curve bears South 80° 12' 00" East, thence Northeasterly along said curve to the right through a central angle of 25° 10' 00", an arc distance of 177.66 feet, thence North 28° 58' East, 104.38 feet to a curve to the left having a radius of 765 feet, the center of which curve bears North 61° 06' 00" West, thence Northeasterly along said curve to the left through a central angle of 20° 46' 00", an arc distance of 277.67 feet; thence North 8° 12' 00" East, 625.55 feet to a curve to the right having a radius of 1038.21 feet, the center of which curve bears South 81° 46' 00" East, thence Northeasterly along said curve to the right through a central angle of 20° 36' 00", an arc distance of 373.28 feet to a point of compound curve to the right having a radius of 55 feet, the center of which bears South 61° 12' 06" East; thence along said curve to the right through a central angle of 148° 42' 00", an arc distance of 142.74 feet to a point of reverse curve to the left having a radius of 965 feet, the center of which curve bears North 87° 30' 00" East; thence Southeasterly along said curve to the left through a central angle of 30° 16' 00", an arc distance of 520.33 feet to a point of reverse curve to the right having a radius of 416 feet, the center of which curve bears South 57° 14' 00" West, thence Southeasterly along said curve to the right through a central angle of 18° 50' 00", an arc distance of 134.77 feet to a point of reverse curve to the left having a radius of 360 feet, the center of which curve bears North 76° 04' 00" East; thence Southeasterly along said curve to the left through a central angle of 67° 14' 00", an arc distance of 445.91 feet to a reverse curve to the right having a radius of 266 feet, the center of which curve bears South 6° 50' 00" West, thence along said curve to the right through a central angle of 71° 45' 00", an arc distance of 250.45 feet, thence South 9° 25' 00" East, 279.22 feet; thence South 8° 00' 00" West, 733.68 feet, thence South 18° 42' 00" East, 270.44 feet; thence South 76° 23' 00" East, 159.23 feet; thence South 0° 26' 18" East parallel with and 30 feet westerly of the Easterly line of the said Northeast Quarter of the Southeast Quarter of Section 22, a distance of 812.71 feet to the Point of Ending.


56  
 48  
 49  
 45  
 46  
 14

800130

8005130033

Official Record  
 VOL 404 PAGE 425

EXHIBIT D - Page 4


  
 JAMES E. WILSON & ASSOCIATES
   
 SURVEYORS & ENGINEERS
   
 810 HERALD BLDG
   
 BELLINGHAM, WASHINGTON 98225
   
 FORMERLY FRED W. McLELLIN & ASSOCIATES

- JAMES E. WILSON P.E.
- LLOYD V. SHURT P.E.
- DEAN E. MUNTER P.E.
- GREGORY A. DORR P.E.
- RICHARD A. HERRMANN P.E.

The sidelines of this road to begin and end at the abutting property lines.

The Basis of Bearing of this description is the Easterly line of the said Northeast Quarter which is assumed to be North  $0^{\circ} 55' 15''$  West.

800130

Colony - 00973  
 October 4, 1973

800130

8005190033

EXHIBIT D - Page 5

Official Records  
 VOL 404 PAGE 426



EXHIBIT A

WILLIAMSON ASSOCIATES  
1000 15th Street, N.W.  
Washington, D.C. 20005  
Telephone: (202) 331-1100

RECEIVED  
MAY 11 1988  
COUNTY CLERK  
SPOKANE COUNTY, WASHINGTON

LEGAL DESCRIPTION

A 50 foot wide easement affecting tracts 32 through 36, inclusive.

A 50 foot wide easement for ingress and egress and utilities in the Northeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Spagit County, Washington, being 25 feet on each side of the following described centerline.

Beginning at a point 1512.00 feet South and 1739.40 feet West of the Northeast corner of said Section 22; thence South 20° 10' 00" West, 503.88 feet, thence South 47° 45' 00" East, 346.62 feet to the Point of Ending.

