

When recorded return to:  
The Cove At Fidalgo Bay LLC  
11917 Marine View Drive  
Edmonds, WA 98026



200208260122

Skagit County Auditor

8/26/2002 Page 1 of 9 1:24PM

### ENTRY ROAD AND SLOPE EASEMENT

GRANTOR: OLYMPIC V ASSOCIATES A GENERAL PARTNERSHIP  
GRANTEE: THE COVE AT FIDALGO BAY LLC  
ABBREVIATED LEGAL: 30-35-02 GOV LOT 5, 31-35-02 GOV LOT 6  
ADDITIONAL LEGAL: EXHIBIT "A" AND EXHIBIT "B" AND EXHIBIT "C"  
ACCESSORS TAX PARCEL NUMBERS: 350230-0-012-0007, 350230-0-016-0408

THE GRANTOR: OLYMIPC V ASSOCIATES A GENERAL PARTNERSHIP. The Owners of the following described real property situate in the county of Skagit, State of Washington, to wit:

SEE EXHIBIT "A"

Do hereby grant, convey, establish and create an entry road and slope easement for the purpose of installing, constructing, operating, maintaining, and repairing said easement. Together with the right of ingress to and egress from said property for the foregoing purposes being: SEE EXHIBIT "B"

Grantee agrees to maintain and keep slope in a stable condition until such time as property described in EXHIBIT "A" is developed. At that time the Owners, heirs, and devisees of property described in EXHIBIT "A" agree to maintain said slope, and provide structural support to existing roadway shared by both parties.

Said easement is hereby granted to The Cove at Fidalgo Bay LLC, their heirs, and or assigns, and for the benefit of the following described property. See Exhibit "C"

This easement shall run with the lands herein described.

Dated this 29<sup>TH</sup> day of JULY, 2002.

OLYMPIC V ASSOCIATES

By *Jordan H. Wiser* AS PARTNER

By *Rhonda H. Jackson* AS PARTNER

By *Robert H. Jackson* AS PARTNER

*Entry Road + Slope*  
*Easement*  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

AUG 26 2002

Amount Paid ~~\$0~~  
Skagit County Treasurer  
By: *man* Deputy



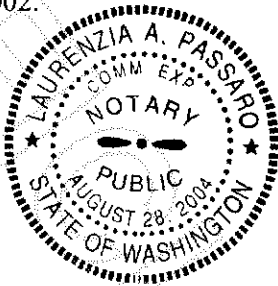
200208260122

Skagit County Auditor

STATE OF WASHINGTON  
COUNTY OF KING

I, LAURENZIA A. PASARO Notary Public in and for the State of Washington do hereby certify that on the 29<sup>th</sup> day of JULY, 2002, personally appeared before me, GORDON H. WYSE, to me known to be a partner of Olympic Five Associates and who executed the above document and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this 29<sup>th</sup> day of JULY, 2002.

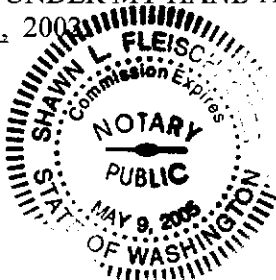


Laurenzia A. Pasaro  
Notary Public in and for the State of Washington  
residing at Seattle, WA  
My Commission Expires: 8-28-04

STATE OF WASHINGTON  
COUNTY OF King

I, SHAWN L. FLEISCHACKER, Notary Public in and for the State of Washington do hereby certify that on the 31<sup>st</sup> day of July, 2002, personally appeared before me, RHODORA M. JACKSON, to me known to be a partner of Olympic Five Associates and who executed the above document and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this 31<sup>st</sup> day of July, 2002.

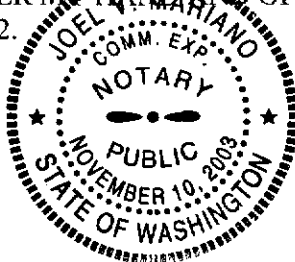


Shawn L. Fleischer  
Notary Public in and for the State of Washington  
residing at Sultan, WA  
My Commission Expires: 5-9-05

STATE OF WASHINGTON  
COUNTY OF Snohomish

I, Joel Mariano, Notary Public in and for the State of Washington do hereby certify that on the 2<sup>nd</sup> day of August, 2002, personally appeared before me, Herbert G. Nelson, to me known to be a partner of Olympic Five Associates and who executed the above document and acknowledged that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL, this 2<sup>nd</sup> day of August, 2002.



