

When recorded return to:

Mr. and Mrs. Daniel Elling
3400 Rosewood Street
Mount Vernon, WA 98273

Recorded at the request of:
First American Title
File Number: B89812



200612040208
Skagit County Auditor

12/4/2006 Page 1 of 6 3:27PM

Statutory Warranty Deed

FIRST AMERICAN TITLE CO.

B8981UE-1

THE GRANTORS David J. Brown and Lindsay K. Brown, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Daniel Elling and Jennifer Elling, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:

Lot 104, "ROSEWOOD PUD PHASE 2, DIVISION 1", as recorded December 3, 2003 under Auditor's File No. 200312030041, records of Skagit County, Washington.

Tax Parcel Number(s): P121129, 4827-000-104-0000

Lot 104, "ROSEWOOD PUD PHASE 2, DIVISION 1", as recorded December 3, 2003 under Auditor's File No. 200312030041, records of Skagit County, Washington.

SUBJECT TO: Covenants, conditions, restrictions and easements as per attached schedule B-1 and by this reference made a part hereof.

Dated November 30, 2006

D. J. B. 6141 Lindsay K. Brown
David J. Brown SKAGIT COUNTY WASHINGTON REAL ESTATE EXCISE TAX
Lindsay K. Brown

DEC 04 2006

Amount Paid \$ 4010.-
Skagit Co. Treasurer
By fp Deputy

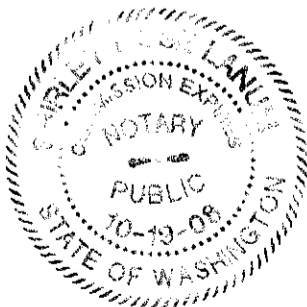
STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that David J. Brown and Lindsay K. Brown, 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: 11-30-06

Shirley Rose Larson

Notary Public in and for the State of Washington
Residing at Bullington
My appointment expires: 10-19-2008



Schedule "B-1"

EXCEPTIONS:

A. RESERVATIONS CONTAINED IN DEED

Executed by: Puget Mill Company, a Corporation
Recorded: December 18, 1926
Auditor's No: Volume 142 of Deeds, Page 146
As Follows:

"The party of the first part hereby reserves unto itself and unto its successors and assigns, the full, complete and absolute right to all oils, gases, coal, minerals, metals and fossils of every name and nature which may be in or upon said land or any part thereof, with the right of entry upon said land to prospect and explore for oils, gases, coal, minerals, metals and fossils of every name and nature, however, said party of the second part, its successors and assigns, shall be reasonably compensated for all damages done to the surface and soil of said land and the improvements thereon in carrying on any such operation."

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

Dated: June 1, 1998
Recorded: June 23, 1998
Auditor's No: 9806230104
Executed by: Self Help Housing, a Washington Non-Profit Corporation;
William Miller, it's Executive Director

C. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: City of Mount Vernon, a Municipal Corporation of the State of Washington
Dated: November 24, 1998
Recorded: December 31, 1998
Auditor's No: 9812310051
Purpose: Utility purposes
Area Affected: Tract K adjacent to 30th Street

D. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Dated: July 14, 1999
Recorded: August 12, 1999
Auditor's No: 199908120018
Purpose: Right to enter said premises to operate, maintain, and repair underground electric transmission and/or distribution system, together with the right to remove brush, trees and landscaping which may constitute a danger to said lines
Area Affected: South 25 feet of common area Tract A



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E. AGREEMENT, AND THE TERMS AND CONDITIONS THEREOF:

Between: Self-Help Housing
And: City of Mount Vernon
Dated: February 8, 2000
Recorded: February 14, 2000
Auditor's No: 200002140087
Regarding: Agreement as to various terms of platting including but not limited to road improvements, signage, street lighting, etc.

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

Dated: May 28, 2002
Recorded: May 29, 2002
Auditor's No: 200205290098
Executed by: Self-Help Housing, a Washington Non-Profit Corporation

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: February 17, 2006
Recorded: February 22, 2006
Auditor's No.: 200602220048

G. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: June 11, 2003
Recorded: June 16, 2003
Auditor's No: 200306160285
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . "
Area Affected: All streets and road rights-of-way; a strip of land 10 feet in width across all lots; all areas located within 5 (five) feet perimeter of the exterior surface of all ground mounted vaults and transformers.



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

Plat/Subdivision Name: Rosewood P.U.D., Phase 2, Division 1
Recorded: December 3, 2003
Auditor's No: 200312030041

Said matters include but are not limited to the following:

1. An easement is hereby reserved for and granted to the City of Mount Vernon, Public Utility District No. 1, Puget Sound Energy, Verizon Northwest, Cascade Natural Gas Corp., and Comcast Corporation and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts as shown on the face of this Plat and other utility easements, if any, shown on the face of this plat, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines fixtures, 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 causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted. An easement was additionally conveyed to Puget Sound Energy, Inc. per A.F. No. 200306160285 as follows: All areas located within 5 (five) feet perimeter of the exterior surface of all ground mounted vaults and transformers.

2. An easement over Tract "J" is granted to Public Utility District No. 1 of Skagit County, Washington, a municipal corporation, its successors or assigns, the perpetual right, privilege and authority enabling the PUD to do all things necessary or proper in the construction and maintenance of a water line, lines or related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation of water over, across, along, in and under the lands shown on the plat together with the right of ingress to and egress from said lands across adjacent lands of the grantor; also, the right to cut and/or trim all brush, timber, trees or other growth standing or growing upon the lands of the grantor which, in the opinion of the District, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The grantor agrees that title to all timber, brush, trees, other vegetation or debris trimmed, cut and removed from the easement pursuant to this Agreement is vested in the District.

