

RECORDED AT REQUEST OF:



200702090045

Skagit County Auditor

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Grantors/Grantees. HOPKE & HOPKE FAMILY TRUST; HOPKE & SALT FAMILY TRUST;  
COX, Randy C. and Connie L.; SALT, Virginia L.; HOPKE, Delbert L.  
Present and future owners of Lots 1-4, Short Plat No. PL04-0764, AFN 200505260116  
Public  
Abbrev. Leg. Lots 1-4, Short Plat No. PL04-0764, AFN 200505260116;  
Ptn of Lots 18-21, DEITER'S ACREAGE, SKAGIT CO, Vol 3, p 53  
Ptn of Lots 20 and 21, DEITER'S ACREAGE, SKAGIT CO, Vol 3, p 53  
Tax Acct. No. 3899-000-021-0500/P123070; 3899-000-021-0600/P123071;  
3899-000-021-0700/P123072; 3899-000-021-0800/P123073  
3899-000-021-0003/P64984

### **DECLARATION OF EASEMENT AND RESTRICTIVE COVENANTS**

This Declaration of Restrictive Covenants is made by VIRGINIA L. SALT as Trustee for the HOPKE & HOPKE FAMILY TRUST and as Trustee for the HOPKE & SALT FAMILY TRUST; RANDY C. COX and CONNIE L. COX; and VIRGINIA L. SALT, a married woman as her separate estate, and DELBERT L. HOPKE, an unmarried man, hereafter referred to as the "Declarants":

#### **RECITALS**

A. VIRGINIA L. SALT as Trustee for the HOPKE & HOPKE FAMILY TRUST, and as Trustee for the HOPKE & SALT FAMILY TRUST is the owner of the real property described as Parcel A on EXHIBIT I, attached hereto (Lots 1 and 2, Short Plat No. PL04-0764).

B. RANDY C. COX and CONNIE L. COX, husband and wife are owners of the real property described as Parcel B on EXHIBIT I, attached hereto (Lot 3, Short Plat No. PL04-0764).

C. VIRGINIA L. SALT, a married woman as her separate estate, and DELBERT L. HOPKE, an unmarried person, are the owners of real property described as Parcel C on EXHIBIT I, attached hereto (Lot 4, Short Plat No. PL04-0764).

D. VIRGINIA L. SALT as Trustee for the HOPKE & HOPKE FAMILY TRUST, and as Trustee for the HOPKE & SALT FAMILY TRUST is the owner of the real property described as Parcel D on EXHIBIT I, attached hereto (Portion of Lots 20 and 21 Deiter's Acreage).

E. The above named declarants desire to subject the property described on EXHIBIT I to the easements restrictions and covenants set forth herein to protect the value and desirability of the property.

THEREFORE, to accomplish the foregoing purposes, the declarants hereby publish and declare that the property shall be held, conveyed, hypothecated, encumbered, leased, rented, used occupied and improved subject to the following easements, covenants and restrictions, which shall run with the land and be a burden upon and benefit to the declarants and to any other person, firm, corporation or entity of any kind whatsoever acquiring or owning an interest in the property, or any part thereof, and their lessees, guests, heirs, executors, personal, representatives, heirs and assigns.

(1) Dwelling restrictions. No mobile homes, prefabricated homes or pre-manufactured homes, or modular homes shall be located on Parcels A, B and C (Lots 1-4 of Short Plat No. PL04-0764) either on a temporary or permanent basis. No temporary structure shall be used on the said Parcels A, B, and C (Lots 1-4) as a permanent residence. All structures must comply with Uniform Building Codes as adopted by Skagit County.

(2) Construction. All structures shall be of new construction, with concrete foundation and on-site "stick built" construction. No construction shall be commenced until a building permit is obtained. All exterior construction must be completed within 18 months of commencement.

(3) Easement. The declarants hereby declare, grant and convey an easement to themselves and the future owners of the property described on EXHIBIT I, attached hereto, for underground utilities. The easement shall be for the benefit of the properties described on EXHIBIT I. The easement area shall be the East 10 feet of Parcels A, B and C (Lots 1-4 of Short Plat PL04-0764) and the East 20 feet of Parcel D (North 525.14 feet of Lots 20 and 21, DEITER'S ACREAGE). In declaring an easement in the East 10 feet of the Short Plat property and the East 20 feet of the Deiter's Acreage parcel, the declarants have in mind that the County Road right of way is 10 feet wider through the Short Plat property and it is the intent that the west side of the easement be a straight line running north and south 10 feet west of the east line of the Short Plat and extended north to the north line of Parcel D.

(4) Covenants to run with the land. The covenants and restrictions contained



herein shall run with the land and shall be binding upon property and upon any person, firm, corporation or entity of any kind whatsoever acquiring or owning an interest in the property, or any part thereof, and their lessees, guests, heirs, executors, personal, representatives, heirs and assigns.

(5) Enforcement. Each lot owner, including the declarants if the declarants are lot owners, shall have the right to enforce, by any proceeding in law or equity, all covenants and restrictions imposed by this declaration or any amendment thereof. Failure to insist upon strict performance of any covenant or strict adherence to any restriction shall not be deemed a waiver of the right to insist upon enforcement thereafter.

(6) Attorney's Fees. In any litigation or proceeding to enforce any of the restrictions or covenants contained in this declaration, the substantially prevailing party shall be entitled to recover from the non-prevailing party its costs, including a reasonable attorney's fee.

