

RECORDED AT THE REQUEST OF:
ANGEVINE, JOHNSON & BARTH
709-711 South First Street
Mount Vernon, WA 98273

LAND TITLE COMPANY OF SKAGIT COUNTY

T-55344

8504190049

STATUTORY WARRANTY DEED

THE GRANTORS, JOHN G. GARDNER, as his separate property, as to a portion; and BEATRICE GARDNER, who also appears of record as BEATRICE G. GARDNER and BEATRICE GACHES GARDNER, individually and as Executrix of the Will of J. H. GARDNER, who also appears of record as J. HERBERT GARDNER, deceased, for and in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, in hand paid, convey and warrant to WEST SHORE PROPERTIES, INC., a Delaware corporation, the following described real property, situate in the County of Skagit, State of Washington.

Attached hereto as Exhibit "A"

SUBJECT TO:

A) Agreement, including terms and conditions thereof wherein Mary A. Borchard, et. al., are grantors; J. Herbert Gardner, et. ux., are grantees; dated November 30, 1962, recorded December 6, 1962, under Auditor's No. 629376 providing for the use and upkeep of a water line (affects said premises in sections 19 and 24).

B) Easement, including terms and conditions thereof wherein Puget Sound Power and Light Company is the grantee, dated April 10, 1950, recorded April 11, 1950, under Auditor's No. 444187, for the purpose of transmission line.

C) Any questions that may arise due to shifting or

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1103
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

Amount Paid \$53.75
Ruth Wylie, Co. Treas.

By

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changing in course of Swinomish Slough and/or White's Slough.

D) The right of the Swinomish Indian Tribal County to regulate and impose restrictions on the use of lands described herein as Parcel J.

E) The right, title or interest of the Swinomish Tribal Community and or the United States of America, as Trustee for the Swinomish Tribal Community, based upon the claim that the subject property, or any part thereof, lie within the boundaries of the Swinomish Indian Reservation.

F) General taxes for 1985 in the sums of \$205.46, \$208.13, \$103.34, \$116.83, \$33.12, \$84.22, \$84.22, \$269.51, \$2,347.43, \$3.71, \$129.55, \$178.50, \$175.30, \$416.28, \$461.09, \$198.67, \$77.07, \$1.25, \$44.22, \$46.27 and \$104.84, on the following account numbers:

193403-0-004-0002	193403-0-004-0101	193403-3-002-0008
193403-3-002-0107	193403-0-006-0000	233402-2-005-0002
233402-3-001-0004	243402-0-003-0007	243402-0-003-0106
243402-0-003-0205	243402-0-003-0304	243402-0-004-0006
243402-0-004-0105	243402-0-005-0005	243402-4-001-0001
253402-0-003-0006	253402-0-003-0105	253402-0-014-0003
4129-017-001-0001	4129-016-003-0001	4129-016-900-0104

G) Mortgage, including terms and conditions thereof wherein John G. Gardner, dealing in his separate property; Beatrice Gaches Gardner, unmarried; Beatrice Gaches Gardner as Executrix of the Will of J. H. Gardner, deceased, and Bonnie H. Warnecke, as her separate property are mortgagors; The Federal Land Bank of Spokane, a corporation in Spokane, Washington, is mortgagee, dated March 26, 1984, recorded April 3, 1984, under Auditor's No. 8404030032. Purchaser assumes said mortgage and agrees to pay the same in accordance with its terms.

H) Mortgage, including terms and conditions thereof wherein John G. Gardner and Beatrice Gardner, aka Beatrice G. Gardner and Beatrice Gaches Gardner, individually and as Executrix of the Estate of J. H. Gardner is mortgagor; the Administrator of the Small Business Administration, an agency of the Government of the United States of America is mortgagee, dated October 16, 1980, Recorded October 27, 1980, under Auditor's No. 8010270080, affecting Parcels A through H and Parcel J. Purchaser assumes said

mortgage and agrees to pay the same in accordance with its terms.

I) Subordination agreement and the terms and conditions thereof by agreement dated May 15, 1984, recorded May 18, 1984, under Auditor's No. 8405180023.

J) Judicial lien set forth in Decree of Dissolution entered June 24, 1980, wherein John Gardner is Plaintiff, Bonnie H. Gardner is Respondent, under Skagit County Superior Court Cause No. 41278. Purchaser does not assume said lien.

DATED THIS 1st day of March, 1985.

John G. Gardner
JOHN G. GARDNER

Beatrice Gardner
BEATRICE GARDNER, who also appears as BEATRICE G. GARDNER and BEATRICE GACHES GARDNER, individually and as Executrix for the Will of J. H. Gardner

STATE OF WASHINGTON)
COUNTY OF SKAGIT) SS

On this day personally appeared before me JOHN G. GARDNER, as his separate property, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 1st day of March, 1985.

Robert A. Olson
Notary Public in and for the State of Washington, residing at 1111 1/2 1st Ave N

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STATE OF WASHINGTON)

) SS

;

On this day personally appeared before me BEATRICE GARDNER, who also appears as BEATRICE G. GARDNER and BEATRICE GACHES GARDNER, individually and as Executrix for the Will of J. H. Gardner to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 15 day
of March, 1985.

