

RETURN TO:

BARBARA JO TRASK
9756 49TH AVENUE NE
SEATTLE, WA 98115



200410290030
Skagit County Auditor

10/29/2004 Page 1 of 6 8:47AM

STATUTORY WARRANTY DEED

LAND TITLE OF SKAGIT COUNTY
LAND TITLE OF SKAGIT COUNTY

Reference # (if applicable) 113363-P

Grantor(s): PORT GARDNER TIMBER COMPANY, INC.
Additional on Page:

Grantee(s): BARBARA JO TRASK
Additional on Page: GERRIT JAN VAN DEN ENGH

Abbreviated Legal Description: LOTS 4-9 ELYSIAN MEADOWS; GOV. LOTS 13-14
Additional on Page: 12-35-7; GOV. LOTS 3-4 13-35-7

Assessor's Tax Parcel ID# P121059, P121060, P121061, P121062,
P121063, P121064, P109565, P42536,
P109566, P42556

THE GRANTOR PORT GARDNER TIMBER COMPANY, INC., successor by merger with
CAVALERO ESTATES, INC., a Washington Corporation

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION

In hand paid, conveys and warrants to BARBARA JO TRASK and GERRIT JAN VAN DEN ENGH, wife
and husband

the following described real estate, situated in the County of SKAGIT State of Washington:
SEE EXHIBIT "A" ATTACHED HERETO AND A PART HEREOF.
SUBJECT TO: SEE EXHIBIT "B" ATTACHED HERETO.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

5851
OCT 29 2004

Amount Paid \$ 15,986.00
Skagit Co. Treasurer
By Deputy

Dated: October 25, 2004

Gerrit Jan van den Engh
Barbara Jo Trask

PORT GARDNER TIMBER COMPANY, INC.
successor by merger with CAVALERO
ESTATES, INC.
Howard Dorsey, Sr.
HOWARD DORSEY, SR. President

NOTARY PAGE

STATE OF WASHINGTON }
 } ss.
County of _____ }

I hereby certify that I know or have satisfactory evidence that _____
is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument and acknowledged it to be (his, her, their) free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: _____

Notary Public in and for the State of Washington

Printed Name _____

Residing at _____
My appointment expires _____

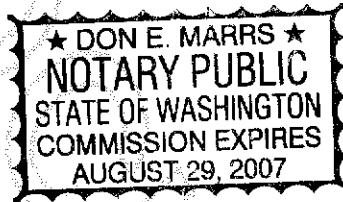
STATE OF WASHINGTON }
 } ss.
County of Snohomish }

I hereby certify that I know or have satisfactory evidence that HOWARD DORSEY, SR.
is the person(s) who appeared before me, and said person(s) acknowledged that (he, she, they) signed this instrument, on oath stated that he is
authorized to execute the instrument and acknowledge it as the President
of PORT GARDNER TIMBER COMPANY, INC. to be the free and voluntary
act of such party for the uses and purposes mentioned in this instrument.

Dated: 10-26-04

Don E Marris
Notary Public in and for the State of Washington

Don E Marris
Printed Name
Residing at Seattle
My appointment expires 8/29/07



200410290030
Skagit County Auditor

EXHIBIT A

PARCEL "A":

Lots 4, 5, 6, 7, 8 and 9, "ELYSIAN MEADOWS," recorded October 7, 2003, under Auditor's File No. 200310070060, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

PARCEL "B":

Government Lot 14 and that portion of Government Lot 13, Section 12, Township 35 North, Range 7 East, W.M., lying Easterly of the following described line:

Beginning at the Southwest corner of said Section 12;
thence South $88^{\circ}43'11''$ East along the South line thereof, a distance of 2,413.00 feet to the point of beginning of this line description;
thence North $28^{\circ}03'51''$ West, a distance of 136.07 feet;
thence North $52^{\circ}57'19''$ West, a distance of 196.15 feet;
thence North $00^{\circ}25'25''$ West, a distance of 208.99 feet;
thence North $37^{\circ}04'40''$ West, a distance of 134.58 feet to the Skagit River and terminus of this line description.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

