

When recorded return to:

Mr. and Mrs. Elwin A. Magill  
6541 Driftwood Drive  
Anacortes, WA 98221



200612140094  
Skagit County Auditor

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Recorded at the request of:  
First American Title  
File Number: A89931

P31150 & P31177

**BARGAIN AND SALE DEED**

**Sec. 2, TWP 35, Rng. 1; P.M. Gov. Lot 5**

THE GRANTOR Karen L. Duchscherer, Personal Representative of the Estate of David Lee Jones, deceased for and in consideration of EIGHT HUNDRED FIFTY THOUSAND AND NO/100 Dollars \$ 850,000.00, in hand paid, bargains, sells, and conveys to Elwin A. Magill and Judy A. Magill, husband and wife the following described estate, situated in the County of Skagit, State of Washington:

**FIRST AMERICAN TITLE CO.**

**A89931E-1**

Parcel "A":

That portion of Government Lot 5, Section 2, Township 35 North, 1 East, W.M., being more particularly described as follows:

Commencing at the Northeast corner of said Government Lot 5; thence South 89°30' West along the North line of said Government Lot 5 a distance of 1,047.05 feet to a point lying 3,703.93 feet West of the Last Quarter corner of Section 2; thence South 24°43'30" West along the West line of that certain tract of land conveyed to Charles Bush by Statutory Warranty Deed recorded under Auditor's File No. 507448, records of Skagit County, Washington; a distance of 110.54 feet to the true point of beginning; thence North 89°30' East a distance of 191.48 feet; thence South 15°33'18" West a distance of 430.69 feet; thence South 34°17' East a distance of 79 feet, more or less, to the fence line, being the North line of that certain tract of land conveyed to the Estate of Victor Burlingame by Court Judgment filed in the Skagit County Clerk's office under File No. 23861 on June 16, 1958; thence West along said fence line a distance of 600 feet, more or less, to the line of ordinary high tide at the shoreline of Bellingham Channel or to the government meander line, whichever is farther out; thence Northerly along said line a distance of 90 feet, more or less, to the South line of the North 480 feet of said Government Lot 5, said point being also on the South line of a tract of land conveyed to Marie Cornell and Mildred Robertson by deed recorded under Auditor's File No. 603218, records of Skagit County, Washington; thence North 89°30' East along said South line and parallel with the North line of said Government Lot 5 a distance of 300 feet, more or less, to the intersection with a line bearing South 24°43'30" West from the true point of beginning, said point being also the Southeast corner of said Cornell tract; thence North 24°43'30" East a distance of 420 feet to the true point of beginning;

EXCEPT that portion conveyed to Skagit County by deed recorded August 30, 1939 under Auditor's File No. 316530, records of Skagit County, Washington;

TOGETHER WITH tidelands of the second class situated in front of, adjacent to, or abutting upon the above described property.

Parcel "B":

A non-exclusive easement for roadway and pole line over a strip of land 25 feet in width lying Westerly of the following described line:

Beginning at the East Quarter corner of said Section 2; thence North 88°25'12" West along the East-West centerline of said Section 2 a distance of 3,703.93 feet to the true point of beginning of said line; thence South 26°48'18" West 530.56 feet.

Parcel "C":

A non-exclusive easement for access, roadway and utilities over a strip of land 20 feet in width lying South of the following described line:

Commencing at the Northeast corner of said Government Lot 5; thence South 0°54' East along the East line of said Government Lot 5 a distance of 562.92 feet to the true point of beginning of said line; thence South 89°41'22" West a distance of 1,000 feet, more or less, to the East line of the hereinabove described main tract.

Tax Parcel Number(s): P31150, 350102-0-008-0008, P31177, 350102-0-030-0000

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "A" attached hereto.

The Grantor for himself/herself and for his/her successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through, or under said Grantor and not otherwise, he/she will forever warrant and defend the said described real estate.

Dated: December 6, 2006

Estate of David Lee Jones, deceased

Karen L. Duchscherer

By: Karen L. Duchscherer, Personal Representative

STATE OF Washington )  
COUNTY OF King ) SS:

I certify that I know or have satisfactory evidence that Karen L. Duchscherer, 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: 12-11-06

Nancy L. Sorensen  
NANCY L. SORENSEN  
Notary Public in and for the State of Washington  
Residing at Seattle  
My appointment expires: 11-02-10

NANCY L. SORENSEN  
STATE OF WASHINGTON  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
11-02-10

# 6306  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 14 2006

Amount Paid \$ 15135.00  
Skagit Co. Treasurer  
By [Signature] Deputy



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**EXCEPTIONS:**

**A. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:**

Between: David Jones  
And: Adjoining property owners  
Dated: December 5, 1992  
Recorded: December 9, 1992  
Auditor's No.: 9212090088  
Regarding: Agreement to maintain private road including costs for same

**B. RESERVATION CONTAINED IN DEED**

Executed by: Charles J. Bush III and Roseanne M. Bush,  
husband and wife  
Recorded: May 2, 1988  
Auditor's No.: 8805020032  
As Follows:

Purchasers are aware that the South fence line borders or is on the Skagit County maintained ditch and/or flume line running from West Shore Drive, Westerly to Bellingham Channel. The County has the right of ingress and egress to maintain said ditch and/or flume which is reflected in a recorded deed allowing the County five (5) feet access on either side of the ditch/flume. Said ditch was straightened by the County when the flume was installed and said fence follows this ditch line.

C. Reservations contained in deed from the State of Washington recorded under Auditor's File No. 344227, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

D. Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid road, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

E. Any questions which may arise regarding an encroaching barn on the East line of the subject property as disclosed by Survey recorded June 22, 1982 under Auditor's File No. 8206220026 in Volume 3 of Surveys, Page 193, records of Skagit County, Washington.

**F. MATTERS AS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING SHORT PLAT:**

Short Plat No.: 97-0032  
Recorded: December 18, 1997  
Auditor's No.: 9712180068

Said matters include but are not limited to the following:

1. One hundred (100) foot radius well protection zone.



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G. Right of the general public to the unrestricted use of all the waters of a navigable body of water, not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

H. Any adverse claim based upon the assertion that any portion of said premises was not tidelands subject to disposition by the State of Washington or that any portion thereof has ceased to be tidelands by reason of erosion or by reason of having to become uplands by accretion.

I. Any question of the location of lateral boundaries and the seaward boundaries of the second class tidelands/shorelands described herein.

J. Any prohibition or limitation on the use, occupancy or improvement of the land resulting from the Rights of the Public or Riparian Owners to use any waters, which may cover the land.



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