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Skagit County Auditor

11/6/2006 Page 1 of 8 11:59AM



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Skagit County Auditor

10/25/2006 Page 1 of 7 11:33AM

RETURN TO:

HUGH LEWIS,
ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 220
BELLINGHAM, WA 98226-6643

****Re-Recorded to Include Page 8-Previously Omitted****

TITLE OF DOCUMENT: COVENANT AND AGREEMENT PROVIDING VIEW
EASEMENT

GRANTOR: MARK A. EDSON and CAROLYN A. EDSON

GRANTEE: 3 E DEVELOPMENT, LLC

ABBREV. LEGAL DESCRIPTION: PTN. BLOCKS 26 & 46 GIBRALTER & PTN MILLER'S
RESERVE

[x] Additional legal is on pages: 5-7

ASSESSOR'S TAX PARCEL NOS.: P73483, P73534, P124853, P124854, P124855, P124856

FIRST AMERICAN TITLE CO.

N8887

ACCOMMODATION RECORDING ONLY

COVENANT AND AGREEMENT PROVIDING VIEW EASEMENT

This Easement Agreement is made between MARK A. EDSON and CAROLYN A. EDSON, (hereinafter referred to as the "Grantor"), and 3 E DEVELOPMENT, LLC, (hereinafter referred to as the "Grantee").

The following recitals of fact are a material part of this instrument:

A. The Grantor is the sole owner in fee simple of a tract of land which is hereinafter referred to as "Parcel A" and which is legally described as follows :

See attached Exhibit A.

B. The Grantee is the sole owner of four parcels of land which are hereinafter collectively referred to as "Parcel B" and which are legally described as follows :

See attached Exhibit B.

C. The Grantor wishes to grant and the Grantee wishes to receive certain covenants benefitting Parcel B, along with an easement on, over and across those portions of Parcel A described as follows and hereafter referred to as "the Easement Area":

See attached Exhibit C.

Now, therefore, in consideration of One Dollar and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following grants, agreements, covenants and restrictions are made by the parties:

A. GRANT OF EASEMENT. The Grantor hereby grants to the Grantee, as and for an easement appurtenant to Parcel B, a perpetual, exclusive easement for the enjoyment of scenic views upon, over, under and across the Easement Area.

B. RESTRICTIONS ON USE OF EASEMENT AREA. So that Grantee may make full use and enjoyment of the view easement granted in Paragraph 1 hereof, the following restrictions on the Easement Area shall henceforth apply: With the exception of a three rail fence no higher than 54", there shall be no construction of any improvements within the Easement Area; no fill, fixtures, structures or other items higher than two feet may be applied to, placed within or erected upon the surface of the earth within the Easement Area, and vegetation shall be trimmed and maintained to a maximum height of no greater than ten feet above the grade of land within the Easement Area. The existing mature trees and vegetation adjacent to the northerly half of Lot 3 and all of Lot 4 ["Protected Vegetation"] may remain growing within the Easement Area.

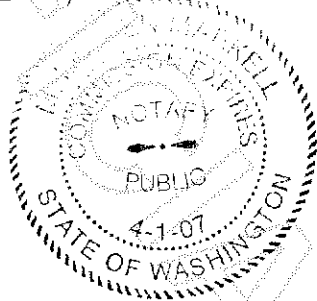
C. ADDITIONAL RIGHTS OF BENEFITTED PARCEL. In the event that conditions may come into existence within the Easement Area in violation of the provisions of Section 2 above, the Grantee may trim or remove any vegetation [other than Protected Vegetation] or other items applied to, placed within or erected upon the surface of the earth that so violate the Grantee's rights. In addition, and without limitation, the Grantee shall have the rights to file actions in law or in equity for any and all possible relief under the prevailing circumstances, and shall be entitled to an award of reasonable attorneys' fees in any such proceeding.

