

AFTER RECORDING MAIL TO:

Doreen L. Spencer, Mr. Danny Logan Graves, Mrs. Diane Marie Graves
P.O. Box 122
Concrete, WA 98237



200504290240

Skagit County Auditor

4/29/2005 Page 1 of 7 4:24PM

Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: 83675

Bargain and Sale Deed

Grantor(s): Elk Properties, A Washington Limited Liability Company

Grantee(s): Doreen L. Spencer, Danny Logan Graves and Diane Marie Graves

Abbreviated Legal:

FIRST AMERICAN TITLE CO.

Lot 3, "PLAT OF EAGLE HILL"

4660-000-003-0000 P 108403

83675-1

4660-000-003-0100 P 11544

THE GRANTOR(S) Elk Properties, a Washington limited liability company

for and in consideration of **ONE HUNDRED THIRTY SIX THOUSAND THREE HUNDRED AND NO/100 Dollars \$ 136,300.00,**

in hand paid, bargains, sells, and conveys to **Doreen L. Spencer, a married woman as her sole and separate property and Danny Logan Graves and Diane Marie Graves, Husband and Wife**

the following described estate, situated in the County of Skagit, state of Washington:

Lot 3, "PLAT OF EAGLE HILL", as per plat recorded in Volume 16 of Plats, pages 67 and 68, records of Skagit County, Washington;

EXCEPT that portion of said lot described as follows:

Beginning at the Northwest corner of said Lot 3; thence North 62 degrees 57'16" East along the North line of Lot 3, a distance of 45.00 feet; thence North 74 degrees 00'27" East along the North line of Lot 3, a distance of 373.47 feet; thence South 22 degrees 21'19" West, a distance of 277.25 feet to a point on the Southerly line of said Lot 3; thence South 72 degrees 04'34" West along the Southerly line of Lot 3, a distance of 333.08 feet; thence South 62 degrees 57'16" West along the Southerly line of Lot 3, a distance of 60.00 feet to the Southwest corner of Lot 3; thence North 27 degrees 02'44" West along the Westerly line of Lot 3, a distance of 295.12 feet to the point of beginning;

TOGETHER WITH an easement for ingress, egress and utilities over, under and across the following described parcel:

That portion of Lot 3 of the "PLAT OF EAGLE HILL" recorded in Volume 16 of Plats at pages 67 and 68 under Auditor's File No. 9508230097, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of said Lot 3; thence North 62 degrees 57'16" East along the North line of Lot 3, a distance of 45.00 feet; thence North 74 degrees 00'27" East along the North line of Lot 3, a distance of 373.47 feet; thence South 22 degrees 21'19" West, a distance of 277.25 feet to a point on the Southerly line of said Lot 3; thence South 72 degrees 04'34" West along the Southerly line of Lot 3, a distance of 333.08 feet; thence South 62 degrees 57'16" West along the Southerly line of Lot 3, a distance of 60.00 feet to the Southwest corner of Lot 3; thence North 27 degrees 02'44" West along the Westerly line of Lot 3, a distance of 295.12 feet to the point of beginning.

(SEE NOTE #1)

Which includes a 1999 Moduline 66X28 Mobile Home, Serial Number 118805, Model Number 28820

Subject to covenants, conditions, restrictions and easements, if any, as per Exhibit "B" attached hereto and made a part herof.

LPB 15

Assessor's Property Tax Parcel/Account Number : 4660-000-003-0000 P108403, 4660-000-003-0100 P115544

The Grantor(s) for himself/herself/themselves and for his/her/their successors in interest do(es) by these presents expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and do(es) hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through, or under said Grantor(s) and not otherwise, he/she/they will forever warrant and defend the said described real estate.

