



200110310177

Skagit County Auditor

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Return Address:

James T. Hunter  
550 Kirkland Way, Suite 100  
Kirkland, WA 98033

FIRST AMERICAN TITLE CO.

**HEIGHT AND BUILDING ENVELOPE RESTRICTION**

A65755E-3

GRANTOR: SEACREST REAL ESTATE DEVELOPMENT, LLC

GRANTEE: JAMES T. HUNTER and CORNELIA S. HUNTER

ABBREVIATED LEGAL DESCRIPTION: PORTION LOTS 2 – 7, BLOCK 1401,  
“NORTHERN PACIFIC TO NACORTES”,  
AKA LOTS 2 and 3, SURVEY 21-187

COMPLETE LEGALS ON PAGES 4 & 5

ASSESSOR'S TAX PARCEL NOS.: 3809-401-010-0200 R116201; and  
3809-401-010-0300 R116202

THIS HEIGHT AND BUILDING ENVELOPE RESTRICTION (“Agreement”), is made and entered into this 25<sup>th</sup> day of OCTOBER 2001 (the “Agreement”), by Seacrest Real Estate Development, LLC, a Washington limited liability company (“SEACREST”).

**WITNESSETH:**

WHEREAS, Seacrest is the owner of that certain real property located in Skagit County, Washington, hereinafter referred to as “Lot 3” and more particularly described as “Lot 3” on Exhibit “A” attached hereto; and

WHEREAS, James T. Hunter and Cornelia S. Hunter (collectively, “Hunter”), is or will be the owner of that certain real property located in Skagit County, Washington, hereinafter referred to as “Lot 2” and more particularly described as “Lot 2” on Exhibit “A” attached hereto; and

WHEREAS, this Agreement is made pursuant to that certain Purchase and Sale Agreement (the “Purchase Agreement”) dated June 22, 2001 between Seacrest and Hunter, pursuant to which Purchase Agreement Seacrest has agreed to grant Hunter certain

permanent height and building restrictions over, on and with respect to Lot 3, and without which such height and building restrictions Hunter would not acquire Lot 2.

NOW, THEREFORE, for and in consideration of the foregoing, the Purchase Agreement and the covenants and agreements hereinafter set forth, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seacrest hereby covenants and agrees as follows:

1. Seacrest, on behalf of itself and its heirs, successors and assigns, hereby covenants and agrees, for the benefit of Hunter and Hunter's heirs, successors and assigns, that the maximum height (i.e., to the peak of the roof) of any residence, out-building, or other improvement of any kind or nature constructed on Lot 3 shall be limited to an elevation equal to seventeen feet (17') below the main floor outside deck surface of the residence now existing on Lot 2. Such height restriction is depicted on the site plan attached hereto as Exhibit "B". The foregoing covenant and agreement shall be and constitute a burden on Lot 3, shall be appurtenant to and for the benefit of Lot 2, and shall be and constitute a covenant running with the land.

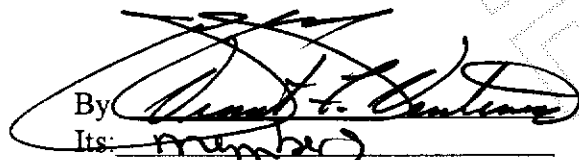
2. Seacrest, on behalf of itself and its heirs, successors and assigns, hereby covenants and agrees, for the benefit of Hunter and Hunter's heirs, successors and assigns, that notwithstanding any governmental building set-back and/or yard requirements now or hereafter in effect, no residence, out-building, or other building of any kind or nature shall be constructed on Lot 3 outside of the "Lot 3 Envelope" shown on the site plan attached hereto as Exhibit "C". The foregoing covenant and agreement shall be and constitute a burden on Lot 3, shall be appurtenant to and for the benefit of Lot 2, and shall be and constitute a covenant running with the land.

3. This Agreement shall be binding upon the parties hereto and their respective successors and assigns, and the term of this Agreement shall be perpetual.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

"SEACREST"

SEACREST REAL ESTATE  
DEVELOPMENT, LLC, a  
Washington limited liability company

By:   
Its: number

2



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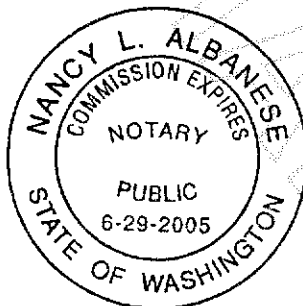
, Skagit County Auditor

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STATE OF WASHINGTON )  
 ) ss  
COUNTY OF Skagit )

I certify that I know or have satisfactory evidence that John R. Cox and Vincent Ventimiglia is the person who appeared before me, and said person acknowledged that he or she signed this instrument and acknowledged it, as the members of Seacrest Real Estate Development, LLC, a Washington limited liability company, to be the free and voluntary act and deed of said limited liability company for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed on this 25 day of OCTOBER, 2004.