D. RUNNING OF BENEFITS AND BURDENS. The grant of easement contained herein, along with any and all benefits and burdens arising therefrom, and all covenants, conditions, restrictions and reservations included herein are intended to become, and by the recordation of this instrument shall be conclusively deemed to be legal and equitable servitudes which shall run with the land of the above-described Parcels owned by Grantor and Grantee, and which shall be binding upon both Parcels, and upon their respective owners and occupiers, and upon the respective heirs, personal representatives, successors and assigns of such parties, through all successive transfers of either Parcel and/or the granting of any security interests therein, without requirement of further specific reference or inclusion in deeds, contracts or security instruments, and regardless of any subsequent forfeiture, foreclosures, or sales under security instruments, or of any forfeiture, foreclosures, or sales instituted for nonpayment of governmental tax, levy or assessment of any kind.

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I hereby certify that I know or have satisfactory evidence that CAROLYN A. EDSON is the person who appeared before me, and said person acknowledged that (s)he signed this instrument and acknowledged it to be the free and voluntary act of such person for the uses and purposes mentioned in the instrument.

DATED: October 24, 2006.

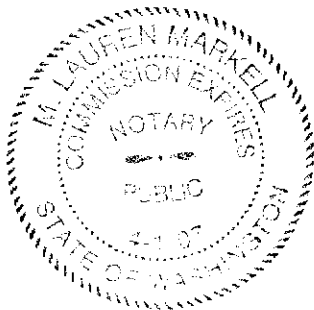


M. Lauren Markell
NOTARY PUBLIC for the State of
Washington. My Commission
expires 4-1-07

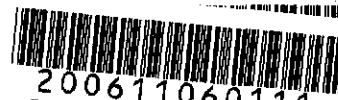
STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I hereby certify that I know or have satisfactory evidence that MARK EDSON is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of the Grantee, 3 E DEVELOPMENT, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: October 24, 2006.



M. Lauren Markell
NOTARY PUBLIC for the State of
Washington. My Commission
expires 4-1-07



200611060111
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EXHIBIT A

Legal Description of Grantor's Parcel ["Parcel A"]

That portion of the following described property lying Northerly of the North right-of-way margin of Gibraltar Road;

Blocks 46, 26 and that portion of Block 1 (known as Millers Reserve) and of Blocks 12 and 13, "PLAT OF THE TOWNSITE OF GIBRALTER", according to the plat recorded in Volume 1 of Plats, page 19, records of Skagit County Washington, and vacated streets and alleys adjoining, more particularly described as follows:

Beginning at the section corner coming to Sections 17, 18, 19 and 20 of Township 34 North, Range 2 East, W.M.; thence South 52 degrees 00' East along the Westerly line of Blocks 1 and 6 of said "PLAT OF THE TOWNSITE OF GIBRALTER", a distance of 542.0 feet to the most Westerly corner of Block 7 of said PLAT OF GIBRALTER; thence South 24 degrees 54' East along the westerly line of said Block 7, a distance of 57.92 feet, more or less, to the point of intersection with the Government meander line; thence Northeasterly along said meander line to a point that is equidistant between the last described point and the intersection of said meander line and the center line of vacated Island Street as shown on said PLAT OF GIBRALTER said point being the true point of beginning of this description; thence Northwesterly to a point on the center line of the existing County Road that is equidistant between the point of intersection of said center line with the center line of vacated Island Street as shown on said PLAT OF GIBRALTER and the point of intersection of said center line and the Southwesterly line of that tract of property conveyed to Laurence E. Nicholson and Dorothy Nicholson, husband and wife, by deed dated the 5th day of January, 1962 and recorded January 19, 1962 in the Office of the Auditor of Skagit County, Washington, under Auditor's File No. 617043, records of Skagit County; thence continuing Northwesterly along the same line to the point of intersection with the West line of Oregon Street as shown on said PLAT OF GIBRALTER, produced Southerly; thence North along the West line of Oregon Street and the East line of Blocks 25 and 45 of said plat to the center line of Virginia Street; thence East along the center line of Virginia Street to the intersection of the centerline of Wyoming Street; thence South along the centerline of Wyoming Street to the intersection of the centerline of Whidby Street; thence Southwesterly along the centerline of Whidby Street to the intersection of the centerline of Island Street; thence Southeasterly along the center line of Island Street to the Government meander line; thence Southwesterly to the point of beginning.

