

AFTER RECORDING RETURN TO:

Name _____

Address _____

City, State, Zip _____



200504290131

Skagit County Auditor

4/29/2005 Page 1 of 9 12:39PM

CHICAGO TITLE CO.

ACCOMMODATION RECORDING

Declaration of Easements with Provisions for Maintenance

The parties to this declaration, hereafter referred to as the "declarants", are RICHARD CLAYTON and SUSAN A. CLAYTON, husband and wife.

The above named declarants are owners of the following described real property located in Skagit County, Washington:

For legal description, see "Exhibit I", by this reference made a part hereof.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Situate in the County of Skagit, State of Washington.

Tax Account Nos. 3862-000-060-0105/P62074
340436-0-093-0002/P29994

APR 29 2005

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

The declarants desire to create certain easements described below and to subject the above referenced property to easements, restrictions and covenants set forth herein for to protect the value and desirability of the property.

THEREFORE, to accomplish the foregoing purposes, the declarants declare that the property shall be held, conveyed, hypothecated, encumbered, leased, rented, used occupied and improved subject to the following easements, covenants and restrictions, which shall run with the land and be a burden upon and benefit to the declarant and to any other person, firm, corporation or entity of any kind whatsoever acquiring or owning an interest in the property, or any part thereof, and their lessees, guests, heirs, executors, personal, representatives, heirs and assigns.

1. DECLARATION OF EASEMENT FOR ACCESS AND UTILITIES

The Declarants hereby declare, grant, convey and reserve unto themselves and to the future owners of the above real property an easement for ingress, egress, and utilities

Clayton/DeclarationEasement

over, under and through that portion of the property described on EXHIBIT II(the easement area) for the benefit of all the property described on EXHIBIT I.

A Sketch of the easement area is attached hereto as EXHIBIT III.

The Declarants hereby establish and provide that owners of the parcels benefiting by said easement, and all subsequent owners, successors or assigns, shall take said property, or portion thereof, subject to this road maintenance agreement. The Declarants and each of the subsequent owners, assigns or successors in interest, shall proportionately share in the cost and expense of maintaining and repairing in good condition the road rights of way over and across said private road.

2. MAINTENANCE

The beneficiaries of the private road shall determine annually, or more frequently as may be necessary, the extent of repairs and maintenance as shall be required and shall determine the extent of said repairs and maintenance to be accomplished. It is understood that the maintenance and repair of said drainage road is for the benefit of all property owners and the expenses for maintenance and repair shall be the personal obligation of the owner(s) and also that the property of any such owner failing to pay his proportionate share as provided for herein shall be subject to a lien, an assessment for the proportionate share of such costs; and any other property owner paying the share of a benefited property owner, who fails to pay the same, shall be entitled to a lien again his property, which shall bear interest at the rate of 12% per annum from time of payment by the owner who pays the other's share, and which may be foreclosed in the manner provided by law.

Any individual owner may make such improvement or maintenance to said road, as they so desire. However, such expense will only be proportionately charged to the other owners, if that improvement or maintenance has been approved by a sufficient number of the remaining parcel owners to obtain a majority.

Owner shall mean the fee simple title owner, unless the property is being sold on Real Estate Contract, in which case it shall mean the Contract Purchaser. Each property shall be entitled to one vote regardless of the number of owners of the parcel.

The share of said property owner shall be established by dividing the number of benefited individual parcels into the cost of maintenance and repair of the road. If the property or any portion of it is subdivided in the future, the new parcel or parcels shall each be responsible for one share of the cost of maintenance and repair of the road.



If any owner causes any disproportionate damage to the road because of excessive use or destruction (such as for installation of utilities) that owner shall be required to restore the road to its condition prior to the damage at his/her/their sole expense.

3. COVENANTS TO RUN WITH THE LAND

The covenants and restrictions contained herein shall run with the land and shall be binding upon property and upon any person, firm, corporation or entity of any kind whatsoever acquiring or owning an interest in the property, or any part thereof, and their lessees, guests, heirs, executors, personal, representatives, heirs and assigns.

4. ENFORCEMENT

Each owner, including the declarant if the declarant is an owner of any portion of the property, shall have the right to enforce, by any proceeding in law or equity, all covenants and restrictions imposed by this declaration or any amendment thereof. Failure to insist upon strict performance of any covenant or strict adherence to any restriction shall not be deemed a waiver of the right to insist upon enforcement thereafter.

5. ATTORNEYS' FEES

In any litigation or proceeding to enforce any of the restrictions or covenants contained in this declaration, the substantially prevailing party shall be entitled to recover from the non-prevailing party its costs, including a reasonable attorney's fee.