Joel Mariano  
Notary Public in and for the State of Washington  
residing at Stanwood  
My Commission Expires: 11/10/03



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## EXHIBIT "A"

Tract "E" as shown on survey recorded on December 14, 1976, As Auditors file NO. 847463, in volume 2 of surveys, page 18, Except that portion, if any, lying within that certain tract conveyed to Seattle and Northern Railway Company, by deed recorded January 10, 1890, in volume 9 of deeds, page 278, Also except that portion, if any, lying within that certain tract of land conveyed to Great Northern Railway Company, by deed recorded November 13, 1953, under auditors file NO. 495092.

Except the Northwesterly 12 feet of that portion of the following described parcel "X" lying Southwesterly of the Burlington Northern right-of-way

### Parcel "X"

Those portions of government lot 5 in section 30, township 35 north, range 2 east, W.M., government lot 6 in section 31, township 35 north, range 2 east, W.M., and tract 13, plat 11 of Anacortes tidelands in said section 30, which are described as follows:

Beginning at the section corner common to section 29, 30, 31 and 32, Township 35 North, Range 2 East, W.M., situated in Skagit County, Washington; thence Westerly in government lot 5, section 30, on section line between sections 30 and 31, a distance of 301.149 feet to a point which is the true point of beginning; thence North 40 degrees 57'37" East, 147.129 feet to the high tide line; thence North 65 degrees 05'48" West a distance of 259.00 (more or less) to a point which is the Northeast corner of the upland tract of Tract "D", of a survey recorded under Auditors File NO. 847463, in volume 2 of surveys, page 18; thence Southwest along the East line of Said lot "D" crossing the city limits line into government lot 6, section 31, to the East boundary of Fidalgo Bay road; thence following Southeasterly along the curve of the East boundary of Fidalgo Bay road, a distance of 291.808 feet to centerline of the private driveway as shown on the above described survey; thence North 40 degrees 57'37" East a distance of 324.922 feet to the South boundary of the Burlington-Northern right-of-way; thence continuing on said bearing 75 feet to the North boundary of the Burlington Northern right-of-way; thence continuing 5.548 feet to the true point of beginning. EXCEPT the Burlington Northern right-of-way, as conveyed by deed recorded in volume 9 of deeds, page 278, and by deed recorded under Auditors File NO. 495092, records of Skagit County, Washington.



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## EXHIBIT "B"

May 20, 2002

### LEGAL DESCRIPTION: Entry Road and Slope Easement.

That portion of Tract "E", as shown on Survey recorded in Volume 2 of Surveys, page 18 under Auditor's File No. 847463, records of Skagit County, Washington, in portions of Government Lot 5, Section 30 and Government Lot 6, Section 31, all of Township 35 North, Range 2 East, W.M., described as follows:

