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Skagit County Auditor

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RETURN TO:

Martha Bray
Skagit Land Trust
P.O. Box 1017
Mount Vernon, Washington 98273

5-101789
LAND TITLE COMPANY OF SKAGIT COUNTY

Document Title: Declaration of Restrictive Covenant

Reference number of documents assigned or released: N/A

Grantor: Kim M. and Janet T. Sundstrom

Grantee: Skagit Land Trust, a Washington non-profit corporation

Partial Legal Description: (Full legal attached to Exhibit A of deed.)

Parcel A = ptn NW1/2, 20-35-6

Parcel B = Gov. Lot 6, 17-35-6

Parcel C = Gov. Lot 8, 19-35-6

Assessor's Parcel/Tax I.D. Number: 350620-2-003-0002 P41716; 350620-3-003-0000 P 41723

**DECLARATION OF RESTRICTIVE COVENANT
(LIMITATION OF DEVELOPMENT RIGHTS)**

DECLARANT, Kim M. and Janet T. Sundstrom, husband and wife, are the owners of real property located in Skagit County and legally described in Exhibit A hereto the ("Property") and hereby make and declare the following Restrictive Covenant in fulfillment of Sellers' obligations pursuant to that certain Real Estate Purchase and Sale Agreement between the Skagit Land Trust, Buyer, and Declarant, Seller, dated April 29, 2003.

Declarant hereby covenants that the use of the Property shall from this date forward be restricted as follows:

1. No more than one fixed or mobile, permanent or temporary, single family residence shall be built, placed or occupied upon the Property, except that a replacement structure may be built so long as the structure replaced is abandoned and removed within ninety (90) days after occupation of the replacement structure.
2. The Property shall not be subdivided in any manner whatsoever and shall remain a single building lot in perpetuity.
3. Other improvements on the Property shall be restricted to those customarily associated with agricultural practices, including the raising of livestock.
4. The Property shall be used only for the following purposes: (See attached Exhibit B.)
5. This Declaration shall run with the land and shall be binding on all of Declarant's successors, assigns and heirs in perpetuity.
6. This Declaration is for the benefit of and fully enforceable by the Skagit Land Trust ("SLT") or any successor to the adjoining property owned by SLT and described in Exhibit C. SLT and it successors shall have the right to enforce the terms hereof by and appropriate legal or equitable remedy without the necessity of demonstrating harm or injury to any person or property and with posting any bond otherwise required by law.



7. Venue for any action to enforce this Declaration is exclusively Skagit County Superior Court. The prevailing party in any action concerning this Declaration shall receive its attorney fees and costs, including those incurred on any appeal.

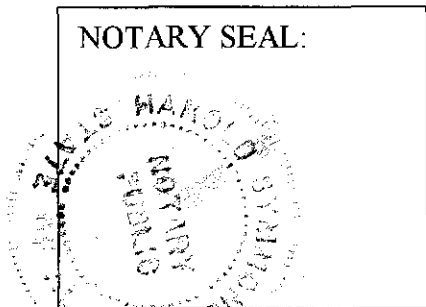
Kim M. Sundstrom _____, 7/26 2003
KIM M. SUNDSTROM Date

STATE OF Alaska)
3rd of Judicial District) ss.

On this day personally appeared before me Kim M. Sundstrom to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act for the uses and purposes therein mentioned.

Given under my hand and official seal this 26th day of July 2003.

NOTARY SEAL:



Harold Symmonds
Notary Public in and for the State of Alaska
~~Washington~~, residing at Cordova, AK
My commission expires: July 04, 2006
Printed Name: HAROLD SYMONDS

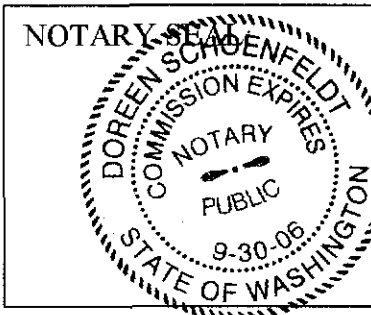


Janet T. Sundstrom / 8/26/03 2003
JANET T. SUNDSTROM Date

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me Janet T. Sundstrom to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act for the uses and purposes therein mentioned.

Given under my hand and official seal this 26th day of August 2003.



Doreen Schoenfeldt
Notary Public in and for the State of
Washington, residing at Schw. Woolley
My commission expires: 09/30/06
Printed Name: Doreen Schoenfeldt



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EXHIBIT A

PARCEL "A":

Beginning at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 20, Township 35 North, Range 6 East, W.M.;
thence North to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20;
thence East to the Easterly line of Lot 3 in said Section 20;
thence Northerly along the meander line of the Skagit River to the Northeast corner of said Lot 3;
thence West to the Northwest corner of said Section 20;
thence South to the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 20;
thence East to the point of beginning,

EXCEPT roads.