Nancy L. Albanese  
(Print Name) NANCY L. ALBANESE  
NOTARY PUBLIC in and for the State of  
Washington, residing at Clyde  
My commission expires 6-29-05

## EXHIBIT A

### Legal Description

#### LOT 2

Lot 2 of Survey, recorded April 23, 1999, under Auditor's File No. 9904230058 in Volume 21 of Surveys, at pages 187 and 188, more particularly described as follows:

A portion of Lots 3, 4, 5, 6 and 7 of Block 1401, "Northern Pacific Addition To Anacortes", according to the Plat thereof recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington, and portions of the abandoned Great Northern Pacific Railway right-of-way, being more particularly described as follows:

Beginning at a point on the South line of Lot 7, lying 10 feet Easterly as measured perpendicular to the West line of said Lot 7; thence North 69 degrees 42'24" East along the South line of said Block 1401; a distance of 120.00 feet to a point on the South line of said Lot 3, lying 10 feet Easterly as measured perpendicular to the West line of said Lot 3; thence North 20 degrees 17'36" West parallel to and 10 feet Easterly as measured perpendicular, to the West line of said Lot 3, a distance of 127.63; thence South 69 degrees 42'24" West a distance of 90.00 feet; thence North 20 degrees 17'36" West a distance of 48.8 feet, more or less, to the North boundary of said Lot 6; thence continuing North 20 degrees 17'36" West a distance of 135.3 feet, more or less, to a point 15 feet distance Southeasterly, measured at right angles from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly along said right-of-way margin a distance of 30 feet, more or less, to a point lying North 20 degrees 17'36" West from the point of beginning; thence South 20 degrees 17'36" East, a distance of 309.67 feet to the point of beginning.



### LOT 3

Lot 3 of Survey, recorded April 23, 1999, under Auditor's File No. 9904230058 in Volume 21 of Surveys, at pages 187 and 188, more particularly described as follows:

A portion of Lots 2, 3, 4, 5 and 6 of Block 1401, "Northern Pacific Addition To Anacortes", according to the Plat thereof recorded in Volume 2 of Plats, page 9, records of Skagit County, Washington, and portions of the abandoned Great Northern Pacific Railway right-of-way, being more particularly described as follows:

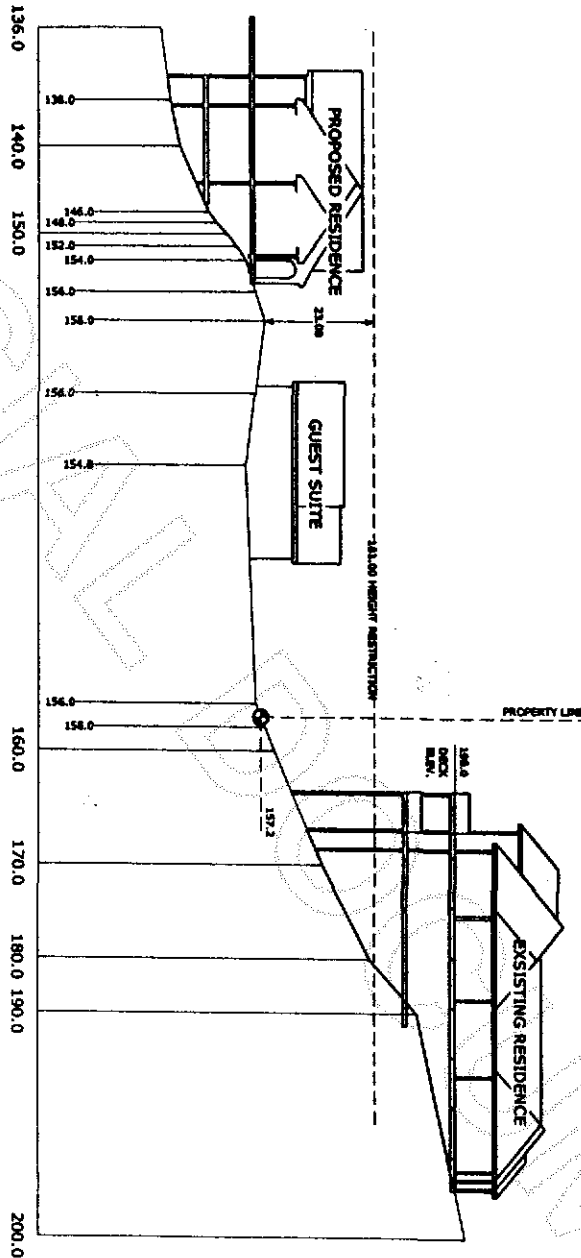
Beginning at a point on the South line of said Lot 3, lying 10 feet Easterly as measured perpendicular to the West line of said Lot 3; thence North 69 Degrees 42'24" East along the South line of said Block 1401, a distance of 40.00 feet to a point on the South line of said Lot 2, lying 20 feet Easterly, as measured perpendicular to the West line of said Lot 2; thence North 20 degrees 17'36" West parallel to and 20 feet Easterly as measured perpendicular to the West line of said Lot 2, a distance of 157.63 feet; thence South 69 Degrees 42'24" West a distance of 45.00 feet; thence North 20 Degrees 17'36" West a distance of 78.19 feet; thence North 06 Degrees 08'45" East a distance of 90.67 feet to a point 15 feet distant Southeasterly, measured at right angles from the centerline of the railway of said Great Northern Railway Company, as located and constructed on March 6, 1940; thence Southwesterly along said right-of-way margin a distance of 125.5 feet, to a point lying 10 feet East (as measured perpendicular) of the Northerly projection of the West line of said Lot 6; thence South 20 Degrees 17'36" East parallel to and 10 feet distant from the West line of said Lot 6, a distance of 184.11 feet; thence North 69 Degrees 42'24" East a distance of 90.00 feet to a point lying North 20 Degrees 17'36" West from the Point of Beginning; thence South 20 Degrees 17'36" East a distance of 127.63 feet to the Point of Beginning.