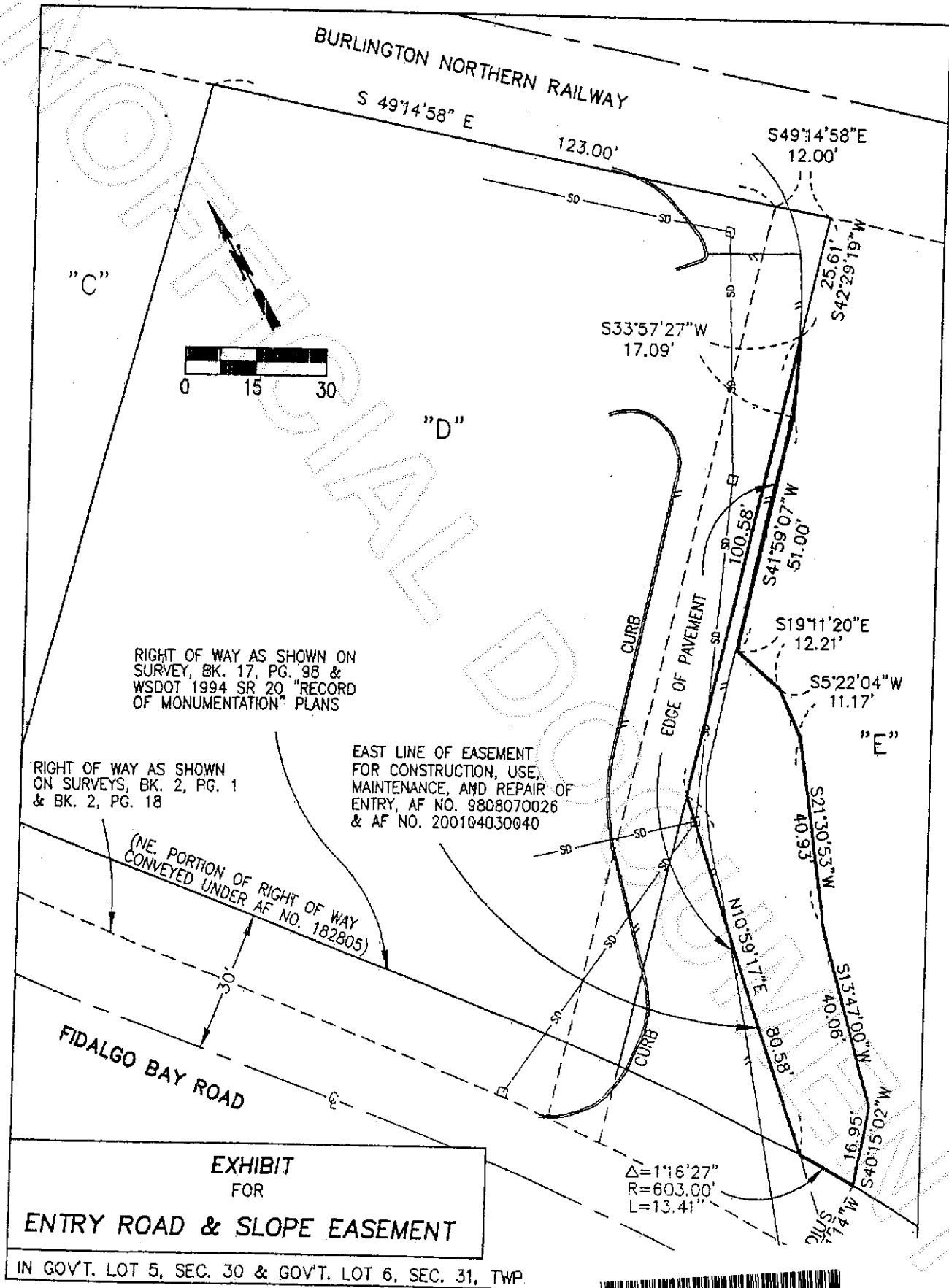
Commencing at the Northerly most corner of Tract "D" lying Southerly of the Burlington Northern Railway Right-of-Way as shown on said survey; **thence** South 49°14'58" East, along the Northeasterly line of said Tract "D", also being the Southwesterly line of said Railway Right-of-Way, 123.00 feet to the Easterly most corner of said Tract "D", also being the Northerly most corner of said Tract "E"; **thence** South 49°14'58" East, along the Northeasterly line of said Tract "E" and said Southwesterly line of said Right-of-Way, 12.00 feet; **thence** South 42°29'19" West, parallel with and 12.00 feet Southeast of the line common to said Tracts "D" and "E", 25.61 feet to the **TRUE POINT OF BEGINNING**; **thence** through the following courses:

