

After recording, return to:

Perkins Coie  
1201 Third Avenue, 40th Floor  
Seattle, WA 98101-3099  
Attention: Erik G. Marks

9408120107

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

JERRY MCINTURFF  
SKAGIT COUNTY AUDITOR

'94 AUG 12 P3:39

AUG 12 1994

Amount Paid \$  
By: Skagit County Treasurer  
Deputy

#### GRANT OF EASEMENT

THIS GRANT OF EASEMENT is made this 27<sup>th</sup> day of June 1994, by SAN JUAN FIDALGO HOLDING COMPANY, a Washington corporation ("Grantor"), to U.S. BANK OF WASHINGTON N.A. as Trustee of the testamentary trust created under the will of Esther M. McCorkle ("McCorkle Trust"), GEORGE F. MCCORKLE as to his separate estate ("George"), and PATRICIA L. CRAWFORD as to her separate estate ("Patricia") (McCorkle Trust, George, and Patricia are collectively referred to herein as "Grantee") for the benefit of Grantee's Property (defined below).

#### RECITALS

A. Grantor is the Declarant under the Declaration of Covenants, Conditions and Restrictions of The Pointe recorded December 19, 1989, in Volume 863, page 404, under File No. 8912190053, records of Skagit County, Washington ("Pointe CC&R's"). Section 12.1 of the Pointe CC&R's reserves to the Declarant and its grantees and assigns a non-exclusive perpetual easement for ingress, egress and utility services over, under, upon, through and above the roadway easements in The Pointe.

B. One roadway easement in The Pointe traverses the property within the Plat of the Pointe Div. No. 2, and is more particularly described on SCHEDULE A attached hereto and incorporated herein by reference ("Division 2 Roadway").

C. First Supplement to Declaration of Covenants, Conditions, and Restrictions of The Pointe, recorded September 12, 1990, in Volume 929, page 147, under File No. 9009120079, incorporates the property within the plat known as "The Pointe Div. No. 3" into The Pointe CC&R's. The face of the Plat of The Pointe Div. No. 3 depicts a roadway easement, which roadway easement is more particularly described on SCHEDULE B attached hereto and incorporated herein by reference ("Division 3 Roadway").

D. Grantor owns certain real property located in Skagit County, Washington, which is adjacent to The Pointe Div.

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No. 3, and is more particularly described on SCHEDULE C attached hereto and incorporated herein by reference ("Division 4").

E. Grantee owns certain real property located in Skagit County, Washington, which is adjacent to Division 4, and is more particularly described on SCHEDULE D attached hereto and incorporated herein by reference ("Grantee's Property").

F. Pursuant to Grantor's reservation of rights in the Pointe CC&R's to grant and assign easements across the Division 2 Roadway and the Division 3 Roadway, Grantor desires to grant to Grantee, for the benefit of Grantee's Property, a perpetual, nonexclusive easement for ingress, egress and utilities across the Division 2 Roadway and the Division 3 Roadway. Grantor also desires to grant to Grantee, for the benefit of Grantee's Property, a perpetual, nonexclusive easement for ingress, egress and utilities across Division 4 so that, combined with the easement over the Roadways, Grantee's Property has access from the public road known as Marine Drive.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

#### AGREEMENT

##### 1. Grant of Easement

Grantor grants, conveys, and warrants to Grantee, for the benefit of Grantee's Property: (i) a perpetual, nonexclusive easement for ingress, egress, and utilities over, under, in, upon, through and above the Division 2 Roadway and the Division 3 Roadway; and (ii) a perpetual, nonexclusive easement sixty (60) feet in width, connecting with the westerly end of the Division 3 Roadway, for ingress, egress and utilities over, under, in, upon, through and above Division 4.

##### 2. Compatible Uses

Grantor reserves the right to engage in any use compatible with the full enjoyment of Grantee's rights granted herein, including the right to grant other easements.

##### 3. Successors

The rights herein granted shall inure to the benefit of and be binding upon the parties' respective successors and assigns.

4. Severability

If a court of competent jurisdiction determines that any provision of this Grant of Easement is invalid, void or illegal, that determination shall not affect, impair or invalidate any other provision hereof, and the remaining provisions hereof shall remain in full force and effect.

SAN JUAN FIDALGO HOLDING COMPANY, a  
Washington corporation

By

Name: Joseph M. Vincent

Title: Chairman, Steering Committee

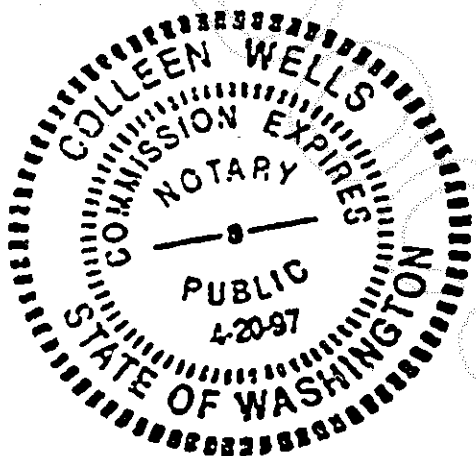
STATE OF WASHINGTON )

COUNTY OF King )

ss.

On this 27<sup>th</sup> day of June, 1994, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Joseph M. Vincent, to me known to be the person who signed as Chairman, Steering Committee of SAN JUAN FIDALGO HOLDING COMPANY, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

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



Colleen Wells  
(Signature of Notary)

Colleen Wells  
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State  
of WA, residing at Seattle.  
My Appointment Expires: 4/20/97.

**SCHEDULE A**

**Division 2 Roadway**

All of Tract "A" as shown on the face of the Plat of The  
Pointe Div. No. 2, as recorded in Volume 14 of Plats, pages 50  
and 51, Records of Skagit County, Washington.

**SCHEDULE B**

**Division 3 Roadway**

All of San Juan Blvd., Spinnaker Lane and Tract "A" as shown on the face of the Plat of The Pointe Div. No. 3, recorded in Volume 14 of Plats, pages 151 through 153, Records of Skagit County, Washington.

**SCHEDULE C**

**Division 4**

That certain real property described on the first and second pages of the deed recorded in the real property records of Skagit County, Washington at recording number 9004240051, in Volume 892 at pages 494 and 495.

**SCHEDULE D**

**Grantee's Property**

The North Half of the Northwest Quarter, and the North Half of the Southeast Quarter of the Northwest Quarter, of Section 35, Township 35 North, Range 1 East of the Willamette Meridian;

EXCEPT the South 200 feet of the East 980 feet of the Northwest Quarter of the Northwest Quarter thereof;

Situate in Skagit County, Washington.