

AFTER RECORDING, RETURN TO:

John A. McGary
Attorney at Law
3513 NE 45th Street
Suite 2W
Seattle, Washington 98105



200611170111

Skagit County Auditor

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EASEMENT

Grantors: Theodore A. Gagner and Jo Jo P. Gagner, husband and wife

Grantees: Jo Jo Gagner and Sara T. White

Abbreviated Legal Descriptions:

Grantors: Lot C of Short Plat No. AN-85-002, being portion of E 1/2, SE 1/4, SE 1/4, 25-35-1.

Grantees: Lots 1,2,3 and Tract A, Short Plat No. AN-86-003, being portion of S 1/2, SE 1/4, SE 1/4, 25-35-1.

Full legal descriptions are on Exhibits A and B of document.

Assessor's Property Tax Parcel Account Numbers:

Grantors' No. 350125-4-023-0301

Grantees' No. 350125-0-150-0205/R32155, 350125-4-027-0109/R32332

Reference to Related Documents:

None

RECITALS

- A.** Grantors are the owners of a certain parcel of land located in the City of Anacortes, Washington, described in particularity on Exhibit A hereto.
- B.** Grantees are the owners of a certain parcel of land located in the City of Anacortes, Washington, described in particularity on Exhibit B hereto.
- C.** Grantees have requested, and Grantors are willing to grant, on the terms and conditions herein, an easement over a portion of Grantors' land for the purposes described in this agreement. The boundaries of the easement are described in particularity on Exhibit C hereto.

EASEMENT AGREEMENT

1. **Creation of Easement.** For no consideration, Grantors do hereby convey and quit claim to Grantees, subject to matters of record, a perpetual non exclusive easement in, on, over, under, upon, and within Grantor's Property for ingress and egress, emergency vehicle access, construction, maintenance, repair, replacement, and use of a paved or unpaved road, underground utility facilities, street lights, and appurtenant facilities, the boundaries of which are described in particularity on Exhibit C (the "Easement").
2. **Improvement and Maintenance of the Easement.** Grantors shall be responsible for all construction, improvements, repairs and maintenance of the Easement, at Grantors' expense.
3. **Restoration of Damage to Grantor's Property.** Grantors agree promptly to restore any damage to the property of any adjoining landowner or other third party caused by Grantors, their agents, contractors, subcontractors, employees, guests, and invitees, in their improvement, installation, maintenance, repair, replacement, or use of the Easement.
4. **Compliance with Laws.** Grantors and Grantees agree to comply with all applicable codes, laws, ordinances, regulations, and statutes relating to the construction, improvement, maintenance, repair, replacement, and use of the Easement. Grantors, at their sole expense, shall obtain any and all required governmental approvals and permits relating to the Easement prior to any construction, improvement, maintenance, repair, replacement, and use of the Easement.
5. **Fire Prevention.** Grantors and Grantees shall use the utmost diligence and precaution to prevent fires from starting on the Easement or spreading onto Grantor's Property of the property of any adjoining landowner.
6. **No Liens.** Grantees shall allow no liens to attach to Grantor's Property.
7. **Real Estate Excise Taxes.** Grantors shall pay any real estate excise taxes due in connection with this Easement. Upon the execution of this Agreement, Grantor and Grantees



shall prepare and execute a complete and accurate real estate excise tax affidavit relating to this Agreement for filing with Skagit County, Washington, upon the recording of this Easement.

10. **Benefits and Burdens.** The burdens and benefits of this Agreement are intended to attach to and run with Grantor's Property and Grantee's Property. The terms and conditions of this Agreement shall be binding upon and shall inure to the benefit of Grantor, Grantees, and their heirs, successors and assigns.

