

When recorded return to:

Donald Schmidt
725 Cosgrove St.
Mount Vernon, WA 98273



200801040119
Skagit County Auditor

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Recorded at the request of:
Guardian Northwest Title & Escrow
File Number B93522

Statutory Warranty Deed
GUARDIAN NORTHWEST TITLE CO.
593522E-1

THE GRANTOR Raymond D. Crouse, as Personal Representative of the Estate of Michael G. Tripp, Deceased for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** in hand paid, conveys and warrants to **Donald Schmidt, an unmarried man** the following described real estate, situated in the County of Skagit, State of Washington.

Abbreviated Legal:
Lot 8, Block N, "CAPE HORN ON THE SKAGIT DIVISION NO. 2"

Tax Parcel Number(s): P63427, 3869-014-008-0007

Lot 8, Block N, "CAPE HORN ON THE SKAGIT DIVISION NO. 2", as per plat recorded in Volume 9 of Plats, pages 14 through 19, inclusive, records of Skagit County, Washington.

SUBJECT TO covenants, conditions, restrictions and easement per Schedule B-1 attached hereto and made a part hereof.

Dated 12/19/2007

The Estate of Michael G. Tripp, Deceased

Raymond D. Crouse
By: Raymond D. Crouse, Personal Representative

#38
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
JAN 04 2008
Amount Paid \$ 539.00
Skagit Co. Treasurer
By John Deputy

STATE OF Washington }
COUNTY OF Kitsap } SS:

I certify that I know or have satisfactory evidence that Raymond D. Crouse 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 Personal Representative of The Estate of Michael G. Tripp, Deceased to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 12/21/07

Jiff Martine
Notary Public in and for the State of Washington
Residing at Bank of America
My appointment expires: May 23, 2010



Schedule "B-1"

EXCEPTIONS:

A. CONDITIONS AND RESTRICTIONS CONTAINED IN AN INSTRUMENT, FILED JULY 13, 1965, AS AUDITOR'S FILE NO. 668869 READING AS FOLLOWS:

- "1. Lot owners to be advised that those areas indicated on the plat as being below elevation 140.0 feet, are subject to infrequent periodic inundation and buildings constructed therein should maintain a floor elevation above 140.0 feet.
- 2. The exterior of all buildings to have a completed appearance within one year from date of starting.
- 3. Lot owners shall be responsible for placing wells and septic tank drainfields in accordance with the master plan as on file with the Cape Horn Maintenance Company. A minimum of 100 feet shall be maintained between all drainfields and wells. All work to be in accordance with Skagit County Regulations.
- 4. All lots shall be subject to the Articles and By-Laws of the Cape Horn Maintenance Company."

An Amendment to By-Laws was recorded January 16, 2003 under Auditor's File No. 200301160063.

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

Plat/Subdivision Name: Cape Horn on the Skagit
 Recorded: July 13, 1965
 Auditor's No.: 668870

Said matters include but are not limited to the following:

- 1. "The Platters do hereby declare this plat and dedicate to the public forever all roads and ways and that 40 foot easement along the river shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon, following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right-of-way or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."
- 2. "Skagit County shall not be responsible for any flood control improvements."

C. EASEMENT, INCLUDING TERMS & PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a corporation
 Purpose: Transmission line with appurtenances
 Dated: July 7, 1965
 Recorded: August 17, 1965
 Auditor's No.: 670429
 Affects: As constructed and extended in the future at the consent of Grantee and Grantor



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D. RESTRICTIONS ON OTHER LOTS IN SAID PLAT IMPOSED BY VARIOUS INSTRUMENTS OF RECORD WHICH MAY BE NOTICE OF A GENERAL PLAN AS FOLLOWS:

"Grantees covenant and agree that the above described real estate shall be subject to the charges and assessments as provided for in and for the purposes set forth in the Articles of Incorporation and the By-Laws of the Cape Horn Maintenance Co., a nonprofit, non-stock Washington corporation and that said corporation shall have a valid first lien against the above described real estate for said charges and assessments; and, in addition to the remedies set forth in said Articles of Incorporation and By-Laws, that if said charges and assessments levied by said corporation shall not be paid within four (4) months after they shall become due and payable, then said corporation may proceed by appropriate action to foreclose its lien together with such sum as the court may adjudge reasonable attorneys fees in such action. The grantee hereby acknowledges receipt of copies of said Articles of Incorporation and By-Laws of the Cape Horn Maintenance Co. This provision is a covenant running with the land and is binding on the grantees, their heirs, successors and assigns.

SUBJECT TO:

- (a) Restrictions, reservations, agreements and easements of record and as shown on the face of said recorded plat.
- (b) Use of said property for residential purposes only.
- (c) Questions that may arise due to shifting of Skagit River."

E. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS:

Declaration Dated: September 20, 1976
 Recorded: December 14, 1976
 Auditor's No.: 847451
 Executed By: Cape Horn Maintenance Company

Terms and Provisions of document recorded as Auditor's File No. 200611200088 which may pertain thereto.

F. Any question that may arise due to shifting or changing in course of the Skagit River. (Affects those lots abutting the River)

G. Declaration of Covenant recorded June 21, 1993 under Auditor's File No. 9306210022 regarding well and waterworks located on the "Community Park" area.

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

Dated: June 10, 1965
 Recorded: November 20, 2006
 Auditor's No.: 200611200088
 Executed By: Cape Horn Maintenance Co.

I. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Recorded: June 15, 2005
 Auditor's No.: 200506150058
 Regarding: Public Water System Wellhead Protection Area

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change with



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