

WHEN RECORDED RETURN TO  
JOEL GARDNER  
11356 MICHAEL PLACE  
BURLINGTON, WASHINGTON 98233



200111190214

Skagit County Auditor

11/19/2001 Page 1 of 6 3:37:37PM



CHICAGO TITLE INSURANCE COMPANY

ISLAND TITLE CO. STATUTORY WARRANTY DEED

1026579

B16400 ✓

Dated: NOVEMBER 6, 2001

THE GRANTOR

KABALO HEIGHTS, LLC A WASHINGTON LIMITED LIABILITY COMPANY

for and in consideration of

TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

in hand paid, conveys and warrants to

JOEL GARDNER AND DENICE GARDNER, HUSBAND AND WIFE

the following described real estate situated in the County of SKAGIT

State of Washington:

Tax Account Number(s):

4753-000-010-0000

SUBJECT TO: EXCEPTIONS SET FORTH ON ATTACHED EXHIBIT "A" AND BY  
THIS REFERENCE MADE A PART HEREOF AS IF FULLY INCORPORATED  
HEREIN.

LOT 10, PLAT OF KABALO HEIGHTS, ACCORDING TO THE PLAT, RECORDED UNDER  
AUDITOR'S FILE NO. 200005250077, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN SKAGIT COUNTY, WASHINGTON.

#43928  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

NOV 19 2001

Amount Paid \$1,836.00  
Skagit Co. Treasurer  
By Deputy

KABALO HEIGHTS, LLC

KABALO HEIGHTS, LLC  
Managing Member

CHICAGO TITLE INSURANCE COMPANY

EXHIBIT

Escrow No.: 1026579

Easement, including the terms and conditions thereof, granted by instrument;

Recorded: January 10, 1964

Auditor's No.: 645278, records of Skagit County, Washington

In favor of: Olympic Pipe Line Company

For: Right-of-way for pipelines and appurtenances

Affects: Westerly portion of the East Half of the Northwest Quarter

This easement was amended and restated by an instrument;

Recorded: January 22, 2001

Auditor's No.: 200101220007, records of Skagit County, Washington

Easement contained in Dedication of said plat;

For: All necessary slopes for cuts and fills and continued drainage of roads

Affects: Any portions of said premises which abut upon streets, avenues, alleys, and roads and where water might take a natural course

Easement, including the terms and conditions thereof, conveyed by instrument;

Recorded: March 11, 1960

Auditor's No.: 591915, records of Skagit County, Washington

In favor of: J.D. Benotsen and Gretchen Benotsen, husband and wife

For: Roadway

Affects: Said plat, the exact location and extent of said easement is undisclosed of record

Said easement contains, among other things, provisions for maintenance by the common users.

Easement, including the terms and conditions thereof, granted by instrument;

Recorded: January 10, 1964

Auditor's No.: 645278, records of Skagit County, Washington

In favor of: Olympic Pipe Line Company

For: Right-of-way for pipelines and appurtenances

Affects: Westerly portion of the East Half of the Northwest Quarter

Easement, including the terms and conditions thereof, disclosed by instrument;

Recorded: September 1, 1993

Auditor's No.: 9309010028, records of Skagit County, Washington

In favor of: Florence A. Berry

For: Ingress, egress and utilities

Affects: Said plat, the exact location and extent of said easement is undisclosed of record

EXHIBIT/RDA/0999



200111190214  
Skagit County Auditor

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Easement provisions contained on the face of said plat, as follows:

An easement is hereby reserved for and granted to the Skagit County, Public Utility District No. 1 of Skagit County, Puget Sound Energy, G.T.E., Cascade Natural Gas Corp., and TCI Cablevision of Washington, Inc. and their respective successors and assigns under and upon the exterior front boundary lines of all lots and tracts as shown hereon and other utility easements shown on the face of the plat, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures, and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

Easement provisions contained on the face of said plat, as follows:

An easement for the purpose of conveying local storm water runoff is hereby granted in favor of all abutting lot owners ("Kabalo Heights Association") in the areas designated as private drainage easements the maintenance of private drainage easements established and granted herein shall be borne equally by the present and future owners of the abutting property and their heirs personal representatives, and assigns.

Easement delineated on the face of said plat;

For: Utilities

Affects: The exterior 10 feet adjacent to street

Easement delineated on the face of said plat;

For: Native Growth Protection Area

Affects: The Easterly portion of said premises

Easement delineated on the face of said plat;

For: 600 foot radius for the nest tree restricted zone

Affects: The Easterly portion of said premises

Easement, including the terms and conditions thereof, granted by instrument;

Dated: May 25, 2000

Recorded: May 25, 2000

Auditor's No.: 200005250078, records of Skagit County, Washington

In favor of: Public

For: The use and unobstructed passage of aircraft over and above said lands

Notes on the face of said plat, as follows:

- A. This plat is subject to and together with easements, reservations, restrictions, covenants and other instruments of record including but not limited to those documents mentioned in title report referenced above and being recorded under Skagit County Auditor's File Number 199909170105, 327183, 591915, 645278, 9309010028 and 9804240008.
- B. Any lot within this subdivision will become subject to impact fees payable upon issuance of a building permit.

