

When recorded return to:

MICHAEL C. CUNNINGHAM  
13805 SEAVIEW WAY  
ANACORTES, WA 98221



200802150106  
Skagit County Auditor

2/15/2008 Page 1 of 6 3:30PM

## STATUTORY WARRANTY DEED

Escrow No.: 17979  
Title Order No.: IC44581

CHICAGO TITLE CO.  
1644581

THE GRANTOR(S)

D.B. JOHNSON CONSTRUCTION, INC., A Washington Corporation

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys, and warrants to

MICHAEL C. CUNNINGHAM, a married man as his separate estate

the following described real estate, situated in the of Skagit, State of Washington:

LOT 45, PLAT OF CEDAR HEIGHTS PUD, PHASE 1, ACCORDING TO THE PLAT THEREOF  
RECORDED JANUARY 19, 2007, UNDER AUDITOR'S FILE NO. 200701190116, RECORDS  
OF SKAGIT COUNTY, WASHINGTON.  
SITUATED IN SKAGIT COUNTY, WASHINGTON.

Tax Parcel Number(s): 4917-000-045-0000

SUBJECT TO: See Exhibit "A" attached hereto.

479  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

FEB 15 2008

Dated: 2/14/08

D.B. JOHNSON CONSTRUCTION, INC., A Washington Corporation

BY: David B. Johnson  
DAVID B. JOHNSON, PRESIDENT

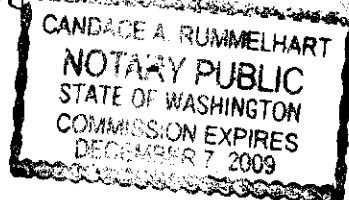
Amount Paid \$ 4863.51  
By [Signature] Skagit Co. Treasurer Deputy

STATE OF Washington ) ss.  
COUNTY OF Snohomish

I certify that I know or have satisfactory evidence that DAVID B. JOHNSON is/are the person(s) who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument, on oath stated that he was/she was/they were authorized to execute the instrument and acknowledged it as the President of D.B. JOHNSON CONSTRUCTION, INC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 15th day of February, 2008.

Candace A. Rummelhart  
CANDACE A. RUMMELHART  
Notary Public in and for the State of Washington  
residing at LAKE STEVENS  
My Commission Expires: 12/07/09



**EXHIBIT "A"**

Terms, conditions, and restrictions of that instrument entitled Mound Fill System Installation Conditional Agreement;

Recorded: August 31, 1987

Auditor's No(s): 8708310002, records of Skagit County, Washington

Affects: West 165 feet of the North 528 feet of the East Half of the Northeast Quarter of the Southwest Quarter of Section 22, Township 34 North, Range 4 East of the Willamette Meridian

Agreement, including the terms and conditions thereof; entered into;

By: Arnold P. Libby

And Between: AAA Mechanical Cont.

Recorded: December 9, 1998

Auditor's No. 9812090103, records of Skagit County, Washington

Affects: The East 100 feet of the West 265 feet of the North 300 feet of the East Half of the Northeast Quarter of the Southwest Quarter of Section 22, Township 34 North, Range 4 East of the Willamette Meridian

Agreement, including the terms and conditions thereof; entered into;

By: Lee M. Utke, Grantor

And Between: Cedar Heights, LLC, Grantee

Recorded: November 22, 2005

Auditor's No. 200511220026, records of Skagit County, Washington

As Follows: Grantee agrees to pay all costs associated to plat the new subdivision, including sewer hookup fees for existing house. Grantee agrees that Grantor's existing house shall have a storm drain connection. Grantee agrees, if overhead lines to existing house are required to be relocated, it will be at Grantee's expense.

Terms, conditions, and restrictions of that instrument entitled Notice of Interest in Real Property;

Recorded: July 11, 2006

Auditor's No(s): 200607110067, records of Skagit County, Washington

Affects: The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 22, Township 34 North, Range 4 East of the Willamette Meridian

Easement, including the terms and conditions thereof, granted by instrument(s);

Recorded: May 22, 2006

Auditor's No(s): 200605220165, records of Skagit County, Washington

In favor of: Puget Sound Energy, Inc.

For: Electric transmission and/or distribution line, together with necessary appurtenances

Affects:

Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void).

Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way.

Easement, including the terms and conditions thereof, granted by instrument(s);

Recorded: May 22, 2006

Auditor's No(s): 200605220165, records of Skagit County, Washington

In favor of: Puget Sound Energy, Inc.

