

7918  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

Filed for Record at Request of

MAY - 4 1995

AFTER RECORDING MAIL TO:

Amount Paid \$ 0  
By Skagit Co. Treasurer  
Deputy

Name Burlington School District No. 100

Address 491 N. Burlington Blvd.

9505040111

City, State, Zip Burlington, WA 98233

LAND TITLE COMPANY OF SKAGIT COUNTY

T-76163-E

### BARGAIN AND SALE DEED

THE GRANTOR EMERALD PARTNERSHIP, a California general partnership as to an undivided 12/24ths interest; MARTIN N. CHAMBERLAIN, as Trustee for ELINOR C. SHEAFE, also known \*\*\* For and in consideration of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION AND IN LIEU OF CONDEMNATION in hand paid, bargains, sells, and conveys to BURLINGTON-EDISON SCHOOL DISTRICT NO. 100

the following described estate, situated in the County of Skagit State of Washington:

\*\*\*as Elinor C. Reifenstein, under the Will of Louise Chamberlain, deceased, as to an undivided 3/24ths interest; MELANIE S. BRUCH, as her separate property, as to an undivided 9/72nds interest; CHRISTOPHER HALLER SHEAFE, as his separate property, as to an undivided 9/72nds interest; R. KEITH STOREY and NANCY C. STOREY, as Trustees of the Storey Family Living Trust established under Trust Agreement dated June 30, 1994, as to an undivided 9/72nds interest.

LEGAL DESCRIPTION SET FORTH ON ATTACHED EXHIBIT "A"

SUBJECT TO: Any change in the boundary or legal description of the real property or title to the estate insured, that may arise due to the shifting and changing in the course of the Samish River.

The Grantors for / them / their successors in interest do by these presents expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and do hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through, or under said Grantors and not otherwise.

Dated this 26th day of April, 1995

EMERALD PARTNERSHIP

By Martin N. Chamberlain  
Martin N. Chamberlain, Managing Partner

By Martin N. Chamberlain  
Martin N. Chamberlain, Trustee for  
Elinor C. Sheafe

BOUNDARY ADJUSTMENT  
Reviewed and approved  
in accordance with S.C.  
Code Chapter 14.12.

Howe Roder  
SKAGIT CO. PLANNING DEPT.

Date: 5/1/95

Martin N. Chamberlain

STATE OF WASHINGTON, }  
County of } ss.

On this day personally appeared before me

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 \_\_\_\_\_ day of April, 19 95

ACKNOWLEDGMENT, INDIVIDUAL

Form No. W-16

Notary Public in and for the State of Washington  
residing at

9505040111

BK 1437PG0001

LFB-15 (10/93)

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

STATE OF CALIFORNIA

COUNTY OF San Diego

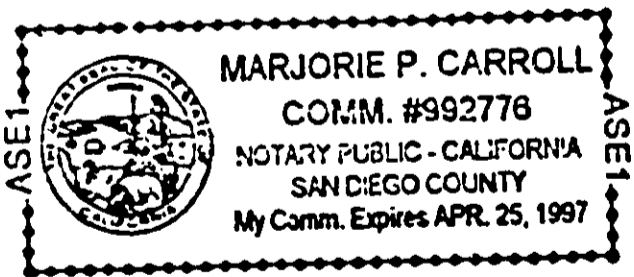
On April 26, 1995 before me, \_\_\_\_\_  
Marjorie P. Carroll, Notary Public.

personally appeared \_\_\_\_\_  
MARTIN CHAMBERLAIN

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Marjorie P. Carroll



(Seal)

**9505040111**

BK 143710002

Melanie S. Bruch

*Christopher Haller Scheafe*  
Christopher Haller Scheafe

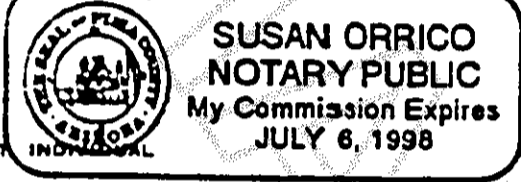
R. Keith Storey, Trustee

Nancy C. Storey, Trustee

STATE OF WASHINGTON; }  
County of *PIKE* } ss.

On this day personally appeared before me Christopher Haller Scheafe  
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 27<sup>th</sup> day of April, 19 95



*Susan Orrico*  
Notary Public in and for the State of Washington  
residing at *5750 N. South Rd.  
Tacoma, WA 98403*

ACKNOWLEDGMENT INDIVIDUAL

Form No. W-16

9505040111

BK1437FGU003

Melanie S. Bruch

Christopher Haller Sheafe

*R. Keith Storey*  
R. Keith Storey, Trustee

*Nancy C. Storey*  
Nancy C. Storey, Trustee

STATE OF WASHINGTON, }  
County of *King* } ss.

