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Skagit County Auditor

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**COVER SHEET**

**Return to:** Stewart Metcalfe  
501 Marshall Street  
Sedro Woolley, WA 98284

**DOCUMENT TITLE:**  
Declaration of Easement and Road Maintenance

**Grantors/Grantees (Owner):**

1. Stewart Metcalfe and Teresa L. Grage, husband/wife
2. CEI, LLC, a Washington limited liability company

**Legal Description:**

**LOT 4 OF SEDRO WOOLLEY SHORT PLAT SW-09-98 RECORDED  
AF#200112140118, BEING A PORTION OF LOTS 9 AND 10 OF METCALFE  
MEADOWS.**

**ASSESSOR'S PROPERTY TAX ACCOUNT NUMBER: 4706-000-010-0300  
ASSESSOR'S PROPERTY TAX PARCEL NUMBER: P118699**

# Declaration of Easement and Road Maintenance

## GRANT OF EASEMENT:

The parties to this declaration, hereafter referred to as the "declarants", are: CEI, LLC, a Washington limited liability company, and Stewart J. Metcalfe and Teresa L. Grage, husband and wife. CEI, LLC, is owner of property described as Parcel 1 on Exhibit C Metcalfe and Grage are owners of property described as Parcel 2 and 3 on Exhibit C.

Declarants hereby declare, grant, convey and reserve unto themselves a roadway easement over and across a private access road on Parcel 2, said easement area described on Exhibit A, attached hereto, and illustrated as a sketch on Exhibit B, attached hereto.

Said easement shall be for ingress, egress, and road right of way purposes, for the benefit of the real property in the ownership of the respective parties to this agreement, now owned by or in the name of the Declarants hereunder, and described on Exhibit C, attached hereto. In exchange for the easement, the owner of Parcel 1 will be responsible for the initial grade and completion of the roadway on the said easement.

## ROAD MAINTENANCE AGREEMENT:

The Declarant hereby establishes and provides that individuals benefiting by said easement, and all subsequent owners, successors or assigns, shall take said property, or portion thereof, subject to this road maintenance agreement. The Declarants and each of the subsequent owners, assigns or successors in interest, shall proportionately share in the cost and expense of maintaining and repairing in good condition the road rights of way over and across said private road. The proportionate share of said property owner shall be established by dividing the number of benefited individual parcels into the cost of maintenance and repair.

The beneficiaries of said roadway shall determine annually, or more frequently as may be necessary, the extent of repairs and maintenance as shall be required and shall determine the extent of said repairs and maintenance to be accomplished. It is understood that the maintenance and repair of said roads is for the benefit of all property owners and the property of any such owner failing to pay his proportionate share as provided for herein shall be subject to a lien, an assessment for the proportionate share of such costs; and any other property owner paying the share of a benefited property owner, who fails to pay the same, shall be entitled to a lien again his property which may be foreclosed in the manner provided by law.

Any individual owner may make such improvement or maintenance to said road, as they so desire. However, such expense will only be proportionately charged to the other owners, if that improvement or maintenance has been approved by a sufficient number of the remaining parcel owners to obtain a majority.

## OWNER DEFINED:

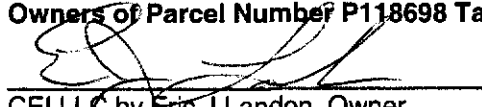
Owner shall mean the fee simple title owner, unless the property is being sold on Real Estate Contract, in which case it shall mean the Contract Purchaser, or if the property is subject to a Deed of Trust, it shall mean the Grantor. Each property shall be entitled to one vote, unless subdivided, and then each segregated property shall have a vote together with a prorated share of the responsibility to pay any obligations owing as set forth in this Declaration.

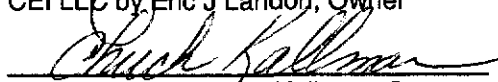
### Owners of Parcel Number P118699 Tax No. 4706-000-010-0300

  
Stewart J. Metcalfe

  
Teresa L. Grage

### Owners of Parcel Number P118698 Tax No. 4706-000-010-0200

  
CEI LLC by Eric J. Landon, Owner

  
CEI LLC by Charles A. Kallman, Owner

### Owners of Parcel Number P113067 Tax No. 4706-000-009-0000

  
Stewart J. Metcalfe

  
Teresa L. Grage

*Basement*  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

SEP 19 2003

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

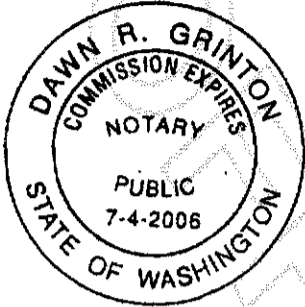


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STATE OF WASHINGTON )  
 )  
 ) ss.  
 )  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that ERIC J LANDON is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Owner/Member of CEI, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed this 17th day of September, 2003.