(Also known as Parcel 1 of that survey recorded January 23, 2001 under Skagit County Auditor's File No. 200101230028).



200611060111
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EXHIBIT B

Legal Description of Grantee's Parcel ["Parcel B"]

Lots 1-4 of Skagit County Short Plat No. 98-0001, recorded under Auditor's File No. 200608040036, records of Skagit County, Washington. Commonly known as 'Carolina Place Short Plat'.



200611060111
Skagit County Auditor

EXHIBIT C

Legal Description of Easement Area ["Parcel C"]

The Westerly 100.00 feet (as measured perpendicular to the Westerly line) of the following described tract:

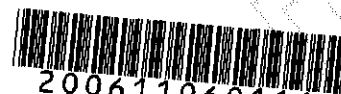
That portion of the following described property lying northerly of the North right-of-way margin of Gibraltar Road:

Blocks 46, 26 and that portion of Block 1 (known as Millers Reserve) and of Blocks 12 and 13, "Plat of the Townsite of Gibraltar", according to the plat recorded in Volume 1 of Plats, page 19, records of Skagit County, Washington, and vacated street and alleys adjoining, more particularly described as follows:

BEGINNING at the section corner common to Sections 17, 18, 19 and 20 of Township 34 North, Range 2 East, W.M.; thence South 52°00' East along the Westerly line of Blocks 1&6 of said "Plat of Townsite of Gibraltar," a distance of 542.00 feet to the most Westerly corner of Block 7 of said Plat of Gibraltar; thence South 24°54' East along the westerly line of said Block 7, a distance of 57.92 feet, more or less, to the point of intersection with the government meander line; thence northeasterly along said meander line to a point that is equidistant between the last described point and the intersection of said meander line and the center line of vacated Island Street as shown on said Plat of Gibraltar, said point being the TRUE POINT OF BEGINNING of this description; thence northwesterly to a point on the center line of the existing county road that is equidistant between the point of intersection of said center line with the center line of vacated Island Street as shown on said Plat of Gibraltar and the point of intersection of said center line and the southwesterly line of that tract of property conveyed to Laurence E. Nicholson and Dorothy Nicholson, husband and wife, by deed dated the 5th day of January 1962, and recorded January 19, 1962, in the office of the Auditor of Skagit County, Washington, under Auditor's file No. 617043, records of Skagit County; thence continuing northwesterly along the same line to the point of intersection with the West line of Oregon Street as shown on said Plat of Gibraltar, produced southerly; thence North along the West line of Oregon Street and the East line of Blocks 25 and 45 of said Plat to the center line of Virginia Street; thence East along the center line of Virginia Street to the intersection of the centerline of Wyoming Street; thence South along the center line of Wyoming Street to the intersection of the centerline of Whidby Street; thence Southwesterly along the center line of Whidby Street to the intersection of the center line of Island Street; thence Southeasterly along the center line of Island Street to the government Meander line; thence Southwesterly to the POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record. Situate in the County of Skagit, State of Washington.

See the sketch attached hereto as page 8 for further details.