The Basis of Bearing of this description is the Easterly line of the said Northeast Quarter which is assumed to be North 0° 50' 15" West.

The Basis of Bearings of this description is the Easterly line of the said Northeast Quarter which is assumed to be North 0° 55' 15" West.

A 60 foot wide easement affecting tracts 55, 56, 57, 60, 62, 63, 64, 65.

A 60 foot wide easement for ingress and egress and utilities in the Northeast Quarter and the Northeast Quarter of the Southeast Quarter of Section 22, Township 36 North, Range 3 East, W.M., Spagit County, Washington being 30 feet on each side of the following described centerline.

Beginning at a point 819.87 feet South and 562.76 feet West of the Northeast corner of said Section 22, thence from a tangent which bears South 21° 54' 00" East on a curve to the left having a radius of 200 feet, through a central angle of 50° 16' 00", an arc distance of 333.07 feet to a reverse curve to the right having a radius of 200 feet, the center of which curve bears South 0° 50' 00" West, thence along said curve to the right through a central angle of 71° 45' 00", an arc distance of 250.45 feet, thence South 9° 25' 00" East, 279.22 feet; thence South 8° 00' 00" West, 733.68 feet; thence South 18° 42' 00" East, 270.44 feet; thence South 26° 23' 00" East, 189.23 feet, thence South 0° 20' 15" East parallel with and 30 feet Westerly of the Easterly line of the said Northeast Quarter of the Southeast Quarter of Section 22, a distance of 812.71 feet to the Point of Ending.

793602

The Basis of Bearing of this description is the Easterly line of the said Northeast Quarter which is assumed to be North 0° 55' 15" West.

8005190033

EXHIBIT E - Page 2

Official Record  
VOL 404 PAGE 428

DAVE L. WILSON & ASSOCIATES  
SURVEYORS & ENGINEERS  
610 NEPAID P.O.  
BELLINGHAM, WASHINGTON 98225  
FORMERLY FRED W. MCCLENNAN & ASSOCIATES

- JAMES E. ...
- LLOYD V. ...
- DEAN E. ...
- GEORGE A. ...
- RICHARD A. ...

LEGAL DESCRIPTION:

Easement affecting tracts 78—82, inclusive.

A 50 foot wide easement for ingress, egress and utilities in the Northwest Quarter of Section 26, Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 25 feet on each side of the following described centerline:

Beginning at a point 820.11 feet South and 1432.96 feet East of the Northwest corner of said Section 26; thence North 73° 18' 00" East, 775.50 feet; thence North 1° 22' 00" West, 223.53 feet to the Point of Ending.

The Basis of Bearing of this description is the Westerly line of the said Northwest Quarter which is assumed to be North 0° 13' 11" East.

A 50 foot wide easement affecting tracts 13, 14, 15, 16 and 18.

A 50 foot wide easement for ingress, egress and utilities in the Northwest Quarter of Section 26, Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 25 feet on each side of the following described centerline:

Beginning at a point 828.10 feet South and 1309.88 feet East of the Northwest corner of said Section 26; thence South 62° 04' 00" West, 761.18 feet; thence North 31° 24' 00" West, 303.52 feet to the Point of Ending.

The Basis of Bearing of this description is the Westerly line of the said Northwest Quarter which is assumed to be North 0° 13' 11" East.

Official Records

793602

FO0973  
9/17/73

11-21-73

Official Records

VOL 404 PAGE 429

8005190033

EXHIBIT E - Page 3

418

8005190033

Vol 517 Page 408

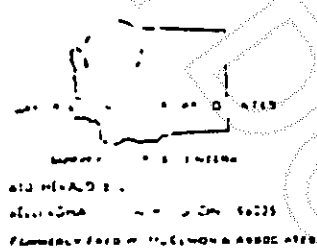


EXHIBIT A  
Page 3

Point 1  
Point 2  
Point 3  
Point 4  
Point 5

LEGAL DESCRIPTION

A 20 foot wide easement affecting tracts 67 - 70 inclusive

100 foot wide easement for ingress, egress and utilities in the Southwest Quarter of Section 23, Township 36 North, Range 14 East, 5th S. Sagitt County, Washington, being 20 feet on each side of the following described centerline.

