

AFTER RECORDING MAIL TO:
Brothers Custom Homes, Inc.
27788 Hoehn Road
Sedro Woolley, WA 98284



200405060062
Skagit County Auditor

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Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: 81024

FIRST AMERICAN TITLE 00.

81024-E-1

Statutory Warranty Deed

Grantor(s): Gary Lohman and Gail Lohman
Grantee(s): Brothers Custom Homes, Inc.
Assessor's Tax Parcel Number(s): 340424-3-006-0200 P121035/340424-3-005-0200 P121051

THE GRANTOR Gary Lohman and Gail Lohman, husband and wife, for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Brothers Custom Homes, Inc., a Washington Corporation, the following described real estate, situated in the County of Skagit, State of Washington.

and ptn. Lot 1 Short Plat #PL-03-533
Section 24, Township 34, Range 4; Portion SW ¼ aka Lot 2 of Short Plat #PL-03-0174/ as is more particularly described on the attached Exhibit "A", which by this reference is incorporated herein as though fully set forth.

SUBJECT TO easements, restrictions and other exceptions described on the attached Schedule "B-1", which by this reference is incorporated herein as though fully set forth.

2217
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAY 06 2004

Amount Paid \$ 1869.00
Skagit Co. Treasurer
By Up Deputy

Dated: April 30, 2004.

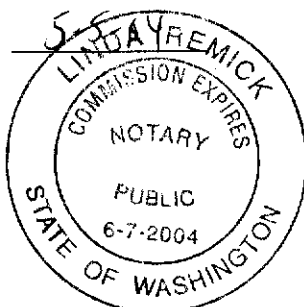
Gary Lohman
Gary Lohman

Gail Lohman
Gail Lohman

STATE OF Washington
COUNTY OF Skagit SS:

I certify that I know or have satisfactory evidence that Gary Lohman and Gail Lohman are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Date:



Lindsay Remick
Notary Public in and for the State of Washington
Residing at Stanwood
My appointment expires: 6-7-04

EXHIBIT "A"

Lot 2 of Short Plat PL03-0174 recorded October 30, 2003 under Skagit County Auditor's File No. 200310300121, being a portion of Tract 6 of that certain Survey entitled "THE UPLANDS", being a portion of Sections 24 and 25, Township 34 North, Range 4 East, W.M., and Section 30, Township 34 North, Range 5 East, W.M.

EXCEPT that portion thereof described as follows:

Beginning at the Northeasterly corner of said Lot 2; thence South $64^{\circ} 31' 10''$ West, along the Northerly line of said Lot 2 a distance of 313.61 feet; thence South $11^{\circ} 56' 15''$ East a distance of 192.85 feet; thence South $03^{\circ} 27' 25''$ West a distance of 114.68 feet to the true point of beginning; thence South $12^{\circ} 12' 55''$ West a distance of 160.51 feet to the Westerly line of said Lot 2; thence North $31^{\circ} 15' 17''$ West along said Westerly line a distance of 171.31 feet; thence North $84^{\circ} 46' 45''$ East a distance of 124.89 feet to the true point of beginning.

AND EXCEPT that portion thereof described as follows:

Beginning at the Northwesterly corner of said Lot 1 thence North $64^{\circ} 31' 10''$ East along the Northerly line of said Lot 1 a distance of 510.73 feet to the true point of beginning, thence continue North $64^{\circ} 31' 10''$ East a distance of 188.46 feet to the Easterly line of said Lot 1; thence South $11^{\circ} 56' 15''$ East along said Easterly line a distance of 192.85 feet; thence South $03^{\circ} 27' 25''$ West a distance of 37.23 feet; thence North $86^{\circ} 32' 35''$ West a distance of 65.85 feet; thence North $03^{\circ} 27' 25''$ East a distance of 53.09 feet; thence North $44^{\circ} 03' 57''$ West a distance of 68.58 feet; thence along a curve to the left, having a radius of 10.00 feet which bears South $45^{\circ} 56' 03''$ West, through a central angle of $30^{\circ} 53' 19''$ an arc distance of 5.39 feet; thence North $74^{\circ} 57' 16''$ West a distance of 58.21 feet; thence along a curve to the right, having a radius of 85.00 feet which bears North $15^{\circ} 02' 44''$ East through a central angle of $28^{\circ} 44' 16''$ an arc distance of 42.63 feet to the true point of beginning.