Government Lot 3 and that portion of Government Lot 4, Section 13, Township 35 North, Range 7 East, W.M., lying Easterly of the following described line:

Beginning at the Northwest corner of said Section 13;
thence South $88^{\circ}43'11''$ East along the North line thereof, a distance of 2,413.00 feet to the point of beginning of this line description;
thence South $28^{\circ}03'51''$ East, a distance of 33.09 feet;
thence South $01^{\circ}36'21''$ East, a distance of 425.51 feet;
thence South $24^{\circ}23'04''$ East, a distance of 265.29 feet;
thence South $04^{\circ}59'14''$ East, a distance of 116.82 feet to the Skagit River and terminus of this line description.

Situate in the County of Skagit, State of Washington.



200410290030
Skagit County Auditor

EXHIBIT B

Schedule "B-1"

113363-P

EXCEPTIONS:

A. EASEMENT FOR ELECTRIC TRANSMISSION LINE, TOGETHER WITH RIGHT OF INGRESS AND EGRESS OVER GRANTORS ADJOINING PROPERTY, AND INCLUDING COVENANTS AGAINST BLASTING WITHOUT NOTICE.

Granted To: Puget Sound Power and Light Company
Dated: November 19, 1953
Recorded: December 2, 1953
Auditor's No.: 495746, Volume 259 of Deeds, page 694
Affects: A strip of land in Government Lot 12 of Section 12, Township 35 North, Range 7 East, W.M., the centerline of which is described as follows:

Beginning at a point on the Section line between Sections 12 and 13, Township 35 North, Range 7 East, W.M., 547.53 feet East of the section corner common to Sections 11, 12, 13 and 14, Township 35 North, Range 7 East, W.M.; thence North 42°31' West to the section line between above mentioned Sections 11 and 12.

B. COVENANTS, CONDITIONS AND RESTRICTIONS, CONTAINED IN DEED:

Recorded: August 8, 1996
Auditor's Nos.: 9608080004 and 9608080003
Executed By: Port Gardner Timber Company, Inc., a Washington corporation, successor by merger with Cavalero Estates, Inc., a Washington corporation

As Follows:

"The above described property will be combined or aggregated with contiguous property owned by the purchaser. This boundary adjustment is not for the purposes of creating an additional building lot."

"NOTE: The land described herein does not constitute a legal lot for building purposes and may be conveyed with the property to which it is being aggregated in the absence of an approved subdivision."

C. Terms and conditions contained in Findings of Fact and Entry of Order No. PL96 0296.ORD as recorded December 23, 1997, under Auditor's File No. 9712230067.

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

E. Any prohibition of or limitation of use, occupancy or improvement of the land resulting from the rights of the public or riparian owners to use any portion which is now, or has formerly been, covered by water.

F. Right of the State of Washington to that portion of the subject property, if any, lying in the bed of or the former bed of the Skagit River.

G. NON-EXCLUSIVE EASEMENT AND MAINTENANCE DECLARATION AND THE TERMS AND CONDITIONS THEREOF:

Grantor: Port Gardner Timber
Recorded: October 7, 2003
Auditor's No.: 200310070057
(copy attached)

H. PROTECTED CREDIT AREA AGREEMENT AND THE TERMS AND CONDITIONS THEREOF

Between: Port Gardner Timber
And: Skagit County
Recorded: October 7, 2003
Auditor's No.: 200310070058

I. TERMS AND CONDITIONS OF STORMWATER OPERATION AND MAINTENANCE MANUAL:

Grantor: Port Gardner Timber
Recorded: October 7, 2003
Auditor's No.: 200310070059



200410290030
Skagit County Auditor

EXHIBIT B

J. DECLARATION OF RESTRICTIONS AND PROTECTIVE COVENANTS AND THE TERMS AND CONDITIONS THEREOF:

Executed By: Port Gardner Timber Co. Inc.
Dated: January 15, 2004
Recorded: January 15, 2004
Auditor's No.: 200401150092

- K. Right of the public to make necessary slopes for cuts or fills upon property herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.