Dawn R. Grinton

Notary Name: Dawn Grinton

Notary Public in and for the State of Washington, residing at 300 Ferry Street, Sedro Woolley

My appointment expires: July 4, 2006

STATE OF WASHINGTON )  
 )  
 ) ss.  
 )  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that CHARLES A. KALLMAN is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as Owner/Member of CEI, LLC, a Washington limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed this 17th day of September, 2003.



Dawn R. Grinton

Notary Name: Dawn Grinton

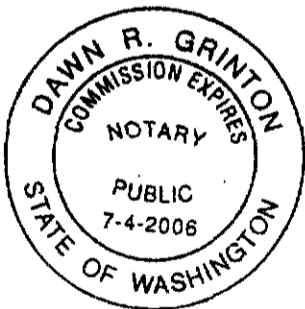
Notary Public in and for the State of Washington, residing at 300 Ferry Street, Sedro Woolley

My appointment expires: July 4, 2006

STATE OF WASHINGTON )  
 )  
 ) ss.  
 )  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Stewart J Metcalfe is the person who appeared before me and said person acknowledged that Stewart J Metcalfe signed this instrument and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed this 17th day of September, 2003.



Dawn R. Grinton

Notary Name: Dawn Grinton

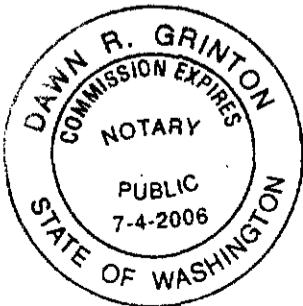
Notary Public in and for the State of Washington, residing at 300 Ferry Street, Sedro Woolley

My appointment expires: July 4, 2006

STATE OF WASHINGTON )  
 )  
 ) ss.  
 )  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Teresa L Grace is the person who appeared before me and said person acknowledged that Teresa L Grace signed this instrument and acknowledged it to be a free and voluntary act for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed this 17th day of September, 2003.



Dawn R. Grinton

Notary Name: Dawn Grinton

Notary Public in and for the State of Washington, residing at 300 Ferry Street, Sedro Woolley

My appointment expires: July 4, 2006



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**Exhibit A**

That portion of Lot 4, Sedro-Woolley Short Plat No. SW-09-98, recorded under Auditor's File No. 100112140118, records of Skagit County, Washington, being a portion of Lots 9 and 10, PLAT OF METCALFE MEADOWS, as per plat recorded in Volume 16 of Plats, page 204, records of Skagit County, Washington, described as follows:

Beginning at the most northerly corner of said Lot 4,  
Thence southwesterly along the northerly line of said Lot 4 a distance of 18.44 feet to a point of deflection in said line;  
Thence westerly along the northerly line of said Lot 4 a distance of 43.83 feet;  
Thence directly south a distance of 20 feet to the southerly line of Lot 4 and the northerly line of Lot 3 of said short plat;  
Thence easterly along the south line of Lot 4 and north line of Lot 3 a distance of 68.74 feet to a point of deflection in said line;  
Thence northeasterly along said line a distance of 7.46 feet to the most easterly corner of said Lot 4;  
Thence northwesterly along the northeasterly line of Lot 4 a distance of 30.00 feet to the point of beginning.