Beginning at a point 230.11 feet west and 710.00 feet east of the Southwest corner of said section 23, thence North 20° 14' 00" East, 577.81 feet to Point "1", thence North 20° 50' 00" East, 325.00 feet, thence North 20° 50' 11" East, 577.15 feet, thence South 24° 53' 24" East, 135.00 feet, ALSO originating at Point "1", thence South 17° 50' 00" East, 383.00 feet to the Point of Ending

The Basis of Bearing of this description is the westerly line of the said Southwest Quarter which is assumed to be North 0° 00' 10" West.

793642  
#00973  
9/17/73

80051S0033

Official Records  
VOL 404 PAGE 430

EXHIBIT E - Page 4

A 60 foot wide strip of land for ingress and egress and utilities through Sections 22, 23, 26 and 27, all in Township 36 North, Range 3 East, W.M., Skagit County, Washington, being 30 feet on each side of the following described centerline:  
Beginning at a point on the Easterly line of the Northeast Quarter of said Section 27, a distance of 30 feet on a bearing of North 0° 13' 11" East from the Quarter corner common to Sections 26 and 27; thence South 50° 45' 35" West, 595 feet, more or less to the North-easterly right-of-way line of Colony Road. ALSO beginning at the same point of beginning as above; thence North 64° 10' 00" East, 524.60 feet to a curve to the left having a radius of 3000 feet, the center of which curve bears North 25° 50' 00" West; thence along said curve to the left through a central angle of 2° 12' 00", an arc distance of 115.19 feet; thence North 61° 58' 00" East, 638.20 feet to a curve to the left having a radius of 5200 feet, the center of which curve bears North 28° 02' 00" West; thence Northeasterly along said curve to the left through a central angle of 6° 32' 00", an arc distance of 592.95 feet to a point of compound curve to the left having a radius of 450 feet, the center of which curve bears North 34° 34' 00" West; thence Northeasterly along said curve to the left through a central angle of 52° 33' 00", an arc distance of 412.73 feet to a point of compound curve to the left having a radius of 150 feet, the center of which curve bears North 87° 07' 00" West, thence Northerly along said curve to the left through a central angle of 66° 57' 34", an arc distance of 175.30 feet to a point of reverse curve to the right having a radius of 650 feet, the center of which curve bears North 25° 55' 26" East; thence Northwesterly along said curve to the right through a central angle of 25° 28' 34", an arc distance of 289.02 feet; thence North 38° 36' 00" West, 441.71 feet to a curve to the right having a radius of 1750 feet, the center of which curve bears North 51° 24' 00" East; thence along said curve to the right through a central angle of 9° 48' 00", an arc distance of 299.32 feet; thence North 28° 48' 00" West, 660.29 feet to a curve to the right having a radius of 5200 feet, the center of which curve bears North 61° 12' 00" East; thence along said curve to the right through a central angle of 4° 20' 00", an arc distance of 393.28 feet; thence North 24° 28' 00" West, 219.85 feet, to a curve to the left having a radius of 1080 feet, the center of which curve bears South 65° 32' 00" West; thence Northwesterly along said curve to the left through a central angle of 21° 00' 00", an arc distance of 395.84 feet; thence North 45° 28' 00" West, 178.49 feet to a curve to the right having a radius of 3000 feet, the center of which curve bears North 44° 32' 00" East; thence Northwesterly along said curve to the right, through a central angle of 14° 43' 00", an arc distance of 770.56 feet; thence North 30° 45' 00" West, 139.07 feet to a curve to the right having a radius of 432 feet, the center of which curve bears North 59° 15' 00" East; thence Northwesterly along said curve

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Notary Public in and for the State of Washington,  
residing at Bellevue, Wash.