RICHARD CLAYTON



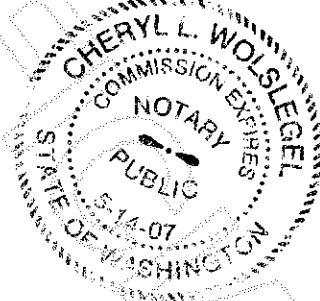
SUSAN A. CLAYTON



STATE OF WASHINGTON)
 : ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that RICHARD CLAYTON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: April 28, 2005.



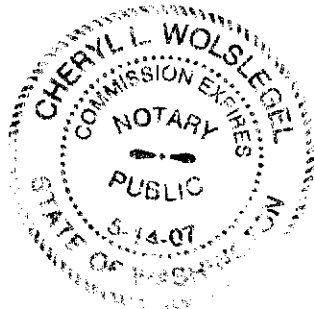
Cheryl L. Wolsiegel
Print name: Cheryl L. Wolsiegel
NOTARY PUBLIC in and for the State of
Washington, residing at Mt. Vernon.

My appointment expires: 5/14/07

STATE OF WASHINGTON)
 : ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that SUSAN A. CLAYTON is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: April 28, 2005.



Cheryl L. Wolsiegel
Print name: Cheryl L. Wolsiegel
NOTARY PUBLIC in and for the State of
Washington, residing at Mt. Vernon.

My appointment expires: 5/14/07



EXHIBIT I

Parcel A

10, A portion of Government Lot 5, Section 36, Township 34 North, Range 4 East of W.M., lying South of the South line of Hill Street as shown on the plat of "BIG LAKE WATER FRONT TRACTS", according to the recorded plat thereof in Volume 4 of Plats, page 12, described as follows: Commencing at the intersection of the South line of the said Hill Street and the West line of the right of way of West Big Lake Boulevard; thence Westerly along the South line of Hill Street 435 feet; thence Southerly 100 feet on a line parallel with the West line of the said Big Lake Boulevard; thence Easterly 435 feet to the West line of said West Big Lake Boulevard; thence Northerly along the West line of said West Big Lake Boulevard 100 feet to the point of beginning.

TOGETHER WITH that portion of Hill Street lying West of Big Lake Boulevard, as delineated on the Plat of BIG LAKE WATERFRONT TRACTS, according to the plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington, which would attach thereto by operation of law on vacation pursuant to Order Vacating County Right of Way, dated September 3, 2002 and recorded September 5, 2002; under Auditor's File No. 200209050009, records of Skagit County, Washington.



Exhibit I, Continued

Parcel B

That portion of Government Lot 5, Section 36, Township 34 North, Range 4 East, W.M., lying South of the South line of Hill Street as shown on the Plat of "BIG LAKE WATER FRONT TRACTS", according to the recorded Plat thereof in the Office of the Auditor of Skagit County, Washington, in Volume 4 of Plats, page 12 and lying East of a line 660 feet East of the West line of said Section 36.

SKAGIT COUNTY WAS!
Real Estate Broker
PAID

EXCEPT that portion described as follows:

Beginning at the intersection of the South line of the said Hill Street and the West line of the right of way of West Big Lake Boulevard; thence Westerly along the South line of Hill Street 435 feet; thence Southerly 100 feet on a line parallel with the West line of the said Big Lake Boulevard; thence Easterly 435 feet to the West line of said West Big Lake Boulevard; thence Northerly along the West line of said West Big Lake Boulevard 100 feet to the point of beginning.

TOGETHER WITH that portion of Hill Street lying West of Big Lake Boulevard, as delineated on the Plat of BIG LAKE WATERFRONT TRACTS, according to the plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington, which would attach thereto by operation of law on vacation pursuant to Order Vacating County Right of Way, dated September 3, 2002 and recorded September 5, 2002, under Auditor's File No. 200209050009, records of Skagit County, Washington.



Exhibit I, Continued

Parcel C

Tract "G" of "BIG LAKE WATER FRONT TRACTS, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington; EXCEPT the West 566 feet thereof; AND EXCEPT that portion thereof lying Southerly of Hill Street.

