

AFTER RECORDING RETURN TO:

Name _____

Address _____

City, State, Zip _____



200802010079

Skagit County Auditor

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|-----------------|---|
| Abbrev. Leg. | Lots 1 and 2, Short Plat No. 90-35, Vol 9 Short Plats, p. 254, AFN 9008220012; Lots 3 and 4, Short Plat No. 91-68, Vol 10 Short Plats, p. 37, AFN 9112270001 Ptn of the SW ¼ of Section 33, T34N, R4E, WM |
| Tax Parcel Nos. | 340433-3-004-0600/P101352; 340433-3-004-0700/P101351; 340433-3-004-0502/P95583; 340433-3-004-0403/P95582 |

MAINTENANCE AGREEMENT

RECITALS

BRADLEY N. TEETER and ANITA O. KYTE, husband and wife, are owners of the real property described on EXHIBIT A (the "Teeter Kyte property"), which is attached hereto and by this reference incorporated herein.

ROBERT E. McNERNEY and LYNETTE M. EMERY, husband and wife, are owners of the real property described on EXHIBIT B (the "McNerney Emery property"), which is attached hereto and by this reference incorporated herein.

JOHN F. SHEPARD, JR. and KIMBERLY WARD SHEPARD, husband and wife, are owners of the real property described on EXHIBIT C (the "Shepard property"), which is attached hereto and by this reference incorporated herein.

CHARLES W. ROWLAND and MAUREEN O. ROWLAND, husband and wife, are owners of the real property described on EXHIBIT D (the "Rowland property"), which is attached hereto and by this reference incorporated herein.

The above described properties are accessed via a private road known as Valley Ridge Lane, which road is located within a thirty-foot wide easement for ingress, egress and utilities delineated on the face of Skagit County Short Plat No. 91-68. The full legal description for Short Plat No. 91-68 is set forth on EXHIBITS A and B, attached hereto.

The above named parties (hereafter "owners" or "declarants") wish to enter an agreement for the maintenance of the private road.

THEREFORE, the undersigned owners hereby agree and declare that their respective properties, described on EXHIBITS A, B, C, and D, attached hereto, shall be held, conveyed, hypothecated, encumbered, leased, rented, used occupied and improved subject to the following covenants and maintenance agreement, which shall run with the land and be a burden upon and benefit to the owners and to any other person, firm, corporation or entity of any kind whatsoever acquiring or owning an interest in the properties described on EXHIBITS A, B, C, and D, or any part thereof.

(1) Agreement to Share Expenses. The owners agree to share in the expenses of maintaining and repairing, and, if they agree, to also share in costs of improving the private road known as Valley Ridge Lane.

(2) Determination of Required Maintenance/Repairs. The owners of shall determine annually, or more frequently as may be necessary, the extent of repairs and maintenance as shall be required and shall determine the extent of said repairs and maintenance to be accomplished. It is understood that the maintenance and repair of said road is for the benefit of all property owners and the property of any such owner failing to pay his proportionate share as provided for herein shall be responsible to any other owner or owners who pay that share. Any other property owner, or owners, paying the share of a benefited property owner, who fails to pay the same, shall be entitled to recover the amounts paid from the nonpaying owner, together with costs.

(3) Proportionate Share. The proportionate share of each property owner shall be established by dividing the number of benefited individual parcels into the cost of maintenance and repair of the road, to the extent the parcel is benefited by the road. For example, at present, there are four parcels benefited by the road, but not all parcels use all the road. Lots 1 and 2 of Short Plat 90-35 benefit only from approximately the south 300 feet of the road. Accordingly, all parcels should contribute equally to the cost that southerly portion of the road, but only those parcels using the road north of the said Lots 1 and 2 would be responsible for maintenance/repair of the northerly portion of the road (that portion north of Lots 1 and 2, SP 90-35).

(4) Excessive Burden/Damage. In addition to the proportionate share for routine maintenance and repair, if any owner's use of the road causes a disproportionate damage to the road, that owner shall be responsible for repair of the damage caused by such excessive use or burden.

(5) Indemnity and Hold Harmless. The owners of each parcel shall indemnify and hold harmless the owner(s) of the other parcel(s) for any injuries or damages arising of their use of the easement, or the use by their families, guests, agents, licensees, and invitees.

(6) 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.



(7) Enforcement. Each owner 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 future enforcement of that provision and shall not extend to any other or future issue.

(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: 8 November, 2007.

SIGNATURES AND ACKNOWLEDGEMENTS ON PAGES 4-7, FOLLOWING.



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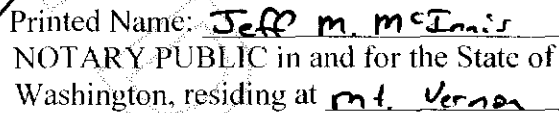
BRADLEY N. TEETER

ANITA O. KYTE

: SS

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Dated: Nov. 8, 2007.



My appointment expires: 1-9-12



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ROBERT E. McNERNEY

LYNETTE M. EMERY

STATE OF WASHINGTON)

: ss

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that ROBERT E. McNERNEY and LYNETTE M. EMERY 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: Nov 8th, 2007.



