

AFTER RECORDING MAIL TO:
Mr. Frank H. Durksen
3911 V Avenue
Anacortes, WA 98221

200509290082
Skagit County Auditor

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Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: A86157

Statutory Warranty Deed

Grantor(s): William C. Neils and Peggy H. Neils
Grantee(s): Frank H. Durksen

FIRST AMERICAN TITLE CO.

Lot 40, "FIDALGO MARINA CONDOMINIUM"

Additional legal(s) on page: 2

Assessor's Tax Parcel Number(s): 4599-000-040-0009, P102566

A86157E-1

THE GRANTOR William C. Neils and Peggy H. Neils, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Frank H. Durksen, a married man as his separate estate the following described real estate, situated in the County of Skagit, State of Washington

SEE ATTACHED EXHIBIT "A" HERETO FOR LEGAL DESCRIPTION

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "B" attached hereto.

Dated September 28, 2005

William C Neils
William C. Neils

Peggy H. Neils
Peggy H. Neils
5406
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

SEP 29 2005

STATE OF Washington }
COUNTY OF Skagit } SS:

Amount Paid \$ 3565.00
By [Signature] Skagit Co. Treasurer Deputy

I certify that I know or have satisfactory evidence that William C. Neils and Peggy H. Neils, 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: 9-28-05

Wicki Hoffman

Notary Public in and for the State of Washington
Residing at Anacortes
My appointment expires: 10-8-05



EXHIBIT A

PARCEL A:

Lot 40, "FIDALGO MARINA CONDOMINIUM", according to Declaration thereof recorded under Auditor's File No. 9302250060 and survey map and plans thereof in Volume 15 of Plats, Pages 75 through 77, under Auditor's File No. 9302250059, records of Skagit County, Washington, and as corrected and amended by Auditor's File Nos. 9303050032 and 9508160024.

PARCEL B:

A leasehold interest in the following described property

Marina Slip No. 40 as shown on Exhibit "B" to Condominium Declaration recorded under Recording No. 9302250060, Skagit County, Washington, lying within the Harbor Area described in the Lease from the State of Washington, Department of Natural Resources, as lessor, to the City of Anacortes, as lessee, recorded under Recording No. 9207240213, and in the sublease from the City of Anacortes as sublessor, to Fidalgo Marina Partnership, as sublessee recorded under Recording Nos. 9207240214 and 9207310172, records of said County.



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EXCEPTIONS:

A. LEASE, AND THE TERMS AND CONDITIONS THEREOF:

Lessor: State of Washington, acting by and through the Dept. of Natural Resources
Lessee: City of Anacortes
Term: Commencing on the 3rd day of October, 1986, and continue to the 1st day of October, 2016
Recorded: July 24, 1992
Auditor's No: 9207240213

ASSIGNMENT OF SUBLEASE BY SUCCESSIVE ASSIGNMENTS AND THE TERMS AND CONDITIONS THEREOF:

Assignee: Fidalgo Marina Partnership
Dated: July 31, 1992
Recorded: July 31, 1992
Auditor's No: 920730172
Affects: Parcel "B"

B. The Washington Condominium Act, RCW 64.34, as it may be amended.

C. The encumbrances and other matters indicated on that Short Plat No. ANA -92-005, recorded in the real property records of Skagit County, on January 11, 1993, in Book 10 of Short Plats, page 165, under Auditor's File No. 9301110152.

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

Dated: February 24, 1993
Recorded: February 25, 1993
Auditor's No: 9302250060
Executed by: Fidalgo Marina Condominium

Said instrument was modified by instruments recorded March 5, 1993 and August 16, 1995, under Auditor's File Nos. 9303050032 and 9508160024.

E. Easements for power vault, access, utilities and water line, as delineated on Survey by Leonard & Boudinot, Inc., dated February 1991, under Job No. 91019.

Affects: Parcel "B"



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

Short Plat No.: ANA 95-002
Recorded: August 30, 1995
Auditor's No: 9508300041

Said matters include but are not limited to the following:

1. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SHORT PLAT:

Purpose: 20 foot utility easement granted to the City of Anacortes
Affects: Lots 1 and 2

2. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SHORT PLAT:

Purpose: Four Parking Stalls for Short Term Visitor Parking
Affects: Lot 1

3. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SHORT PLAT:

Purpose: Ingress and egress
Affects: Lots 1 and 2

4. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SHORT PLAT:

Purpose: 10 foot sewer line
Affects: Lot 1

5. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SHORT PLAT:

Purpose: 12.5 foot storm drainage easement granted to the City of Anacortes
Affects: Lots 1 and 2

6. TERMS, COVENANTS, CONDITIONS, NOTES AND RESTRICTIONS CONTAINED IN SAID SHORT PLAT:

All maintenance and construction of private roads are the responsibility of the lot owners and the responsibility of maintenance shall be in direct relationship to usage of road.

G. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation
Recorded: November 16, 1992
Auditor's No: 9211160017
Purpose: Underground distribution and electric lines and appurtenances thereto



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H. Exceptions and Reservations contained in Deed whereby the Grantor excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working mines, etc., provided that no rights shall be exercised until provision has been made for full payment of all damages sustained by reason of such entry; TOGETHER WITH the right, upon paying reasonable compensation, to acquire rights-of-way for transporting and moving products from other lands, contained in Deed:

From: The State of Washington
Recorded: November 24, 1909
Auditor's Nos: 76533 and 96389

I. Right of the State of Washington or any grantee or lessee thereof, upon paying reasonable compensation to acquire rights-of-way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals or other products from other lands, contained in Deed:

From: The State of Washington
Auditor's No: 76533

J. Any lien or liens that may arise or be created in consequence of or pursuant to an Act of the Legislature of the State of Washington entitled "An Act prescribing the ways in which waterways for the uses of navigation may be excavated by private contract, providing for liens upon lands belonging to the State, granting rights-of-way across lands belonging to the State." Approved March 9, 1893.

K. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

L. Any lien or liens that may arise or be created in consequence of or pursuant to an act of the Legislature of the State of Washington entitled " an ACT prescribing the ways in which waterways for the uses of navigation may be excavated by private contract, providing for liens upon lands belonging to the State, granting rights of way across lands belonging to the State", approved March 9, 1893.

M. Terms, provisions and reservations under the Submerged Land Act (43 USCA 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.

N. Any question that may arise due to shifting or change of the line of high water of Fidalgo Bay or due to said bay having shifted or changed its line of high water.

O. The Survey Map and Plans, recorded February 25, 1993, as Skagit County Recording No. 9302250059, as they may be amended.

P. The Declaration of Easements, recorded February 25, 1993, as Skagit County Recording No. 9302250058, as it may be amended.

Q. Subordination and Nondisturbance Agreement, executed by U.S. Bank of Washington, National Association, dated March 3, 1993, and recorded March 5, 1993, as Skagit County Recording No. 9303050123.



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R. The By-Laws of the Fidalgo Marina Owners Association, as they may be amended.

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

Plat/Subdivision Name: Fidalgo Marine Condominium
Recorded: February 25, 1993
Auditor's No: 9302250059

Said matters include but are not limited to the following:

1. Buried Power Line (typical)
2. 10' unrecorded easement to Puget Sound Power & Light
3. 12.5' Storm Drainage easement, (Short Plat No. ANA 92-005)
4. 20' Utility Easement (Short Plat No. ANA 92-005)
5. Non exclusive short term parking easement.



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