

AFTER RECORDING MAIL TO:
Mr. Brandon R. Thompson, Allison J. Ariail
3809 Copper Pond
Anacortes, WA 98221



200409240045
Skagit County Auditor

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Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: A82256

Statutory Warranty Deed

Grantor(s): David A. Hertberg and Diane M. Blietz-Hertberg
Grantee(s): Brandon R. Thompson and Allison J. Ariail
Assessor's Tax Parcel Number(s): 4661-000-039-0000 P108208

FIRST AMERICAN TITLE CO.

A82256E

THE GRANTOR David A. Hertberg and Diane M. Blietz-Hertberg, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Brandon R. Thompson, as his separate estate and Allison J. Ariail, as her separate estate the following described real estate, situated in the County of Skagit, State of Washington.

Lot 39, "PLAT OF COPPER POND PLANNED UNIT DEVELOPMENT", according to the plat thereof recorded in Volume 16 of Plats, pages 70 through 72,, records of Skagit County, Washington.

SUBJECT TO the Easements, Restrictions or other Exceptions contained on Exhibit "A" attached hereto.

Dated: September 16, 2004

David A. Hertberg

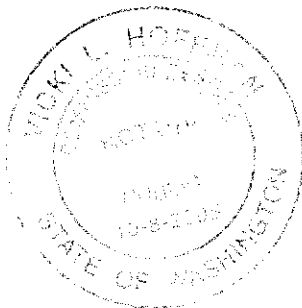
Diane M. Blietz-Hertberg

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that David A. Hertberg and Diane M. Blietz-Hertberg, the persons 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.

Date: 9-20-04

Notary Public in and for the State of Washington
Residing at Anacortes
My appointment expires: 10-8-05



5130
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

SEP 24 2004

Amount Paid \$ 4609.20
By Skagit Co. Treasurer
Deputy

Exceptions:

A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Anacopper Copper Mining Company
Recorded: March 5, 1930, Volume 153 of Deeds, Page 158
Purpose: Road Purposes
Area Affected: Right-of-way 40 feet in width, the exact location of which is undisclosed on the record

B. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power and Light Company, a Corporation
Recorded: August 17, 1962
Auditor's No: 625248
Purpose: Transmission Line
Area Affected: The exact location of which is undisclosed on the record

C. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power and Light Company
Recorded: August 17, 1962
Auditor's No: 625249
Purpose: Transmission Line
Area Affected: The exact location of which is undisclosed on the record

D. The interest of the City of Anacortes for a 60 foot right-of-way for road purposes, as disclosed on the face of Surveys referred to in the caption herein, and recorded under Auditor's File Nos. 877240 and 879264.

E. Affect, if any, on the subject property by reason of Surveys recorded under Auditor's File Nos. 879264, 877240 and 8807190076, the Company having made no determination as to its affect on the boundaries of the subject property.

F. AVIGATION EASEMENT:

Grantee: Port of Anacortes
Dated: September 11, 1995
Recorded: September 11, 1995
Auditor's No: 9509110140
Area Affected: A perpetual, non-exclusive easement for the free and unobstructed use and passage of all types of aircraft, over, across and through the airspace in excess of 70 feet above the property or in the vicinity of the property



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

Plat/Subdivision Name: Copper Pond Planned Unit Development
Recorded: September 11, 1995
Auditor's No: 9509110092

Said matters include but are not limited to the following:

1. The property is SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants and other instruments of record, including but not limited to, those instruments referred to in Island Title Company's Report, Subdivision Guarantee, Order No. SA-14971, dated August 3, 1995. Said Report lists documents recorded under Auditor's File Nos. 625248, 625249, 9409270108 and 9409270109.
2. Water - City of Anacortes.
3. Owner/Developer: Creekside Village Development Co.
P.O. Box 973
Anacortes, WA 98221
4. A Native Growth Protection Easement (NGPE) is hereby dedicated to the public for Tracts "A", "B", "D", "E", "F", "G", "I" and "K", a beneficial interest in the land within the easement. This interest includes the preservation of a native vegetation for all purposes that benefit the public health, safety and welfare, including control of the surface waters and erosion, maintenance of slope stability, visual and rural buffering, and protection of plant and animal habitat. The NGPE imposes upon all present and future owners and occupiers of the land subject to the easement obligation, enforceable on behalf of the public by the City of Anacortes, to leave undisturbed all trees and other vegetation within the easement. The vegetation within the easement may not be cut, pruned, covered by fill, removed or damaged without the express permission from the City of Anacortes, which permission must be obtained in writing from the City of Anacortes Planning Department.

Before and during the course of any grading, building construction or other development activity on a lot subject to the NGPE, the common boundary between the easement and the area of development activity must be fenced or otherwise marked to the satisfaction of the City of Anacortes.

The above Tracts contain storm water conveyance systems and may require maintenance and/or repair by the City of Anacortes.
5. Two Storm Water Detention Ponds and access roads are hereby dedicated to the City of Anacortes for Tracts "C" and "H" for operation and maintenance by the City of Anacortes.
6. Tract "J" is hereby dedicated to the City of Anacortes for purposes as a road and utility access and for purposes of operation and maintenance by the City of Anacortes.



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7. An easement is hereby reserved for and granted to the City of Anacortes; Puget Power; G.T.E.; Cascade Natural Gas Corp., and TCI Cablevision of Washington, Inc., and their respective successors and assigns under and upon the exterior ten feet of front boundary lines of all lots and tracts as shown on the face of the plat, and other utility easements, if any, shown on the face of the plat, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto for the purposes of providing utility services to the subdivision and other property, together with right to enter upon the lots and tracts at all times for the purpose stated with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

H. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN:

Dated: September 11, 1995
Recorded: September 11, 1995
Auditor's No: 9509110141
Executed by: Creekside Village Development

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: October 26, 1996 and October 30, 1997
Recorded: March 20, 1997 and December 17, 1997
Auditor's Nos: 9703200089 and 9712170015



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