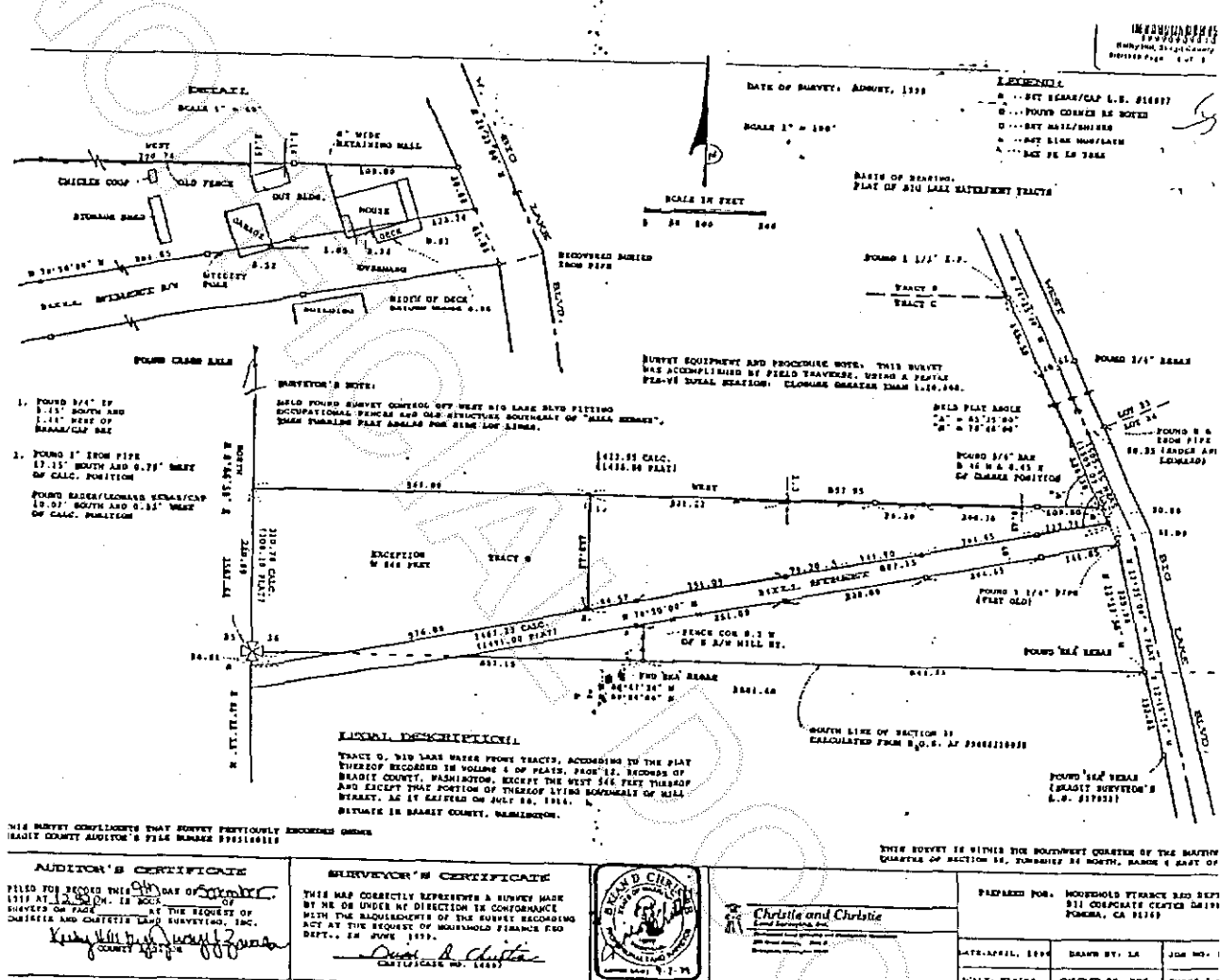
TOGETHER WITH that portion of Hill Street lying West of Big Lake Boulevard, as delineated on the Plat of BIG LAKE WATERFRONT TRACTS, according to the plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington, which would attach thereto by operation of law on vacation pursuant to Order Vacating County Right of Way, dated September 3, 2002 and recorded September 5, 2002, under Auditor's File No. 200209050009, records of Skagit County, Washington.



EXHIBIT II

That portion of Hill Street lying West of Big Lake Boulevard, as delineated on the Plat of BIG LAKE WATERFRONT TRACTS, according to the plat thereof recorded in Volume 4 of Plats, page 12, records of Skagit County, Washington, which would attach to property described on EXHIBIT I, above, by operation of law on vacation pursuant to Order Vacating County Right of Way, dated September 3, 2002 and recorded September 5, 2002, under Auditor's File No. 200209050009, records of Skagit County, Washington.

EXHIBIT III
Sketch



200504290131
Skagit County Auditor