



200605170124

Skagit County Auditor

RECORDED AT REQUEST OF:

5/17/2006 Page

1 of

6 3:51PM

Name Shelley Family TrustAddress 12703 Persons RoadCity, State, Zip Bow, WA 98232

121242-SE

LAND TITLE OF SKAGIT COUNTY

Grantor. Shelley Family Trust, Richard Shelley and Dorothy Shelley, Trustees

Grantee. Shelley Family Trust, Richard Shelley and Dorothy Shelley, Trustees

Public

Abbrev. Leg. Lots 1 and 4, Skagit County Short CARD No. PL-05-0292

Ptn of E 1/2 of SW 1/4 of SE 1/4 of Sec. 19, T35N, R3E, WM

Tax Acct Nos. 350319-4-008-0300/ P123982; 350319-4-008-0600/ P124050

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX**DECLARATION OF EASEMENT
AND RESTRICTIVE COVENANTS
WITH OPTION**

MAY 17 2006

Amount Paid \$
By Skagit Co. Treasurer
Dorothy

This Declaration of Easements and Restrictive Covenants is made by Richard E. Shelley and Dorothy L. Shelley, Trustees of the Shelley Family Trust, as follows:

Recitals

Richard E. Shelley and Dorothy L. Shelley, Trustees of the Shelley Family Trust, hereafter referred to as Shelley, or Declarants, are the owners of the following described property:

Lots 1 and 4, Skagit County Short CARD No. PL-05-0292, approved December 13, 2005, and recorded December 13, 2005, under Auditor's File No. 200512130095, records of Skagit County, Washington; Being a portion of the Southeast Quarter of Section 29, Township 35 North, Range 3 East, W.M.

Situate in Skagit County, Washington.

The Declarants wish to subject Lot 1 to certain building restrictions for the benefit of Lots 2, 3 and 4 of the above described Short CARD. The Declarants also wish to create an easement for the benefit of the present and future owners of Lot 1 to use a portion of Lot 4 for yard, landscaping, underground utilities and any other uses not inconsistent with the restrictions imposed by the Recreational Open Space requirements of the Short CARD or restrictions of the well protection zones delineated on the Short CARD. The Declarants also wish to create an easement for the benefit of the present and future

ShelleyShortCARDRestrictions

ORIGINAL

owners of Lot 3 of the Short CARD to use a portion of Lot 1 for access to Lot 3. The Declarant also intends to grant an Option to the present and future owners of Lot 1 to acquire fee title to the easement area if changes in local land use controls permit such a boundary line adjustment in the future.

Easement, Restrictions and Option

To accomplish the foregoing purposes, the declarants hereby publish and declare that Lots 1 and 4 of the above referenced Short CARD No. PL-05-0292 shall be held, conveyed, hypothecated, encumbered, leased, rented, used occupied and improved subject to the following covenants, restrictions, easement and option, which shall run with the land for the benefit of present and future owners of Lots 1 and 4 of said Short CARD.

1. Dwelling restrictions. No mobile homes, prefabricated homes or pre-manufactured homes, or modular homes shall be located on Lot 1 either on a temporary or permanent basis. Construction shall be on-site, "stick-built" construction only.

2. Easement to Lot 1. The Declarants hereby declare, convey and grant an easement to the present and future owners of Lot 1, Skagit County Short CARD No. PL-05-0292, over Lot 4 of the said Short CARD, as follows: The easement shall be over, under and through, a twenty-five foot (25') strip of land located in Lot 4 and adjoining the North line of said Lot 1. The easement area is described on EXHIBIT A, attached hereto and incorporated by this reference. The easement shall be for yard, landscaping, garden, underground utilities (including installation, maintenance, repair and replacement of any utilities), and for any other purpose not inconsistent with the restrictions of the Recreational Open Space requirements imposed on Lot 4 or with the restrictions imposed by the Well Protection zones delineated on the Short CARD. The easement shall include the right to fence the easement area.

3. Easement to Lot 3. The Declarants hereby declare, convey and grant an easement to the present and future owners of Lot 3, Skagit County Short CARD No. PL-05-0292, over Lot 1 of the said Short CARD, as follows: The easement shall be over the South 200 feet of Lot 1 (being a portion of Lot designated as an access and utilities easement for Lots 1 and 2). The easement shall be for the purpose of ingress and egress to the Southwesterly portion of Lot 3 (being generally the area depicted as the well protection zone and drainfield location on the Short CARD map). The owners of Lot 3 shall be responsible for the maintenance and repair of any damage their caused by their use of the easement area.

