

AFTER RECORDING MAIL TO:  
Roy E. Smith, Jr. and Shandi J. Smith  
23925 Swede Creek Lane  
Sedro Woolley, WA 98284



200412300025  
Skagit County Auditor

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Filed for Record at Request of  
Land Title Company of Skagit  
Escrow Number: 114401-SE

LAND TITLE OF SKAGIT COUNTY

### Statutory Warranty Deed

Grantor(s): Theo Investments, L.L.C.  
Grantee(s): Roy E. Smith, Jr. and Shandi J. Smith  
Abbreviated Legal: Lot 3, Skagit Sunset Div. No. 1  
Assessor's Tax Parcel Number(s): 4653-000-003-0000, P108077

THE GRANTOR THEO INVESTMENTS, L.L.C., a Washington limited liability company for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to ROY E. SMITH, JR. and SHANDI J. SMITH, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Lot 3, "PLAT OF SKAGIT SUNSET DIV. NO. 1," as per plat recorded in Volume 16 of Plats, pages 49 and 50, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

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

Dated December 16, 2004

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

#6983  
DEC 30 2004

Amount Paid \$ 1335.00  
Skagit Co. Treasurer  
By [Signature] Deputy

Theo Investments, L.L.C.

By: George J. Theodoratus  
By: George J. Theodoratus, Manager

By: Lois Theodoratus  
By: Lois Theodoratus, Manager

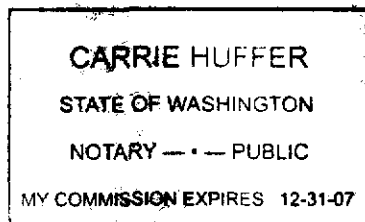
STATE OF Washington }  
County of Skagit } SS:

I certify that I know or have satisfactory evidence George J. Theodoratus & Lois Theodoratus 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 Managers of Theo Investments, L.L.C.

to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: Dec. 28, 2004

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



**Schedule "B-1"**

**114401-SE**

**EXCEPTIONS:**

**A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: Easement No. 1: All streets and road right of ways 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 spaces located within the above described property being parallel to and coincident with the boundaries of all private, public street and road rights of ways.  
Dated: Not disclosed  
Recorded: October 7, 1993  
Auditor's No.: 9310070104

**B. Dedication provisions contained on the face of the plat, as follows:**

"...the right to have all necessary slopes for cuts and fills and the right to continue to drain said roads and ways over and across any lot where water might take a natural course in the reasonable original grading of the roads and ways hereon. Following reasonable original grading of the roads and ways hereon, no drainage water on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road rights of ways, or to hamper proper road drainage. Any enclosing of drainage water in culverts or drains, or re-routing thereof across any lots as may be undertaken by or for the owner of any lots, shall be done by and at the expense of said owner."

**C. Easement provisions contained on the face of the plat, as follows:**

"An easement is hereby reserved for and granted to Puget Sound Power & Light Company, T.V. & VCR Utilities, G.T.E. Telephone Company, and Skagit County Water District No. 1, and their respective successors and assigns under and upon the exterior seven feet parallel and adjacent to the street frontage of all lots in which to install, lay, construct, review, operate and maintain underground conduits, cables and wires with necessary facilities and other equipment for the purposes of serving the subdivision and other property with electric, telephone and water service. Together with the right to enter upon lots at all times for the purposes stated."

**D. Notes contained on the face of the plat, as follows:**

1. Areas of Lots 5 through 12, inclusive Var. by meander of the Skagit River.
2. Zoning - Residential reserve;
3. Each lot will be served by individual sewage disposal system;
4. Water provided by Skagit County Water District No. 1;



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**Schedule "B-1"**

**114401-SE**

**EXCEPTIONS CONTINUED:**

**D. (continued):**

5. Portions of Lots 5 through 12 be located within the floodplain and floodway of the Skagit River;
  6. No residential development shall occur South of the variable width suffer 1 setback line shown hereon across Lots 5 through 12 with the exception that decks and similar resident appurtenant structures not to exceed 2 feet in height above average grade level shall be allowed within the area lying between the setback line and top of bank building on lots 5 through 12 will be allowed at any place on or North of that line without further shoreline setback requirements being imposed.
  7. From the variable setback line to the top of the bank ornamental vegetation shall not exceed 2 feet in height. All vegetation shall be maintained to preserve views from the top of the bank to the river. No non-native vegetation shall be planted nor native vegetation removed except to preserve views, control brush and remove dangerous trees. No structure development shall be allowed on or below the bank.
  8. Within the area lying 200 feet landward of the ordinary high water mark. No trees shall be removed other than for access to and siting of structures, including fire protection buffers or to remove dangerous trees. Prior to site clearing all trees to be removed shall be identified by the owner and approved prior to cutting by Skagit County Planning Department. All other trees and orig lines shall be protected from damage by equipment and/or vehicles.
  9. The placement or structural defense and/or flood protection works shall be allowed only under emergency conditions as authorized by the Skagit County Flood Control Engineer.
  10. The operation of heavy equipment shall be restricted during the period of November 15 through April 1 annually.
- (Notes 6 through 10 derived from August 12, 1992, Skagit County Commissioners Resolution No. 14442.)

**E. COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND PROVISION FOR LEVY OF ASSESSMENTS CONTAINED IN DECLARATION:**

Recorded: June 8, 1995  
Auditor's No.: 9506080040

**F. EASEMENT AND TERMS AND CONDITIONS THEREOF:**

Disclosed By: Plat of said addition  
Purpose: Buffer building setback line  
Area Affected: As shown

- G. Any change in the boundary of legal description of the real property, or title to the estate insured, that may arise due to shifting and changing in course of the Skagit River.
- H. 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.



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Schedule "B-1"

114401-SE

EXCEPTIONS CONTINUED:

I. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: George J. Theodoratus and Lois M. Theodoratus, husband and wife  
Purpose: For transportation of lawn mowers and other equipment that may be used for maintenance, and or other construction on the lower lot area and the river bank area on this lot and adjacent lots. The seller or their assigns will have the option to do maintenance work on the lower lot area but they will not have the responsibility to do any of said work. It will be the buyers responsibility to maintain the lower lot area of his lot. Title to said easement will be transferred to a lot owner maintenance association if one is formed by the lot owners after more lots are sold.  
Area Affected: A 15 foot non-exclusive easement from the Easterly lot line to the Westerly lot line over the existing dir ramp and a non-exclusive easement over the lower lot area between the top of the bank and the Skagit River side channel.  
Dated: December 30, 1997  
Recorded: December 31, 1997  
Auditor's No.: 9712310071



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