Grantor, its heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the General Manager of the District. Grantor shall conduct its activities and all other activities on grantors property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the Districts use of the easement.

3. Easement for the purpose of conveying local storm water runoff are hereby granted in favor of all abutting private lot owners in the areas designated as private drainage easements. The maintenance of private easement established and granted herein shall be the responsibility of, and the costs thereof shall be borne equally by the present and future owners of the abutting private lot owners and their heirs, owners 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.



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4. Know all men by these presents that Rosewood Estates, LLC, and Whidbey Island Bank, a Washington corporation, owners in the fee simple or contract purchasers and mortgage holders or lien holders of the land hereby platted, declare this Plat and dedicate to the use of public forever, the streets, avenues, shown hereon and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such streets and avenues shown hereon. Tract "N" is additionally dedicated to the City of Mount Vernon for City Open Space.

5. Building Set Backs:

Single Family Lots (SF)

Front: 20' (Corner lots have two front yards)
Rear: 20'
Side: 7.5' (or as otherwise shown hereon)

Common Wall Lots
(CW)

Front: 20' (Corner lots have two front yards)
Rear: 20'
Side: 0' on common sides, 7.5' on non-common sides
(or as otherwise shown hereon)

6. Sewage Disposal - City of Mount Vernon

7. Storm Drainage - City of Mount Vernon, Storm water detention facilities for this Plat were previously constructed within Tract "A", Plat of Rosewood P.U.D. Phase I and are owned and maintained by the City of Mount Vernon.

8. Street Standard - City of Mount Vernon

9. Water - Skagit County P.U.D. No. 1

10. Power - Puget Sound Energy

11. Telephone - Verizon Northwest

12. Gas - Cascade Natural Gas

13. Television Cable - Comcast Corporation

14. Garbage Collection - City of Mount Vernon - Solid waste collection for lots shall be at the edge of the public right-of-way.

15. This Plat has been laid out and constructed per the approved Rosewood P.U.D. available at the City of Mount Vernon Planning Department. The Rosewood P.U.D. allowed for a mix of single family lots (SF) and duplex or common wall construction lots (CW).

16. All lots within this subdivision are subject to impact fees for schools, fire, parks and any other City impact fees payable upon issuance of a building permit.

17. Siltation control devices may be required for each lot during home construction or subsequent soil disturbances. See City of Mount Vernon Engineering Department for details.



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18. Homes shall be built on site per the designs approved in the Rosewood P.U.D. or an alternative design approved by the City of Mount Vernon.

19. Tract "N" is not to be considered a separate building tract. Tract "N" is for open space and is dedicated to the City of Mount Vernon for ownership and maintenance. Tract "N" is to be combined or aggregated with Tract "A", Rosewood P.U.D. Phase I and maintained per any previous agreement or documentation with respect to the Rosewood open space.

20. The Plat of Rosewood P.U.D. Phase 2 shall have the same rights and access to the previously platted open spaces shown on the Plat of Rosewood P.U.D. Phase I including Tract "B", Tract "C" and Tract "Z". The same reciprocal rights and access shall apply for open space Tracts "L" and "M" created via this phase for owners of Rosewood P.U.D. Phase I. All previously recorded documents with respect to the homeowners association and maintenance responsibilities shall apply to this division.

21. Tract "L" and Tract "M" are not to be considered separate building tracts, Tracts "L" and "M" are for open space, private drainage and recreational purposes. No structures shall be placed on said Tracts "L" and "M" without the written consent of the City of Mount Vernon. "Structures" shall mean any building, wall, driveway, walkway, patio, garage, storage shed, carport, mailbox, swimming pool, dog run or additional playground equipment. The Rosewood Homeowners shall be responsible for all repair and maintenance of landscaping and playground equipment within said Tracts "L" and "M".

22. Tract "J" and Tract "K" are not to be considered as separate building sites. Tracts "J" and "K" are areas of future phases. No building permits shall be issued for lots in said Tracts until such time as the road and utility improvements have been built or bonded to the satisfaction of the City of Mount Vernon and the final plats for said future phases have been recorded with the County Auditor.

23. Only 34 lots within this Plat of Rosewood P.U.D. Phase 2, Division 1 shall be issued building permits until such time as the road improvements with the 30th Street right-of-way (dedicated to the City of Mount Vernon) from the West boundary line to the North boundary line of this Plat, have been built or bonded to the satisfaction of the City of Mount Vernon. At such time 30th Street is built or bonded, all lots within this plat will be available for the issuance of building permits. Additionally, when 30th Street right-of-way improvements are built or bonded to the satisfaction of the City of Mount Vernon, a final plat may be recorded for all lots within Tract J shown hereon.

24. 10 foot utility easement (typical) (Affects areas abutting streets).

25. Building envelope (typical) as delineated

26. 10 foot private drainage easement (Affects Lots 119 - 130, 31 and Tract "J")

27. 20 foot private drainage easement (Affects Lots 72 - 81 and Tract "J")

28. 10 foot easement to P.U.D. No. 1 (Affects Tract "J")

29. Tracts "L" and "M" designated as open space and private storm drainage areas.

I. Terms and Provision contained in the Bylaws of Rosewood Homeowner's Association as recorded March 19, 2004 under Auditor's File No. 200403190133.



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