PARCEL "B":

Government Lot 6, Section 17, Township 35 North, Range 6 East, W.M.

PARCEL "C":

Government Lot 8, Section 19, Township 35 North, Range 6 East, W.M., EXCEPTING from all of the above described premises that portion thereof lying within the present bed and shorelands of the Skagit River.

LESS THE FOLLOWING:

PARCEL "A":

Beginning at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 35 North, Range 6 East, W.M.;
thence North to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20;
thence East to the Easterly line of Lot 3 in said Section 20;
thence Northerly along the meander line of the Skagit River to the Northeast corner of said Lot 3;
thence West to the Northwest corner of said Section 20;
thence South to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20;
thence East to the point of beginning.



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PARCEL "B":

Government Lot 6, Section 17, Township 35 North, Range 6 East, W.M.

PARCEL "C":

Government Lot 8, Section 19, Township 35 North, Range 6 East, W.M., EXCEPTING from all of the above described premises that portion thereof lying within the present bed and shorelands of the Skagit River.

All situated in Skagit County, Washington.

End of Exhibit A



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Exhibit B

Property shall be used only for the following purposes:

- (a) Accessory residential structures.
- (b) Campground, primitive.
- (c) Co-housing as part of a CaRD, subject to SCC 14.18.300-330.
- (d) Cultivation and harvest of forest products or any forest crop, in accordance with the Forest Practices Act and any regulations adopted pursuant thereto.
- (e) Detached single-family residential dwellings.
- (f) Extraction of gravel and rock for road and trail construction and maintenance purposes, and the operation of rock crushers, all providing the material is used within the Industrial or Secondary Forest - Natural Resource Lands Zone, or on same forest owners' property.
- (g) Family day care provider.
- (h) Historic sites open to the public.
- (i) Home Based Business I.
- (j) Management and propagation of fish and wildlife.
- (k) Non-residential structures which are accessory to forest management activities (i.e., temporary watchman quarters, equipment shop or storage structures).
- (l) Operations of scaling stations, log dumps, sorting and storage areas, forest industry residue dumping areas; provided any such use within 1,000 feet of any residential use district, park or recreation area shall be temporary and less than 12 months in duration.
- (m) Operation of sawmills, chippers, shake and shingle mills, forest industry equipment maintenance buildings and storage yards; provided that such uses are temporary and are located on the property for no longer than 12 months' duration.
- (n) Storage of explosives for private use per adopted UBC and UFC, when located at least 300 feet from property boundary or public road right-of-way.
- (o) Temporary use of recreational vehicles only where it is in conjunction with an active Forest Practice Application. Temporary use of recreational vehicles is only allowed under this Subsection where such recreational vehicle is used as temporary living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews or watchman, and where such use occurs for less than 6 months per year.
- (p) Watershed management, but not including water diversion structures, impoundment dams or hydroelectric generation facilities.



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Exhibit C

PARCEL "A":

Beginning at the Northwest corner of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 35 North, Range 6 East, W.M.;
thence North to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20;
thence East to the Easterly line of Lot 3 in said Section 20;
thence Northerly along the meander line of the Skagit River to the Northeast corner of said Lot 3;
thence West to the Northwest corner of said Section 20;
thence South to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20;
thence East to the point of beginning.

PARCEL "B":

Government Lot 6, Section 17, Township 35 North, Range 6 East, W.M.

PARCEL "C":

Government Lot 8, Section 19, Township 35 North, Range 6 East, W.M., EXCEPTING from all of the above described premises that portion thereof lying within the present bed and shorelands of the Skagit River.

PARCEL "D":

A non-exclusive easement for ingress and egress over and across the following described tract:

A strip of land thirty (30) feet in width with fifteen (15) feet on each side of the centerline of an existing road lying within the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the West $\frac{1}{2}$ of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 20, Township 35 North, Range 6 East, W.M., said centerline generally being described as follows:

Beginning at a point on the North line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 20, said point being 100 feet, more or less, east of the Northwest corner of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$;
thence in a northerly, northeasterly, and northerly direction to the intersection of said road with the South line of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 20, said point being 300 feet, more or less, East of the West line of said Section 20 (as measured along the South line of said Northwest $\frac{1}{4}$ of the Northwest), said point being the terminus of said centerline.



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This easement shall be limited to ingress and egress to perform all tasks related to management, habitat restoration, agricultural uses, and monitoring of the property by the Grantee, its successors and its employees, agents and contractors. This easement shall not be in favor of the general public for access to the Grantee's property or points beyond.

All situate in the County of Skagit, State of Washington.

End of Exhibit C



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