



200410290029

Skagit County Auditor

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Return to:
SCHACHT & HICKS, INC., P.S.
PO BOX 1165
MOUNT VERNON WA 98273

113363-P
LAND TITLE OF SKAGIT COUNTY

DOCUMENT TITLE: FIRST RIGHT OF REFUSAL

REFERENCE NUMBER OF DOCUMENT AMENDED: 200310070060

GRANTOR: PORT GARDNER TIMBER COMPANY, INC.

GRANTEE: Barbara Jo Trask and Ger Van Den Engh, Husband and
Wife

LEGAL DESCRIPTION:

Ptn SE 1/4 of SE 1/4 of Sec. 11; Gov. Lot 12 ptn
Gov. Lot 13 of Sec. 12; ptn NW 1/4 of the NW 1/4
and ptn Gov. Lot 4 of Sec. 13, all in Twp 35 N Rng
7 E. W.M.

ADDITIONAL LEGAL DESCRIPTION ON EXHIBIT A

ASSESSOR'S PROPERTY TAX PARCEL NUMBERS: P121058

FIRST RIGHT OF REFUSAL

THIS AGREEMENT made and entered into by and between PORT GARDNER TIMBER CO., INC., "Seller", and BARBARA J. TRASK and GER VAN DEN ENGH, "Buyer", agree as follows:

1. The parties have previously entered into a Real Estate Purchase and Sale Agreement for Lots 4-9 of the Plat of Elysian Meadows as recorded under Skagit County Auditor File No. 200310070060;
2. The parties for and in consideration of that purchase have additionally agreed to the following:
 - a. Seller hereby grants to Buyer the exclusive right, at Buyer's option, to purchase Lot 3 of the above described Plat on the same terms and at the same price as any bona fide offer for Lot 3 received by Seller in which offer Seller desires to accept. Seller, upon receipt of a bona fide offer and each time any such offer is received shall immediately notify Buyer, in writing, of the full details of the offer including the name and address of the offeror wherein Buyer shall have ten days after receipt of such notice in which to elect to exercise Buyer's prior right to purchase. No sale of or transfer of title to Lot 3 shall be binding on Buyer unless and until the foregoing requirements are fully met;
 - b. Such first right of refusal shall be preemptive and continuing and shall be binding upon Seller and Seller's heir, legal representatives, successors and assigns. The election by Buyer not to purchase the premises shall not terminate or in any way effect the first right of refusal but the same shall thereafter continue unaffected;
 - c. Seller may record the notice given to Buyer. The first right of refusal granted herein shall be deemed void and of no further force and effect unless and until Buyer shall within ten days of the date of the notice given by the Seller to Buyer have recorded Buyer's notice of Buyer's intent to exercise Buyer's right to purchase under the first right of refusal. Buyer shall further be obligated in the event Buyer elects not to purchase to execute and acknowledged document and record the



same with the Skagit County Auditor indicating Buyer's election not to purchase the property in question;

3. In the event the services of an attorney are incurred to enforce any covenant, condition or term of this Agreement, or to procure a non-judicial, an adjudicated, involuntary or voluntary termination of any party's rights hereunder, including an action to collect any payment required hereunder, the parties agree that the non-prevailing party shall pay a reasonable sum as attorney's fees, whether or not suit is commenced, together with all court costs, costs of searching records, and costs of serving any notices required by law. Failure to pay said attorney's fee and costs incurred shall be deemed a substantial breach of this Agreement.

DATED: October 25, 2004.

SELLER:

PORT GARDNER TIMBER CO., INC.

By: Howard E. Dorsey, Sr.

HOWARD E. DORSEY, SR.
President

BUYERS:

Barbara Jo Trask
BARBARA JO TRASK

Ger van den Eng
GER VAN DEN ENGH

STATE OF WASHINGTON)

) SS.

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that HOWARD E. DORSEY, SR., is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument, and acknowledged it as President of PORT GARDNER TIMBER CO., INC., to be the free and voluntary act of each party for the uses and purposes mentioned in the instrument.

DATED: October 25, 2004

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

OCT 29 2004

Amount Paid
Skagit Co Treasurer
By: [Signature]

Printed name: John W. Hicks
Notary Public in and for the State of
Washington, residing at Mount Vernon.
My appointment expires: 07-10-08



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STATE OF WASHINGTON)

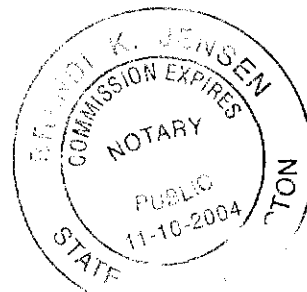
COUNTY OF SKAGIT)

ss.