South 33°57'27" West, 17.09 feet;  
South 41°59'07" West, 51.00 feet;  
South 19°11'20" East, 12.21 feet;  
South 5°22'04" West, 11.17 feet;  
South 21°30'53" West, 40.93 feet;  
South 13°47'00" West, 40.06 feet;  
South 40°15'02" West, 16.95 feet;

to a point on the Northerly line of Fidalgo Bay Road Right-of-Way as shown on that certain survey recorded in book 17 of surveys, page 98, records of Skagit County and as shown on WSDOT 1994 Record of Monumentation plans, and the beginning of a no-tangent curve, concave to the Southwest, having a radius point which bears South 58°41'14" West, 603.00 feet; **thence** Westerly, along said right-of-way line and the arc of said curve, through a central angle of 1°16'27", an arc distance of 13.41 feet to the intersection with the Easterly line of that certain easement for construction, use, maintenance and repair of entry road as recorded under Skagit County Auditor's File No. 200104030040; **thence** North 10°59'17" East, along said Easterly line, 80.58 feet to a point which lies South 42°29'19" West from the **TRUE POINT OF BEGINNING**; **thence** North 42°29'19" East, 100.58 feet to the **TRUE POINT OF BEGINNING**.

Situate in the County of Skagit, State of Washington.





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**EXHIBIT "C"****Schedule A**

Office File Number <b>A54042</b>	Policy Number <b>CW-3957401</b>	Date of Policy <b>December 18, 2000 at 1:48 P.M.</b>	Amount of Insurance <b>\$3,700,000.00</b>	Premium <b>\$3,740.00</b>
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Re: Loan No. 5020003-201

**1. Name of Insured:**

**PEOPLES BANK, its successors and/or assigns**

**2. Title to the estate or interest in the land referred to herein is at Date vested in:**

**THE COVE AT FIDALGO BAY, L.L.C.**

**3. The estate or interest in the land which is encumbered by the insured Mortgage is:**

**Fee Simple**

**4. The land referred to in this Policy is described on the attached Schedule "C" and made a part hereof.**

**5. The mortgage, herein referred to as the insured mortgage, and the assignments thereof, if any, are described as follows:**

**DEED OF TRUST INCLUDING THE TERMS AND CONDITIONS THEREOF:**

Grantor:

Trustee:

Beneficiary:

Amount:

Dated:

Recorded:

Auditor's No:

**The Cove at Fidalgo Bay, LLC**

**FIRST AMERICAN TITLE COMPANY OF SKAGIT  
COUNTY**

**Peoples Bank**

**\$3,700,000.00, plus interest, if any**

**December 4, 2000**

**December 18, 2000**

**200012180135**

**Said Deed Of Trust contains an assignment of leases and rents.**



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## SCHEDULE "C"

**File Number: A54042**

**Policy Number: CW-3957401**

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

### Parcel "B":

Tract "B", as shown on Surveys recorded August 26, 1976, and December 14, 1976, as Auditor's File Nos. 841569 and 847463, in Volume 2 of Surveys, Pages 1 and 18, respectively, EXCEPT that portion, if any, lying within that certain tract conveyed to Seattle and Northern Railway Company by Deed recorded January 10, 1890, in Volume 9 of Deeds, Page 278, ALSO EXCEPT that portion, if any, lying within that certain tract of land conveyed by Great Northern Railway Company by Deed recorded November 13, 1953, under Auditor's File No. 495092.

TOGETHER WITH a non-exclusive easement for ingress and egress by a motor vehicle and other vehicles and by persons on foot over, across and upon the Southeasterly 98 feet of the 35 foot utility easement of Tract "A", as designated in the Surveys referred to above.

All of the above being a portion of Government Lot 5, of Section 30, Township 35 North, Range 2 East, W.M., and of Tract 13, Plate No. 11 of Anacortes Tidelands.

### Parcel "C":

Tract "C", as shown on Surveys recorded August 26, 1976, and December 14, 1976, as Auditor's File Nos. 841569 and 847463, in Volume 2 of Surveys, Pages 1 and 18, respectively, EXCEPT that portion, if any, lying within that certain tract conveyed to Seattle and Northern Railway Company, by Deed recorded January 10, 1890, in Volume 9 of Deeds, Page 278, ALSO EXCEPT that portion, if any, lying within that certain tract of land conveyed to Great Northern Railway Company, by Deed recorded November 13, 1953, under Auditor's File No. 495092.

TOGETHER WITH a non-exclusive easement for ingress and egress by a motor vehicle and other vehicles and by persons on foot over, across and upon both the Southeasterly 98 feet of the 35 foot utility easement of Tract "A", and the 35 foot utility easement on Tract "B", all as designated in the Surveys referred to above.

