



200207250119

Skagit County Auditor

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WHEN RECORDED RETURN TO:

Name: JOHN F. STIEHL  
 Address: 2302 EAST SUNSET DRIVE  
 BELLINGHAM, WA. 98226

FIRST AMERICAN TITLE CO.

Escrow Number: 30165JJ

Filed for Record at Request of: *Stewart Title of Western Washington, Inc.*

69940

**STATUTORY WARRANTY DEED**

**The Grantors,** Robert C. Rescola and Valerie M. Rescola, husband and wife for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys, and warrants to John F. Stiehl and Marie A. Stiehl, husband and wife the following described real estate, situated in the County of *Skagit* Whatcom, State of Washington:

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

Abbreviated Legal: PORTIONS LOTS 17, 18 AND 20 "BERGMAN'S LAKE MCMURRAY TRACTS"

Assessor's Property Tax Parcel No.: P61952, P61953 &amp; P18334

Subject to: See Exhibit "B" attached hereto and made a part hereof.

Dated: JULY 23, 2002

*Robert C. Rescola*  
 Robert C. Rescola

*Valerie M. Rescola*  
 Valerie M. Rescola

STATE OF Washington

)  
 ) ss.  
 )

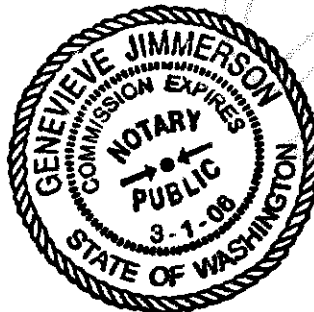
COUNTY OF Whatcom

I certify that I know or have satisfactory evidence that Robert C. Rescola and Valerie M. Rescola are the persons who appeared before me, and said persons acknowledged that THEY signed this instrument and acknowledged it to be THEY free and voluntary act for the uses and purposes mentioned in this instrument

Dated: JULY 23, 2002

*Genevieve Jimmerson*

Name: GENEVIEVE JIMMERSON  
 Notary Public in and for the State of Washington  
 Residing in: BELLINGHAM  
 My commission expires 3/1/2006



# 3308  
 SKAGIT COUNTY WASHINGTON  
 REAL ESTATE EXCISE TAX

JUL 25 2002

Amount Paid \$ *2218.00*  
 Skagit Co. Treasurer  
 By *[Signature]* Deputy

## **Schedule A**

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

Tracts "KX" and "RX" according to record of Survey recorded in Volume 3 of Surveys, page 66 under Auditor's File No. 8009230032, records of Skagit County, Washington. (Being a portion of Lots 17, 18 and 20, "ASSESSOR'S PLAT OF BERGMAN'S LAKE McMURRAY TRACTS") and

That portion of the Burlington Northern Railroad Company right-of-way, conveyed to deed recorded under Auditor's File No. 8702180078, records of Skagit County, Washington, lying between the Easterly and Westerly lines extended of the following described property:

Those portions of Tracts 17 and 20 of the Assessor's "PLAT OF BERGMAN'S LAKE McMURRAY TRACTS" shown as Tracts "RX" and "KX" on Records of Survey recorded September 23, 1980 in Volume 3 of Surveys, page 66, under Auditor's File No. 8009230022, records of said county.



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## Schedule "B-1" Exceptions

A. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

B. RESERVATIONS AND/OR EXCEPTIONS CONTAINED IN INSTRUMENT:

From: Alfred N. Carlson, Trustee for Lake McMurray  
Right-of-Way Association  
Recorded: August 25, 1987  
Auditor's No.: 8708250053  
As Follows:

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

Affects that portion of said premises lying with Burlington Northern Railroad Company right-of-way and described as Parcel B.

C. RESERVATIONS AND/OR EXCEPTIONS CONTAINED IN INSTRUMENT:

From: Burlington Northern Railroad Company  
Recorded: February 18, 1987  
Auditor's No.: 8702180078  
As Follows:

EXCEPTING AND RESERVING however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead gas and all ores and minerals of every kind and nature underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights.

Affects that portion of said premises lying with Burlington Northern Railroad Company right-of-way and described as Parcel B.

D. Matters as disclosed and/or delineated on the face of the following recorded Survey:

Recorded: September 23, 1980  
Auditor's No: 8009230032  
(Copy Attached)



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Commitment No. 00069940

E. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Donald Lomsdalen and Roberta Lomsdalen,  
husband and wife  
Dated: May 4, 1996  
Recorded: May 7, 1996  
Auditor's No: 9605070064  
Purpose: Driveway easement  
Area Affected: Portion of subject property

F. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Edgar D. Borbe and Wenefrida L. Borbe, husband  
and wife  
Dated: July 30, 2001  
Recorded: August 6, 2001  
Auditor's No: 200108060060  
Purpose: Ingress and egress over an existing driveway  
located on the subject property

G. Encroachment by adjoining owners in their exercise of their right to use the waters of Lake McMurray.

H. Any adverse claim based upon the assertion that any portion of said premises may lie within Lake McMurray.



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