

When recorded return to:

Mr. and Mrs. Gabriel M. Downes
17217 Sockeye Drive
Mount Vernon, WA 98274



200701260006
Skagit County Auditor

1/26/2007 Page 1 of 7 9:33AM

Recorded at the request of:
First American Title
File Number: B89852

Statutory Warranty Deed

THE GRANTOR Hansell Mitzel, LLC for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Gabriel M. Downes and Lovetta Downes, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

FIRST AMERICAN TITLE CO.

B89852E-1

Abbreviated Legal:
Lot 145, "NOOKACHAMP HILLS PUD, PHASE IIB"

Tax Parcel Number(s): P123238, 4868-000-145-0000

Lot 145, "NOOKACHAMP HILLS PUD, PHASE IIB", as per plat recorded August 23, 2005, under Skagit County Auditor's File No. 200508230082, records of Skagit County, Washington. Subject to covenants, conditions and restrictions as set forth in Exhibit A, attached hereto and made a part hereof.

Dated 1-23-07

373
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Hansell Mitzel Homes, LLC

By: Jeff Hanzell, Managing Member

JAN 26 2007

7925⁰⁰

Amount Paid \$
Skagit Co. Treasurer
By Deputy

STATE OF WA }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Jeff Hanzell is/are the person(s) who appeared before me, and said person(s) acknowledge that he signed this instrument, on oath stated he is/are authorized to execute the instrument and acknowledge that as the Managing Member of Hansell Mitzel Homes, LLC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 1-23-07

Notary Public in and for the State of Washington
Residing at Burlington
My appointment expires: 10-9-10

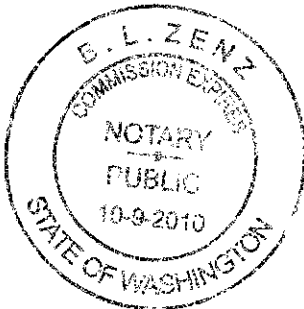


EXHIBIT A

Schedule "B-1"

EXCEPTIONS:

A. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Skagit Valley Telephone Company
 Dated: Undisclosed
 Recorded: September 21, 1967
 Auditor's No: 704645
 Purpose: Telephone lines
 Area Affected: Southeast 1/4 of Section 25, Township 34 North, Range 4 East, W.M., and West 1/2 of Section 30, Township 34 North, Range 5 East, W.M.

B. Stipulation contained in Deed executed by Walking Circle M., Inc., to MV Associates, dated July 25, 1979, recorded August 31, 1979, under Auditor's File No. 7908310024, as follows:

This transfer is subject to that perpetual easement which exists, and has existed, in favor of David G. McIntyre for:

1.) The right to maintain, repair, inspect and otherwise use his existing septic tank on the subject property and, if necessary, to replace said septic tank by installing a new septic tank on the subject property;

The right to use the existing well and waterlines on the subject property, and to take water from the existing well as needed; and

3.) The right to use any and all roadways on the subject property for ingress and egress to the property owned by David G. McIntyre, which is located in Skagit County, Washington, in Section 30, Township 34 North, Range 5 East, W.M.

C. Matters related to annexing a portion of the subject property into Skagit County Sewer District No. 2, as disclosed by document recorded under Auditor's File Nos. 8412050001 and 8411280007.

D. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Public Utility District No. 1 of Skagit County, Washington
 Dated: June 8, 1990
 Recorded: September 13, 1990
 Auditor's No: 9009130081
 Purpose: Water pipe lines, etc.
 Area Affected: 60 foot wide strip of land in South 1/2 of Section 25 and in the Northeast 1/4 of Section 36, all in Township 34 North, Range 4 East.

E. RESERVATIONS CONTAINED IN DEED

Executed by: Union Lumber Company
 Recorded: November 11, 1909
 Auditor's No: 76334
 As Follows:

Minerals and rights of entry. Said mineral rights are now vested of record in Skagit County.



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F. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: Nookachamp Hills LLC
And: Skagit County Sewer District No. 2
Recorded: May 18, 2004
Auditor's No.: 200405180073
Regarding: Conditions and fees for connecting to sewer system

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

Plat/Subdivision Name: Nookachamp Hills PUD Phase IIB
Recorded: August 23, 2005
Auditor's No.: 200508230082

Said matters include but are not limited to the following:

1. Easements are 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 District to do all things necessary or proper in the construction and maintenance of a water and communication 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 and communication lines or other similar public services over, across, along, in and under the lands as shown on this Plat together with the right of ingress to and egress from said lands adjacent land of the grantor. Also, the right to cut and/or trim all brush, 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(s) or to persons or property by reason of proximity to the line(s). The Grantor agrees that title to all brush, 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 Grantor's 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 District's use of the easement.

