

AFTER RECORDING MAIL TO:  
Donald H. Gilmore and Barbara Gilmore  
4501 Fidalgo Bay Road, #902  
Anacortes, WA 98221

Filed for Record at Request of  
First American Title Of Skagit County  
Escrow Number: A81262



200406040144  
Skagit County Auditor

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### Statutory Warranty Deed

FIRST AMERICAN TITLE CO.

Grantor(s): Cove at Fidalgo Bay L.L.C.

Grantee(s): Donald H. Gilmore and Barbara Gilmore

Unit 902, "THE COVE ON FIDALGO BAY, A CONDOMINIUM, PHASE 1"

Assessor's Tax Parcel Number(s): 4800-000-902-0000 P119499

A81262E-1

THE GRANTOR The Cove at Fidalgo Bay L.L.C., a Washington limited liability company for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, and as part of an IRS 1031 Tax Deferred Exchange, in hand paid, conveys and warrants to Donald H. Gilmore and Barbara Gilmore, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Unit 902, "THE COVE ON FIDALGO BAY, A CONDOMINIUM, PHASE 1", as per plat recorded September 12, 2002, under Auditor's File No. 200209120078, records of Skagit County, Washington; and the Declaration recorded September 12, 2002 under Auditor's File No. 200209120077.

SUBJECT TO the Exceptions contained in Schedule B-1 attached hereto.

Dated May 18, 2004

Cove at Fidalgo Bay L.L.C.

By: Kenneth E. Knight, Manager

# 2808  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUN 4 - 2004

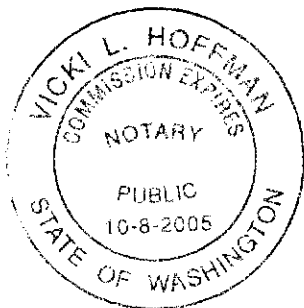
Amount Paid \$ 6141.00  
By Skagit Co. Treasurer  
Deputy

State of Washington }  
County of Skagit } SS:

I certify that I know or have satisfactory evidence Kenneth E. Knight the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated he/she/they are authorized to execute the instrument and is the Manager of Cove at Fidalgo Bay LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Date: 5-20-04

Vicki L. Hoffman



Notary Public in and for the State of Washington  
Residing at Anacortes

My appointment expires: 10-8-05

**SCHEDULE "B-1"**

**Exceptions:**

A. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

B. Terms, provisions and reservations under the Submerged Land Act (43 U.S.C.A. 1301 through 1311), and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.

C. RELINQUISHMENT OF RIGHTS OF ACCESS TO STATE HIGHWAY AND OF LIGHT, VIEW AND AIR UNDER TERMS OF DEED TO THE STATE OF WASHINGTON:

**Recorded:**

**Auditor's File No.:**

February 4, 1957

547155

September 27, 1956

542115

January 3, 1958

560285

March 1, 1958

562840

D. 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 entitled "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, 1893.

E. EASEMENT AND PROVISIONS CONTAINED THEREIN AS CREATED OR DISCLOSED IN INSTRUMENT:

In Favor Of:

Richard V. Stockwell, et ux

Recorded:

May 21, 1986; May 21, 1986 and December 19, 1986

Auditor's Nos.:

8605210037, 8605210038 and 8612190039

For:

Roadway purposes

Affects:

Undisclosed portions of common area

F. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee:

Hugh H Newell, et ux

Dated:

April 26, 1973

Recorded:

December 19, 1977

Auditor's No:

870569

Purpose:

Ingress and egress

Area Affected:

35 foot utility easement designated in Survey



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G EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Amos Bowman  
Dated: September 4, 1889  
Recorded: October 14, 1889  
Official Records: Volume 8 of Deeds, Page 442  
Purpose: Waterlines  
Area Affected: Exact location is undisclosed

Said easement may be modified by an Agreement recorded June 1, 1949, as Auditor's File No. 432061.

H. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

Between: Richard V. Stockwell, et ux  
And: Joseph Andrews, et ux, et al  
Dated: December 20, 1995  
Recorded: December 20, 1995  
Auditor's No: 9512200109  
Regarding: Sewer line operation, maintenance and covenants, etc.

I. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

Between: Olympic V Associates  
And: Joseph Andrews, et ux, et al  
Dated: February 14, 1996  
Recorded: February 22, 1996  
Auditor's No: 9602220070  
Regarding: Easement for sewer line with cost provisions and covenants, etc.

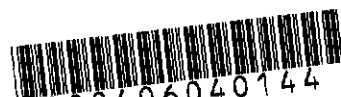
J. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

Between: City of Anacortes  
And: Richard V. Stockwell, et ux  
Dated: November 7, 1997  
Recorded: November 10, 1997  
Auditor's No: 9711100107  
Regarding: Latecomer's Agreement for sewer extension

Paragraphs "K" through "R" affect a portion of the Common Area

K. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Amos Bowman  
Dated: September 4, 1889  
Recorded: October 14, 1889  
Official Records: Volume 8 of Deeds, Page 442  
Purpose: Pipeline  
Area Affected: Exact width and location not disclosed on the record



L. Agreement regarding use of water and water pipe line between Edward Kack, et ux, and L.E. Gibbons, et ux, recorded under Auditor's File No. 432061.

M. Provisions and easements regarding use of water from Barn Brook and Garden Brook, together with pipe lines to same as set forth in documents recorded under Auditor's File Nos. 509523, 531540 and 540878.

N. Easement provisions for water lines in favor of L.E. Gibbons, et al, as set forth in documents recorded under Auditor's File Nos. 546050 and 546051.

O. Easement for water line in favor of the State of Washington, as set forth in document recorded under Auditor's File No. 552362.

P. Easement for a stabilization fill to protect Highway No. 1-AN, Junction SSH No. 1-D to Anacortes, as set forth in document recorded under Auditor's File No. 575829. Said easement is a re-recording of easement recorded under Auditor's File No. 560283.

Q. Easements, Agreements and Provisions regarding railroad crossing, as set forth in documents recorded under Auditor's File Nos. 657975, 657976 and 657977, records of Skagit County, Washington.

R. Terms, Conditions and Provisions set forth in document recorded under Auditor's File No. 8011200029.

S. Terms and Conditions of entry road and slope easement, pertaining to maintenance of such, recorded August 26, 2002, under Skagit County Auditor's File No. 200208260122.

T. EASEMENT, INCLUDING TERMS AND PROVISION THEREOF:

Grantee:	Olympic V Associates
Dated:	August 1, 2002
Recorded:	August 26, 2002
Auditor's No.:	200208260123
Purpose:	Ingress and egress
Area Affected:	Portion of subject subdivision

U. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN, A COPY OF WHICH IS HERETO ATTACHED:

Dated:	August 13, 2002
Recorded:	September 12, 2002
Auditor's No.:	200209120077
Executed By:	The Cove at Fidalgo Bay, LLC, by Keith E. Knight, Manager



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V. MATTERS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name: The Cove on Fidalgo Bay, a Condominium, Phase I  
Recorded: September 12, 2002  
Auditor's No.: 200209120078  
(Copy Attached)

Said matters include but are not limited to the following:

1. Know all persons by these presents that we, the undersigned owners of "The Cove on Fidalgo Bay", a condominium in fee simple and/or mortgage holders of the property herein described, hereby declare this survey map and plans and dedicate the same for condominium purposes. This survey map and plans and any portion thereof shall be restricted by the terms of the condominium declaration filed contemporaneously herewith. This dedication is not for any other use than to meet the requirements of the Washington Condominium Act (RCW 64.34) for a survey and plans, and to submit the property to the act as provided in the declaration.

2. Access location.

3. Possible encroachment of curb onto Tract "E".

W. Terms, provisions, requirements and limitations contained in the Washington Condominium Act, Chapters 43 and 428, Laws of 1989 (R.C.W. 64.34) and as may be hereafter amended.

X. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions contained in the Condominium Declaration and as may be contained in the bylaws adopted pursuant to said Declaration.

Recorded: September 12, 2002  
Auditor's File No.: 200209120077

Y. Terms, provisions, requirements and limitations contained in the Horizontal Property Regimes Act, chapter 156, Laws of 1963 (R.C.W. 64.32) as now amended or as may hereafter be amended.

Z. Including the right of the declarant to withdraw portions of the common elements and/or to encumber any portion of said common elements.



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