

AFTER RECORDING MAIL TO:

Kristin Kutzer
1098 Opal Lane
Burlington, WA 98233

Filed for Record at Request of
Wells Fargo Escrow Company
Escrow Number: 04-01059-03



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Skagit County Auditor

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Statutory Warranty Deed

FIRST AMERICAN TITLE CO.

73919-1

Grantor(s): The Great American Dream, Inc., dba Landmark Building and Development

Grantee(s): Kristin K. Kutzer

Abbreviated Legal:

Lot 2, Nielsen Park

Additional legal(s) on page: 2

Assessor's Tax Parcel Number(s): 4807-000-002-0000

THE GRANTOR The Great American Dream, Inc., dba Landmark Building and Development, a Washington Corporation for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Kristin K. Kutzer, a Single Person the following described real estate, situated in the County of Skagit, State of Washington

Lot 2, "Plat of Nielsen Park" recorded January 3, 2003 under Skagit County Auditor's File No. 200301030077.

SUBJECT TO: Exhibit "A" hereto attached and made a part hereof.

Dated 8/8/03

The Great American Dream, Inc., dba Landmark Building and Development

Jenifer Walden
By: Jenifer Walden, Account Executive

#40121
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

AUG 11 2003

Amount Paid \$ 2,459.96
Skagit County Treasurer
By: [Signature] Deputy

STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence that Jenifer Walden

is/are the person(s) who appeared before me and said person(s) acknowledged that he/she/they is/are he/she/they authorized to execute the instrument and acknowledge it as the Account Executive of The Great American Dream, Inc., dba Landmark Building and Development as the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 8/8/03

Kelli A Mayo
Kelli A. Mayo
Notary Public in and for the State of Washington
Residing at Sedro Woolley
My appointment expires: 6/19/2005

EXHIBIT "A"

A. Grant of Easement for septic tank and drain field in the South 160 feet of the West 100 feet of the West 1/2 of the East 1/2 of Tract 73, of Burlington Acreage, as conveyed to Larry Zimmerman, et ux, by document recorded under Auditor's File No. 774881.

Said easement contains the following provisions:

This easement shall cease when public sewer is available to subject property along Gilkey Road. If existing installation is removed, land shall be graded to normal grade.

B. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee:	Puget Sound Energy, Inc.
Dated:	October 3, 2002
Recorded:	October 17, 2002
Auditor's No:	200210170075
Purpose:	"...utility systems for purposes of transmission, distribution and sale of gas and electricity..."

Area Affected:

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted and/or constructed within the above-described property. (When said streets and road are dedicated to the public, this clause shall become null and void).

Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open spaces located within the above-described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

Easement No. 3: Beginning at a point on the North line of Gilkey Road, said point being the Southeast corner of Lot 1, of the above-described Burlington Short Plat No. 2-94; thence East along the North line of Gilkey Road, a distance of 20 feet; thence North 20 feet; thence West to the East line of said Lot 1; thence South along the said East line to the point of beginning.

C. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name:	Nielsen Park
Recorded:	January 3, 2003
Auditor's No:	200301030077
(Copy attached)	

Said matters include but are not limited to the following:

1. This Plat is subject to notes and dedication shown on Short Plat No. BURL-2-94 approved August 24, 1994, recorded September 1, 1994 in Volume 11 of Short Plats, pages 117 and 118, under Auditor's File No. 9409010088, records of Skagit County, Washington.



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2. Buyer should be aware that this Short Plat is located in the floodplain of the Skagit River and significant elevation may be required for the first floor of residential construction.

3. Road drainage system is an infiltration system. Any and all residences on lots in this plat shall be the first floor elevation at a minimum of one (1) foot above the highest top of curb grade adjoining said lot.

