

AFTER RECORDING MAIL TO:  
Brad Rzechula, Managing Member  
1176 Pleasant View Street  
Camano Island, WA 98282

Filed for Record at Request of  
First American Title Of Skagit County  
Escrow Number: B83114

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Skagit County Auditor  
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## Statutory Warranty Deed

FIRST AMERICAN TITLE CO.

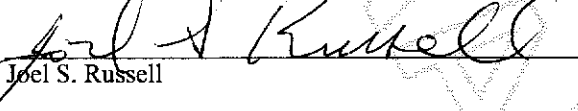
Assessor's Tax Parcel Number(s): 4821-000-075-0000, P120755

B83114E

THE GRANTOR JOEL S. RUSSELL, as his separate estate 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 Talcon Inc., a Washington corporation the following described real estate, situated in the County of Skagit, State of Washington.

Lot 75, "NOOKACHAMP HILLS PUD, PHASE IIA", as per Plat recorded September 15, 2003 under Skagit County Auditor's File No. 200309150157.  
Subject to covenants, conditions, restrictions and easements as per attached Exhibit "A".

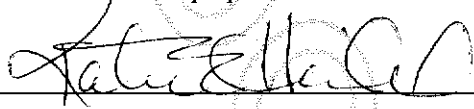
Dated: Dec. 2, 2004

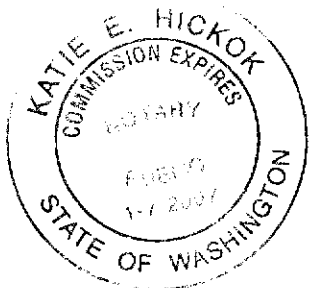
  
Joel S. Russell

STATE OF Washington }  
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Joel S. Russell, 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.

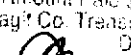
Date: 12-2-04

  
Notary Public in and for the State of Washington  
Residing at Millen  
My appointment expires: 1-7-07



# 6614  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 09 2004

Amount Paid \$ 1468.50  
By  Deputy

**Exceptions:**

**A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:**

Grantee: Skagit Valley Telephone Company  
Dated: Undisclosed  
Recorded: September 21, 1967  
Auditor's No: 704645  
Purpose: Telephone lines  
Area Affected: Southeast 1/4 of Section 25, Township 34 North, Range 4 East, W.M., and West 1/2 of Section 30, Township 34 North, Range 5 East, W.M.

**B. 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 of the following described property:

Portions of Sections 13, 19, 24, 25, 30, 31 and 36, of Township 34 North, Range 4 East, W.M.,

Recorded: December 10, 1982  
Auditor's No.: 8212100052  
Affects: Otter Pond Drive, Tract "A", and other property

**C. Matters related to annexing a portion of the subject property into Skagit County Sewer District No. 2, as disclosed by document recorded under Auditor's File Nos. 8412050001 and 8411280007.**

**D. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:**

Grantee: Public Utility District No. 1 of Skagit County, Washington  
Dated: June 8, 1990  
Recorded: September 13, 1990  
Auditor's No: 9009130081  
Purpose: Water pipe lines, etc.  
Area Affected: Trout Drive; Access Road; Lot 59 and Tract "C"

**E. Matters relating to the possible formation of an association for the common areas of the Otter Pond and Association for horse arena and stable areas as disclosed by document recorded under Auditor's File No. 8310310059.**

**F. Terms and conditions of Developer Extension Agreements between Skagit County Sewer District No. 2, and Nookachamp Hills L.L.C., recorded August 15, 2002 under Auditor's File No. 200208150099.**

(Affects Phase I and a Westerly portion of the subject property).



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G. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.  
Dated: April 1, 2003  
Recorded: April 7, 2003  
Auditor's No: 200304070122  
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . "

Area Affected:

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void.)

Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

H. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.  
Dated: July 3, 2003  
Recorded: July 15, 2003  
Auditor's No: 200307150203  
Purpose: "...utility systems for purposes of transmission, distribution and sale of gas and electricity..."

Area Affected:

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed with the above described property. (When said streets and roads are dedicated to the public, this clause shall become null and void).


Easement No. 2: A strip of land 15 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

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

Short Plat No.: Nookachamp Hills PUD Phase IIA  
Recorded: September 15, 2003  
Auditor's No: 200309150157

Said matters include but are not limited to the following:

1. "...the right to make all necessary slopes for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such roadways shown herein. We also hereby dedicate Tracts "E" and "F" to the Nookachamp Hills PUD Property Owners Association."