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to the right through a central angle of  $23^{\circ} 40' 00''$ , an arc distance of 178.44 feet to a point of reverse curve to the left having a radius of 432 feet, the center of which curve bears South  $82^{\circ} 55' 00''$  West; thence Northwesterly along said curve to the left, through a central angle of  $25^{\circ} 55' 00''$ , an arc distance of 195.41 feet; thence North  $33^{\circ} 00' 00''$  West, 952.05 feet to a curve to the left having a radius of 2000 feet, the center of which curve bears South  $57^{\circ} 00' 00''$  West, thence Northwesterly along curve to the left through a central angle of  $14^{\circ} 25' 00''$ , an arc distance of 503.24 feet; thence North  $47^{\circ} 25' 00''$  West, 1165.98 feet to a curve to the right having a radius of 1055 feet, the center of which curve bears North  $42^{\circ} 35' 00''$  East; thence Northwesterly along said curve to the right, through a central angle of  $14^{\circ} 40' 00''$ , an arc distance of 272.52 feet to a point of reverse curve to the left having a radius of 760 feet, the center of which curve bears South  $57^{\circ} 23' 00''$  West; thence Northwesterly along said curve to the left through a central angle of  $20^{\circ} 33' 00''$ , an arc distance of 272.59 feet; thence North  $53^{\circ} 10' 00''$  West, 100 feet to a curve to the right having a radius of 465 feet, the center of which curve bears North  $36^{\circ} 50' 00''$  East; thence Northwesterly along said curve to the right through a central angle of  $24^{\circ} 32' 00''$ , an arc distance of 199.11 feet to the Point of Ending.

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COVENANTS, RESTRICTIONS AND AGREEMENTS OF COLONY MOUNTAIN AS CONTAINED IN INSTRUMENT RECORDED UNDER AUDITOR'S FILE NO. 787652, RECORDS OF SKAGIT COUNTY, WASHINGTON

THE FOLLOWING COVENANTS, RESTRICTIONS AND AGREEMENTS ARE TO BE ATTACHED TO EACH OF THE EIGHTY-THREE 5 ACRE TRACTS WHICH WILL BE SOLD BY ROBERT L. STARRY AND JERRY M. HAMMER IN THE COLONY MOUNTAIN DEVELOPMENT AND THEY ARE TO APPLY TO ALL OF THE LAND DESCRIBED IN EXHIBIT A HERETO ATTACHED AND BY REFERENCE INCORPORATED HEREIN AS IF FULLY SET OUT. EACH OF THE PURCHASERS OF EACH 5-ACRE TRACTS SHALL AGREE AS A PART OF THEIR PURCHASE CONTRACT THAT THEY WILL BE BOUND BY THE RESTRICTIONS, COVENANTS AND AGREEMENTS IN THIS ATTACHED DOCUMENT, AS FOLLOWS:

ROBERT L. STARRY AND JERRY M. HAMMER WILL INCORPORATE A NON-PROFIT CORPORATION. EACH 5-ACRE TRACT PURCHASER MUST BECOME A SHAREHOLDER IN SAID CORPORATION, WITH EACH 5-ACRE TRACT OWNER OR PURCHASER ENTITLED TO ONE SHARE OF CLASS A STOCK AND ENTITLED TO ONE VOTE IN THE CORPORATION. THE STOCKHOLDERS OF SAID CORPORATION WILL ELECT A BOARD OF DIRECTORS WHO WILL GOVERN THE CORPORATION AND WHO WILL APPOINT THE OFFICERS THEREOF. SAID SHARES OF STOCK SHALL BE APPURTENANT TO THE TITLE TO THE LAND AND SHALL BE TRANSFERABLE ONLY AS A PART OF THE TRANSFER OF TITLE TO THE 5-ACRE TRACTS. EACH SHAREHOLDER SHALL BE ENTITLED TO THE USE AND ENJOYMENT OF THE CORPORATE FACILITIES AND SERVICES SUBJECT TO THE RULES, REGULATIONS AND CHARGES AS MAY BE ESTABLISHED BY THE CORPORATION, WHICH RULES, REGULATIONS AND CHARGES SHALL APPLY EQUALLY TO ALL SHAREHOLDERS WHO ARE OWNERS OF PROPERTY IN THE TRACTS DESCRIBED IN EXHIBIT A. EACH SHAREHOLDER SHALL ABIDE WITH THE RULES AND REGULATIONS OF THE CORPORATION THAT MAY BE ADOPTED FROM TIME TO TIME INCIDENT TO THE USE OF THESE FACILITIES.