For: Electric transmission and/or distribution line, together with necessary appurtenances

Affects: A strip of land 10 feet in width with five feet on each side of the centerline of grantee's facilities as now constructed, to be constructed, extended or relocated lying within the above described parcel. This easement description may be superseded at a later date with a surveyed description provided at no cost to Grantee.



200802150106

Skagit County Auditor

Easement contained in Dedication of said plat;  
For: All necessary slopes for cuts and fills  
Affects: Any portions of said premises which abut upon streets, avenues, alleys and roads

Covenants, conditions, restrictions, and easements contained in declaration(s) of restriction, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;

Recorded: January 19, 2007

Auditor's No(s): 200701190117, records of Skagit County, Washington

Executed By: Cedar Heights LLC

AMENDED by instrument(s):

Recorded: May 23, 2007 and June 20, 2007

Auditor's No(s): 200705230184 and 200706200115, records of Skagit County, Washington

Easement delineated on the face of said plat;  
For: Utilities and sidewalk  
Affects: The exterior 12 feet adjacent to street

Tree installation details as delineated on the face of said plat.

Covered Area details as delineated on the face of said plat.

PUD Utility Easement provisions contained on the face of said plat, as follows:

Easements (within utility easements as shown hereon) 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 district 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 or other similar public services 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 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(s) or to persons or property by reason of proximity to the line(s). The grantor agrees that title to all brush, other vegetation or debris trimmed, cut and removed from the easement pursuant to this agreement is vested in the district.

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 grantors property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the district's use of the easement.

Private Drainage and Sewer Easement provisions contained on the face of said plat, as follows:

Easements for the purpose of conveying local storm water runoff and sanitary sewer are hereby granted in favor of all abutting private lot owners in the areas designated as private drainage or private sewer easements. The maintenance of private easements established and granted herein shall be the responsibility of, and the costs thereof shall be borne equally by the present and future owners of the abutting private lot owners and their heirs, owners personal representatives and assigns.

The City of Mount Vernon is hereby granted the right to enter said easements for emergency purposes at its own discretion.



200802150106  
Skagit County Auditor

Storm Pond and Drainage Easement to City of Mount Vernon provisions contained on the face of said plat, as follows:

Storm pond and drainage easements, as shown hereon, are hereby granted to the City of Mount Vernon, to construct, maintain, replace, reconstruct, and remove drainage and detention facilities, with all appurtenances incident thereto or necessary therewith, in, under and across the said premises, and to cut and remove from said easement any trees, fences and other obstructions which may endanger the safety or interfere with the use of said drainage and detention facilities, or appurtenances attached or connected therewith; and the right of ingress and egress to and over said premises at any and all times for the purpose of doing anything necessary for the easement hereby granted. Adjoining property owners are prohibited from constructing fences, buildings or other objects within the easement area. Adjoining property owners are prohibited from placing fill, or other debris within easement area, or otherwise altering the detention facility side slop areas, or access road. Vehicular access in the easement area is restricted specifically to public maintenance vehicles.

Pond maintenance is the responsibility of the City of Mount Vernon and shall be performed per the maintenance procedure document prepared by Ravnik & Associates on file at the City of Mount Vernon.

Utilities, Sidewalk and Public Train Easement provisions contained on the face of said plat, as follows:

An easement is hereby reserved for and granted to the City of Mount Vernon, Public Utility District No. 1, Puget Sound Energy, Verizon Northwest, Cascade Natural Gas Corp., and Comcast Corporation and their respective successors and assigns under and upon the exterior front boundary lines of all lots and tracts as shown on the face of this plat and other easements, if any, shown on the face of this plat, for sidewalk and trail purposes and in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines fixtures, appurtenances attached thereto, for the purpose of providing utility services and pedestrian access to the subdivision and other property, together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

Recitals on the face of the plat, as follows:

- A. Zoning Classification – R-1. 4.0 – Cedar Heights P.U.D.
- B. Sewage Disposal – City of Mount Vernon.
- C. Storm Drainage – City of Mount Vernon.
- D. Street Standard – City of Mount Vernon.
- E. Water – Skagit County P.U.D. No. 1.
- F. Power – Puget Sound Energy.
- G. Telephone – Verizon Northwest.
- H. Gas – Cascade Natural Gas.
- I. Television Cable – Comcast Corporation
- J. Garbage Collection – City of Mount Vernon. Solid waste collection for lots shall be at the edge of the public right of way.
- K. Wetland boundary line shown hereon are based upon field delineations by Skagit Wetlands and Critical Areas, Inc. in August 2004 and September 2006.
- L. All lots within this subdivision are subject to impact fees for schools, fire, parks and any other city impact fees, payable upon issuance of a building permit.



