

When recorded return to:

Mr. and Mrs. Michael and Valerie Hoernig
23768 Nookachamp Hills Drive
Mount Vernon, WA 98274



200804290201

Skagit County Auditor

4/29/2008 Page

1 of

5 3:17PM

CHICAGO TITLE CO.

LC45309

Statutory Warranty Deed

THE Douglas J. Scott and Jill Marie Scott, husband and wife for and in consideration of **TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION** in hand paid, conveys and warrants to **Michael Hoernig and Valerie Hoernig, husband and wife** the following described real estate, situated in the County of **Skagit**, State of **Washington**

Lot 74, Nookachamp Hills PUD, Phase IIA, according to the Plat thereof recorded September 15, 2003 under Auditor's File No. 200309150157, records of Skagit County, Washington.
Situate in Skagit County, Washington.

Subject To: Easements, Covenants, Conditions, Restrictions and Reservations of record attached hereto as Exhibit 'A' and by this reference are made a part hereof.

Abbreviated Legal: Lot 74, Nookachamp Hills PUD Phase IIA

Tax Parcel Number(s): 4821-000-074-0000

Dated 4/27/2008

[Signature]
Douglas J. Scott

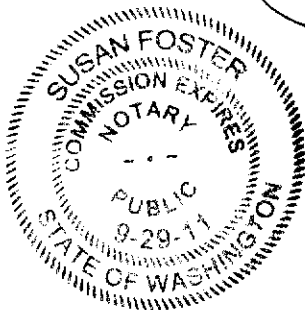
[Signature]
Jill Marie Scott

STATE OF Washington }
COUNTY OF SKAGIT } SS:

I certify that I know or have satisfactory evidence that **Douglas J. Scott and Jill Marie Scott**

are the person(s) who appeared before me, and said person(s) acknowledged that **they** signed this instrument and acknowledge it to be **their** free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 04-27-08



[Signature] Susan Foster
Notary Public Signature Print Name
Notary Public in and for the State of Washington
Residing at Bellevue WA
My appointment expires: 09-29-2011

1295
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

APR 29 2008

Amount Paid: 6608.50
Skagit Co. Treasurer:
By [Signature] Deputy:

EXHIBIT A

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

Recorded: September 21, 1967

Auditor's No(s): 704645, records of Skagit County, Washington

In favor of: Skagit Valley Telephone Company

For: the right, privilege and authority to construct, reconstruct or other signal or communication circuits, consisting of such underground conduits, cables, manholes, poles and other markers, fixtures and appurtenances as the grantee may from time to time require, upon, across, over and/or under the following described property and the roads, streets or highways thereto adjoining.

Affects: Southeast Quarter of 25-34-04 and other property

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

Recorded: September 13, 1990

Auditor's No(s): 9009130081, records of Skagit County, Washington

In favor of: Public Utility District No. 1 of Skagit County

For: 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 over, across, along, in and under the following described lands and premises

Affects: Strips of land 60' in width in the Southwest Half of the Southeast Quarter of Section 25 and the North Half of the Northeast Quarter of Section 36 Township 34 North, Range 4 East of the Willamette Meridian

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

Recorded: July 5, 1910

Auditor's No(s): 80143, records of Skagit County, Washington

In favor of: Duncan McKay

For: Road purposes

Affects: A portion of the subject property

Note: Exact location and extent of easement is undisclosed of record.

Stipulation contained in Deed executed by Walking Circle M., Inc., to MV Association dated July 25, 1979, recorded August 31, 1979 under Auditor's File No. 7908310024, as follows:

- A. The right to maintain, repairs, inspect and otherwise use his existing septic tank on the subject property and, if necessary, to replace said septic tank by installing a new septic tank on the subject property.
- B. The right to use the existing well and waterlines on the subject property, and to take water from the existing well as needed; and
- C. The right to use any and all roadways on the subject property for ingress and egress to the property owned by David G. McIntyre, which is located in Skagit County, Washington, in Section 30, Township 34 North, Range 5 East of the Willamette Meridian.

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

Recorded: December 10, 1982

Auditor's No(s): 8212100052, records of Skagit County, Washington

In favor of: Present and Future owners of the following described property:

Portions of Sections 13, 19, 24, 25, 30, 31 and 36 of Township 34 North, Range 4 East of the Willamette Meridian

For: Ingress, egress, drainage and utilities

mjh
HH

INITIALS
DS

INITIALS
[Signature]



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matters related to annexing a portion of the subject property onto Skagit County Sewer District No. 2, as disclosed by documents recorded under Auditor's File Nos. 8412050001 and 8411280007, records of Skagit County, Washington.

Matters relating to the possible formation of an association for the common areas of the Otter Pond and Association for horse arena and stable areas as disclosed by document recorded under Auditor's File No. 8310310059, records of Skagit County, Washington.

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

Recorded: December 11, 1979

Auditor's No(s): 7912110003, records of Skagit County, Washington

In favor of: Puget Sound Power & Light Company

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

Affects: The North Half of the Northeast Quarter of Section 36, Township 34 North, Range 4 East of the Willamette Meridian, lying East of the County Road

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

By: Nookachamp Hills L.L.C.

