

When recorded return to:

David Sucher, President
816 NE 91st Street
Seattle, WA 98115

Recorded at the request of:
First American Title
File Number: B90830



200703280014

Skagit County Auditor

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Statutory Warranty Deed

FIRST AMERICAN TITLE CO.

B90830E

THE GRANTOR FM4, LLC, a Washington limited liability company for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION and as part of an I.R.S. 1031 Tax Deferred Exchange in hand paid, conveys and warrants to City Comforts, Inc., a Washington Corporation the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:

Lot 5 Fred Meyer BSP in Section 5, Township 34, Range 4; SW NW

Tax Parcel Number(s): P104518, 8013-000-005-0000

LOT 5, "FRED MEYER RETAIL STORE BINDING SITE PLAN", approved December 29, 1993 and recorded January 10, 1994, under Auditor's File No. 9401100038, Volume 11 of Short Plats, pages 41-48, inclusive, as Amended by document recorded November 3, 1997, as Auditor's File No. 9711030141, in Book 13 of Short Plats, page 57, being a portion of the Southwest 1/4 of the Northwest 1/4 of Section 5, Township 34 North, Range 4 East, W.M..

Subject to covenants, conditions, restrictions and easements, if any, as per attached Exhibit "A"

Dated 03/19/2007

FM4, LLC

By: John Ellis, Managing Member

By: Shannon Ellis, Managing Member

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

#1366
MAR 28 2007

Amount Paid \$11753.00
By Skagit Co. Treasurer
Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that John Ellis and Shannon Ellis are the person(s) who appeared before me, and said person(s) acknowledge that they signed this instrument, on oath stated they is/are authorized to execute the instrument and acknowledge that as the Managing Members of FM4, LLC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 3-21-07



Notary Public in and for the State of Washington
Residing at Burlington, WA
My appointment expires: 2-20-11

EXHIBIT "A"

EXCEPTIONS:

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

Recorded: September 10, 1993
Auditor's No.: 9309100062
Executed By: Roundup Co., a Washington corporation

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: January 5, 1995
Recorded: October 16, 1996
Auditor's No.: 9610160077

B. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: City of Burlington
And: Fred Meyer/Roundup Company
Dated: November 23, 1994
Recorded: November 30, 1994
Auditor's No.: 9411300063
Regarding: Sewer Fees

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

Plat/Subdivision Name: Fred Meyer Retail Store Binding Site Plan
Recorded: January 10, 1994
Auditor's No.: 9401100038

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 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 as shown on this 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.



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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 easements or in any way interfere with, obstruct or endanger the districts use of the easement.

2. Know all persons by these presents Roundup Co., Inc., a Washington Corporation, owners of the fee simple or contract purchasers and mortgage holders or lien holders, of the land hereby platted, declare this binding site plan and dedicate to the use of the public forever, Parcels A, B, C, D and E as shown on Sheet 3 of 8 of this binding site plan 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.
3. A 10-foot wide easement granted for telephone, power and cable line installation and maintenance conveyed to Contel of the Northwest, Puget Sound Power & Light Co., and TCI Cablevision, Inc., to extend 10 feet past end of each line as delineated on face of plat.
4. Easement for storm drain and detention.
5. A 10-foot wide easement for gas line installation and maintenance.
6. Easement for sanitary sewer.

Said Binding Site Plan was amended by a document recorded November 3, 1997 as Auditor's File No. 9711030141; reference is hereby made to the record for the specifics of said amendment.

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