TOGETHER WITH that portion of Lot 1 of Short Plat No. PL03-0533, approved October 29, 2003 and recorded October 30, 2003, under Skagit County Auditor's File No. 200310300119; being a revision of Tract 5 of that certain Survey entitled "THE UPLANDS" filed December 14, 1982, under Auditor's File No. 8212140010 in Volume 4 of Surveys, page 56 through 61, inclusive, corrected by Affidavit recorded under Auditor's File No. 8212290015, records of Skagit County, Washington; being a portion of Section 24 and 25, Township 34 North, Range 4 East, W.M., Section 30, Township 34 North, Range 5 East, W.M., described as follows:

Beginning at the Southwesterly corner of said Lot 1; thence North $38^{\circ} 24' 07''$ West along the Westerly line of said Lot 1 a distance of 117.05 feet; thence South $77^{\circ} 40' 41''$ East a distance of 110.78 feet; thence North $70^{\circ} 44' 22''$ East a distance of 138.60 feet; thence South $70^{\circ} 10' 56''$ East a distance of 43.87 feet to the Southerly line of said Lot 1; thence South $64^{\circ} 31' 10''$ West along said Southerly line, a distance of 230.00 feet to the point of beginning.

AND TOGETHER WITH those certain easements delineated on the face of said survey and as reserved and/or dedicated by instruments recorded under Auditor's File Nos. 8002040045 and 8212100052; EXCEPT those portions of Tracts 1, 4 and 13 deed to Skagit County for road purposes by instruments recorded under Auditor's File Nos. 8610160006 through 8610160010, 8610160011 through 8610160015, and 8610230021 through 8610230025, respectively.

AND ALSO TOGETHER WITH an easement for ingress, egress, drainage and utilities as described within that instrument recorded July 10, 1991, under Skagit County Auditor's File No. 9107100121.



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SCHEDULE "B-1"

EXCEPTIONS:

A. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Telephone lines
In Favor of: Skagit Valley Telephone Company
Recorded: September 21, 1967
Auditor's No: 704645
Affects: Southeast 1/4 of Section 25, Township 34, Range 4 East, W.M. and West 1/2 of Section 30, Township 34, Range 5

B. EASEMENT AND PROVISIONS CONTAINED THEREIN:

Grantee: Puget Sound Power & Light Company
Dated: June 14, 1950
Recorded: June 28, 1950
Auditor's No: 447615
Purpose: Right to enter said premises to operate, maintain and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Affects: A 30 foot wide strip of land affecting a portion of subject property

C. EASEMENT AND PROVISIONS CONTAINED THEREIN:

Grantee: Puget Sound Power & Light Company
Dated: July 5, 1950
Recorded: July 20, 1950
Auditor's No: 448497
Purpose: Right to enter said premises to operate, maintain and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Affects: A 30 foot wide strip of land affecting a portion of subject property

D. Stipulation contained in Deed executed by Walking Circle M., Inc. to MV Associates, dated July 25, 1979, recorded August 31, 1979 under Auditor's File No. 7908310024, as follows:

This transfer is subject to that perpetual easement which exists, and has existed, in favor of David G. McIntyre for (I) the right to maintain, repair, inspect and otherwise use his existing septic tank on the subject property and, if necessary, to replace said septic tank by installing a new septic tank on the subject property, (II) the right to use the existing wells and waterlines on the subject property, and to take water from the existing well as needed; and (III) the right to use any and all roadways on the subject property for ingress and egress to the property owned by David G. McIntyre, which is located in Skagit County, Washington, in Section 30, Township 34 North, Range 5 East, W.M.