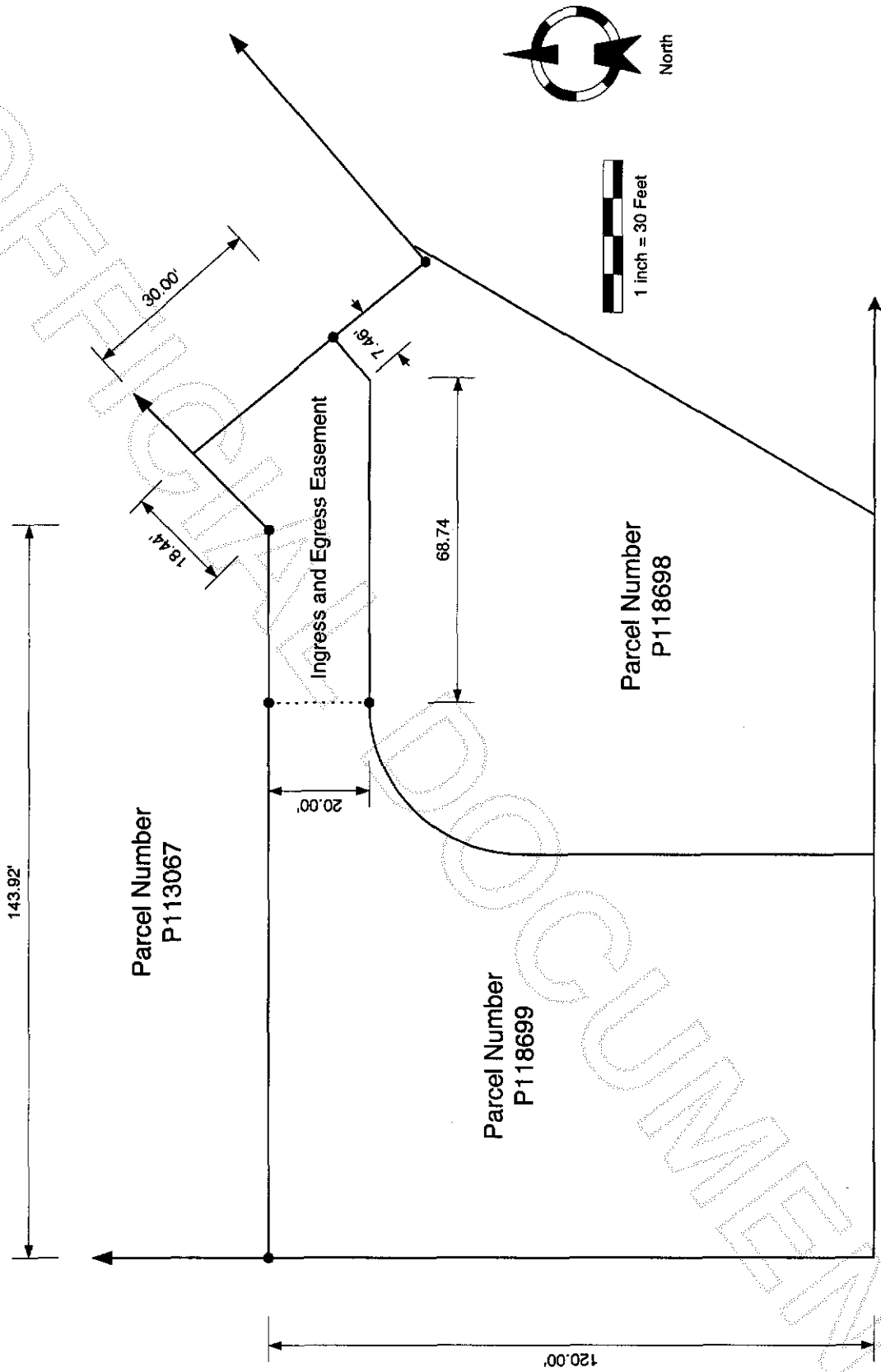


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UNOFFICIAL DOCUMENT

**Exhibit B**



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**Exhibit C**

**Parcel 1**

LOT 3 OF SEDRO WOOLLEY SHORT PLAT SW-09-98 RECORDED AF#200112140118, BEING A PORTION OF LOTS 9 AND 10 OF METCALFE MEADOWS.

**Parcel 2**

LOT 4 OF SEDRO WOOLLEY SHORT PLAT SW-09-98 RECORDED AF#200112140118, BEING A PORTION OF LOTS 9 AND 10 OF METCALFE MEADOWS.

**Parcel 3**

METCALFE MEADOWS, LOT 9, ACRES 0.88, EXCEPT THAT PORTION OF LOT 9, LYING SOUTHEASTERLY OF THE FOLLOWING DESCRIBED LINE: COMMENCING AT THE CORNER BETWEEN LOT 8 AND LOT 9 ON THE CUL-DE-SAC RIGHT OF WAY LINE FOR MARSHALL AVENUE AS SHOWN ON SAID PLAT; THENCE SOUTHERLY ALONG SAID CUL-DE-SAC RIGHT OF WAY LINE THROUGH CENTRAL ANGLE OF 30 DEGREES 57' 49" AND AN ARC LENGTH OF 24.32 FEET TO THE INITIAL POINT OF THIS LINE DESCRIPTION; THENCE SOUTH 58 DEGREES 27' 39" WEST, A DISTANCE OF 95.28 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 9 WHICH LIES 143.92 FEET EASTERLY OF THE SOUTHWEST CORNER THEREOF AND TERMINUS OF THIS LINE DESCRIPTION.



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