(7) Amendment. This declaration may be amended, or new covenants or restrictions added, if approved by the owners of seventy-five percent of the lots. Any such amendment or addition must be executed and acknowledged by the owners of seventy-five percent of the lots and recorded with the county auditor. The amendment shall be effective upon recordation.

(8) Severability. Invalidation of any one of these covenants or restrictions by judgment or court order shall have no effect on any of the remaining provisions, which shall remain in full force and effect.

DATED: Feb 5, 2007, 2007.

HOPKE & HOPKE FAMILY TRUST:

HOPKE & SALT FAMILY TRUST:

By: Virginia L. Salt, trustee  
Virginia L. Salt, Trustee

By: Virginia L. Salt, trustee  
Virginia L. Salt, Trustee

Randy C. Cox  
RANDY C. COX

Connie L. Cox  
CONNIE L. COX

Virginia L. Salt  
VIRGINIA L. SALT

Delbert L. Hopke  
DELBERT L. HOPKE



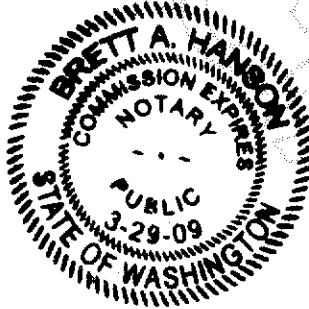
STATE OF WASHINGTON )

: SS

COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that VIRGINIA L. SALT is the person who appeared before me, and said person acknowledged that she signed this instrument, and on oath stated that she was authorized to execute the instrument and acknowledged it as Trustee of the HOPKE & HOPKE FAMILY TRUST and also as Trustee of the HOPKE & SALT FAMILY TRUST,, to be the free and voluntary act of such parties for the uses and purposes mentioned in this instrument.

DATED: 2-5, 2007.



Brett A. Hanson

Print name: Brett A. Hanson  
NOTARY PUBLIC in and for the State of  
Washington, residing at BOW

My appointment expires: 3-29-09

STATE OF WASHINGTON )

: SS

COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that RANDY C. COX and CONNIE L. COX are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 2-7, 2007.



Brett A. Hanson

Print name: Brett A. Hanson  
NOTARY PUBLIC in and for the State of  
Washington, residing at BOW

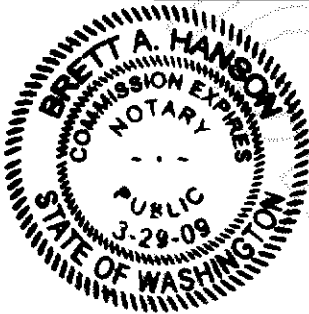
My appointment expires: 3-29-09



STATE OF WASHINGTON )  
: SS  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that VIRGINIA L. SALT is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 2-5, 2007.



A handwritten signature of Brett A. Hanson in black ink.

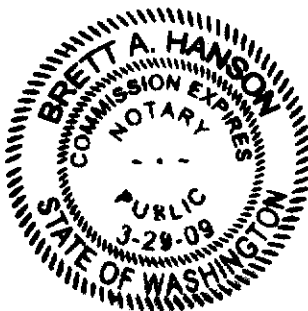
Print name: Brett A. Hanson  
NOTARY PUBLIC in and for the State of  
Washington, residing at BOW

My appointment expires: 3-29-09

STATE OF WASHINGTON )  
: SS  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that DELBERT L. HOPKE is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in this instrument.

DATED: 2-5, 2007.



A handwritten signature of Brett A. Hanson in black ink.

Print name: Brett A. Hanson  
NOTARY PUBLIC in and for the State of  
Washington, residing at BOW

My appointment expires: 3-29-09



## EXHIBIT I

### Parcel A

Lots 1 and 2, Skagit County Short Plat No. PL 04-0764, approved May 17, 2005, and recorded May 26, 2005, under Auditor's File No. 200505260116, records of Skagit County, Washington;

Being a portion of the plat of DEITER'S ACREAGE, recorded in Volume 3 of plats, page 53, records of Skagit County, Washington, lying in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 19, Township 35, Range 5 East, W.M.

Situate in County of Skagit, State of Washington.

### Parcel B

Lot 3 Skagit County Short Plat No. PL 04-0764, approved May 17, 2005, and recorded May 26, 2005, under Auditor's File No. 200505260116, records of Skagit County, Washington;

Being a portion of the plat of DEITER'S ACREAGE, recorded in Volume 3 of plats, page 53, records of Skagit County, Washington, lying in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 19, Township 35, Range 5 East, W.M.

Situate in County of Skagit, State of Washington.

### Parcel C

Lot 4 Skagit County Short Plat No. PL 04-0764, approved May 17, 2005, and recorded May 26, 2005, under Auditor's File No. 200505260116, records of Skagit County, Washington;

Being a portion of the plat of DEITER'S ACREAGE, recorded in Volume 3 of plats, page 53, records of Skagit County, Washington, lying in the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 19, Township 35, Range 5 East, W.M.

Situate in County of Skagit, State of Washington.



**Parcel D**

The North 525.14 feet, as measured Southward along both the East and West lot lines to a line parallel to the Northern boundary line, of Lots 20 and 21, DEITER'S ACREAGE SKAGIT CO., according to the plat thereof recorded in Volume 3 of Plats, page 53, records of Skagit County, Washington.

Situate in Skagit County, Washington.

End of Exhibit I

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

FEB 09 2007

Amount Paid \$  
By Skagit Co. Treasurer Deputy  
*Ka*



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Skagit County Auditor

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