I certify that I know or have satisfactory evidence that BARBARA J. TRASK and GER VAN DEN ENGH are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 10-27-, 2004.

Brandi K. Jensen
Printed name Brandi K. Jensen
Notary Public in and for the State of
Washington, residing at Mount Vernon
My appointment expires 11-10-04 Lamano Island, WA



PARCEL "A":

THAT PORTION OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 11, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SUBDIVISION; THENCE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 306.85 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUE S 0°37'38"W ALONG THE EAST LINE OF SAID SUBDIVISION, A DISTANCE OF 356.60 FEET, MORE OR LESS, TO THE NORTHERLY LINE OF AN EXISTING PRIVATE ROAD; THENCE N 49°56'35"W ALONG SAID ROAD, A DISTANCE OF 58.38 FEET; THENCE N 37°19'55"W ALONG THE NORTHEASTERLY BOUNDARY OF SAID ROAD, A DISTANCE OF 264.53 FEET TO A POINT ON CURVE ON THE EAST BOUNDARY OF THE CAPE HORN ROAD, FROM WHICH THE RADIUS POINT OF SAID CURVE BEARS N 44°06'37"W; THENCE NORTHEASTERLY ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 439.26 FEET, THROUGH A CENTRAL ANGLE OF 18°09'35", AN ARC DISTANCE OF 139.22 FEET TO A POINT ON CURVE ON THE EAST LINE OF SAID ROAD; THENCE S 88°56'23"E, A DISTANCE OF 125.96 FEET TO THE TRUE POINT OF BEGINNING, ALSO KNOWN AS TRACT "A" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "B":

GOVERNMENT LOT 12, SECTION 12, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M., EXCEPT THAT PORTION LYING WITHIN THE BOUNDARIES OF TRACT "B" OF THAT CERTAIN RECORD OF SURVEY RECORDED FEBRUARY 3, 1975, UNDER AUDITOR'S FILE NO. 813008.

PARCEL "C":

THAT PORTION OF GOVERNMENT LOT 13 IN SAID SECTION 12, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12; THENCE S 88°43'11"E ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE N 28°03'51"W, A DISTANCE OF 136.07 FEET; THENCE N 52°57'19"W, A DISTANCE OF 196.15 FEET; THENCE N 00°25'25"W, A DISTANCE OF 208.99 FEET; THENCE N 37°04'40"W, A DISTANCE OF 134.58 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

PARCEL "D":

THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M.

EXCEPT THE SOUTHWEST 1/4 THEREOF, AND EXCEPT THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; THENCE N 01°07'22"E ALONG THE WEST LINE THEREOF, A DISTANCE OF 458.22 FEET; THENCE S 67°51'29"E, A DISTANCE OF 712.01 FEET TO A POINT ON THE EAST LINE OF SAID SUBDIVISION WHICH IS 205.00 FEET NORTH OF THE SOUTHEAST CORNER THEREOF; THENCE S 00°59'30"W, A DISTANCE OF 205.00 FEET TO THE SOUTHEAST CORNER OF SAID SUBDIVISION; THENCE N 88°43'01"W ALONG THE SOUTH LINE OF SAID SUBDIVISION, A DISTANCE OF 665.10 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

PARCEL "E":

THAT PORTION OF GOVERNMENT LOT 4 IN SECTION 13, TOWNSHIP 35 NORTH, RANGE 7 EAST, W.M. LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 13; THENCE S 88°43'11"E, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 2413.00 FEET TO THE TRUE POINT OF BEGINNING OF THIS LINE DESCRIPTION; THENCE S 28°03'51"E, A DISTANCE OF 33.09 FEET; THENCE S 01°36'21"E, A DISTANCE OF 425.51 FEET; THENCE S 24°23'04"E, A DISTANCE OF 265.29 FEET; THENCE S 04°59'14"E, A DISTANCE OF 116.02 FEET, MORE OR LESS, TO THE SKAGIT RIVER, AND THE TERMINUS OF THIS LINE DESCRIPTION.

EXHIBIT "A"



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