4. Option. In Consideration of the mutual covenants and obligations contained herein, which are hereby acknowledged as sufficient consideration for the option granted, the Declarants hereby grant to the present and future owners of Lot 1 of Skagit County Short CARD No PL-05-0292 the right and option to purchase fee title to the "easement area" described on EXHIBIT A, attached hereto for the fair market value of the property at time the option is exercised. The fair market value shall be based on the value per square foot of the easement area. If the parties are unable to agree upon the fair market



value within 30 days of the date the buyer gives written notice of an intent to exercise the option the buyer shall, at the buyer's expense, have the property appraised by a licensed and certified real estate appraiser. If the value reached by the appraiser is more than ten per cent less than the last written offer of the buyer, the cost of the appraisal shall be deducted from the sales price and the buyer shall pay the remaining amount to the owner of Lot 4. If the value reached by the appraiser is more than ten percent more than the last written offer of the buyer, the buyer shall pay the appraised value to the owner of Lot 4. If the appraised value does not vary by more than ten percent from the buyer's last written offer, the cost of the appraisal shall be shared by the owners of Lot 1 (buyer) and Lot 4 (seller). The option term shall be Forty (40) years and is contingent upon change in Skagit County land use code and regulations to permit a transfer of the described portion of Lot 4 of the Short CARD to be adjusted to Lot 1 of the above referenced Short CARD. In addition to the payment of fair market value to the owner of Lot 4 at time of exercise of the option, the owner of Lot 1 shall pay all costs of any such boundary line adjustment, including but not limited to, county permit fees, recording fees, cost of obtaining partial release of mortgage, if any, and all escrow and title insurance charges, if any. It is intended that the option price be net to seller, except for the appraisal cost, if applicable under the provisions set forth above.

5. Not to supersede other easements/covenants. The easements, covenants and restrictions contained herein are intended to supplement, but not to replace, amend, or superseded the covenants and restrictions set forth in the Declaration of Easement and Restrictive Covenants recorded under Auditor's File No. 200601130241, records of Skagit County, Washington.

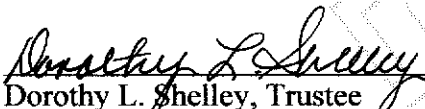
6. Covenants to run with the land. The covenants herein shall run with the land and shall be binding on the parties hereto, their heirs, successors or assigns, and all subsequent owners thereof.

7. Enforcement. Each lot owner, including the declarant if the declarant is a lot owner, shall have the right to enforce, by any proceeding in law or equity, all covenants and restrictions imposed by this declaration or any amendment thereof. Failure to insist upon strict performance of any covenant or strict adherence to any restriction shall not be deemed a waiver of the right to insist upon enforcement thereafter.

8. Attorney's Fees. In any litigation or proceeding to enforce any of the restrictions or covenants contained in this declaration, the substantially prevailing party shall be entitled to recover from the non-prevailing party its costs, including a reasonable attorney's fee.

Shelley Family Trust, by:


Richard E. Shelley, Trustee


Dorothy L. Shelley, Trustee



STATE OF WASHINGTON)
 : ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Richard E. Shelley and Dorothy L. Shelley are the persons who appeared before me, and said persons acknowledged that they signed this instrument and on oath stated that they are authorized to execute the instrument and acknowledged it as Trustees of the Shelley Family Trust, to be the free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

Dated: May 17th, 2006





Printed Name: Angela D. Malcolm
NOTARY PUBLIC in and for the State of
Washington, residing at Mant Vernon.

My appointment expires: 11/1/08



EXHIBIT A
Description of Easement Area

That portion of Lot 4, Skagit County Short CARD No. PL-05-0292, approved December 13, 2005, and recorded December 13, 2005, under Auditor's File No. 200512130095, records of Skagit County, Washington; Being a portion of the Southeast Quarter of Section 29, Township 35 North, Range 3 East, W.M, described as follows:

Beginning at the Northwest Corner of Lot 1 of the above referenced Skagit County Short CARD No. PL-05-0292;
Thence North along the West line of Lot 4 of said Short CARD a distance of twenty-five (25) feet;
Thence East parallel with and twenty-five feet North of the North line of said Lot 1 to a point twenty-five feet North of the Northeast Corner of said Lot 1;
Thence South to the Northeast Corner of said Lot 1;
Thence West along the North line of Lot 1 to the Point of Beginning.

Situate in Skagit County, Washington.



EXHIBIT B Sketch