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▲NORTHERN



▼SOUTHERN



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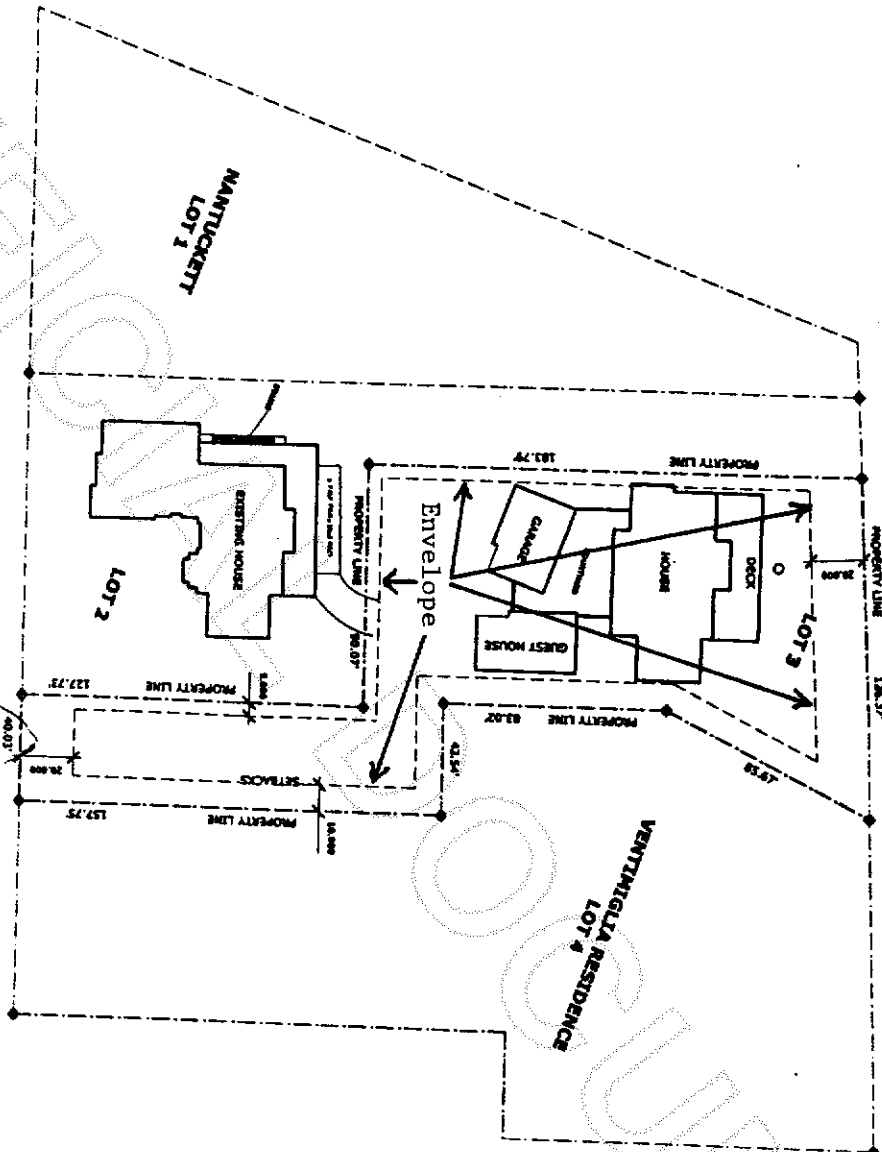


EXHIBIT C

