

When recorded return to:

David E. McIlraith  
46784 Baker Loop Road  
Concrete, WA 98237

Recorded at the request of:  
Guardian Northwest Title & Escrow  
File Number B93169

**GUARDIAN NORTHWEST TITLE CO.**

*B93169E*

**BARGAIN AND SALE DEED**



200802130123

Skagit County Auditor

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THE GRANTOR Beneficial Mortgage Inc. for and in consideration of TWENTY NINE THOUSAND NINE HUNDRED AND NO/100 Dollars \$29,900.00, in hand paid, bargains, sells, and conveys to David E. McIlraith, an unmarried man the following described estate, situated in the County of Skagit, State of Washington:

Lots 57 and 58, Block D, "CAPE HORN ON THE SKAGIT, DIVISION NO. 1",

Tax Parcel Number(s): P63025, 3868-004-057-0009, P63026, 3868-004-058-0008

REFER TO COMPLETE LEGAL DESCRIPTION ATTACHED HERETO AND MADE A PART HEREOF, MARKED EXHIBIT A

The Grantor for himself/herself and for his/her successors in interest does by these presents expressly limit the covenants of the deed to those herein expressed, and exclude all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through, or under said Grantor and not otherwise, he/she will forever warrant and defend the said described real estate.

Subject to covenants, conditions, restrictions and easements set forth in Schedule B-1 attached hereto and made a part hereof, comprised of two pages.

Dated: 2-12-08

Beneficial Mortgage Inc.

**Dana M. Hoppus**  
Vice President

# 442  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

By: *[Signature]*

FEB 13 2008

Amount Paid \$ 537.22  
Skagit Co. Treasurer  
By *[Signature]* Deputy

State of *California*  
County of *San Diego* ss:

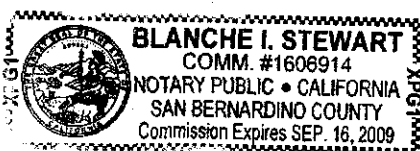
I certify that I know or have satisfactory evidence *DANA M. HOPPUS* the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated he/she/they are authorized to execute the instrument and is *Vice President* of *Beneficial Mortgage Inc.* *Dana M. Hoppus* Vice President to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Date: *Feb 12, 2008*

*[Signature]*  
Notary Public in and for the State of *CA*

Residing at *x*

My appointment expires: *9-16-09*



Escrow No.: B93169

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

Lots 57 and 58, Block D, "CAPE HORN ON THE SKAGIT, DIVISION NO. 1", as per plat recorded in Volume 8 of Plats, pages 92 through 97, inclusive, records of Skagit County, Washington.

TOGETHER with that certain mobile home described as: OAKSP, 1992, 66/28, VIN 32910124EAB



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**Schedule "B-1"**

**EXCEPTIONS:**

A. Restrictions and Conditions contained in the Plat, reading substantially as follows:

"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."

B. A condition on the face of the plat as follows:

"Skagit County shall not be responsible for any flood control improvements."

C. 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."

Amendment to by-laws was recorded January 16, 2003 under auditor's file no. 200301160063.

D. 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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E. 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."

F. 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.

G. Any question that may arise due to shifting or changing in course of the Skagit River.

(Affects those lots abutting the river)

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

I. 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.

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