2. No building permit shall be issued for any residential and/or commercial structure which are not at the time of application determined to be within an official designated boundary of a Skagit County Fire District.

3. Change in location of access may necessitate a change of address. Contact Skagit County Planning and Development Services.

4. Sewage disposal – Skagit County Sewer District No. 2
Water – Skagit County PUD – Power – Puget Sound Energy
Telephone – GTE – Gas – Cascade Natural Gas
Cable – Lake Cable Service

5. The purchaser or seller of each lot shall deposit \$350.00 into the Skagit County Impact Fund in the Skagit County Treasurer's Office at the time of closing of said sale. This is a one time fee to mitigate impacts on parks and recreation.



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6. This survey has depicted existing fence lines and other occupational indicators in accordance with W.A.C. Ch. 332.130. These occupational indicators may indicate a potential for claims of unwritten title ownership. The legal resolution of ownership based upon unwritten title claims has not been resolved by this boundary survey.
7. The owners hereby declare covenants, conditions and restrictions as recorded under Auditor's File No. 200508230083.
8. This Parcel lies within an area or within 500 feet of area designated as Natural Resource Lands (agricultural, forest and mineral resource lands of long-term commercial significance) in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise and odor. Skagit County has established Natural Resource Management Operations as a priority use on designed Natural Resource Lands and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal necessary Natural Resource Land operations when performed in compliance with best management practices and Local, State and Federal Law in the case of Mineral Lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. In addition, greater setbacks than typical may be required from the resource area, consistent with SCC 14.16.810. Contact the Skagit County Planning and Development Services for details.
9. Tract "G" is designated for Open Space and Detention Pond. The ownership and maintenance of said Tract is further defined in the CCR's as referenced under Note 7 above Tracts "H", "I" and "J" are designated as Open Space, Trail Access and Buffer Areas.
10. The 10 foot access easement (Tract "I") as shown on sheet 3 of 3 between Sockeye Drive and Nookachamp Hills Drive is for pedestrian traffic only for the benefit of all lots within this plat all phases of Nookachamp Hills Planned Unit Development. The maintenance and ownership of said 10' is further defined in the CCR's as referenced under Note 7 above.
11. Setbacks:
Front – 35', 25' on minor access and deed end streets
Side – 8' on interior Lot
Rear – 25'
Accessory – Front 35', side 8', however, a 3' setback is permitted when the accessory building is a minimum of 75' from the front property line providing that the structure is less than 1,000 sq. ft. in size and 16' or less in height.
12. The Plat name, number and date of approval shall be included in all deeds and contracts.
13. Owner – Developer
Nookachamp Hills LLC
c/o Dan Mitzel
1111 Cleveland Avenue; P.O. Box 188
Mount Vernon, WA 98273
14. The Homeowners Association is responsible for the maintenance of the storm water system. Skagit County Public Works has on file the "Storm Water System Maintenance Plan for Nookachamp Hills Plat, Phase II", which outlines said maintenance.



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15. The owners hereby declare common access easements on Lots 114 through 138, as shown hereon, the center of said 30'x70' easements are centered on the common lot lines between the lots as shown hereon. The maintenance of said easements is outlined in the CCR's are recorded under Note 7 above.

16. Lots 114, 116, 118, 120, 122, 124, 126, 128, 130, 132 and 134 shall be restricted to a building height of 20 feet from the mean ground elevation of the four corners of the proposed new building.

17. The monument set in the cu-de-sac of Sockeye Drive was off set 10 feet because of sewer manhole location.

18. A Skagit County address range has been applied to the road system in this subdivision. At the time of application for building and/or access. Skagit County GIS will assign individual addresses in accordance with the provisions of Skagit County Code 15.24.

19. The waterline is constructed within the County Road.

20. A Lot of Record Certification has been issued for all lots included in the land division. By virtue of recording this land division and issuance of the Lot Certification, all lots therein shall be considered lots of record for conveyance and development purposes unless otherwise restricted. See Auditor's File No. 200508230084.

21. Lots 151 – 161 are located in a Seismic Hazard Area and a Geotech Report will be required at the time of a building permit.

