



200412070083
Skagit County Auditor

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AFTER RECORDING MAIL TO:
Jeffrey E. Feld and Priscilla Feld
23307 Calvary Way
Mount Vernon, WA 98273

Filed for Record at Request of
Land Title Company of Skagit
Escrow Number: 114419-SE

LAND TITLE OF SKAGIT COUNTY

Statutory Warranty Deed

Grantor(s): Brothers Custom Homes, Inc.
Grantee(s): Jeffrey E. Feld and Priscilla Feld
Abbreviated Legal: a ptn of Lots 1 & 2, SP PL03-0174 & a ptn of Lot 1, SP PL03-0533 in 24-34-4 E W.M.
Additional legal(s) on page: 2
Assessor's Tax Parcel Number(s): 340424-3-006-0200, P121035

THE GRANTOR BROTHERS CUSTOM HOMES, INC., a Washington Corporation for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to JEFFREY E. FELD and PRISCILLA FELD, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

SEE ATTACHED EXHIBIT "A" HERETO FOR LEGAL DESCRIPTION

6551
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Subject to: Schedule "B-1" attached hereto and made a part thereof.

Dated November 24, 2004

DEC 07 2004
8188⁰⁰
Amount Paid \$
By Skagit Co. Treasurer Deputy

Brothers Custom Homes, Inc.

By: Hugh Schmidt, President

By: Jean Schmidt, Secretary

STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence Hugh Schmidt and Jean Schmidt
are the persons who appeared before
me, and said persons acknowledged that they signed this instrument, on oath stated They are
authorized to execute the instrument and are President & Secretary
of Brothers Custom Homes, Inc.
to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated:

December 2, 2004

Carrie Huffer
Notary Public in and for the State of Washington
Residing at Burlington
My appointment expires: 12/31/2007

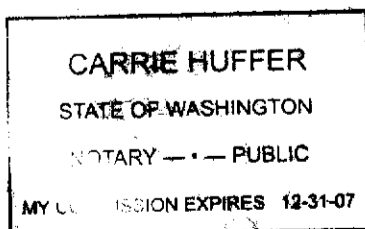


EXHIBIT A

Lot 2 of Short Plat No. PL03-0174 recorded October 30, 2003, under Skagit County Auditor's File No. 200310300121, being a portion of Tract 6 of that certain Survey entitled, "THE UPLANDS", being a portion of Sections 24 and 25, Township 34 North, Range 4 East, W.M., and Section 30, Township 34 North, Range 5 East, W.M.

EXCEPT that portion of Lot 2, Short Plat No. PL03-0174, recorded under Auditor's File No. 200310300121, records of Skagit County, Washington, described as follows:

Beginning at the Northeasterly corner of said Lot 2;
thence South $64^{\circ}31'10''$ West, along the Northerly line of said Lot 2 a distance of 313.61 feet;
thence South $11^{\circ}56'15''$ East a distance of 192.85 feet;
thence South $03^{\circ}27'25''$ West a distance of 114.68 feet to the true point of beginning;
thence South $12^{\circ}12'55''$ West a distance of 160.51 feet to the Westerly line of said Lot 2;
thence North $31^{\circ}51'17''$ West, along said Westerly line a distance of 171.31 feet;
thence North $84^{\circ}46'45''$ East a distance of 124.89 feet to the true point of beginning.

TOGETHER WITH that portion of Lot 1, Short Plat No. PL 03-0533, recorded under Auditor's File No. 200310300119, records of Skagit County, Washington, described as follows:

Beginning at the Southeasterly corner of said Lot 1;
thence North $25^{\circ}28'50''$ West, along the Easterly line of said Lot 1 a distance of 130.00 feet;
thence South $15^{\circ}00'42''$ West a distance of 111.68 feet;
thence along a curve to the right, having a radius of 100.00 feet which bears North $74^{\circ}59'18''$ West, through a central angle of $49^{\circ}30'28''$, an arc distance of 86.41 feet;
thence parallel with the South line of said Lot 1, South $64^{\circ}31'10''$ West a distance of 162.63 feet;
thence South $11^{\circ}56'15''$ East a distance of 10.29 feet to the Southerly line of said Lot 1;
thence North $64^{\circ}31'10''$ East, along said Southerly line, a distance of 313.61 feet to the point of beginning.

