

AFTER RECORDING MAIL TO:
Mr. Kevin Murray, Vice President
205 Lake Street South Suite 101
Kirkland, WA 98033



200509020151
Skagit County Auditor

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Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: B83952B

FIRST AMERICAN TITLE CO.

B83952-2

Statutory Warranty Deed

Grantor(s): Paul W. Rutter

Grantee(s): Chaffey North, L.L.C.

Assessor's Tax Parcel Number(s): P123205, 4868-000-112-0000, P123206, 4868-000-113-0000, P123208, 4868-000-115-0000, P123210, 4868-000-117-0000, P123220, 4868-000-127-0000, P123222, 4868-000-129-0000, P123224, 4868-000-131-0000, P123231, 4868-000-138-0000

THE GRANTOR Paul W. Rutter, as his separate estate for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Chaffey North, L.L.C.,

the following described real estate, situated in the County of Skagit, State of Washington.

Lots 112,113,115, 117, 127, 129, 131 and 138 in the Plat of "NOOKACHAMP HILLS PLANNED UNIT DEVELOPMENT, PHASE 2B", asrecorded August 23, 2005 under Skagit County Auditor's File No. 200508230082.

Subject to covenants, conditions, restrictions and easements as per Exhibit "A"

Dated: 09/01/05

Paul W. Rutter

#4878
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

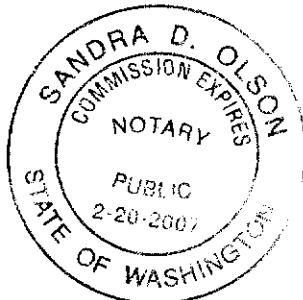
SEP 02 2005

Amount Paid \$12109.00
Skagit Co. Treasurer
By Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Paul W. Rutter, 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: 9-1-05



Sandra D. Olson
Notary Public in and for the State of Washington
Residing at Burlington Wa
My appointment expires: 2-20-07

EXHIBIT "A"

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. Stipulation contained in Deed executed by Walking Circle M., Inc., to MV Associates, dated July 25, 1979, recorded August 31, 1979, under Auditor's File No. 7908310024, as follows:

This transfer is subject to that perpetual easement which exists, and has existed, in favor of David G. McIntyre for:

- 1.) The right to maintain, repair, inspect and otherwise use his existing septic tank on the subject property and, if necessary, to replace said septic tank by installing a new septic tank on the subject property;
- 2.) The right to use the existing well and waterlines on the subject property, and to take water from the existing well as needed; and
- 3.) The right to use any and all roadways on the subject property for ingress and egress to the property owned by David G. McIntyre, which is located in Skagit County, Washington, in Section 30, Township 34 North, Range 5 East, W.M.

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. Deleted

E. 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: 60 foot wide strip of land in South 1/2 of Section 25 and in the Northeast 1/4 of Section 36, all in Township 34 North, Range 4 East.



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F. RESERVATIONS CONTAINED IN DEED

Executed by: Union Lumber Company
Recorded: November 11, 1909
Auditor's No: 76334
As Follows:

Minerals and rights of entry. Said mineral rights are now vested of record in Skagit County.

G. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: Nookachamp Hills LLC
And: Skagit County Sewer District No. 2
Recorded: May 18, 2004
Auditor's No.: 200405180073
Regarding: Conditions and fees for connecting to sewer system

H. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: February 22, 2005
Recorded: March 1, 2005
Auditor's No.: 200503010069
Purpose: "...utility systems for purposes of transmission, distribution and sale of electricity..."
Area Affected: All road and 15-foot strips adjoining all roads

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

Plat/Subdivision Name: Nookachamp Hills PUD Phase 2B
Recorded: August 23, 2005
Auditor's No.: 200508230082

Said matters include but are not limited to the following:

1. Rights contained in the dedication of the plat - To the use of the public forever. The roadways as shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with 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 hereon. We also hereby dedicate Tracts G, H, I and J to the Nookachamp Hills PUD Property Owners Association.



