

AFTER RECORDING MAIL TO:
Mr. and Mrs. Gary A. Walter
506 240th St. SE
Bothell, WA 98021



200405170005
Skagit County Auditor

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Filed for Record at Request of
Land Title Company of Skagit
Escrow Number: 112110-SE

LAND TITLE OF SKAGIT COUNTY

Statutory Warranty Deed

Grantor(s): Jody K. Penick
Grantee(s): Gary A. Walter and Barbara J. Walter
Abbreviated Legal: Lot 43, Blk. B, Cape Horn No. 2
Assessor's Tax Parcel Number(s): 3869-002-043-0025, P63184

THE GRANTOR JODY K. PENICK, formerly Jody Gudbranson Bruseth, as her separate property for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to GARY A. WALTER and BARBARA J. WALTER, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Vacant land
Lot 43, Block B, "CAPE HORN ON THE SKAGIT DIVISION NO. 2," as per plat recorded in Volume 9 of Plats, pages 14 through 19, inclusive, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Subject to easements, restrictions and other exceptions as attached hereto and made a part hereof

Dated May 14, 2004

Jody K. Penick
Jody K. Penick

2380
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

MAY 17 2004

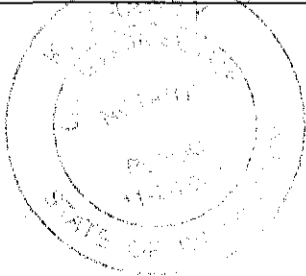
Amount Paid \$ 16910
Skagit Co. Treasurer
By [Signature] Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that **Jody K. Penick** the person(s) who appeared before me, and said person(s) acknowledged that she signed this instrument and acknowledge it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 5-14-04

[Signature]
Notary Public in and for the State of Washington
Residing at Mt Vernon
My appointment expires: 11-02-06



EXCEPTIONS:

A. EASEMENT, INCLUDING TERMS AND CONDITIONS THEREOF:

| | |
|----------------|---|
| Grantee: | Puget Sound Power & Light Company, a corporation |
| Purpose: | Transmission line with appurtenances |
| Area Affected: | As constructed and extended in the future at the consent of Grantee and Grantor |
| Dated: | July 7, 1965 |
| Recorded: | August 17, 1965 |
| Auditor's No.: | 670429 |

B. Restrictions and conditions contained in the Plat, reading substantially as follows:

"The Platters do hereby declare this plat and dedicate to the public forever all roads and ways and that 40 foot easement along the river shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon, following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right of way or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or re-routing thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."

C. A condition on the face of the Plat, as follows:

"Skagit County shall not be responsible for any flood control improvements."

D. Conditions and restrictions contained in instrument filed July 13, 1965, under Auditor's File No. 668869, reading as follows:

1. Lot owners to be advised that those areas indicated on the plat as being below elevation 140.0 feet, are subject to infrequent periodic inundation and buildings constructed therein should maintain a floor elevation above 140.0 feet;
2. The exterior of all buildings to have a completed appearance within one year from date of starting.
3. Lot owners shall be responsible for placing wells and septic-tank drainfields in accordance with the master plan as on file with the Cape Horn Maintenance Company. A minimum of 100 feet shall be maintained between all drainfields and wells. All work to be in accordance with Skagit County Regulations.
4. All lots shall be subject to the Articles and By-Laws of the Cape Horn Maintenance Company.

J.P.

J.A.W.
B.J.W.



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EXCEPTIONS CONTINUED:

E. Restrictions on other lots in said plat imposed by various instruments of record which may be notice of a general plan, as follows:

"Grantees covenant and agree that the above described real estate shall be subject to the charges and assessments as provided for in and for the purposes set forth in the Articles of Incorporation and the By-Laws of the Cape Horn Maintenance Co., a non-profit, non-stock Washington corporation and that said corporation shall have a valid first lien against the above described real estate for said charges and assessments; and, in addition to the remedies set forth in said Articles of Incorporation and By-Laws, that if said charges and assessments levied by said corporation shall not be paid within four (4) months after they shall become due and payable, then said corporation may proceed by appropriate action to foreclose its lien together with such sum as the court may adjudge reasonable attorneys fees in such action. The Grantee hereby acknowledges receipt of copies of said Articles of Incorporation and By-Laws of the Cape Horn Maintenance Co. This provision is a covenant running with the land and is binding on the Grantees, their heirs, successors and assigns.

SUBJECT TO: (a) Restrictions, reservations, agreements and easements of record and as shown on the face of said recorded plat.

(b) Use of said property for residential purposes only.

(c) Questions that may arise due to shifting of Skagit River.

F. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS, AS HERETO ATTACHED:

Declaration Dated: September 20, 1976
Recorded: December 14, 1976
Auditor's No.: 847451
Executed By: Cape Horn Maintenance Company

G. Any question that may arise due to shifting or changing in course of the Skagit River.

H. A 40 foot flood control access easement along the Skagit River as delineated on the face of said Plat.

G.A.W.
B.J.W.
J.P.



Skagit County Auditor