GRANTORS:

Theodore A. Gagner
Theodore A. Gagner

Jo Jo P. Gagner
Jo Jo P. Gagner

GRANTEES:

Jo Jo Gagner
Jo Jo Gagner

Sara T. White
Sara T. White

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

NOV 17 2006

Amount Paid \$ 0
Skagit Co. Treasurer
By *[Signature]* Deputy

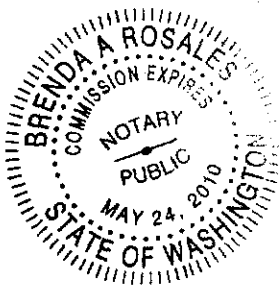


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STATE OF WASHINGTON)
) ss.
COUNTY OF)

On this 15th day of November, 2006, before me, a Notary Public in and for the State of Washington, personally appeared Theodore Gagner and Jo Jo Gagner, husband and wife, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons who executed this instrument and acknowledged it to be their free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Brenda A Rosales
NOTARY PUBLIC in and for the State of
Washington, residing at Skagit County
My appointment expires May 24, 2010
Print Name BRENDA A ROSALES

STATE OF WASHINGTON)
) ss.
COUNTY OF)

On this 15 day of November, 2006, before me, a Notary Public in and for the State of Washington, personally appeared Jo Jo Gagner, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be her free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Brenda A Rosales
NOTARY PUBLIC in and for the State of
Washington, residing at Skagit County
My appointment expires May 24, 2010
Print Name BRENDA A ROSALES



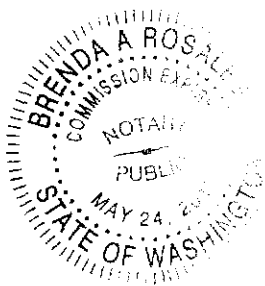
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STATE OF WASHINGTON)
) ss.
COUNTY OF)

On this 15 day of November, 2006, before me, a Notary Public in and for the State of Washington, personally appeared Sara T. White, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person who executed this instrument and acknowledged it to be her free and voluntary act and deed for the uses and purposes mentioned in the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Brenda A Rosales



Brenda A Rosales
NOTARY PUBLIC in and for the State of
Washington, residing at Skagit County
My appointment expires May 24 2010
Print Name BRENDA A. Rosales

EXHIBITS:

- A - Description of Grantor's Property
- B - Description of Grantees' Property
- C - Description of Easement



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EXHIBIT A

Description of Grantors' Property

Lot C of short plat No. AN-85-002, approved August 23, 1985, and recorded August 26, 1985, in Volume 7 of Short Plats, page 38, under Auditor's File No. 8608260045, records of Skagit County, Washington: Being a portion of the East 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 35 North, Range 1 East, W. M. Situate in the County of Skagit, State of Washington.



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EXHIBIT B

Description of Grantees' Property

PARCEL "A":

Lots 1 and 2 and Tract A of "City of Anacortes Short Plat No. AN-86-003", approved May 18, 1987 and recorded May 21, 1987 in Volume 7 of Short Plats, page 176, under Auditor's File No. 8705210020, records of Skagit County, Washington; being a portion of the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 35 North, Range 1 East, W.M.

Situate in the County of Skagit, State of Washington.

PARCEL "B"

Lot 3 of "City of Anacortes Short Plat No. AN-86-003", approved May 18, 1987 and recorded May 21, 1987, in Volume 7 of Short Plats, page 176, under Auditor's File No. 8705210020, records of Skagit County, Washington; being a portion of the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 35 North, Range 1 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over, under and across Tract A of said Short Plat No. AN-86-003.

Situate in the County of Skagit, State of Washington.



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EXHIBIT C

Description of Easement

A non exclusive easement for ingress, egress and utilities, twenty feet in width, located in the Southeast Quarter of the Southeast quarter of Section 25, Township 35 North, Range 1 East, W.M. in the City of Anacortes, Skagit County, Washington more particularly described as follows:

All That portion of Parcel C as shown on Anacortes Short Plat 85-002, recorded under Auditor's file number 8508260045, records of said County lying west of the following described line: Commencing at the northwest corner of said Parcel C; thence S89° 12'12"E, 20.00 feet along the south line of 41st Street to the True Point of Beginning of said line; thence turning S01° 10'34"W, 258.36 feet; thence S26° 21'01"W, 33.75 feet; thence S01° 10'34"W, 49.55 feet to the south boundary of Parcel C.