4. Tract "A": SP-1-77 indicates that the corners of the lots were marked with rebar with yellow caps marked R&L 6702. When staking the lots in Sahlbom Annex, we found that the corner points set for the Northwest and Southwest corners of Lot 8 of said SP-1-77 were set approximately 6.0 feet South of the platted location. Apparently the occupation along the North was established based upon the staking of Short Plat No. 1-77. In conversation with the owner of the North (Lot 25 Plat of Umbarger Tracts) he said he moved his fence South to match the staking done for said Short Plat 1-77. The existing occupation along the North line of this plat appear to be an extension of the line staked for SP-1-77.

5. An easement for the purpose of conveying local storm water runoff is hereby granted in favor of all abutting lot owners in the areas designated as private drainage easements. The maintenance of private drainage easements established and granted herein shall be the responsibility of the lot owners and their heirs, personal representatives, and assigns.

The City of Burlington is hereby granted the right to enter said easements for emergency purposes at its own discretion.

6. An easement is hereby reserved for and granted to City of Burlington, Public Utility District No. 1, Puget Sound Energy, Verizon, Cascade Natural Gas Corp. and AT&T Broadband and their respective successors and assigns under and upon the road and utility easements 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.

7. Easements are granted to Public Utility District No. 1 of Skagit County, Washington, a municipal corporation, its successors or assigns, the perpetual right, privilege and authority enabling the PUD to do all things necessary or proper in the construction and maintenance of a water line, lines or related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate with necessary appurtenances for the transportation of water over, across, along, in and under the lands as shown on this plat, together with the right of ingress to and egress from said lands across adjacent lands of the grantor.

Grantor, its heirs successors, or assigns, hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantor shall conduct its activities and all other activities on grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities now or hereafter maintained upon the easement or in any way interfere with obstruct or endanger the district's use of the easement.

8. 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 following original reasonable grading of roads and ways hereon. No drainage water on any lot or lots shall be diverted or blocked from its natural course so as to discharge upon any public road right-of-way, or to hamper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting shall be done by and at the expense of such owner.

9. Each new home shall have lawn planted, shrubs adjacent to the house and at least one tree per lot prior to sale or occupancy.



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10. The new subdivision shall maximize the rear yard setback by keeping the front yards at the 20 foot minimum and require that any windows constructed in two story homes be limited to the side facing the new street. Structures located in the rear yard would be limited to storage buildings no larger than 120 square feet. Garages would be attached to the houses.

11. A Homeowner's Association shall be formed to maintain the open space and detention pond area.

12. Downspouts shall be connected through the curbs or directly to the storm sewer where feasible.

13. Lots 1, 2, 3 and 4 shall be limited to single story homes or two story homes with no windows facing East.

14. Lots 5, 6, 7 and 8 shall maximize the rear yard setback by keeping the front yards at the 20 foot minimum.

15. Structures located in the rear yards on Lots 1 - 8 shall be limited to storage buildings no larger than 120 square feet. Garages shall be attached to the houses.

16. Trees shall be preserved on Lots 1, 2, 5, 6, 7 and 8. One new evergreen tree shall be planted on Lots 5, 7 and 14 to replace the cedars that were removed to accommodate house plans. A covenant shall be filed against all lots that runs with the land to notify future property owners of the requirements to preserve the trees. The covenant shall also state that the trees shall be preserved unless a hazard is identified by a certified arborist, in which case the City Planning Department shall be notified.

17. Prior to house construction, a temporary 6 foot chain link fence, or alternate approved by the Planning Department, shall be installed around the drip lines of each tree or group of trees to be protected during construction.

18. Fenceline location, drainage easements and utility easements as delineated on the face of the Plat.

D. 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:	November 19, 2002
Recorded:	January 3, 2003
Auditor's No:	200301030078
Executed by:	John Ellis dba Landmark Building & Development

The above Covenants, Conditions and Restrictions were amended by that instrument recorded January 27, 2003 under Skagit County Auditor's File No. 200301270204 and that instrument recorded May 8, 2003, under Skagit County Auditor's File No. 200305080236.



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