ROBERT L. STARRY AND JERRY M. HAMMER WILL CONVEY TO THE CORPORATION TITLE TO PRIVATE ROADS RUNNING THROUGHOUT THE TRACTS AND THEY WILL ALSO CONVEY TO THE CORPORATION THE WATER SYSTEM AND WELLS WHICH THEY WILL ESTABLISH THROUGHOUT THE TRACTS, AND ANY OTHER FACILITIES WHICH MAY BE ESTABLISHED FOR THE COMMON GOOD OF THE WHOLE TRACT. ABOVE MENTIONED ROADS EXCLUDING EASEMENTS AND THE FOUR ACCESS LANES WILL BE CONSTRUCTED WITH A LIGHT OIL SURFACE. SELLER AGREES THAT ROADS AND WATER SYSTEM WILL BE CONSTRUCTED WHEN 30 LOTS HAVE BEEN SOLD OR JULY 31, 1975, WHICH EVER OCCURS FIRST.

IN ORDER TO PROVIDE FOR MAINTENANCE AND IMPROVEMENT OF THE VARIOUS PROPERTIES AND FACILITIES OF THE CORPORATION, EACH SHAREHOLDER, BEING EACH GRANTEE AND VENDEE OF THE 5-ACRE TRACTS AND THEIR HEIRS, SUCCESSORS AND ASSIGNS, SHALL AND DO BY THE ACT OF ACCEPTING THE DEED OR ENTERING INTO A CONTRACT OF SALE, AS VENDEE, JOINTLY AND SEVERALLY AGREE THAT THEY AND EACH OF THEM SHALL PAY TO THE CORPORATION THE CHARGES ASSESSED BY VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE CORPORATION AGAINST THE SHAREHOLDERS OF THE CORPORATION. IN THE EVENT THAT SUCH CHARGES REMAIN UNPAID TO THE CORPORATION FOR 60 DAYS AFTER THE DUE DATE THEREOF, THEN THE CORPORATION MAY RECORD A WRITTEN NOTICE WITH THE AUDITOR OF SKAGIT COUNTY, WASHINGTON, THAT A LIEN BE PLACED AGAINST THE LOT OF THE SHAREHOLDER WHO IS DELINQUENT FOR THE AMOUNT OF SUCH CHARGES, INCLUDING INTEREST AT THE RATE OF 10 PERCENT PER ANNUM, FROM THE DUE DATE UNTIL