On this day personally appeared before me R. KEITH STOREY and NANCY STOREY

to me known to be the individual s 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 *27<sup>th</sup>* day of April, 1995

*Karen J. Ryerson*  
Notary Public in and for the State of Washington  
residing at *Federal Way*

ACKNOWLEDGMENT, INDIVIDUAL

Fdm No. W-16

9505040111

BK1437160004

Melanie S. Bruch  
Melanie S. Bruch

Christopher Haller Sheafe  
Christopher Haller Sheafe

R. Keith Storey, Trustee  
R. Keith Storey, Trustee

Nancy C. Storey, Trustee  
Nancy C. Storey, Trustee

STATE OF WASHINGTON, }  
County of King } ss.

On this day personally appeared before me Melanie S. Bruch  
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 25<sup>th</sup> day of April, 19 95



Sarah Hutchins  
Notary Public in and for the State of Washington  
residing at Bellene

ACKNOWLEDGMENT, INDIVIDUAL  
Form No. W-16

9505040111

BK 1437 PG 0005

Exhibit A

That portion of Government Lot 5, Section 33, Township 36 North, Range 3 East, W.M., described as follows:

Beginning at the Southwest corner of said Section 33 as shown on Short Plat No. 69-79, according to the map thereof recorded in Book 4 of Short Plats, page 67, records of Skagit County, Washington, under Auditor's File No. 8004100002; thence North 88 degrees 33'36" East, along the South line of said Section 33, a distance of 2,664.38 feet to the South 1/4 corner of said Section 33, said corner also being the Southeast corner of said Government Lot 5; thence North 0 degrees 27'13" West along the East line of said Government Lot 5, a distance of 621.82 feet to the true point of beginning; thence continuing North 0 degrees 27'13" West, along said Easterly line, 669 feet, more or less, to the Southerly bank of the North Samish River; thence Westerly along said Southerly bank, 1,036 feet, more or less, to the East line of that certain parcel of land conveyed to Burlington-Edison School District No. 100 by deed recorded in Volume 638 of Deeds, pages 77 through 93, inclusive, records of Skagit County, Washington, under Auditor's File No. 8603110031; thence South 0 degrees 27'59" East along said East line, 487.24 feet to a point which lies North 0 degrees 27'59" West, 150.02 feet from the Southeast corner of said conveyed parcel and South 88 degrees 33'36" West from the true point of beginning; thence North 88 degrees 33'36" East, parallel with said South line of Section 33, a distance of 932.20 feet to the true point of beginning.

EXCEPT Drainage Ditch right of way, if any.

Situate in the County of Skagit, State of Washington.

The above described property will be combined or aggregated with contiguous property owned by the Grantee. This boundary adjustment is not for the purposes of creating an additional building lot.

9505040111

BK 143710006



**Land Title  
Company**

P.O. DRAWER 1225

Mount Vernon, Washington 98273-1225  
Located at 601 South Second Street

"The home owned company"

(360) 336-2158  
1-800-869-7121

April 28, 1995

Haller Farms  
c/o Ms. Melanie Bruch  
9616 N.E. 5th  
Bellevue, WA 98009

RE: Haller Farms/Burlington School Dist.  
T-76163-E

Dear Melanie,

A question has arisen in the above noted file as to why Ms. Candy Taylor has chosen to prepare a Bargain and Sale Deed to convey the subject property when the Purchase and Sale Agreement clearly states a Special Warranty Deed is to be used.

Ms. Taylor is a Licensed Practice Officer (LPO), certified by the Washington State Supreme Court, to select and prepare certain documents which have been approved by the LPO Board. She is not licensed to draw any document other than those approved. To date, the LPO Board has not authorized the preparation by an LPO of a Special Warranty Deed.

Mr. F.B. Phillips, Jr., Attorney, and author of "Washington Closing Officer's Guide" is the leading authority in this state on LPO rules and regulations. He states "A bargain and sale deed, sometimes called a special warranty deed, is ordinarily used by fiduciaries, such as personal representatives of estates. Its words of conveyance are 'bargains, sells, and conveys,' which limit the warranties of title somewhat. By using a bargain and sale deed, the grantor only warrants the title to be free of encumbrances that arose through the grantor and makes no warranties against title defects which may have arisen under any previous owner. A bargain and sale deed does convey the grantor's after acquired title in the property." (Chapter 5, page 91)

Therefore, Ms. Taylor selected what she believed to be the same type of document as the Special Warranty Deed and the only document the Supreme Court has authorized her to do. To draw a Special Warranty Deed would have subjected her to sanctions and possible suspension of her license by the Supreme Court.

**9505040111**

BK 1437180007

Page 2  
Haller Farms

I write this letter on behalf of Mount Vernon Abstract & Title Company, Inc., a Washington corporation, doing business as Land Title Company of Skagit County, to support the choice made by Ms. Taylor, and to indemnify Haller Farms and hold them harmless from any loss you may sustain by reason of the selection and preparation of a Bargain and Sale Deed in lieu of a Special Warranty Deed.

Please feel free to contact me if I can be of any further assistance.

Very truly yours,

LAND TITLE COMPANY OF SKAGIT COUNTY



Bill Ronhaar, Manager

BR/cwr

9505040111

BK 143710000