All of the above being a portion of Government Lot 5, of Section 30, Township 35 North, Range 2 East, W.M., and of Tract 13, Plate No. 11 of Anacortes Tidelands.

### Parcel "D":

Tract "D", as shown on Survey recorded December 14, 1976, as Auditor's File No. 847463, in Volume 2 of Surveys, Page 18, EXCEPT that portion, if any, lying within that certain tract conveyed to Seattle and Northern Railway Company, by Deed recorded January 10, 1890, in Volume 9 of Deeds, Page 278, ALSO EXCEPT that portion, if any, lying within that certain tract of land conveyed to Great Northern Railway Company, by Deed recorded November 13, 1953, under Auditor's File No. 495092.

TOGETHER WITH a non-exclusive easement for ingress and egress by motor vehicles and other vehicles and by persons on foot over, across and upon the Southeasterly 98 feet of the 35 foot utility easement of Tract "A", designated in the Survey referred to above, and over and across and upon the 35 foot utility easement of Tracts "B" and "C", designated in the Survey referred to above.

All of the above being a portion of Government Lot 5, of Section 30, and of Government Lot 6, of Section 31, Township 35 North, Range 2 East, W.M., and a portion of Tract 13, Plate No. 11 of Anacortes Tidelands.



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**Parcel "X":**

The Northwesterly 12 feet of that portion of the following described tract, lying Southwesterly of the Burlington Northern right-of-way:

Those portions of Government Lot 5, in Section 30, Township 35 North, Range 2 East, W.M.; Government Lot 6, in Section 31, Township 35 North, Range 2 East, W.M., and Tract 13, Plate 11 of Anacortes Tidelands in said Section 30, which are described as follows:

Beginning at the Section corner common to Sections 29, 30, 31 and 32, Township 35 North, Range 2 East, W.M., situated in Skagit County, Washington; thence Westerly in Government Lot 5, Section 30, on the section line between Sections 30 and 31, a distance of 301.149 feet to a point which is the true point of beginning; thence North 40 degrees 57' 37" East, 147.129 feet to the high tide line; thence North 65 degrees 05' 48" West, a distance of 259.00 (more or less) to a point which is the Northeast corner of the upland tract of Tract "D", of a Survey recorded under Auditor's File No. 847463, in Volume 2 of Surveys, Page 18; thence Southwest along the East line of said Lot "D", crossing the City Limits line into Government Lot 6, Section 31, to the East boundary of Fidalgo Bay Road; thence following Southeasterly along the curve of the East boundary of Fidalgo Bay Road, a distance of 291.808 feet to the centerline of the private driveway as shown on the above described Survey; thence North 40 degrees 57' 37" East, a distance of 324.922 feet to the South boundary of the Burlington Northern right-of-way; thence continuing on said bearing, 75 feet to the North boundary of the Burlington Northern right-of-way; thence continuing 5.548 feet to the true point of beginning, EXCEPT the Burlington Northern right-of-way, as conveyed by Deed recorded in Volume 9 of Deeds, Page 278, and by Deed recorded under Auditor's File No. 495092, records of Skagit County, Washington.

**Parcel "Y":**

A non-exclusive easement for the construction, use, maintenance and repair of an entry to be constructed pursuant to Auditor's File No. 9808070026, over and across those portions of Government Lot 5 in Section 30, Township 35 North, Range 2 East, W.M., and Government Lot 6 in Section 31, Township 35 North, Range 2 East, W.M., described as follows:

Commencing at the Southwest corner of the above mentioned Tract "D"; thence 12.27 feet Southeasterly along a curve, said curve being the Northeasterly margin of Fidalgo Bay Road, having a radius of 531.44 feet through a central angle of 01 degree 19'21" to the Southwest corner of said Northwesterly 12 feet and the true point of beginning;

Thence North 42 degrees 29'19" East, along the Southeasterly line of said Northwesterly 12 feet, 75.96 feet; thence South 10 degrees 59'17" West 107.74 feet to the Northeasterly margin of Fidalgo Bay Road; thence Northwesterly along a curve, said curve being the Northeasterly margin of Fidalgo Bay Road, having a radius of 531.44 feet through a central angle of 06 degrees 00'21" to the true point of beginning.



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