  
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2. An easement is hereby reserved for and granted to Skagit County, Skagit County Public Utility District No. 1, Skagit County Sewer District No. 2, Puget Sound Energy, GTE, Cascade Natural Gas Corporation and Lake Cable Service and their respective successors and assigns under and upon the exterior 15 feet of all lots and tracts abutting all public roads and rights-of-way as shown hereon in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the subdivision, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it caused to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

3. Easements for the purpose of conveying local storm water runoff and sanitary sewer are hereby granted in favor of all abutting private lot owners in all areas designated as private drainage or private sewer easements. The maintenance of private easements established and granted herein shall be the responsibility of and the costs thereof shall be borne equally by the present and future owners of the abutting private lot owners and their heirs, owners, personal representatives and assigns.

Skagit Sewer District No. 2 is hereby granted an easement in all areas designated as private sewer easements.

Skagit County is hereby granted the right to enter said easements for emergency purposes at its own discretion.

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. Sewage Disposal - Skagit County Sewer District No. 2  
Water- Skagit County PUD  
Power - Puget Sound Energy  
Telephone - GTE  
Gas - Cascade Natural Gas  
Cable - Lake Cable Service

7. The purchaser or seller of each lot shall deposit \$350.00 into the Skagit County Impact Fund in the Skagit County Treasurer's Office at the time of closing of said sale. This is a one time fee to mitigate impacts on parks and recreation.

8. This survey has depicted existing fence lines and other occupational indicators in accordance with W.A.C. CH. 332.130. These occupational indicators may indicate a potential for claims of unwritten title ownership. The legal resolution of ownership based upon unwritten title claims has not been resolved by this boundary survey.

9. The owners hereby amend the Declaration of Covenants, Conditions and Restrictions as recorded under AFN 9811020155 to include Lots 60 to 111, inclusive, as shown hereon. This plat of Phase IIA is meant to create an addendum to the CCR's as recorded under AFN 9811020155 without recording a separate document.



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10. The Plat of Nookachamp Hills Planned Unit Development Phase IIA is adjacent to property used for agricultural operations. Owners may be subject to inconveniences or discomforts arising from such operation, including but not limited to noise, odors, flies, fumes, dust, the operation of machinery of any kind during any 24 hour period, including aircraft. The storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides and will not be considered to be a nuisance of such operations are consistent with commonly accepted best management practices and complies with local, state and federal laws.

11. Tract "E" is designated for open space and detention pond. The ownership and maintenance of said Tract is further defined in the CCR's as referenced under Note 9 above. Tract "F" is designated as an open space/buffer area.

12. The 20 foot access easement as shown on Sheet 2 of 3 at the end of Kamloop Court is for pedestrian traffic only for the benefit of all lots within this plat and the Plat of Nookachamp Hills PUD Phase 1, the maintenance and ownership of said 20' is further defined in the CCR's as referenced under Note 9 above.

13. Setbacks: Front - 35', 25' on minor access and dead end streets  
Side - 8' on interior lot  
Rear - 25'

Accessory - Front 35'. Side 8'. However, a 3' setback is permitted when the accessory building is a minimum of 75' from the front property line providing that the structure is less than 1,000 sq. ft. in size and 16' or less in height.

14. The Homeowner's Association is responsible for the maintenance of the storm water system. Skagit County Public Works has on file the "Storm Water System Maintenance Plan for Nookachamp Hills Plat, Phase II" which outlines said maintenance.

15. Proposed access points as shown for each lot.

16. Private drainage easement affecting Lots 63, 64, 65, 75, 79-82, 88, 101-111.

17. Private sewer easement affecting Lots 60-64, 68, 69, 71, 77, 78, 88, 92, 101 and 105.

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

Dated: October 13, 1998  
Recorded: November 2, 1998  
Auditor's No: 9811020155  
Executed By: Nookachamp Hills, LLC

Said covenants were amended to add Phase IIA by Plat recorded under Auditor's File No. 200309150157.

A change of address for Nookachamp Hills PUD Homeowner's Association was recorded April 28, 2004 under Auditor's File No. 200404280064.



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**K. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:**

Between: Skagit County Sewer District No. 2  
And: Dan Mitzel / Nookachamp Hills Phase 2A  
Dated: December 3, 2003  
Recorded: February 12, 2004  
Auditor's No: 200402120196  
Regarding: Construction of a sewage collection system on property

L. Declaration of Nookachamp Hills Planned Unit Development (Homeowners Association), recorded April 28, 2004, under Skagit County Auditor's File No. 200404280064, providing change of address information for purposes of notice, as follows:

Nookachamp Hills Homeowners Association  
c/o Mitzel & Associates, LLC  
1369 Pacific Drive  
Burlington, WA 98233

Telephone: (360) 404-2050

Fax: (360) 404-2055

M. Easement and Agreement, dated November 26, 2003, recorded February 12, 2004 under Skagit County Auditor's File No. 200402120195, terms and provisions therein:

Party (1<sup>st</sup>): Skagit County Sewer District No. 2  
Party (2<sup>nd</sup>): Nookachamp Hills LLC



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