



200202190194

Skagit County Auditor

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After recording, return to:

Joseph S. Morton  
3110 W. Lake Sammamish Rd, SE #1  
Bellevue, WA 98008

Tax # P107488

Legal: Lot 2C SP MV 1-94 in 18-34-4

LAND TITLE COMPANY OF SKAGIT COUNTY

T-99380

## STATUTORY WARRANTY DEED

### THE GRANTOR,

Taco Bell of America, Inc., a Delaware corporation for and in consideration of Ten Dollars [\$10.00] and other good and valuable consideration and as a part of an I.R.C. Section 1031 Tax-Deferred Exchange, conveys and warrants to Joseph S. Morton and Marjorie T. Morton, Trustees of The Morton Family Trust dated May 29, 1992 the following described real estate, situated in the County of Skagit, State of Washington:

See Exhibit "A" attached hereto and made a part hereof

Subject to matters listed in Schedule B1 attached hereto

### Restrictions from Conveyance and Warranty:

For two (2) years after the end of the term of the lease by and between the Grantor [as Tenant] and the Grantee [as Landlord], including any exercised options, through the sale leaseback transaction being consummated by the recording of this Deed and the Memorandum of Lease being recorded on the same day, the Property shall not be used for sale of prepared Mexican food. The foregoing restriction shall only be effective if, at the end of the term of the lease by and between the Grantor [as Tenant] and the Grantee [as Landlord], including any exercised options, a Taco Bell Restaurant is then operating or an application to develop a Taco Bell

Restaurant has been filed with the appropriate governmental agency with jurisdiction over site development, on a site that is within one-half of one mile of the exterior boundary of the Property.

Tax Account Number: P107488 cross-reference # 8005-000-003-0203

Abbreviated Legal: Lot 2C, Binding Site Plan No. MV-1-94 BSP  
(College Way Marketplace)  
DATED 2-12-02

Taco Bell of America, Inc.,  
a Delaware corporation

By: [Signature]

STATE OF California }

R. BRYCE SHIRLEY  
Assistant Secretary

SS. REVIEWED BY: KC

COUNTY OF Orange }

DATE 2-12-02

I certify that I know or have satisfactory evidence that

R. Bryce Shirley the person(s) who  
appeared before me, and said person(s) acknowledged that  
he signed this instrument and acknowledged it to be  
his free and voluntary act for the uses and purposes  
mentioned in this instrument.

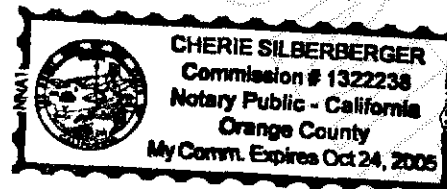
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

Dated: 2/13/02

#1000  
FEB 19 2002

Cherie Silberberger  
Notary Public in and for the State of California  
My commission expires: 10/24/05

Amount Paid \$ 20,470.00  
Skagit Co. Treasurer  
By [Signature] Deputy



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Exhibit A

LEGAL DESCRIPTION

LOT 2C OF CITY OF MOUNT VERNON BINDING SITE PLAN NO. MV 1-94 BSP,  
APPROVED MAY 31, 1994, AND RECORDED MAY 31, 1994, UNDER AUDITOR'S  
FILE NO. 9405310129, IN VOLUME 11 OF SHORT PLATS, PAGES 77 TO 81,  
INCLUSIVE, RECORDS OF SKAGIT COUNTY, WASHINGTON, BEING A PORTION OF THE  
SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 34 NORTH,  
RANGE 4 EAST, W.M.



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## EXCEPTIONS:

## A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: City of Mount Vernon, a municipal corporation  
Purpose: For maintenance and operation of a traffic signal system with the necessary appurtenances  
Area Affected: Undisclosed  
Dated: November 17, 1989  
Recorded: March 16, 1990  
Auditor's No.: 9009160018

B. Conditions of approval as set forth on the face of said Binding Site Plan.

## C. EASEMENT PROVISIONS SET FORTH ON THE FACE OF SAID BINDING SITE PLAN, AS FOLLOWS:

An easement is hereby reserved for and granted to Public Utility District No. 1 of Skagit County; Puget Sound Power & Light Company, Inc., Cascade Natural Gas Corporation; G.T.E.; and T.C.I. Cablevision of Washington, Inc., and their respective successors and assigns under and upon the exterior 7 feet of front and 5 feet of side boundary lines and under and upon the exterior 10 feet of rear boundary line of all lots and tracts, 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 service 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 to all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

Upon recordation of this Binding Site Plan and Dedication of the street right-of-way shown, the City of Mount Vernon does hereby relinquish all rights described in that easement recorded under Auditor's File No. 8410010038, Volume 576, pages 349 and 350, records of Skagit County, Washington.

## D. PROVISIONS SET FORTH IN THE DEDICATION OF SAID BINDING SITE PLAN, AS FOLLOWS:

Know all men by these presents that we, the undersigned, owners in fee simple of the land hereby platted, hereby declare this Binding Site Plan and dedicate to the public forever, all roads, easements and ways shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon.

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## EXCEPTIONS CONTINUED:

## E. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Co.  
Purpose: Right to enter said premises to operate, maintain, and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines.  
Area Affected: A 10 foot wide strip, the exact location of which is not disclosed. Being described "as constructed or to be constructed"  
Dated: September 19, 1994  
Recorded: October 3, 1994  
Auditor's No.: 9410030099

## F. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN, A COPY OF WHICH IS HERETO ATTACHED:

Dated: March 2, 1995  
Recorded: March 8, 1995  
Auditor's No.: 9503080064  
Executed By: Safeway, Inc., a Delaware Corporation

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS HERETO ATTACHED:

Declaration Dated: October 16, 1995  
Recorded: October 19, 1995  
Auditor's No.: 9510190001

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS HERETO ATTACHED:

Declaration Dated: September 12, 1996  
Recorded: September 23, 1996  
Auditor's No.: 9609230087

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AS FOLLOWS:

Dated: March 19, 1997  
Recorded: March 20, 1997  
Auditor's No.: 9703200098

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Dated: July 8, 1997  
Recorded: July 11, 1997  
Auditor's No.: 9707110082

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EXCEPTIONS CONTINUED:

G. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: Right of Way #1: The North 15 feet of the West 130 feet.  
Right of Way #2: The East 10 feet of the West 130 feet of the North 67 feet  
Dated: Not disclosed  
Recorded: December 22, 1995  
Auditor's No.: 9512220137



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