

AFTER RECORDING MAIL TO:  
Mr. and Mrs. Robert Elsner  
3918 L Avenue  
Anacortes, WA 98221



200601090160  
Skagit County Auditor

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Filed for Record at Request of  
First American Title Of Skagit County  
Escrow Number: A86630

### Statutory Warranty Deed

Grantor(s): Brian Overby and Debi Overby  
Grantee(s): Robert Elsner and Dorothy Elsner  
Assessor's Tax Parcel Number(s): 340423-4-010-0200, P114140

FIRST AMERICAN TITLE CO.  
A86630E-1

THE GRANTOR Brian Overby and Debi Overby, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, and as part of an IRS 1031 Tax Deferred Exchange, in hand paid, conveys and warrants to Robert Elsner and Dorothy Elsner, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Lot 1 of Skagit County Short Plat No. 97-0047, approved January 25, 1999 and recorded January 25, 1999 under Auditor's File No. 9901250155 in Volume 13 of Short Plats, pages 200 and 201, being a portion of the Southeast 1/4 of the Southeast 1/4 of Section 23, and of the Northeast 1/4 of the Northeast 1/4 of Section 26, all in Township 34 North, Range 4 East, W.M.

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

Dated: November 29, 2005

Brian Overby  
Brian Overby

Debi Overby  
Debi Overby

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

# 1160  
JAN 09 2006

Amount Paid \$ 2586.00  
By Skagit Co. Treasurer  
Deputy

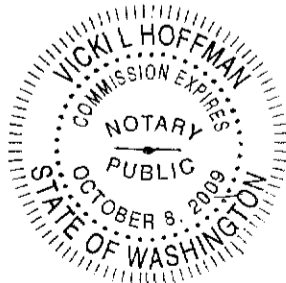
STATE OF Washington }  
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Brian Overby and Debi Overby, 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: 11-29-05

Vicki L Hoffman

Notary Public in and for the State of Washington  
Residing at Anacortes  
My appointment expires: 10-8-09



**EXCEPTIONS:**

**A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:**

Grantee: Einar Larson  
Recorded: December 30, 1936  
Auditor's No: 285650  
Purpose: Water rights  
Area Affected: Not disclosed

**B. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:**

Between: O.E. Chase and Elsie Chase, husband and wife  
And: Thor Nersten and Frances Nersten, husband and wife  
Dated: February 18, 1949  
Recorded: October 18, 1949  
Auditor's No: 436986  
Regarding: Use of water pipeline and spring located on the subject property

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

Short Plat No.: 97-47  
Recorded: January 25, 1999  
Auditor's No: 9901250155

Said matters include but are not limited to the following:

1. 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. See Agreement and Easement recorded under Auditor's File No. 9809150104.
2. Short Plat Number and Date of Approval shall be included in all Deeds and Contracts.
3. Sewage Disposal - Individual septic system
4. 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 code 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. An aquifer demonstration well was located on Lot 2. Future buyers need to drill future wells to a deeper confined aquifer or comply with Skagit County Code 14.06.330(2) "Low Flow Mitigation".



5. 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 officially designated boundary of a Skagit County Fire District.

6. Change in location of access, may necessitate a change of address, contact Skagit County Planning and Permit Center.

7. All buildings are to utilize splash blocks below roof down spouts and direct storm water to sheet-flow across lawns and open spaces.

8. Potential buyers should recognize that an unnamed creek meanders through a portion of this short subdivision and may be subject to periodic channel changes and intermittent flooding. Building sites may be limited based on creek channel migration.

9. This property lies within 300 feet of land designated natural resource lands by Skagit County. A variety of natural resources activities occur in the area that may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying or extractions, which occasionally generate dust, smoke, noise and odor. Skagit County has established resource uses as priority uses on designated natural resource lands, and residents of adjacent property should be prepared to accept such inconvenience or discomfort from normal, necessary natural resource land operations when performed in compliance with best management practices and local, state and federal law.

10. This Short Plat shows a Protected Critical Area (PCA) requirements of Skagit County Code (SCC) 14.06.145. The PCA as shown hereon represents an area approximately 200 foot wide along and adjacent to an existing stream identified by Skagit County Planning staff to be a Type 3 stream. The buffer is measured from the centerline of the stream. The PCA additionally encompasses delineated wetlands which have a 50 foot buffer. The PCA Easement additionally speaks to potential geologically hazardous slopes on Lot 3 which will need to be addressed with any future residential development. The PCA Easement has been recorded under Auditor's File No. 9901250156 which cross references this Short Plat.

11. Wetlands shown hereon are as delineated by Aqua-Terr Systems, Inc. in December 1997. See report on file with the Skagit County Planning and Permit Center dated January 20, 1998 for specific information.

12. Setback line is based upon Geo Engineers, Inc. site assessment report dated December 9, 1998, the location of the toe of the hill is representational only. The actual location will hold and will be the basis of measurement for any foundation placement. If a building site is selected anywhere on Lot 3 which is Southwesterly of the toe of the slope a site specific geo engineering analysis will be required, see Skagit County Planning staff for details. The above reference PCA Easement contains specific conditions which need to be addressed prior to any residential construction on Lot 3. These conditions are verbatim from the above referenced Geo Engineers, Inc. report.

13. Easement for ingress, egress and utilities affecting a 65 foot by 70 foot portion of Lot 2.

14. Well protection zone

15. 40 foot drainage easement centered along centerline of stream

16. Protected critical areas easement

17. Edge of riparian/wetland buffer

18. Set-back line

19. 20 foot drainage easement centered along existing ditch

20. Mislocated fence



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D. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Skagit County  
Dated: January 12, 1999  
Recorded: January 25, 1999  
Auditor's No: 9901250156  
Purpose: Protected Critical Area  
Area Affected: Lots 1, 2 and 3 of Short Plat No. 97-47

E. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: Duane M. Gilliland and Patricia L. Gilliland, husband  
and wife and Washington Federal Savings & Loan  
And: Kirk D. Shroyer and Mary Huddle Shroyer, husband  
and wife  
Dated: September 9, 1998  
Recorded: August 1, 2000  
Auditor's No.: 200008010066  
Regarding: Easement for ingress, egress and utilities

Said Instrument is a re-recording of instrument recorded under Auditor's File No. 9809150104.



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