L. UTILITY EASEMENT NOTE:

"An easement is hereby reserved for and granted to Puget Sound Energy, Verizon Northwest, Millennium Digital Media Cable TV, and their respective successors and assigns under and upon the private street(s), if any, and the exterior ten (10) feet of all lots, tracts and spaces within the plat lying parallel with and adjoining all street(s) in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables and wires with necessary or convenient underground or ground mounted appurtenances thereof for the purpose of serving this subdivision and other property with electric, telephone and other utility service. Together with the right to enter upon the streets, lots, tracts and spaces at all times for the purposes herein stated."

DRAINAGE EASEMENT NOTE:

"The drainage facilities are designated and constructed to accommodate roadway stormwater runoff from the Plat of Elysian Meadows. The Homeowners Association for Elysian Meadows shall maintain, repair, replace and otherwise manage the stormwater drainage facilities in Elysian Lane, (corporate road, Tract J), and in specified drainage easements, in accordance with the operation and maintenance manual submitted to and approved by Skagit County, and otherwise in accordance with the standards of Skagit County. If at any time Skagit County reasonably determines that maintenance or repair work is required to be done to the stormwater drainage facilities, the director of the Department of Public Works shall give fourteen days notice to the Homeowners Association that the County intends to perform such maintenance or repairs, or to have them performed by others.

If at any time Skagit County reasonably determines that any existing stormwater drainage facilities pose a hazard to life and limb, or endangers property, or adversely affects the safety and operations of a public way, and that the situation is so adverse as to preclude written notice, the director of the Department of Public Works may take measures reasonably necessary to eliminate the hazardous situation, provide the director has made a reasonable effort to contact the Homeowners Association before acting. The Homeowners Association will assume responsibility for the cost of any maintenance or repair under this section; and will reimburse the County within thirty days of receipt of an invoice.

M. Notes shown on plat, as follows:

- 1.) Basis-of-bearings – Assumed South 01°07'22" West on the West line of the Northwest ¼ of Section 13;
- 2.) Zoning is Rural – Eastern Dist. Comprehensive plan designation is rural open space.
- 3.) 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.
- 4.) This survey was accomplished by field traverse using: 3 second or better digital electronic total station, and meets or exceeds the standards contained in WAC 332-130-090.
- 5.) Sewer – Individual on site sewage disposal systems.
- 6.) Change in location of access, may necessitate a change of address, contact Skagit County Planning and Permit Center.
- 7.) 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.



200410290030

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EXHIBIT B

8.) This property may also be encumbered by easements or reservations contained in documents filed in A.F. #495748; A.F. #9605150066; A.F. #9605150067; A.F. #9608080004; A.F. #9712230067; A.F. #200212120095; A.F. #200212120096."

9.) See operation and maintenance manual for the Elysian Meadows stormwater drainage system, filed in A.F. #200310070059.

10.) See Road Maintenance Agreement filed under A.F. #200310070057.

11.) See Protected Critical Areas Agreement filed under A.F. #200310070058.

12.) Plat name, number, and date of approval shall be included in all deeds and contracts.

M. (continued):

13.) See variance allowing private road, PL960296.ORD, approved December 23, 1997.

14.) The internal plat road dividing Lots 1, 2, 3, 4 and 7 does not create additional residential building sites. There shall be only one primary residence per lot.

15.) Buyers should be aware that portion of this subdivision is located in the floodplain and portions of some lots are located in a designated floodway. There shall be no construction in designated floodways except as permitted by Chapter 14.34 of the Skagit County Code, and residential construction in the floodplain may require significant elevation of the first living floor.

16.) The driveway to Lots 6 & 9 will need to meet Skagit County driveway standards prior to issuance of building permit for these lots.

17.) All of the lots are within shoreline jurisdiction of the Skagit River. Any development within 200 feet of the ordinary high water mark of the Skagit River shall comply with the Skagit County Shoreline Master Program.

N. EASEMENT SHOWN ON PLAT:

For:	Access and utilities
Affects:	As shown thereon



200410290030
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