Printed Name: Jeff M. McInnis
NOTARY PUBLIC in and for the State of
Washington, residing at mt. Vernon

My appointment expires: 1-9-10



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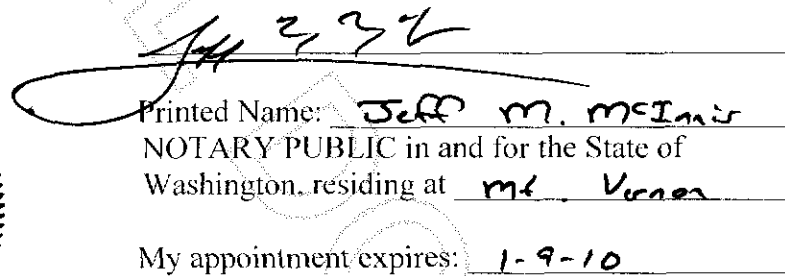
JOHN F. SHEPARD, JR.

KIMBERLY WARD SHEPARD

$$: SS$$

)

Dated: 11-8, 2007.



Printed Name: Jeff M. McInnis
NOTARY PUBLIC in and for the State of
Washington, residing at mt Vernon

My appointment expires: 1-9-10

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CHARLES W. ROWLAND



MAUREEN O. ROWLAND

STATE OF WASHINGTON)

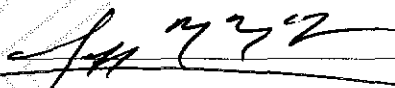
: ss

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that CHARLES W. ROWLAND and MAUREEN O. ROWLAND 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: 8, November, 2007.





Printed Name: Jeff M. McInnis
NOTARY PUBLIC in and for the State of
Washington, residing at mt. Vernon

My appointment expires: 1-9-10



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EXHIBIT A
Tectter-Kyte Property

Lot 4, Skagit County Short Plat No. 91-68, approved December 19, 1991, recorded December 27, 1991 in Volume 10 of Short Plats, page 37, under Auditor's File No. 9112270001, records of Skagit County, Washington, and being a portion of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 North, Range 4 East, W.M.

TOGETHER WITH a non-exclusive easement for ingress, egress and utilities over Valley Ridge Lane as shown on the face of the Short Plat.

EXCEPT that portion described as follows:

BEGINNING at the intersection of the North line of Hickox Road with the West line of said Lot 4;
thence North 00°23'22" West a distance of 322.67 feet to an angle point of said Lot 4 and the TRUE POINT OF BEGINNING;
thence continue North 00°23'22" West a distance of 30.00 feet;
thence North 89°36'45" West a distance of 135.01 feet, more or less, to the most Westerly line of said Lot 4;
thence South 00°23'22" East a distance of 30.00 feet, more or less, to an angle point of said Lot 4;
thence South 89°36'45" East a distance of 135.01 feet to the TRUE POINT OF BEGINNING.

AND TOGETHER WITH the South 1,452.00 feet of the East 150.00 feet of the West 480.00 feet of the Southwest 1/4 of Section 33, Township 34 North, Range 4 East, W.M.

EXCEPT the South 393.00 feet of the West 120.00 feet of the East 150.00 feet of the West 480.00 feet of said Southwest 1/4 of Section 33, Township 34 North, Range 4 East, W.M.

AND ALSO EXCEPT road right-of-way commonly known as East Hickox Road along the South line thereof.

ALL OF THE ABOVE BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.



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EXHIBIT B
McNerney-Emery Property

Lot 3, Skagit County Short Plat No. 91-68, approved December 19, 1991, recorded December 27, 1991 in Volume 10 of Short Plats, page 37, under Auditor's File No. 9112270001, records of Skagit County, Washington, and being a portion of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 North, Range 4 East, W.M.

Situate in Skagit County, Washington.



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EXHIBIT C
Shepard Property

Lot 2, Skagit County Short Plat No. 90-35, approved August 20, 1990, recorded August 22, 1990, in Volume 9 of Short Plats, page 254, under Auditor's File No. 9008220012, records of Skagit County, Washington, and being a portion of the Southwest 1/4 of the Southwest 1/4 of Section 33, Township 34 North, Range 4 East, W.M.

Situate in Skagit County, Washington.



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EXHIBIT D
Rowland Property

Lot 1 of SKAGIT COUNTY SHORT PLAT NO. 90-35, approved August 20, 1990, recorded August 22, 1990, in Volume 9 of Short Plats, page 254, under Auditor's File No. 9008220012, records of Skagit County, Washington; being a portion of the West 330 feet of the Southwest Quarter of the Southwest Quarter of Section 33, Township 34 North, Range 4 East of the Willamette Meridian.

TOGETHER WITH that portion of Lot 4, Short Plat No. 91-68, approved December 19, 1991, recorded December 27, 1991 in Volume 10 of Short Plats, page 37, under Auditor's File No. 9112270001, records of Skagit County, Washington; and being a portion of the Southwest Quarter of the Southwest Quarter of Section 33, Township 34 North, Range 4 East of the Willamette Meridian, described as follows:

Beginning at the intersection of the North line of Hickox Road with the West line of said Lot 4;

Thence North $00^{\circ}23'22''$ West, a distance of 322.67 feet to an angle point of said Lot 3 and the true point of beginning;

Thence continue North $00^{\circ}23'22''$ West, a distance of 30.00 feet;

Thence North $89^{\circ}36'45''$ West, a distance of 135.01 feet, more or less, to the most Westerly line of said Lot 4;

Thence South $00^{\circ}23'22''$ East, a distance of 30.00 feet, more or less, to an angle point of said Lot 4;

Thence South $89^{\circ}36'45''$ East, a distance of 135.01 feet to the true point of beginning.

Situated in Skagit County, Washington



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