

AFTER RECORDING MAIL TO:

Neill Smith
1510 North 43rd Place
Mount Vernon, WA 98273



200602170129
Skagit County Auditor

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Filed for Record at Request of
Wells Fargo Escrow Company
Escrow Number: 04-01592-05

LAND TITLE OF SKAGIT COUNTY

Statutory Warranty Deed

119101-P

Grantor(s): Lybar Development LLC, a Washington Limited Liability Company

Grantee(s): Neill P Smith and Debra S Smith

Abbreviated Legal:

Lot 13, Spinnaker Cove, Div. 2.

Additional legal(s) on page:

Assessor's Tax Parcel Number(s): 4859-000-013-0000/P122910,

THE GRANTOR Lybar Development LLC, a Washington Limited Liability Company, for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** in hand paid, conveys and warrants to Neill P Smith and Debra S Smith, Husband and Wife the following described real estate, situated in the County of Skagit, State of Washington

Lot 13, "PLAT OF SPINNAKER COVE DIVISION 2," as per plat recorded on May 18, 2005, under Auditor's File No. 200505180106, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.
SUBJECT TO: See attached Exhibit "A"

780
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

FEB 17 2006

Dated January 24, 2006

Amount Paid \$ 7303.00
By Skagit Co. Treasurer Deputy

Lybar Development LLC, a Washington Limited Liability Company

By: Lynn B. Strauss, Member

By: Barbara A. Strauss, Member

STATE OF Washington
County of Skagit

}
} SS:

I certify that I know or have satisfactory evidence that Lynn B. Strauss and Barbara A. Strauss

is/are the person(s) who appeared before me and said person(s) acknowledged that he/she/they signed this instrument on oath and stated that he/she/they is/are authorized to execute the instrument and acknowledge it as the Members of Lybar Development LLC, a Washington Limited Liability Company

as the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 2/15/06

Kelli A. Mayo
Kelli A. Mayo

Notary Public in and for the State of Washington

Residing at Sedro Woolley

My appointment expires: 6/19/2009

EXCEPTIONS:

EXHIBIT "A"

- A. Question of the true North line of Parcel "A" caused by the ambiguity as set forth therein.

NOTE: The South line of Parcel "A" could be the South line of Auditor's File No. 664712 and its extensions or it could be the South line of Auditor's File no. 663818 and its extensions, or it could be fence line existing since January 31, 1966 on a line approximately 370 feet North of the South line of said subject division, or it could be same combination thereof. Hence, the Company is unwilling to state the location of the true North line of the subject property.

- B. Provisions in the nature of covenants pertaining to wetlands contained in Deed recorded September 10, 1991, under Auditor's File No. 9109100095 particulars.

- C. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee:	Puget Sound Power & Light Company
Purpose:	Right to enter said premises to operate, maintain and repair underground electric and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Area Affected:	Parcel "B"
Dated:	September 30, 1991
Recorded:	October 11, 1991
Auditor's No.:	9110110103

- D. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee:	Public Utility District No. 1 of Skagit County
Purpose:	Water pipeline
Area Affected:	The easement portion of the subject property
Dated:	May 31, 1961
Recorded:	June 7, 1961
Auditor's No.:	608565

- E. Matters disclosed by the three (3) unrecorded WJA, P.S., Everett Job #89-1914, disclosed by that deed recorded under Skagit County Auditor's File No. 200505200179. Said matters include, but are not limited to, the following:

- 1.) Mislocated fencelines;
- 2.) An "Area of Boundary Confusion" along the West line of Parcel "A"; said Surveys show two (2) possible locations of said line, plus a mislocated fenceline;
- 3.) Utility lines and existing 20 foot wide driveway located within the easement.

- F. Implied easement, if any, for private ditch as disclosed by Deeds recorded under Auditor's File Nos. 554570 and 664712 on properties to the West of the subject property.



EXCEPTIONS CONTINUED:

G. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Energy
Purpose: "To construct, operate maintain...utility systems...sale of electricity.
Area Affected: 10 foot wide portions of the subject property
Dated: January 3, 2005
Recorded: January 10, 2005
Auditor's No.: 200501100130

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

Plat/Subdivision Name: Spinnaker Cove Division 2
Recorded: May 18, 2005
Auditor's No.: 200505180106

Said matters include but are not limited to the following:

1.) All rights to the easement in favor of Richard D. Cejka, et ux, recorded December 10, 1992, under Auditor's File No. 9212100100, records of Skagit County, Washington, is now held by the declarant and will be extinguished by this Plat.

2.) Building setbacks;

Front – Lots 1-10 = 20', Lots 11-14 = 25'

Rear – 20'

Sideyards – Be minimum of 5', total both side of 15' minimum

3.) Any lot within this subdivision will be subject to impact fees payable upon issuance of a building permit. Fees will be due in the event such fees are hereafter imposed by ordinance of the City of Mount Vernon on either an interim or permanent basis.

4.)Utility Sources:

Telephone – Verizon	Sewer – City of Mount Vernon
Power – Puget Sound Energy	Water – Public Utilities District No. 1
Television – Comcast	Gas – Cascade Natural Gas
Storm – City of Mount Vernon	

5.) The wetland buffers shown were established using buffer averaging. The boundary lines of Tracts "A" and "B" shall be used as the wetland buffers.

6.) Wetlands as delineated (Affects Tracts A and B only)

7.) Typical lot set-back lines as delineated.

8.) A 10 foot utility easement affecting the exterior 10 feet of all lots abutting North 43rd Place.



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EXCEPTIONS CONTINUED:

H. (Continued):

9.) Dedication of Native Growth Protection Area (NGPA) establishes, on all present and future owners and users of the land, an obligation to leave undisturbed all trees, and other vegetation within the area, for the purposes of preventing harm to property and the environment, including but not limited to controlling surface water runoff and erosion, maintaining slope stability, buggering and protecting plants and animal habitat, except for the removal of diseased, or dying vegetation, is subject to permit requirements of City of Mount Vernon codes. The City of Mount Vernon shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this restriction by any method available under law. The obligation to ensure that all terms of the NGPA are met is the responsibility of the underlying owners.

10.) An easement is hereby reserved for and granted to City of Mount Vernon, Public Utility District No. 1, Puget Sound Energy, Verizon, Cascade Natural Gas Corp., and AT&T Broadband, and their respective successors and assigns under and upon the road and utility easements as shown hereon and other utility easements shown on the face of the Plat, 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 and other property, 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.

11.) An easement for the purpose of conveying local storm water runoff is hereby granted in favor of all abutting lot owners in the areas designated as private drainage easements. The maintenance of private drainage easements established and granted herein shall be the responsibility of the lot owners and their heirs, personal representatives and assigns.

The City of Mount Vernon is hereby granted the right to enter said easements for emergency purposes at its own discretion.

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

Declaration Dated:	May 2, 2005
Recorded:	May 18, 2005
Auditor's No.:	200505180107
Executed By:	Robert E. Emmons



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