And Between: Skagit County Sewer District

Recorded:

Auditor's No. 9711180087, 200011290046 and 200208150099, records of Skagit County, Washington

Providing: Developer Extension Agreement

Affects: Said premises and other property

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

Recorded:

Auditor's No.: 200304070122 and 200307150203, records of Skagit County, Washington

In favor of: Puget Sound Power & Light Company

For: Underground electric system, together with necessary appurtenances

Affects:

Easement No. 1: All streets and road right-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

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

By: Dan Mitzel/Nookachamp Hills Phase 2A

And Between: Skagit County Sewer District No. 2

Recorded: February 12, 2004

Auditor's No. 200402120196, records of Skagit County, Washington

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

Recorded: February 12, 2004

Auditor's No(s): 200402120195, records of Skagit County, Washington

In favor of: Sewer main with necessary appurtenances

For: Various portion of said plat

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

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

Utility Easement

[Handwritten initials]



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An Easement is hereby reserved for and granted to Skagit County, Skagit County Public Utility District No. 1 Skagit County Sewer District No. 2, Puget Sound Energy, GTE, Cascade Natural Gas Corporation, and Lake Cable Service and their respective successors and assigns under and upon the exterior 15 feet of all lots and tracts abutting all public roads and rights of way as shown hereon in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto. For the purpose of providing utility services to the subdivision. 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 caused to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

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

Private Drainage and Sewer Easements

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 all 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, owner's personal representatives and assigns.

Skagit Sewer District No. 2 is hereby granted an easement in all areas designated as private sewer easement.

Skagit County is hereby granted the right to enter said easements for emergency purposes at its own discretion.

Note and restriction on the face of said plat.

- A. Zoning Rural Village, Residential
- B. No building permit shall be issued for any residential and/or commercial structure, which are not at the time of application determined to be within an official designated boundary of a Skagit County Fire District.
- C. Change in Location of access may necessitate a change of address, contact Skagit County Planning and permit center.
- D. Sewage Disposal – Skagit County Sewer District No. 2
Water – Skagit County PUD
Power – Puget Sound Energy
Telephone – GTE
Gas – Cascade Natural Gas
Cable – Lake Cable Service
- E. The owners hereby amend the declaration of covenants, conditions and restriction as recorded under Auditor's File No. 9811020155 records of Skagit County, Washington to include Lots 60 to 111. Inclusive, as shown hereon, this plat of Phase IIA is meant to create an addendum to the CCR'S as recorded under Auditor's File No. 9811020155 without recording a separate document.
- F. The plat of Nookachamp Hills planned unit development Phase IIA is adjacent to property used for agricultural operations. Owners may be subject to inconveniences or discomforts arising from such operation, including but not limited to noise, odors, flies, fumes, dust. The operation of machinery of any kind during any 24 hour period including aircraft. The storage and disposal of manure and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides and will not be considered to be a nuisance of such operations are consistent with commonly accepted best management practices and complies with local, state and federal laws

[Handwritten signature]



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- G. Tract "E" is designated for open space and detention pond, the ownership and maintenance of said tract is further defined in the CCR'S as referenced under Note 8 above. Tract "F" is designated as an open space/buffer area.
- H. The 20 foot access easement as shown on sht 2 of 3 at the end of Kamloop Court is for pedestrian traffic only for the benefit of all lots within this plat and the plat of Nookachamp Hills PUD Phase 1. The maintenance and ownership of said 20' is further defined in the CCR'S as referenced under Note 8 above.
- I. Setbacks: Front - 35', 25' on minor access and dead end streets.
Side - 8' on interior lot
Rear - 25'
Accessory: Front 35'. Side 8'. However a 3' setback is permitted when the accessory building is minimum of 75' from the front property line providing that the structure is less than 1,000 sq. ft. in size and 16' or less in height.
- J. The plat name, number and date of approval shall be included in all deeds and contracts.
- K. The Homeowners Association is responsible for the maintenance of the storm water system, Skagit County public works has on file the " Storm Water System Maintenance Plan for Nookachamp Hills Plat, Phase II". Which outlines said maintenance.

Covenants, conditions, restrictions and easements contained in declaration of restriction, but omitting any covenant, condition or restriction based on race, color, religion, sex, handicap, familial status, or national origin unless and only to the extent that said covenant (a) is exempt under Chapter 42, Section 3607 of the United States Code or (b) relates to handicap but does not discriminate against handicap persons;

Recorded: November 2, 1998
Auditor's No.: 9811020155, records of Skagit County, Washington
Executed By: Nookachamp Hills LLC, a Washington Limited Liability Company

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

Recorded: November 2, 1998
Auditor's No.: 9811020155, records of Skagit County, Washington
Imposed By: Nookachamp Hills LLC, a Washington Limited Liability Company

Easement delineated on the face of said plat;
For: Utilities
Affects: Exterior 15 feet adjacent to street

MA
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