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2. Utility Easement as set forth on the face of the plat - 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. Private Drainage and Sewer Easements as set forth on the face of the plat - 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. PUD Easement as set forth on the face of the plat - Easements are granted to Public Utility District No. 1 of Skagit County, Washington, a Municipal corporation, its successors or assigns, the perpetual right, privilege and authority enabling the District to do all things necessary or proper in the construction and maintenance of a water and communication line, lines or related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation of water and communication lines or other similar public services over, across, along, in and under the lands as shown on this plat together with the right of ingress to and egress from said lands across adjacent lands of the grantor. Also, the right to cut and/or trim all brush or other growth standing or growing upon the lands of the grantor which, in the opinion of the District, constitutes a menace or danger to said line(s) or to persons or property by reason of proximity to the line(s). The grantor agrees that title to all brush, other vegetation or debris trimmed, cut, and removed from the easement pursuant to this agreement is vested in the District.

Grantor, its heirs, successors or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantor shall conduct its activities and all other activities on grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the districts use of the easement.



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5. Notes/Restrictions as set forth on the face of the plat –

- a) No building permit shall be issued for any residential and/or commercial structure which are not at the time of application determined to be within an official designated boundary of a Skagit County Fire District.
- b) Change in location of access may necessitate a change of address, contact Skagit County Planning and Development Services.
- c) Sewage Disposal – Skagit County Sewer District No. 2
- d) Water – Skagit County PUD; Power – Puget Sound Energy; Telephone – GTE; Gas – Cascade Natural Gas; Cable – Lake Cable Services
- e) 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.
- f) This parcel lies within an area or within 500 feet of area designated as a natural resource lands (agricultural, 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 be 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 resource area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Development Services for details.
- g) Tract "G" is designated for open space and detention pond. The ownership and maintenance of said Tract is further defined in the CCR's. Tracts "H", "I" and "J" are designated as open space, trail access and buffer areas.
- h) The 10-foot access easement (Tract "I") as shown on Sheet 3 of 3 between Sockeye Drive and Nookachamp Hills Drive is for pedestrian traffic only for the benefit of all lots within this plat and all phases of Nookachamp Hills Planned Unit Development. The maintenance and ownership of said 10 feet is further defined in the CCR's.
- i) The plat name, number and date of approval shall be included in all deeds and contracts.
- j) The Homeowners 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.



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- k) The owners hereby declare common access easements on Lots 114 through 138, as shown hereon. The center of said 30' x 70' easements are centered on the common Lot lines between the lots as shown hereon. The maintenance of said easements is outlined in the CCR's.
- l) Lots 114, 116, 118, 120, 122, 124, 126, 128, 130, 132 and 134 shall be restricted to a building height of 20 feet from the mean ground elevation of the four corners of the proposed new building.
- m) The monument set in the cul-de-sac of Sockeye Drive was offset 10 feet because of sewer manhole location.
- n) A Skagit County address range has been applied to the road system in this subdivision. At the time of application for building and/or access, Skagit County GIS will assign individual addresses in accordance with the provision of Skagit County Code 15.24.
- o) The waterline is constructed within the County road.
- p) Lots 151 through 161 are located in a Seismic Hazard Area and a geotech report will be required at the time of a building permit.
- q) An easement is hereby granted to Skagit County Public Works for road maintenance. See Sheets 3 of 4 and 4 of 4 for exact locations.
- r) Nookachamp Hills, LLC will be responsible for the maintenance of the pedestrian trail along Day Lumber Lane as shown in the Plat of "Lakeview Tracts" recorded in Volume 5 of Plats at Pages 2 and 3, records of Skagit County, located on the West side of Highway 9 in the Northwest ¼ of Section 25, Township 34 North, Range 4 East.
6. Easements as specifically delineated on the face of the plat – See Plat for Specifics.
7. Mislocated fences near the South lines of Lots 144, 145, 146 and 154.

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 by document dated August 8, 2005 and recorded August 23, 2005 as Auditor's File No. 200508230083.

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