

**WHEN RECORDED RETURN TO:**

**Gumbo Nursery, LLC  
C/o Randy Burgess of Ace Hardware  
1720 Q Avenue  
Anacortes, WA 98221**



200311240050  
Skagit County Auditor

11/24/2003 Page 1 of 6 9:31AM

**Document Title: Special Warranty Deed  
Grantor: Powell-Anacortes LLC  
Grantee: Gumbo Nursery, LLC**

FIRST AMERICAN TITLE CO.  
*96066 -1*

**Legal Description:**

**Abbreviated Legal Description: Section 19, Township 35, Range 2; Ptn. Government Lot 2**

**Full Legal Description: See Exhibit A attached**

**Assessor's Tax Parcel Nos.: 350219-0-029-0003 (P32939)**

*6015*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

**Reference Nos. of Related Documents: N/A**

NOV 24 2003

**SPECIAL WARRANTY DEED**

Amount Pa. \$ *3115.00*  
Skagit Co. Treasurer  
By *[Signature]* Deputy

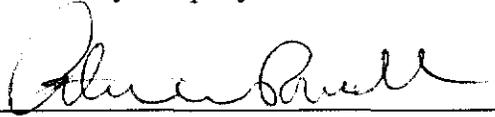
**POWELL-ANACORTES LLC**, a Washington limited liability company ("**Grantor**"), whose mailing address is 737 Market Street, Kirkland, Washington 98033, hereby grants, bargains, sells, conveys and confirms to **GUMBO NURSERY, LLC**, a Washington limited liability company ("**Grantee**"), whose mailing address is 1720 Q Avenue c/o Randy Burgess of Ace Hardware Anacortes, WA 98221, situated in the County of Skagit, State of Washington, and legally described on Exhibit A attached hereto and incorporated herein by this reference.

Subject, however, to the exceptions to title more specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

The Grantor, for itself and for its successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under said Grantor and not otherwise, it will forever warrant and defend the said described real estate.

Dated: November 24, 2003.

**POWELL-ANACORTES LLC**, a Washington  
limited liability company

By   
Peter W. Powell, Manager



200311240050  
Skagit County Auditor

STATE OF Washington )  
 ) ss.  
COUNTY OF King )

On this 30<sup>th</sup> day of November, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn personally appeared **Peter W. Powell**, known to me to be the Manager of **POWELL-ANACORTES LLC**, the limited liability company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

I certify that I know or have satisfactory evidence that the person appearing before me and making this acknowledgment is the person whose true signature appears on this document.

WITNESS my hand and official seal hereto affixed the day and year in the certificate above written.



Janice Tischmacher  
Signature

Janice Tischmacher  
Print Name

NOTARY PUBLIC in and for the State of  
Washington, residing at Kirkland  
My commission expires 7.10.06.



Exhibit "A"

That portion of Government Lot 2, Section 19, Township 35 North, Range 2 East, W.M., described as follows:

Beginning at a point on the North side of 18th Street produced in the City of Anacortes, Skagit County, Washington, according to the original plat of said City on file and of record in the Office of the Auditor of Skagit County, Washington, and 90.00 feet East of the East line of Commercial Avenue; thence running South 180.00 feet; thence running East, 85.00 feet; thence running North to the West line of the right-of-way of the Seattle and Montana Railway (now Great Northern Railroad); thence running Northwesterly along the said right-of-way to a point due East of the place of beginning; thence West to the point of beginning.

EXCEPT that portion described as follows:

Beginning at the intersection of the North line of 18th Street, if produced Easterly from 18th Street as shown on the plat of "City of Anacortes", according to the plat recorded in Volume 2 of Plats, Page 4, records of Skagit County, Washington, and the East line of Commercial Avenue thence North along the East line of Commercial Avenue, 63.00 feet; thence East parallel with the North line of 18th Street produced, a distance of 70.00 feet; thence South parallel with the East line of Commercial Avenue, 63.00 feet to the North line of 18th Street produced; thence West along the North line of 18th Street produced, a distance of 70.00 feet to the point of beginning.

AND EXCEPT that portion conveyed to the City of Anacortes by instrument recorded May 12, 1999, under Skagit County Auditor's File No. 9905120020.

(The above described property delineated as a portion of that Survey filed in Volume 15 of Surveys, at pages 45 and 46, and recorded December 1, 1993, under Auditor's File No. 9312010077, all records of Skagit County, Washington).



200311240050

Skagit County Auditor

Exhibit "B"

A. SUBJECT TO an easement over and across a strip of land 7 feet in width North and South and abutting upon and immediately adjacent to the tract excepted in Parcel (d) above on the entire distance on the North, which easement shall be for ingress and egress and shall be for the joint right of usage with the vendor and/or successors or assigns. Also an easement for the right to construct, operate, maintain and repair an underground sewer over a strip of ground 6 feet in width, the center line of which is described as follows:

Beginning at a point 70 feet East and 3 feet North of the intersection of the East line of Commercial Avenue and the North line of 18th Street produced Easterly in the City of Anacortes, Skagit County, Washington; thence East parallel to the North line of said 18th Street produced to the West line of the Great Northern Railway right-of-way, as granted to Harold Breckenridge and Connie Breckenridge, husband and wife, by instrument dated July 30, 1955, and recorded August 9, 1955 under Auditor's File No. 522234.

B. RESERVATIONS CONTAINED IN DEED

Executed by: Great Northern Railway Company, a Minnesota corporation  
Recorded: January 16, 1967  
Auditor's No: 693445  
As Follows:

"EXCEPTING AND RESERVING unto the Grantor, its successors and assigns, forever, all iron, natural gas, coal, oil and all minerals of any nature whatsoever upon or in the lands above described, together with the sole, exclusive and perpetual right to explore for, remove and dispose of the same by any means or methods suitable to the Grantor, its successors and assigns, but without entering upon or using the surface of the lands hereby conveyed, and in such manner as not to damage the surface of said lands or to interfere with the use thereof by the Grantee, its successors and assigns."

C. MATTERS OF RECORD DISCLOSED BY SURVEY RECORDED AS:

Auditor's No: 200107200060  
Recorded: July 20, 2001  
Survey Affects: Subject property

D. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING RECORDED SURVEY:

Recorded: February 8, 2002  
Auditor's No: 200202080082  
(Copy Attached)



200311240050  
Skagit County Auditor

Exhibit "B" (Continued)

E. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.  
Dated: October 18, 2002  
Recorded: October 28, 2002  
Auditor's No: 200210280103  
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . "  
Area Affected: Parcel "B" as delineated on that certain survey filed in Volume 15 of Surveys, at pages 45 and 46

F. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.  
Dated: January 29, 2003  
Recorded: February 4, 2003  
Auditor's No: 200302040107  
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . "  
Area Affected: The North 10 feet of the subject property



200311240050  
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