TOGETHER WITH those certain easements delineated on the face of said Survey and as reserved and/or dedicated by instrument recorded under Auditor's File Nos. 8002040045 and 8212100052, EXCEPT those portions of Tracts 1, 4 and 13 deeded to Skagit County for road purposes by instruments recorded under Auditor's File Nos. 8610160006 through 8610160010, 8610160011 through 8610160015, and 8610230021 through 8610230025, respectively.

TOGETHER WITH an easement for ingress, egress, drainage and utilities as described within that instrument recorded July 10, 1991, under Skagit County Auditor's File No. 9107100121.

Situate in the County of Skagit, State of Washington.



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EXCEPTIONS:

A. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Telephone Lines
In Favor Of: Skagit Valley Telephone Company
Recorded: September 21, 1967
Auditor's No.: 704645
Affects: Southeast ¼ of Section 25, Township 34 North, Range 4 East,
W.M. and West ½ of Section 30, Township 34, Range 5

B. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Purpose: Right to enter said premises to operate, maintain and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Area Affected: A 30 foot wide strip of land affecting a portion of subject property
Dated: June 14, 1950
Recorded: June 28, 1950
Auditor's No.: 447615

C. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Purpose: Right to enter said premises to operate, maintain and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Area Affected: A 30 foot wide strip of land affecting a portion of subject property
Dated: July 5, 1950
Recorded: July 20, 1950
Auditor's No.: 448497

D. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

For: Ingress, egress, drainage and utilities
In Favor Of: Present and future owners
Recorded: December 10, 1982
Auditor's No.: 8212100052
Affects: A 60 foot wide strip of land



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EXCEPTIONS CONTINUED:

E. DECLARATION OF EASEMENTS, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Recorded: July 10, 1991 and January 31, 2003
Auditor's Nos.: 9107100121 and 200301310168
Purpose: Ingress, egress, drainage and utilities
Area Affected: Over, under, through and across and upon Tracts 1, 4, 5, 6, 7, 10, 11 and 13

F. TITLE NOTIFICATION THAT THE SUBJECT PROPERTY IS PROPERTY ADJACENT TO DESIGNATED NATURAL RESOURCE LANDS BY SKAGIT COUNTY:

Executed By: Gary Lohman
Recorded: April 28, 2003
Auditor's No.: 200304280225

Reference is hereby made to the record for the full particulars of said notification. However, said notification may have changed or may in the future change without recorded notice.

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

Short Plat No.: PL03-0174
Recorded: October 30, 2003
Auditor's No.: 200310300121

Said matters include but are not limited to the following:

- 1.) Short Plat Number and date of approval shall be included in all deeds and contracts.
- 2.) All maintenance and construction of roads shall be the responsibility of the homeowners. See Maintenance Agreements filed under AF#8002040045, AF#8212100052, AF#9006280053, AF#9107100121, AF#200301310168 and AF#200310300117.
- 3.) Sewer – Alternative systems are proposed for this Short Plat which may have special design, construction, and maintenance requirements. See Health Officer for details.
- 4.) 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.
- 5.) Change in location of access, may necessitate a change of address, contact Skagit County Planning and Permit Center.
- 6.) 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.



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EXCEPTIONS CONTINUED:

G. (continued):

7.)

a.) The water well(s) for my property will be allowed for interim use with the condition that the property shall be subject to mandatory participation in a local water service to my property and I hereby agree not to protest the LUD or Special Improvement District.

b.) To decommission my well(s) in accordance with applicable State and County regulations and to connect all fixtures to the Public Water System as soon as it becomes available. The interim well shall be limited to 400 gallons per day per connection unless I can demonstrate compliance with SCC 14.24.350(5)©.

c.) No lawn watering will be performed from June 1 to September 30. This condition shall remain in effect until the well is abandoned in accordance with Chapter 173-160WAC and the property is connected to an approved Public Water Supply or a Hydrogeologist confirms that the water source is from a confined aquifer and there is no continuity with a low-flow stream. (Skagit County recommends landscaping with native vegetation as much as possible.)