Dated: 0, April 18, 2005

Elk Properties

By: James A Cook
James A Cook, President



State of Washington
County of Skagit } SS:

I certify that I know or have satisfactory evidence James A. Cook the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated he/she/they are authorized to execute the instrument and is President of Elk Properties to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Date: April 18, 2005

Kim M. Kerr
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 12/15/05

2109
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

APR 29 2005

Amount Paid \$ 2426.14
Skagit Co. Treasurer
By U Deputy



200504290240
Skagit County Auditor

Schedule "B-1"

EXCEPTIONS:

A. Reservation by grantors, trustees for the stockholders of The Sound Timber Company in vesting deed dated August 29, 1949, recorded September 6, 1949 under Auditor's File No. 435450, as follows:

"Reserving unto the grantors, their successors and assigns, forever, all oil, coal, gas and minerals upon or in said lands, and also the use of such surface as may be necessary for exploring for and mining or otherwise extracting and carrying away the same."

B. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Dated: August 1, 1994
Recorded: August 8, 1994
Auditor's No: 9408080065
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 strip of land 10 feet in width across all lots, tracts and spaces located within the subject property being parallel to and coincident with the boundaries of all private/public street, road rights-of-way, ingress, egress and utility easements.

C. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Dated: March 29, 1996
Recorded: April 8, 1996
Auditor's No: 9604080111
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 right-of-way 10 feet in width, having 5 feet of such width on each side of a centerline described as follows:

Being located as constructed or to be constructed on the property, generally described as follows:

Beginning at a point on the Southwesterly line of Lot 1, that is approximately 300 feet Southwesterly of the Southeasterly corner thereof; thence following the approximate bearings and distances: Northwesterly 260 feet to a point hereinafter referred to as Point "A"; South 62 degrees West, 540 feet; North 27 degrees West, 130 feet; thence returning to Point "A"; thence continuing Northwesterly approximately 590 feet to the terminus of this description.



200504290240
Skagit County Auditor

D. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name: Eagle Hill
Recorded: August 23, 1995
Auditor's No: 9508230097

4

Said matters include but are not limited to the following:

(1) Notes shown on Plat, as follows:

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. Aquifer demonstration wells are located on Lots 10, 11 and 12;

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;

Change in location of access may necessitate a change of address. Contact Skagit County Public Works;

Floodplain/floodway - Buyer should be aware that portions of this subdivision are 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 15.20 of the Skagit County Code, and residential construction in the floodplain may require significant elevation of the first living floor;

Annual maintenance of that portion of the pond and the infiltration ditch running Northwesterly from the pond on Lot 8, shall be the responsibility of the owner of Lot 8;

The Dalles County Road was established in 1885. The location shown hereon is approximate only and was interpreted from 1885 field notes of the road found in the records of the Skagit County Public Works Department. There are logging skid roads on as in other areas of the property. It is now virtually impossible to identify the original road location on the ground due to the logging activity that has taken place over the intervening years. This road has not been used by the public for many years and is called "abandoned" on some County maps, but we were unable to find an official vacation; and

Sewer - Individual on-site sewage systems. Alternative systems are proposed for Lots 6 and 7 of this subdivision which may have special design, construction and maintenance requirements. See Health Officer for details.

(2) An easement is hereby reserved for and granted to all public and private utilities including but not limited to Skagit County; Puget Sound Power & Light Company; GTE Northwest; Summit Cablevision and their respective successors and assigns, under and upon the exterior ten (10) feet parallel and adjacent to the street frontage of all lots in which to install, lay, construct, renew, operate and maintain underground conduits, cables and wires with necessary facilities and other equipment for the purpose of serving the subdivision and other property with electric, telephone and cablevision service, 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 causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.



- (3) Building set-back lines as delineated on the face of the plat.
- (4) Dedication disclosed on the face of said plat, as follows:

Know all men by these presents that James Cook, Jr.; Terri Cook; Donald William Payne and Marion Payne, do hereby declare this plat and dedicate to the public forever all roads and ways, except private and corporate roads shown hereon, with the rights to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take natural course in the original, reasonable grading of roads and ways shown hereon. Following original reasonable grading of roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right-of-way or to hamper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting shall be done by and at the expense of such owner. Further, we hereby relinquish all rights in previously created 60 foot road and utility easements and 90 foot cul-de-sac easement, the location of which is described in Auditor's File No. 9109030093.