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E. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Ingress, egress, drainage and construction, operation and maintenance of overhead and underground utilities and for construction, operation and maintenance of a sanitary sewer main and appurtenances, together with the right of ingress and egress for all purposes necessary and related thereto

In Favor of: Owners of Tracts A through D, Short Plat No. 23-80 recorded under Auditor's File No. 8010080013; Owners of Tracts A through D, Short Plat No. 24-80 recorded under Auditor's File No. 8005190001 and Owners of Tracts 1, 2, 3 and 4 of Survey recorded in Volume 4, pages 56 through 61 under Auditor's File No. 8212140010 and Puget Sound Power & Light Company, Continental Telephone Company of the Northwest, Skagit County PUD No. 1 and Big Lake Sewer District No. 1

Recorded: February 4, 1980

Auditor's No: 8002040045

Affects: Reference is hereby made to the document for full particulars

F. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Sanitary Sewer

In Favor of: Adjoining property owners and MV Associates

Recorded: April 1, 1980

Auditor's No: 8004010002

Affects: A 10 foot wide strip of land

G. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Ingress, egress, drainage and utilities

In Favor of: Owners of Tract D, Short Plat No. 24-80

Recorded: April 1, 1980

Auditor's No: 8004010003

Affects: The North 30 feet of Section 25, Township 34, Range 4, lying Northerly of and adjoining Tract D, Short Plat No. 24-80

H. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Sanitary sewer

In Favor of: Adjoining property owners and MV Associates

Recorded: April 1, 1980

Auditor's No: 8004010004

Affects: Northerly 10 feet of Upland Tract No. 2 of Survey recorded in Volume 4 of Surveys, pages 56-61



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I. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Sanitary sewer
In Favor of: Adjoining property owners and MV Associates
Recorded: April 1, 1980
Auditor's No: 8004010007
Affects: The Northerly 10 feet of Upland Tract No. 3 of Survey recorded in Volume 4 of Surveys, pages 56 - 61

J. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Ingress, egress, drainage and utilities
In Favor of: Present and future owners
Recorded: December 10, 1982
Auditor's No: 8212100052
Affects: A 60 foot wide strip of land

K. Provision set forth in document dated December 27, 1989 and recorded under Auditor's File No. 9001100116, records of Skagit County, Washington, as follows:

Road that runs through Lot 8 will be moved to conform to lot lines of Lots 2 and 7. Seller agrees to realign the easement road that benefits Tracts 5, 6, 7 and 8, within a period of 24 months.

L. DECLARATION OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Recorded: July 10, 1991
Auditor's No: 9107100121
Purpose: Ingress, egress, drainage and utilities
Area Affected: Over, under, through and across and upon Tracts 1, 4, 5, 6, 7, 10, 11 and 13.

M. TERMS AND CONDITIONS OF QUIT CLAIM DEED:

Dated: January 29, 2003
Recorded: January 31, 2003
Auditor's No: 200301310168
(Copy Attached)

N. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Gary Lohman
Dated: August 4, 2003
Recorded: August 7, 2003
Auditor's No: 200308070123
Purpose: An access and utility easement
Area Affected: Lot 1, Short Plat #99-0025



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O. TITLE NOTIFICATION THAT THE SUBJECT PROPERTY IS PROPERTY ADJACENT TO DESIGNATED NATURAL RESOURCE LANDS BY SKAGIT COUNTY.

Executed By: Gary Lohman
Recorded: April 28, 2003
Auditor's No: 200304280225

Reference is hereby made to the record for the full particulars of said notification. However, said notification may have changed or may in the future change without recorded notice.

P. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING SHORT PLAT:

Short Plat No.: PL03-0174
Recorded: October 30, 2003
Auditor's No: 200310300121
(Copy attached)

Said matters include but are not limited to the following:

1. Short Plat Number and Date of Approval shall be included in all Deeds and Contracts.
2. All maintenance and construction of roads shall be the responsibility of the homeowners. See Maintenance Agreements filed under AF#8002040045, AF#8212100052, AF#9006280053, AF#9107100121, AF#200301310168 and AF#200310300117.
3. Sewer - Alternative systems are proposed for this Short Plat which may have special design, construction, and maintenance requirements. See Health Officer for details.
4. No Building Permit shall be issued for any residential and/or commercial structures which are not, at the time of application, determined to be within an official designated boundary of a Skagit County Fire District.
5. Change in location of access, may necessitate a change of address, contact Skagit County Planning and Permit Center.
6. Water - Individual wells; water will be supplied from individual water systems, contact the Health Department to determine if additional water quality or quantity testing will be required for building permit approvals. Skagit County requires a 100 foot radius Well Protection Zone for new individual water systems. The zone must be contained entirely on the lot owned in fee simple and/or be provided through appropriate covenants or easements. Present and future owners of lots with an existing well shall preserve a 100 foot radius Well Protection Zone for existing well improvement or replacement.
7. a) The water well(s) for my property will be allowed for interim use with the condition that the property shall be subject to mandatory participation in a local water service to my property and I hereby agree not to protest the LUD or Special Improvement District.
b) To decommission my well(s) in accordance with applicable State and County regulations and to connect all fixtures to the Public Water System as soon as it becomes available. The interim well shall be limited to 400 gallons per day per connection unless I can demonstrate compliance with SCC 14.24.350(5) (c).



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c) No lawn watering will be performed from June 1 to September 30. This condition shall remain in effect until the well is abandoned in accordance with Chapter 173-160WAC and the property is connected to an approved Public Water Supply or a Hydrogeologist confirms that the water source is from a confined aquifer and there is no continuity with a low-flow stream. (Skagit County recommends landscaping with native vegetation as much as possible).

8. All runoff from the addition of impervious surfaces and roof drains shall be directed so as not to adversely effect adjacent properties.

9. In no case shall the county accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current county road system have been brought up to full county road standards and right-of-way deed has been transferred to and accepted by the county.

10. This parcel lies within an area or within 500 feet of area designated as a Natural Resource Land (agriculture, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established Natural Resource Management Operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with best management practices and local, state, and federal law. In the case of Mineral Lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals, in addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Permit Center for details.

11. Tract A (part of Lot 1) - Fish and Wildlife Habitat Area - Type 4 water with 50 foot buffer; Fish and Wildlife Habitat Area - Type 3 water with 100 foot buffer and category III wetland with 50 foot buffer, 7.52 acres.

12. Tract B (Part of Lot 1) - Category III Wetland with 25 foot buffer after buffer averaging with Tract A, 0.40 acres.

13. Tract C (Part of Lot 1) - Geological Hazardous Area-steep slopes with 30 foot buffer, 0.03 acres.

14. Tract D (Part of Lot 2) - Geological Hazardous Area - steep slopes with 30 foot buffer, 0.10 acres.

15. Tract E (Part of Lot 2) - Category III Wetland with 50 foot buffer and Geological Hazardous Area - Steep slopes with 30 foot buffer, 5.34 acres.

16. Minimum Setback Requirements, as delineated.

17. Access locations.

18. Location of Protected Critical Area boundary, limits of Wetlands, Drainage way/creek, Top of slope, existing fence line.



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Q. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Gary Lohman
Recorded: October 30, 2003
Auditor's No: 200310300120

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.

R. TERMS AND CONDITIONS OF QUIT CLAIM DEED:

Dated: December 17, 2003
Recorded: December 24, 2003
Auditor's No: 200312240007

S. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Gary L. Lohman and Gail Lohman
Dated: July 30, 2003
Recorded: August 7, 2003
Auditor's No: 200308070124
Purpose and Area Affected: Ingress, egress and emergency vehicle turn around in Tract 5 "Uplands"

T. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Gary L. Lohman and Gail Lohman
Dated: July 30, 2003
Recorded: August 7, 2003
Auditor's No: 200308070125
Purpose: and Area Affected: Well Protection Zone Easement in Tract 5 "Uplands"

U. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

Between: Gary Lohman and Gail Lohman
And: Owners and Future Owners Lots 1 and 2 of Short Plat PL-03-0533 and Owners and Future Owners Lots 1 and 2 of Short Plat PL-03-0174
Dated: October 30, 2003
Recorded: October 30, 2003
Auditor's No: 200310300117
Regarding: Road Maintenance Agreement



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V. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Gary Lohman and Gail Lohman
Recorded: October 30, 2003
Auditor's No: 200310300118

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.

W. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING SHORT PLAT:

Short Plat No.: PL-03-0533
Recorded: October 30, 2003
Auditor's No: 200310300119
(Copy attached)

Said matters include but are not limited to the following:

1. Short Plat Number and Date of Approval shall be included in all deeds and contracts.
2. All maintenance and construction of roads shall be the responsibility of the homeowners. See maintenance agreements filed under Auditor's File Nos. 8002040045, 8212100052, 9107100121, 200301310168 and 200310300114.
3. Sewer - Alternative systems are proposed for this Short Plat which may have special design, construction and maintenance requirements. See Health Officer for details.
4. No building permit shall be issued for any residential and/or commercial structures which are not, at the time of application, determined to be within an official designated boundary of a Skagit County Fire District.
5. Change in location of access may necessitate a change of address. Contact Skagit County Planning and Permit Center.
6. Water - Individual Wells. Water will be supplied from individual water systems. Contact the Health Department to determine if additional water quality or quantity testing will be required for building permit approvals. Skagit County requires a 100 foot radius well protection zone for new individual water systems. The zone must be contained entirely on the lot owned in fee simple and/or be provided through appropriate covenants or easements. Present and future owners of lots with an existing well shall preserve a 100 foot radius well protection zone for existing well improvement or replacement.
7. i. The water well(s) for my property will only be allowed for interim use with the condition that the property shall be subject to mandatory participation in a local water service to my property and I hereby agree not to protest the LUD or Special Improvement District.
ii. To decommission my well(s) in accordance with applicable State and County regulations and to connect all fixtures to the public water system as soon as it becomes available, the interim well shall be limited to 400 gallons per day per connection unless I can demonstrate compliance with SCC 14.24.350(5)(C).



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iii. The total impervious surface of the property is less than and shall remain less than 5% of the total lot area, unless the proposed development/project provides mitigation that will collect runoff from the proposed development/project, will treat that runoff, if necessary to protect groundwater quality and discharge that collected runoff into a groundwater infiltration system on site.

iv. No lawn watering will be performed from June 1 to September 30. This condition shall remain in effect until the well is abandoned in accordance with Chapter 173-160WAC and the property is connected to an approved public water supply or a hydrogeologist confirms that the water source is from a confined aquifer and there is no continuity with a "low-flow" stream. (Skagit County recommends landscaping the native vegetation as much as possible).

8. All runoff from the addition of impervious surfaces and roof drains shall be directed so as not to adversely effect adjacent properties.

9. In no case shall the County accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets and/or alleys connecting the same to the full, current County road system have been brought up to full County road standards and right-of-way deed has been transferred to and accepted by the County.

10. This parcel lies within an area or within 500 feet of area designated as a natural resource land (agriculture, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated natural resource lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, state and federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Permit Center for details.

11. Access locations.

12. Well protection zones.

13. Delineation, description and designation of protected critical areas (boundaries), wetlands, geological hazard areas and/or fish & wildlife habitat areas.

X. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By:	Gary Lohman
Recorded:	April 5, 2004
Auditor's No.:	200404050207
Regarding:	Aerobic Treatment Unit Service Agreement

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.



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Y. RESERVATION CONTAINED IN INSTRUMENT

Executed by:
Recorded:
Auditor's No.:
As Follows:

Gary and Gail Lohman
May 3, 2004
200405030223

The above described property will be combined or
aggregated with contiguous property owned by the
grantee.



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