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200111190214  
Skagit County Auditor

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- C. Buyer should be aware that a portion of this subdivision is located in a floodplain. There shall be no construction in designated floodways except as permitted by Chapter 15.20 of the Skagit County Code, and residential construction in the floodplain may require significant elevation of the first living floor.
- D. No building permit shall be issued for any residential and/or commercial structures which are not, at the time of application, determined to be within an officially designated boundary of a Skagit County Fire District.
- E. Change in location of access may necessitate a change of address, contact Skagit County Planning and Permit Center.
- F. This parcel lies within an area designated as agricultural by Skagit County. A variety of commercial agricultural activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of agricultural chemicals, including herbicides, pesticides and fertilizers; or from spraying, pruning and harvesting, which occasionally generate dust, smoke, noise and odor. Skagit County has established agricultural as a priority use on designated agricultural lands, and residents of adjacent property should be prepared to accept such inconveniences or discomfort from normal, necessary farm operations when performed in compliance with best management practices and local, state, and federal law.
- G. This plat of Kabalo Heights is located within a designated airport environs of the Skagit County Regional Airport. See aviation, easement recorded as Skagit County Auditor's File No. 20005250078.
- H. Lots 3 through 8, and Lots 17, 18 and 19 fall within 400 feet of the nest tree: No additional clearing, grading, burning, utility installation, site preparation, road building or external construction will occur between February 1 through July 15. If the nest is inactive, construction activities may begin on May 1 with permission from WDFW.
- I. Lots 1, 9, 10, 16 and 20 are within 600 feet of the nest tree: No additional clearing, grading, burning, utility installation, site preparation, road building or external construction will occur between February 1 through June 15. If the nest is inactive, construction activities may begin on May 1 with permission from WDFW.
- J. This survey may show occupational indicators as per W.A.C. Chapter 332.130. Lines of occupation may indicate areas for potential claims of unwritten ownership. This boundary survey has only shown the relationship of lines of occupation to the deeded lines of record. No resolution of ownership based on unwritten rights has been made or implied by this survey.

EXHIBIT/RDA/0999



200111190214  
Skagit County Auditor

11/19/2001 Page 4 of 6 3:37:37PM

CHICAGO TITLE INSURANCE COMPANY

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Escrow No.: 1026579

Easement delineated on the face of said plat;  
For: Sunrise Lane

Right of way for road known as Josh Wilson Road, constructive notice of which is contained in various instruments of record.

Affects: The Northerly boundary of said plat

Right of way for ditches, constructive notice of which is contained in various instruments of record.

Agreement, including the terms and conditions thereof; entered into;

By: Florence A. Berry

And Between: P. Michael Loughlin and Kristene A. Loughlin, husband and wife

Recorded: September 1, 1993

Auditor's No.: 9309010028, records of Skagit County, Washington

Agreement, including the terms and conditions thereof; entered into;

By: Mike Loughlin

And Between: Skagit County

Recorded: April 24, 1998

Auditor's No.: 9804240008, records of Skagit County, Washington

Providing: Approval of preliminary plat of Kobalo Heights

The encroachment of a fence appurtenant to said premises onto property adjacent to the South by approximately 20.9 feet at the Southwest corner of said premises.

Exceptions and reservations contained in Deed whereby the Grantor excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working mines, etc., provided that no rights shall be exercised until provision has been made for full payment of all damages sustained by reason of such entry;

**Together With** the right, upon paying reasonable compensation, to acquire rights of way for transporting and moving products from other lands, contained in Deed

From: The State of Washington

Recorded: July 6, 1940

Auditor's No.: 327185, records of Skagit County, Washington

Executed By: The Federal Land Bank of Spokane

As Follows: Reserving unto the Federal Land Bank of Spokane 50% of all minerals, oil and gas in or under the above described land

EXHIBIT/RDA/0999



200111190214

, Skagit County Auditor

11/19/2001 Page

5 of 6

3:37:37PM

STATE OF WASHINGTON COUNTY OF KING  
ON THIS 13<sup>th</sup> DAY OF NOVEMBER 2001, BEFORE ME, THE UNDERSIGNED, A  
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON, DULY COMMISSIONED AND  
SWORN, PERSONALLY APPEARED LeRoy J. Leavitt TO ME KNOWN  
TO BE THE Manager OF THE CORPORATION THAT EXECUTED THE  
FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAID INSTRUMENT TO BE THE  
FREE AND VOLUNTARY ACT AND DEED OF SAID CORPORATION, FOR THE USES AND  
PURPOSES THEREIN MENTIONED, AND ON OATH STATE THAT he AUTHORIZED TO  
EXECUTE THE SAID INSTRUMENT AND THAT THE SEAL AFFIXED THERETO (IF ANY)  
IS THE CORPORATE SEAL OF SAID CORPORATION.  
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED BY OFFICIAL  
SEAL THE DAY AND YEAR FIRST ABOVE WRITTEN.

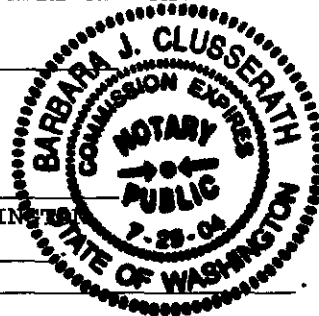
Barbara J. Clusserath  
NOTARY SIGNATURE

PRINTED NAME: Barbara J. Clusserath

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

RESIDING AT Bellevue

MY COMMISSION EXPIRES 7-29-04



200111190214

, Skagit County Auditor