200802150106  
Skagit County Auditor

- M. All homes shall be built on site and no modular or manufactured homes are permitted.
- N. Siltation control devices may be required for each lot during home construction or subsequent soil disturbances. See City of Mount Vernon Development Services Department for details.
- O. This property is subject to and together with easements, reservations, restrictions, covenants, liens, leases or other instruments of record referred to in Land Title Company report referenced under Note 2 above. Said report lists documents recorded under Auditor's File No. 8708310002, 200501050139, 200503180070, 200504290127 (Terminates upon dedication of plat roads), 200507140125, 200507220135, 200512070128, 200603090154, 200603130140, 200605220170, and 200603090152, records of Skagit County, Washington.
- P. A homeowners association has been created that will be responsible for maintenance of the open space and other landscaping strips within public right of way. See document recorded under Auditor's File No. 200701190117, records of Skagit County, Washington.
- Q. Building locations, designs and lot landscaping plans attached on sheets 10, 11 and 12 have been approved with respect to design review. Additional information for each of the building types is available at the City of Mount Vernon Development Services Department.
- R. There are 4 private driveways located East of Dallas Street that serve 6 lots each. The adjacent property owners shall be responsible for the maintenance of these driveways. See document referenced under Note No. 25.
- S. No driveways for vehicular access shall be allowed from Lots 93-98 onto East Division Street.
- T. Unless otherwise approved no driveways for vehicular access shall be allowed from Lots 33, 34, 39 or 123 onto East Broadway Street.
- U. Open space Tracts A and B are to be conveyed to the Cedar Heights PUD Homeowners Association and are to be maintained in accordance with the document referenced in Note No. 25.

Recitals on the face of the plat, as follows:

- A. All planting areas are to be cleared of all construction material, rocks and sticks larger than 2 inches in diameter.
- B. All soils on site will be utilized and approved by the City of Mount Vernon Parks and Recreation Department. Professionally for content. Any additives necessary for soil to meet standards will be added. Soils in Division I have been approved by the City of Mount Vernon Parks and Recreation Department.
- C. All landscape beds are to receive a minimum of 3 inches fine bark mulch around the trees, shrubs and groundcover.
- D. All plant material shall conform to AAN standards for nursery stock, latest edition. All plant materials shall be healthy representatives, typical of their species of variety and shall have a normal habit of growth. They shall be full, well-branched, well proportioned and have a vigorous, well-developed root system. All plants shall be hardy under climatic conditions similar to those in the locality of the project. Tree, shrubs, and ground covers are to be healthy, vigorous, well-foliated when in leaf and free of disease, injury, insects, decay, harmful defects and all weeds.
- E. All landscape areas shall have adequate drainage, either through natural percolation or by means of an installed drainage system.



200802150106  
Skagit County Auditor

Assessments or charges and liability to further assessments or charges, including the terms, covenants, and provisions thereof, disclosed in instrument(s);

Recorded: January 19, 2007

Auditor's No(s): 200701190117, records of Skagit County, Washington

Imposed By: Cedar Heights PUD No. 1 Homeowners Association

Terms, conditions, and restrictions of that instrument entitled Agreement to Participate in the Intersection Improvements for Division Street and Waugh Road;

Recorded: January 19, 2007

Auditor's No(s): 200701190118, records of Skagit County, Washington

Easement delineated on the face of said plat;

For: Private drainage easement

Affects: The South 5 feet of Lot 26, the North 5 feet of Lot 27, the North 10 feet of Lot 32 and the East 7 feet of Lot 32

Easement delineated on the face of said plat;

For: Public Trail Access

Affects: Portion of Lot 25

Easement delineated on the face of said plat;

For: Private drainage and sewer

Affects: The South 5 feet of Lots 79-83, the North 5 feet of Lots 80-84, the West 5 feet of Lots 80-83 and the East 5 feet of Lots 46-48 and a portion of Northeast corner of Lot 45

Covenants, conditions, restrictions, and easements contained in declaration(s) of restriction, but omitting any covenants or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law;

Recorded: January 19, 2007

Auditor's No(s): 200701190117, records of Skagit County, Washington

Executed By: Cedar Heights LLC

AMENDED by instrument(s):

Recorded: May 23, 2007, June 20, 2007 and January 11, 2008

Auditor's No(s): 200705230184, 200706200115 and 200801110076, records of Skagit County, Washington



200802150106  
Skagit County Auditor