

**AFTER RECORDING MAIL TO:**

Robert M. Little  
3105 52nd Place N.E.  
Tacoma, WA 98422



200401140087  
Skagit County Auditor

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Filed for Record at Request of  
Land Title Company Of Skagit County  
Escrow Number: 110362-PAE

**LAND TITLE OF SKAGIT COUNTY**

**Statutory Warranty Deed**

Grantor(s): Jeffery D. Gietzen and Jennifer Gietzen  
Grantee(s): Robert M. Little  
Abbreviated Legal: Unit 12, Fidalgo Marina Condo.  
Assessor's Tax Parcel Number(s): P102522/4599-000-012-0001

**THE GRANTOR JEFFERY D. GIETZEN AND JENNIFER GIETZEN, HUSBAND AND WIFE** for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** in hand paid, conveys and warrants to **ROBERT M. LITTLE, A MARRIED MAN, AS HIS SEPARATE PROPERTY** the following described real estate, situated in the County of Skagit, State of Washington.

Unit 12, "FIDALGO MARINA CONDOMINIUM," according to Declaration thereof recorded under Auditor's File No. 9302250060 and survey map and plans thereof in Volume 15 of Plats, pages 75 through 77, under Auditor's File No. 9302250059, records of Skagit County, Washington, and as corrected and amended by Auditor's File Nos. 9303050032 and 9508160024, respectively.

Situate in the City of Anacortes, County of Skagit, State of Washington.

**SUBJECT TO:** SEE ATTACHED SCHEDULE B-1.

Dated January 6, 2004

Jeffery D. Gietzen

Jennifer Gietzen

STATE OF Washington }  
COUNTY OF KING } SS:

SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax

PAID #181

JAN 14 2004

Amount Paid \$ 534.00  
By: [Signature] Skagit County Treasurer Deputy

I certify that I know or have satisfactory evidence that Jeffery D. Gietzen and Jennifer Gietzen the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 1/7/04

T. D. Peterson  
Notary Public in and for the State of WA  
Residing at SEATTLE  
My appointment expires: 7/25/07

Notary Public  
State of Washington  
TREVOR D. PETERSON  
My Appointment Expires Jul 25, 2007

EXCEPTIONS:

A. LEASE AND THE TERMS AND CONDITIONS THEREOF:

Lessor: State of Washington, acting by and through the Department of Natural Resources  
Lessee: City of Anacortes  
For a Term of: This lease shall commence on the 3rd day of October 1986 and continue to the 1st day of October 2016  
Dated: July 24, 1992  
Recorded: July 24, 1992  
Auditor's No.: 9207240213  
(Affects Parcel "B" and other lands)

B. LEASE AND THE TERMS AND CONDITIONS THEREOF:

Lessor: City of Anacortes  
Lessee: Development Ventures, Inc.  
For a Term of: The term of this Lease shall begin on February 3, 1989 and terminate on October 1, 2016 and may be renewed thereafter upon mutual agreement of the Lessor and Lessee  
Dated: May 6, 1990  
Recorded: July 24, 1992  
Auditor's No.: 9207240214  
(Affects Parcel "B" and other lands)

Said Lease has been modified as to the legal description by instrument recorded July 31, 1992, under Auditor's File No. 9207310171.

Lessee's interest in said Lease is now held of record by Fidalgo Marina Partnership, a Washington General Partnership by Assignment of Lease recorded July 31, 1992, under Auditor's File No. 9207310172.

- C. Exceptions and reservations contained in Deed whereby the Grantor excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working mines, etc., provided that no rights shall be exercised until provision has been made for full payment of all damages sustained by reason of such entry; TOGETHER WITH the right, upon paying reasonable compensation, to acquire rights of way for transporting and moving products from other lands, contained in deed.

From: The State of Washington  
Recorded: November 24, 1909  
Auditor's No.: 76533 and 96389, records of Skagit County, WA

- D. Right of the State of Washington or any grantee or lessee thereof, upon paying reasonable compensation, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses, or other easements for transporting and moving timber, stone, minerals or other products from other lands, contained in Deed.

From: The State of Washington  
Auditor's No.: 76533, records of Skagit County, WA

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EXCEPTIONS CONTINUED:

- E. Any lien or liens that may arise or be created in consequence of or pursuant to an Act of the Legislature of the State of Washington entitle "An Act prescribing the ways in which waterways for the uses of navigation may be excavated by private contract, providing for liens upon lands belonging to the State, granting rights of way across lands belonging to the State: Approved March 9, 1983
- F. Any prohibition or limitation on the use, occupancy, or improvement of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or the use any portion of the land which is now or may formerly have been covered by water.
- G. Right of use, control, or regulation by the United States of America in the exercise of power over navigation.
- H. Any question that may arise due to shifting or change of the line of high water of Fidalgo Bay or due to said bay having shifted or changed its line of high water.

I. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington Corporation  
Purpose: An underground electric transmission and/or distribution system  
Area Affected: A right-of-way 10 feet in width having 5feet of such width on each side of a centerline described as follows: Being located as constructed or to be constructed on the above described property, more particularly described as follows: Beginning at a point on the North line of said property that is approximately 25 feet East of the Northwest corner thereof; thence South 88°07'59" East 180 feet  
Dated: November 11, 1992  
Recorded: November 16, 1992  
Auditor's No.: 9211160117

J. Notes contained on the face of said Short Plat as follows:

1. All maintenance and construction of private roads are the responsibility of the lot owners and the responsibility of maintenance shall be in direct relationship to usage of road

K. Easements shown on Short Plat No. ANA 92-005:

For: Ingress, egress, utilities, sewer and storm drain  
Affects: As shown on short plat

L. Terms and conditions of Declaration of Easements with Maintenance Provision:

Executed By: Fidalgo Marina Partnership, a Washington General Partnership  
Recorded: February 25, 1993  
Auditor's No.: 9302250058

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EXCEPTIONS CONTINUED:

M. DECLARATION AND COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR FIDALGO MARINA CONDOMINIUM:

Executed By: Fidalgo Marina Partnership  
Recorded: February 25, 1993  
Auditor's No.: 9302250060

Amendment to Declaration recorded March 5, 1993 as Auditor's File No. 9303050032.

Amendment to Declaration recorded August 16, 1995 as Auditor's File No. 9508160024.

N. EASEMENT DELINEATED ON THE FACE OF SAID PLAT:

For: 10 foot unrecorded easement to Puget Sound Power & Light Company

O. Assessments levied pursuant to Declaration of Condominium and/or Bylaws for said condominium and any amendments thereto, to the extent provided for by RCW 64.34.

P. Any adverse claim or other boundary dispute which may exist or arise by reason of the failure of the sublease referred to in Schedule A as to Parcel B to locate with certainty the boundaries of the subleased premises as defined in said sublease. No insurance is given as to the dimensions or location of said subleased premises within the property described in the Lease from the State of Washington, Department of Natural Resources, as lessor, to the City of Anacortes, as lessee, recorded under Auditor's File No. 9207240213 or in the sublease from the City of Anacortes, as sublessor, to Fidalgo Marina Partnership, as sublessee, recorded under Auditor's File Nos. 9207240214 and 9207310172, records of Skagit County, Washington.

Q. LESSOR'S CONSENT, INCLUDING THE TERMS, COVENANTS, CONDITIONS AND PROVISIONS THEREOF:

Dated: July 27, 1992  
Recorded: July 31, 1992  
Auditor's No.: 9207310170  
Affects: Parcel B

R. Any adverse claim or other boundary dispute which may exist or arise by reason of the failure of the deed under which title to Parcel C is vested, to locate or describe with certainty the improvements described in said Parcel C. No insurance is given as to the dimensions or location of said improvements within the property described in the lease from the State of Washington, Department of Natural Resources, as lessor, to the City of Anacortes, as lessee, recorded under Auditor's File No. 9307240213, or in the sublease from the City of Anacortes, as sublessor, to Fidalgo Marina Partnership, as sublessee, recorded under Auditor's File Nos. 9207240214 and 9207310172.

S. Right, title and interest of the State of Washington, either present or by reversion, in and to that portion of said premises described as Parcel C.

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EXCEPTIONS CONTINUED:

T. Any ownership interest in the Marina Improvements is subject to defeasance based on the following:

- (1) the reversionary rights of the City of Anacortes upon the termination of that certain lease dated May 6, 1990, by and between the City of Anacortes, as lessor, and Development Venture, Inc. ("DVI"), as lessee, as amended, the lessee's interest under which was assigned to and assumed by Grantor pursuant to an Assignment and Assumption Agreement, dated as of July 31, 1992, between DVI and Grantor and recorded under Skagit County Recording No. 9207310172;
- (2) the reversionary rights of the State of Washington Department of Natural Resources upon the termination of that certain Harbor Area Lease No. 22-002664 dated August 18, 1997; and
- (3) as to the pilings built in anticipation of the possible future construction of Marina Slip No. 54 as shown on Exhibit A hereto, the rights of Grantor and/or owner of the real property described on Exhibit C hereto to remove the same in the event Marina Slip No. 54 is never built or is located in or relocated to a difference place.



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