22. An easement is hereby granted to Skagit County Public Works for road maintenance. See Sheets 3 of

23. Nookachamp Hills LLC will be responsible for the maintenance of the pedestrian trail along Day Lumber Lane as shown in the Plat of "Lakeview Tracts" recorded in Volume 5 of Plats at pages 2 and 3, records of Skagit County, located on the West side of Highway 9 in the Northwest ¼ of Section 25, Township 34 North, Range 4 East.

24. Know all men by these presents that Nookachamp Hills L.L.C., a Washington limited liability company and Peoples Bank, a Washington State corporation, Owners in Fee Simple or Contract Purchasers and Mortgage or Lien Holders of the land hereby platted, declare this Plat and dedicate to the use of the Public forever, the roadways as 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 slopes for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such roadways shown hereon.

We also hereby dedicate Tracts "G", "H", "I" and "J" to the Nookachamp Hills PUD Property Owners Association.

25. An easement is hereby reserved for and granted to Skagit County, Skagit County Public Utility District No. 1, Skagit County Sewer District No. 2, Puget Sound Energy, GTE, Cascade Natural Gas Corporation and Lake Cable Service and their respective successors and assigns under and upon the exterior 15 feet of all lots and tracts abutting all public roads and rights-of-way as shown hereon in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto. For the purpose of providing utility services to the subdivision 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 caused to any real property owner in the subdivision by the exercise of rights and privileges herein granted.



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26. Easements for the purpose of conveying local storm water runoff and sanitary sewer are hereby granted in favor of all abutting private lot owners in all areas designated as private drainage or private sewer easements. The maintenance of private easements 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 representative and assigns.

Skagit Sewer District No. 2 is hereby granted an easement in all areas designated as Private Sewer Easements.

Skagit County is hereby granted the right to enter said easements for emergency purposes at its own discretion.

27. Twenty (20) foot sewer easement along Northeasterly boundary Lots 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135 and Tract "H".
28. Twenty (20) foot sewer easement along boundary of Lots 119 and 121
29. Fifteen (15) foot private sewer easement along Southeast boundary Lot 124
30. Fifteen (15) foot private sewer easement as shown in Southeast portion Lot 128
31. Ten (10) foot private drainage easement along Southwest boundary Lots 114, 116, 118, 120, 122, 124, 126, 128, 130 and 132.
32. Twenty (20) foot private sewer easement and public water easement along boundary of Lots 137 and 138
33. Ten (10) foot sewer easement along South boundary Lot 158
34. Ten (10) foot private sewer easement along South boundary Lot 155
35. Twenty (20) foot private sewer easement along West boundary Lot 159
36. Ten (10) foot private drainage easement along East boundary Lots 146 – 150
37. Ten (10) foot private sewer easement along Northwest boundary Lot 150
38. Ten (10) foot private drainage easement along North boundary Lot 141
39. Ten (10) foot private drainage easement along West boundary Lots 141 – 144
40. Mislocated fence as shown on Tract "J"
41. Unlabeled 15 foot easement along Southeast boundary Lot 132



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

Dated: October 13, 1998
Recorded: November 2, 1998
Auditor's No: 9811020155
Executed By: Nookachamp Hills, LLC

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: August 8, 2005
Recorded: August 23, 2005
Auditor's No.: 200508230083

I. EASEMENT AND PROVISIONS THEREIN:

Grantee: Puget Sound Energy, Inc..
Dated: February 22, 2005
Recorded: March 1, 2005
Auditor's No.: 200503010069
Purpose: Right to enter said premises to operate, maintain, 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.
Affects: Entire Plat

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void.)

Easement No. 2: A strip of land 15 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

J. EASEMENT, INCLUDING TERMS AND PROVISIONS THEREOF:

Grantee: Skagit County Sewer District No. 2
Dated: June 21, 2005
Recorded: September 16, 2005
Auditor's No.: 200509160140
Purpose: Sewer mains
Area Affected: All roads and various strips of land as described in said document and as shown on the face of the plat.

Note # 1.: We note the following recorded documents which may affect building or land use. Governmental regulations are not a matter of title insurance and said documents are shown as a courtesy only. Reference is made to the record for the full particulars. Matters set forth in said notice/agreement (s) may have expired, changed or may change in the future without recorded notice.

Auditor's File No.: 200508230084
Document Title: Plat Lot of Record Certification
Regarding: Entire Plat



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