- (5) Covenant, as disclosed on the face of said plat, as follows:

This property possesses natural resource production values by virtue of its natural vegetation abutting the Skagit River. The purpose of this covenant is to assure the fish habitat adjacent to the property and the streamside riparian area within the property will be maintained forever to provide fish habitat and the coniferous large woody debris necessary to maintain this habitat. In order to maintain the natural character and habitats appurtenant to this property.

No bank protection measures such as rip-rap or other materials placed for a similar purpose will be allowed along the bank within the confines of the subdivision property.

No tree or vegetation removal or ground disturbance will take place on the vertical slope of the stream bank below the slope break along the length of the property.

No trees larger than 5 inches dbh will be removed from above the slope break for a distance averaging 50 feet along the length of the property.

Sound silvicultural management measures will be employed to assure the long term additional recruitment and growth of conifers in the area defined in (C) above to replace existing trees that may be lost due to windthrow, erosion or the natural aging process. This strategy may require tree planting of native species so that conifers will continue to be established and grow to a large size in the future. The purpose of these measures are to provide for large wood to enter the stream and provide fish habitat, to reduce erosion, and to buffer the effects of land use activities. Understory vegetation management activities are permitted only so long as they do not have an adverse impact on the riparian functions in this area or the tree growing capabilities of the site.

This covenant will run with the land and will be binding upon our personal representatives, heirs, successors and assigns.

If the County determines that the landowner is in violation of the terms of this easement or that a violation is threatened, the County shall give written notice to the landowner of such violation and demand corrective action sufficient to cure the violation, and where the violation involves injury to the property resulting from any use or activity inconsistent with the purpose of this covenant, to restore the portion of the property.



200504290240

Skagit County Auditor

(6) EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE PLAT:

Purpose: Drainage
Affects: Easterly 10 feet

(7) 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.

E. Terms and conditions of easement for the right to locate a Water Reservoir for the purpose of installing, constructing and maintaining water lines and right to ingress and egress, as recorded on April 21, 1997, under Auditor's File No. 9704210106.

F. DECLARATION OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Recorded: July 19, 2001
Auditor's No.: 200107190094
Purpose: As-Built Access Driveway
Area Affected: Southerly 10 feet of Lot 4 and the Northerly 10 feet of Lot 3 of said Plat OF EAGLE HILL for the mutual benefit of the owners of Lots 3 and 4 of said Plat, and their heirs, successors and assigns

G. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: Public Utility District No. 1 of Skagit County, Washington, a municipal corporation
Dated: November 12, 2003
Recorded: April 27, 2004
Auditor's No.: 200404270021
Purpose: Water pipeline and access road easements
Area Affected: Water line easement abutting Logsdon Lane

H. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: Public Utility District No. 1 of Skagit County, Washington, a municipal corporation
Dated: November 12, 2003
Recorded: April 27, 2004
Auditor's No.: 200404270022
Purpose: Water line easement
Area Affected: Water line easement abutting Logsdon Lane

I. RESERVATION CONTAINED IN INSTRUMENT

Executed by: Elk Properties, LLC, a limited liability company
Recorded: January 5, 2005
Auditor's No.: 200501050122
As Follows: The above described property will be combined or aggregated with contiguous property owned by the purchaser. This boundary line adjustment is not for the purpose of creating an additional building lot



200504290240
Skagit County Auditor

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

Recorded: June 11, 1996
Auditor's No.: 9606110022
Executed By: James Cook and Terri Cook
Affects: Lots 3 and 4 only

42

K. DECLARATION OF EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Recorded: April 13, 2005
Auditor's No.: 200504130109
Purpose: Accessing an existing electrical power transformer located on the above parcel of real property, and to provide for the installation and maintenance of power transmission lines to provide electrical power from such transformer to adjoining lots within the Plat of Eagle Hill
Area Affected: Portion of Lot 3 of "Eagle Hill"



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