8.) All runoff from the addition of impervious surfaces and roof drains shall be directed so as not to adversely effect adjacent properties.

9.) In no case shall the county accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current county road system have been brought up to full county road standards and right of way deed has been transferred to and accepted by the county.

10.) This parcel lies within an area or within 500 feet of area designated as a Natural Resource Land (agriculture, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established Natural Resource Management Operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with best management practices and local, state and federal law. In the case of mineral lands, application *might to made* for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals, in addition, greater setbacks than typical may be required from the source area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Permit Center for details.

11.) Tract A (Part of Lot 1) – Fish and Wildlife Habitat Area – Type 4 water with 50 foot buffer; Fish and Wildlife Habitat Area – Type 3 water with 100 foot buffer and category III wetland with 50 foot buffer, 7.52 acres.

12.) Tract B (Part of Lot 1) – Category III Wetland with 25 foot buffer after buffer averaging with Tract A, 0.40 acres.

13.) Tract C (Part of Lot 1) – Geological Hazardous Area – steep slopes with 30 foot buffer, 0.03 acres.



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EXCEPTIONS CONTINUED:

G. (continued):

14.) Tract D (Part of Lot 2) – Geological Hazardous Area – steep slopes with 30 foot buffer, 0.10 acres.

15.) Tract E (Part of Lot 2) – Category III Wetland with 50 foot buffer and Geological Hazardous Area – Steep slopes with 30 foot buffer, 5.34 acres.

16.) Minimum setback requirements, as delineated.

17.) Access locations.

18.) Location of Protected Critical Area boundary, limits of Wetlands, Drainage way/creek, Top of slope, existing fence line.

iii.) The total impervious surface of the property is less than and shall remain less than 5% of the total lot area, unless the proposed development/project provides mitigation that will collect runoff from the proposed development/project, will treat that runoff, if necessary to protect groundwater quality and discharge that collected runoff into a groundwater infiltration system on site.

iv.) No lawn watering will be performed from June 1 to September 30. This condition shall remain in effect until the well is abandoned in accordance with Chapter 173-160WAC and the property is connected to an approved Public Water Supply or a Hydrogeologist confirms that the water source is from a confined aquifer and there is no continuity with a low-flow stream. (Skagit County recommends landscaping with native vegetation as much as possible.)

8.) All runoff from the addition of impervious surfaces and roof drains shall be directed so as not to adversely effect adjacent properties.

9.) In no case shall the county accept a dedication or any obligation as to any such road, street, and/or alley until the same and all roads, streets, and/or alleys connecting the same to the full, current county road system have been brought up to full county standards and right of way deed has been transferred to and accepted by the county.

10.) This parcel lies within an area or within 500 feet of area designated as a Natural Resource Land (agriculture, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of natural resource land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting, or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established Natural Resource Management Operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences, or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with best management practices and local, state and federal law. In the case of mineral lands, application might to made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals, in addition, greater setbacks than typical may be required from the source area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Permit Center for details.



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Schedule "B-1"

114419-SE

EXCEPTIONS CONTINUED:

G. (continued):

11.) Access locations.

12.) Well protection zones.

13.) Delineation, description and designation of protected critical areas (boundaries), wetlands, geological hazard areas and/or fish & wildlife habitat areas.

H. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Gary Lohman and Gail Lohman, their successors and/or assigns
Purpose: For utilities and water lines
Area Affected: A 30 foot wide non-exclusive easement lying South of, adjacent to and contiguous with the following described line: Beginning at the Northwest corner of Lot 1, Short Plat No. PL00-0286 recorded under Auditor's File No. 200104130124, said point being on the East line of Short Plat No. PL03-0174; thence Southwesterly on the projection of the Northwesterly line of Lot 1 of said Short Plat No. PL00-0286, a distance of 54 feet, more or less, to the Easterly line of Calvary Way in said Short Plat No. PL03-0174 and the terminal point of this line description.
Dated: December 17, 2003
Recorded: December 24, 2003
Auditor's No.: 200312240007

I. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Gary Lohman and Gail Lohman, their successors and/or assigns
Purpose: For utilities
Area Affected: A 15 foot wide strip of land lying Southerly of, adjacent to and contiguous with the Southerly line of Tract C in Lot 1, Short Plat No. PL03-0174 recorded under Auditor's File No. 200310300121 and extending from the Northerly line of Calvary Way to the Northeasterly line of said Lot 1.
Dated: December 17, 2003
Recorded: December 24, 2003
Auditor's No.: 200312240008

J. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Gary Lohman
Recorded: October 30, 2003
Auditor's No.: 200310300120

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.