Notary Public in and for the State of
Washington, residing at *1211 1st Ave.*

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PARCEL "A":

Lot 3 of Section 24, Township 34 North, Range 2 East W.M., EXCEPT all roadways and the following described tract:

Beginning at a point 10.30 chains South of and 41.77 chains West of the East $\frac{1}{4}$ Section corner of said Section, thence South $70^{\circ}45'$ East 80 feet, thence South $82^{\circ}15'$ West 90 feet, more or less, to the bank of Swinomish Slough, thence Northerly along the bank of said slough to a point that bears South $82^{\circ}15'$ West from the point of beginning, thence North $82^{\circ}15'$ East to the place of beginning.

ALSO, EXCEPT dike and ditch rights of way.

PARCEL "B":

Lots 4, 5 and the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 34 North, Range 2 East W.M., EXCEPT road, ditch and dike right of way.

PARCEL "C":

Lot 2 of Section 25, Township 34 North, Range 2 East W.M., EXCEPT dike, ditch and road rights of way.

PARCEL "D":

Government Lot 3 and the West $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 19, Township 34 North, Range 3 East W.M., EXCEPT County roads and dike and ditch rights of way; AND EXCEPT that portion thereof lying South and East of White's Slough, as conveyed to Bonnie H. Gardner by Decree entered in Skagit County Superior Court Cause No. 41278, records of Skagit County, Washington.

PARCEL "E":

That portion of Government Lot 4 of Section 19, Township 34 North, Range 3 East W.M., lying West and North of Whites Slough.

PARCEL "F":

Tracts 1 and 2, "Plate 17, Tide and Shore Lands of Sections 25 and 24, Township 34 North, Range 2 East W.M., LaConner Harbor, Skagit Co., State of Washington", according to the plat thereof on file in the office of the Board of State Land Commissioners at Olympia, Washington.

PARCEL "G":

All of Tract 3, "Plate 16, Tide and Shore Lands of Section 24, Township 34 North, Range 2 East W.M., LaConner Harbor, Skagit Co., State of Washington", according to the plat thereof on file in the office of the Board of State Land Commissioners at Olympia, Washington.

PARCEL "H":

That portion of Tract 2, "Plate 16, Tide and Shore Lands of Section 24, Township 34 North, Range 2 East W.M., LaConner Harbor, Skagit Co., State of Washington", according to the plat thereof on file in the office of the Board of State Land Commissioners at Olympia, Washington, described as follows:

All of or any part of the following described property lying South of the County road, South of the South line of the County Road as it projects West:

Commencing at the initial point of Tract No. 2, which is 2647 feet North and 689.3 feet West of the Monument marking Tract No. 3, the initial point of which is a stone monument 2165 feet West and .6 feet South of the corner of Sections 24, 25, 19 and 30; thence South $2^{\circ}07'$ West 562 feet; thence South $7^{\circ}17'$ East 210 feet; thence West 60 feet, more or less, to the line of mean high tide; thence along said line North $21^{\circ}12'$ West 200 feet, more or less, to an angle in said line; thence North $6^{\circ}46'$ West 591 feet; thence East 205 feet to the point of beginning, EXCEPTING from the above described, the South 40 feet, being a piece of land having a frontage of 40 feet along the shore line and running to the line of mean high tide.

EXCEPT from all of the above Parcels "A" through "H", that portion thereof lying within the boundaries of the following described tract:

The approximate 1060 feet of the dike shoreline property on the West 150 feet of the above described Parcels "A" through "H", as said property is set forth in Decree of Dissolution entered June 24, 1980 in Skagit County Superior Court Cause No. 41278, wherein John Gardner is Petitioner and Bonnie H. Gardner is Respondent. Said property being described in Paragraph 2, sub-paragraph A2 of said cause, as follows:

"...Approximately 1,060 feet of the dike shoreline property on the western 150 feet of said farm, the legal description for which will be provided when a survey is obtained and will be attached to these papers as Exhibit "C"."

PARCEL "I":

The approximate 1060 feet of the dike shoreline property on the West 150 feet of the above described Parcels "A" through "H", as said property is set forth in Decree of Dissolution entered June 24, 1980 in Skagit County Superior Court Cause No. 41278, wherein John Gardner is Petitioner and Bonnie H. Gardner is Respondent. Said property being described in Paragraph 2, sub-paragraph A2 of said cause, as follows:

PARCEL "I" . continued

"...Approximately 1,060 feet of the dike shoreline property on the western 150 feet of said farm, the legal description for which will be provided when a survey is obtained and will be attached to these papers as Exhibit "C"."

PARCEL "J":

The Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ and the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 23, Township 34 North, Range 2 East, W.M., EXCEPT that portion thereof lying within that certain 40 foot wide strip of land conveyed to Skagit County for road purposes by Deed dated December 8, 1931 and recorded June 23, 1932, under Auditor's File No. 251323, in Volume 161 of Deeds, page 166, records of Skagit County, Washington; AND EXCEPT the West 30 feet thereof as conveyed to Skagit County for road purposes by Deed dated March 4, 1941 and recorded April 11, 1941 under Auditor's File No. 337734, in Volume 182 of Deeds, page 617, records of Skagit County, Washington.

All situate in the County of Skagit, State of Washington.