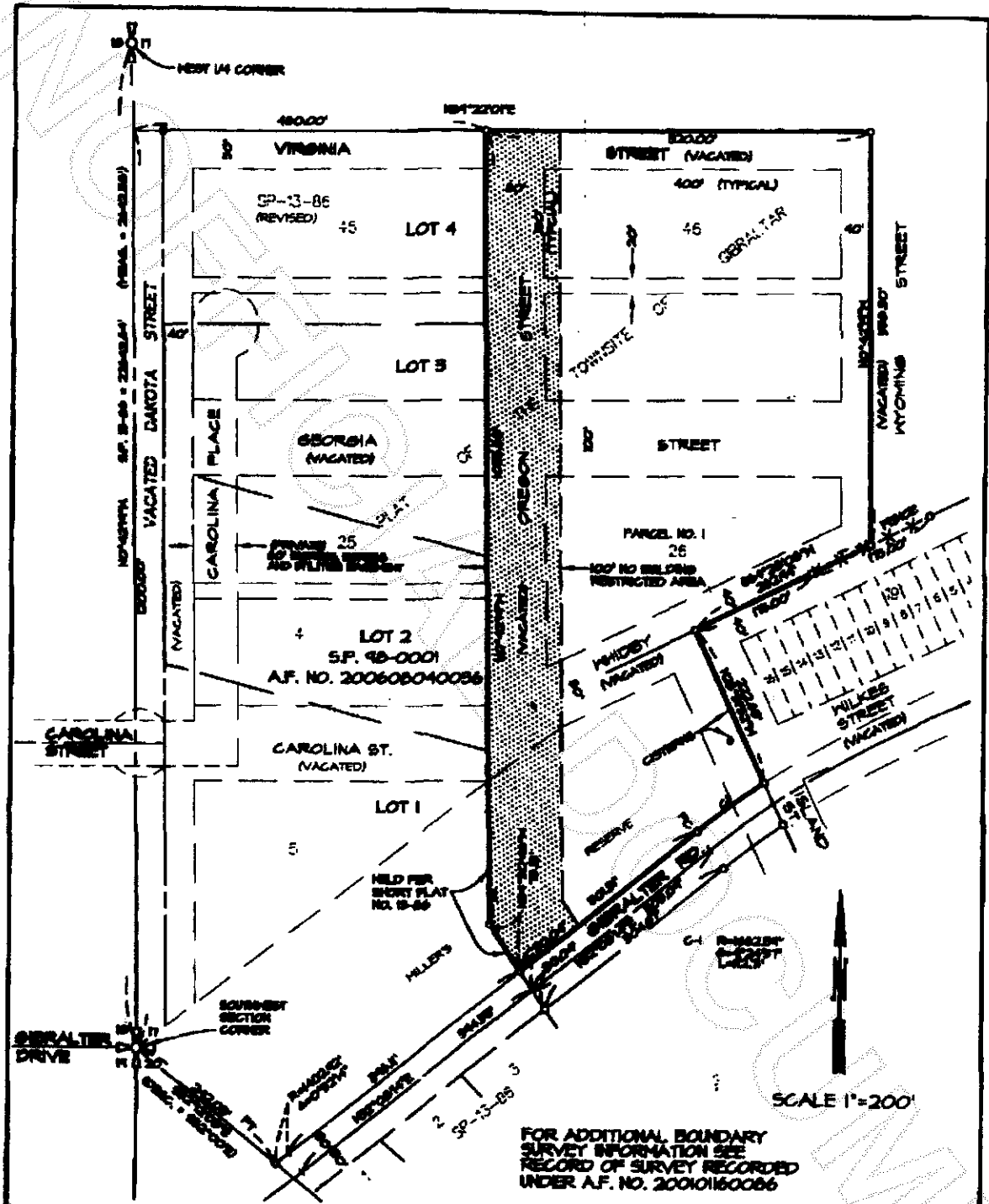


200611060111
Skagit County Auditor

11/6/2006 Page

7 of

8 11:59AM



NO BUILDING RESTRICTED AREA JOB NO. 04-007
SW 1/4 SECTION 17, T. 34 N., R. 2 E., W.M.
FOR: MARK EDSON
OCTOBER 2006

LISSEY & ASSOCIATES, PLLC SURVEYING & LAND-USE CONSULTATION
 320 MILWAUKEE STREET MOUNT VERNON, WA 98273 (360) 414-7442



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