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PAID AND ATTORNEY'S FEES THROUGH INCIDENT HERETO. FROM AND AFTER RECORDING SUCH NOTICE, SUCH LOT SHALL BE SUBJECT TO A LIEN TO THE CORPORATION AS SECURITY FOR SUCH ASSESSMENT AND SUCH LIEN MAY BE FORECLOSED IN THE MANNER OF A MORTGAGE ON REAL PROPERTY AND IN SUCH FORECLOSURE ACTION THE CORPORATION SHALL RECOVER A REASONABLE SUM AS ATTORNEY'S FEES AND REASONABLE AND NECESSARY COSTS OF SEARCHING AND ABSTRACTING THE PUBLIC RECORDS. UNTIL CHANGED BY A VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE CORPORATION, THE CHARGE HEREIN REFERRED TO SHALL BE FIFTY DOLLARS (\$50.00) PER ANNUM PAYABLE ON OR BEFORE JUNE 30 OF EACH YEAR, IN ADVANCE, COMMENCING WHEN THE ROADS AND WATER SYSTEM ARE TURNED OVER TO THE CORPORATION. THESE CHARGES SHALL NOT BE ASSESSED AGAINST THE UNSOLD LOTS HELD BY ROBERT L. STARRY AND JERRY M. HAMMER, THE DEVELOPERS HEREOF. EACH LOT OWNER WILL BE SOLELY RESPONSIBLE FOR THE COST OF HOOK-UP TO THE WATER SYSTEM AND THE COST OF HOOK-UP TO THE WATER SYSTEM AND THE COST OF THE CONNECTING FEES TO ANY OTHER UTILITY OR FACILITY.

THERE IS RESERVED TO THE CORPORATION AN EASEMENT OVER EACH OF THE 5-ACRE TRACTS IN THE PROPERTY DESCRIBED IN EXHIBIT A. SAID EASEMENT SHALL BE A STRIP OF LAND 10 FEET IN WIDTH ACROSS EACH LOT PARALLEL WITH AND ADJACENT TO THE ROADS ABUTTING EACH LOT AND ALONG 5 FEET OF EACH OTHER LOT LINE FOR THE PURPOSE OF CONSTRUCTING, REPAIRING, RECONSTRUCTING, IMPROVING, AND MAINTAINING WATER PIPES, LIGHT AND POWER LINES, TELEPHONE LINES AND OTHER FACILITIES FOR UTILITIES INCLUDING THE RIGHT TO ENTER UPON SUCH EASEMENT FOR SUCH PURPOSE.

#### RESTRICTIONS TO EACH TRACT

THE USE OF EACH 5-ACRE TRACT WITHIN THE PROPERTY DESCRIBED IN EXHIBIT A HERETO ATTACHED SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. NO NOXIOUS OR OFFENSIVE ACTIVITIES SHALL BE PERMITTED ON ANY LOT, NOR SHALL ANYTHING BE PERMITTED THAT MAY BE OR BECOME A NUISANCE OR UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF ANY PART OF THE REAL PROPERTY INCLUDED IN THIS PLAT.

2. THE WORK OF CONSTRUCTING, ALTERING OR REPAIRING ANY STRUCTURE ON A LOT SHALL BE DILIGENTLY PROSECUTED FROM ITS COMMENCEMENT UNTIL COMPLETION THEREOF, BUT IN ANY EVENT, THE EXTERIOR FINISHED APPEARANCE SHALL BE COMPLETED WITHIN ONE YEAR OF COMMENCEMENT SO THAT NO TAR PAPER OR UNDER LAYMENT SHALL BE EXPOSED TO VIEW.

3. NO TRADER OR BUSINESSES OR OTHER COMMERCIAL ENTERPRISES SHALL BE OPERATED ON ANY LOT, EXCEPT HOME OCCUPATIONS WITH NO MORE THAN TWO EMPLOYEES.

4. THERE SHALL BE NO MOBILE HOME PARKS CONSTRUCTED ON ANY LOT.

5. MOBILE HOMES INSTALLED MORE OR LESS PERMANENTLY ON THE PROPERTY SHALL INSTALL A HARD SURFACE OFF THE ROAD FOR PARKING SPACE NO SMALLER THAN 10 FEET, AND SHALL INSTALL PROFESSIONAL METAL SKIRTING.

6. NO DWELLING OR OTHER BUILDING SHALL BE CONSTRUCTED CLOSER THAN 30 FEET FROM THE CENTER OF ANY ROAD NOR CLOSER THAN 20 FEET FROM ANY INTERIOR BOUNDARY.