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EXCEPTIONS CONTINUED:

K. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Gary L. Lohman and Gail Lohman
Purpose and Area Affected: Ingress, egress and emergency vehicle turn around in Tract 5 "Uplands"
Dated: July 30, 2003
Recorded: August 7, 2003
Auditor's No.: 200308070124

L. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Gary L. Lohman and Gail Lohman
Purpose and Area Affected: Well Protection Zone Easement in Tract 5 "Uplands"
Dated: July 30, 2003
Recorded: August 7, 2003
Auditor's No.: 200308070125

M. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF

Between: Gary Lohman and Gail Lohman
And: Owners and future owners Lots 1 and 2 of Short Plat PL03-0533 and owners and future owners Lots 1 and 2 of Short Plat PL-03-0174
Dated: October 30, 2003
Recorded: October 30, 2003
Auditor's No.: 200310300117
Regarding: Road Maintenance Agreement

N. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Gary Lohman
Recorded: April 5, 2004 and May 7, 2004
Auditor's Nos.: 200404050207 and 200405070036
Regarding: Aerobic Treatment Unit Service Agreement

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.

O. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Gary Lohman and Gail Lohman
Recorded: October 30, 2003
Auditor's No.: 200310300118

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.



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EXCEPTIONS CONTINUED:

P. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING SHORT PLAT:

Short Plat No.: PL-03-0533
Recorded: October 30, 2003
Auditor's No.: 200310300119

Said matters include but are not limited to the following:

- 1.) Short Plat Number and date of approval shall be included in all deeds and contracts.
- 2.) All maintenance and construction of roads shall be the responsibility of the homeowners. See Maintenance Agreements filed under AF#8002040045, AF#8212100052, AF#9006280053, AF#9107100121, AF#200301310168 and AF#200310300117.
- 3.) Sewer – Alternative systems are proposed for this Short Plat which may have special design, construction, and maintenance requirements. See Health Officer for details.
- 4.) 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.
- 5.) Change in location of access, may necessitate a change of address, contact Skagit County Planning and Permit Center.
- 6.) 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 excising well improvement or replacement.
- 7.)
 - i.) The water well(s) for my property will be allowed for interim use with the condition that the property shall be subject to mandatory participation in a local water service to my property and I hereby agree not to protest the LUD or Special Improvement District.
 - ii.) To decommission my well(s) in accordance with applicable State and County regulations and to connect all fixtures to the Public Water System as soon as it becomes available. The interim well shall be limited to 400 gallons per day per connection unless I can demonstrate compliance with SCC 14.24.350(5)©.

Q. RESERVATION CONTAINED IN INSTRUMENT:

Executed By: Gary and Gail Lohman
Recorded: May 3, 2004
Auditor's No.: 200405030221
As Follows: The above described property will be combined or aggregated with contiguous property owned by the grantee.

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EXCEPTIONS CONTINUED:

R. WELL EASEMENT COVENANT -

As follows:

"The owner of Lot 1 on Short Plat PL03-0533, recorded under Auditor's File No. 200310300119, Skagit County, Washington, herein known as the Grantor agree and covenant that said Grantor, his heirs, successors and assigns will not construct, maintain or suffer to be constructed or maintained upon said land of the Grantor and within 100 feet of the well, either in place or to be built, so long as the same is operated to furnish water for said Lot 1, any of the following: cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind of description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides or insecticides.

These covenants shall run with the land and shall be binding on all parties having or acquiring any right, title or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof."

S. TERMS AND CONDITIONS OF TRD1000 MAINTENANCE AGREEMENT CONTRACT:

Recorded:
Auditor's No.:

August 20, 2004
200408200048


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