7. NO COMMERCIAL CAMPGROUND SHALL BE ALLOWED.

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7. EACH LOT SHALL NEVER HAVE MORE THAN ONE FOR SALE SIGN AND SHALL BE LIMITED TO 18 INCHES BY 24 INCHES IN SIZE AND MUST BE PROFESSIONALLY CONSTRUCTED AND NO OTHER ADVERTISING SIGNS SHALL BE ALLOWED. THE DEVELOPERS SIGNS SHALL BE EXCLUDED FROM THIS REQUIREMENT.

9. COLONY MOUNTAIN CORPORATION MAY ALTER OR AMMEND THESE RESTRICTIONS BY THEIR BOARD OF DIRECTORS OR THEY MAY MAKE SPECIAL EXCEPTIONS THERETO.

10. THESE RESTRICTIONS SHALL TERMINATE ON JANUARY 1, 1984, UNLESS EXTENDED BY THE BOARD OF DIRECTORS OF COLONY MOUNTAIN CORPORATION.

11. THERE SHALL BE NO SUBDIVISION OF ANY 5-ACRE TRACT UNTIL JULY 31, 1975.

THE COVENANTS, RESTRICTIONS, EASEMENTS, RIGHTS, LIENS, AND ENCUMBRANCES HEREIN PROVIDED FOR SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE REAL PROPERTY DESCRIBED IN EXHIBIT A AND ANY AND ALL PARTS THEREOF, THE PARTIES IN INTEREST THERETO AND THEIR HEIRS, ASSIGNS, PERSONAL REPRESENTATIVES AND SUCCESSORS IN INTEREST. ACCEPTING AN INTEREST IN AND TO ANY PORTION OF SUCH REAL PROPERTY SHALL CONSTITUTE AN AGREEMENT BY AND SUCH PERSON, FIRM, OR CORPORATION ACCEPTING SUCH INTEREST, THAT THEY AND EACH OF THEM SHALL BE BOUND BY AND SUBJECT THE PROVISIONS HEREOF.

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- (A) THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; ALL OF THE NORTHEAST QUARTER; AND ALL OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, EXCEPT THAT PORTION CONVEYED TO SKAGIT COUNTY FOR ROAD, BY INSTRUMENT RECORDED APRIL 11, 1962, UNDER AUDITOR'S FILE NO. 620123, OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.
- (B) THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.
- (C) THAT PORTION OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING SOUTH OF THE ROAD, AS IT EXISTED ON OCTOBER 31, 1946, EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN COUNTY ROAD RIGHTS OF WAY.
- (D) THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING NORTHERLY OF THE SOUTHERLY BOUNDARY OF IMPROVED "OLD SCHOOL TRAIL ROAD", AS ESTABLISHED BY INSTRUMENT RECORDED MARCH 18, 1969, UNDER AUDITOR'S FILE NO. 724372, EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN COUNTY ROAD RIGHTS OF WAY, ALSO EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN THAT CERTAIN TRACT OF LAND AS CONVEYED TO H.C. BANNER BY DEED RECORDED DECEMBER 2, 1941, UNDER AUDITOR'S FILE NO. 347059.
- (E) THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING 30 FEET DISTANT ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
- BEGINNING AT AN IRON PIPE WHICH IS A COMMONLY ACCEPTED MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SAID SECTION 27, A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 54° WEST 650 FEET, MORE OR LESS, TO THE CENTERLINE OF THE COLONY ROAD, AND THE TERMINAL POINT OF THE CENTERLINE BEING DESCRIBED, EXCEPT THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF SAID COLONY ROAD.
- (F) AN EASEMENT FOR ROAD PURPOSES OVER A TRIANGULAR PORTION OF LAND IN THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., DESCRIBED AS FOLLOWS:
- COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE WEST A DISTANCE OF 84.8 FEET; THENCE SOUTH 45° EAST A DISTANCE OF 120 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 84.8 FEET TO THE POINT OF BEGINNING.

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