

When recorded return to:

Mr. and Mrs. Joshua M. Top
21561 River Rd
Sedro Woolley WA 98284



200807250050
Skagit County Auditor

7/25/2008 Page 1 of 5 11:28AM

Recorded at the request of:
Guardian Northwest Title & Escrow
File Number 95186

Statutory Warranty Deed

THE GRANTOR Landmark Building and Development, Inc., a Washington corporation for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Joshua M. Top and Rebecca A. Top, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:
Lot 36, "ELK HAVEN ESTATES"

95186-1
GUARDIAN NORTHWEST TITLE CO.

Tax Parcel Number(s): P119415, 4797-000-036-0000

Lot 36, "ELK HAVEN ESTATES", as recorded August 6, 2002 under Auditor's File No. 200208060083, records of Skagit County, Washington.
Subject to covenants, conditions, restrictions and easements, if any, as per attached Exhibit "A"

Dated 7-22-08

Landmark Building & Development

[Signature]
By: Doug Ellis, Manager

2411
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

JUL 25 2008

Amount Paid \$
Skagit Co. Treasurer
By MF Deputy

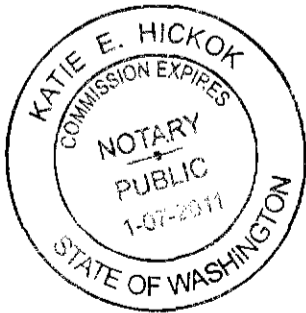
1963.00

STATE OF Washington
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Landmark Building & Development, the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 7-23-08

Doug Ellis, manager of
[Signature]



Notary Public in and for the State of Washington
Residing at Mt Vernon
My appointment expires: 1/07/2011

Exhibit A

EXCEPTIONS:

A. Reservations contained in Deed from the State of Washington recorded under Auditor's File No. 107496, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

B. **MEMORANDUM OF LEASE AND THE TERMS AND CONDITIONS THEREOF:**

Lessor: State of Washington, acting by and through the Washington State
Department of Natural Resources
Lessee: Carbon River Energy Partnership
Recorded: February 26, 1988
Auditor's No.: 8802260024

C. Reservations in Deed conveying the Southwest 1/4 of Section 9, Township 35 North, Range 5 East, W.M., from Glacier Park Company, a Corporation, dated July 17, 1945, filed August 23, 1945, under Auditor's File No. 382733, and recorded in Volume 203 of Deeds, Page 15, substantially as follows:

"EXCEPTING and RESERVING unto the Grantor, its successors and assigns forever, all minerals of any nature whatsoever, including but not limited to, coal, iron, natural gas and oil, upon or in said land, together with the use of such of the surface as may be necessary for exploring and mining or otherwise extracting and carrying away the same."

The interest of Glacier Park Company as to all geothermal heat and all ores and minerals of any nature whatsoever, was conveyed to Meridian Land and Mineral Company, a Montana Corporation, by Deed recorded April 10, 1984, under Auditor's File No. 8404100073.

The interest of Glacier Park Company as to all oil, gas, other hydrocarbons and associated minerals, was conveyed to Milestone Petroleum, Inc., a Delaware Corporation, by Deed recorded April 10, 1984, under Auditor's File No. 8404100074.

D. **EASEMENT IN FAVOR OF THE UNITED STATES OF AMERICA TO:**

- a.) Construct, maintain, repair, rebuild, operate and patrol one line of electric transmission structures, 150 feet in width; and
- b.) The right to fell, limb and top all trees, brush and snags within 20 feet of any conductor, and
- c.) To improve, use and maintain an existing roadway, 20 feet in width, all as contained in Declaration of Taking, filed in United States District Court Cause No. 347-73C2.



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E. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc.
Dated: July 12, 1999
Recorded: August 12, 1999
Auditor's No: 199908120015
Purpose: "... utility systems for purposes of transmission, distribution and sale of gas and electricity. . . ."
Area Affected:

The Southwest 1/4 of Section 9, Township 35 North, Range 5 East, W.M., and that portion of the North 1/2 of the Northwest 1/4 of Section 16, Township 35 North, Range 5 East, W.M., lying Northerly of State Highway 17A, as conveyed to the State of Washington for highway purposes by Deed recorded March 26, 1948, under Auditor's File No. 416167.

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

Plat/Subdivision Name: Elk Haven Estates
Recorded: August 6, 2002
Auditor's No: 200208060083

Said matters include but are not limited to the following:

1. EASEMENT PROVISIONS CONTAINED ON THE FACE OF THE PLAT, AS FOLLOWS:

An easement is hereby reserved for and granted to Puget Sound Energy and Verizon, and their respective successors and assigns under and upon the exterior ten (10) feet of all lots, tracts and spaces within the subdivision lying parallel with and adjoining all streets in which to construct, operate, maintain, repair, replace and enlarge underground pipes, conduits, cables, wires and all necessary or convenient underground or ground mounted appurtenances thereto for the purpose of serving this subdivision and other property with electricity, telephone and other utility services, together with the right to enter upon all lots, tracts and spaces at all times for the purposes herein stated.



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2. TERMS, COVENANTS, CONDITIONS, NOTES AND RESTRICTIONS CONTAINED IN SAID PLAT, AS FOLLOWS:

Basis of Bearings - Assumed South 00 degrees 55'57" West on the East line of the Southwest 1/4 of Section 9

No building permit shall be issued for any residential and/or commercial structures which are not, at the time of application, determined to be within an official designated boundary of a Skagit County Fire District

This survey was accomplished by field traverse using: 2 second digital electronic total station, and meets or exceeds the standards contained in WAC 332-130-090

Sewer - Individual on site sewage disposal systems. Alternative systems are proposed for Lots 1 through 37 of this plat which may have special design, construction, and maintenance requirements. See Health Officer for details

Change in location of access may necessitate a change of address. Contact Skagit County Planning and Permit Center

Water - Individual wells. Water will be supplied from individual water systems. Contact the Health Department to determine if additional water quality or quantity testing will be required for building permit approvals. Skagit County requires a 100 foot radius well protection zone for new individual water systems. The zone must be contained entirely on the lot owned in fee simple and/or be provided through appropriate covenants or easements. Present and future owners of lots with an existing well shall preserve a 100 foot radius well protection zone for existing well improvement or replacement.

This property may also be encumbered by easements or reservations contained in documents filed in United States District Court Cause No. 347-73C2. Auditor's File #107496, Auditor's File #382733, Auditor's File #8404100073, Auditor's File #8404100074, Auditor's File #8802260024 and Auditor's File #9109190005.

Maintenance and operation of all drainage facilities located on private property within the specified drainage easements of this plat shall be the responsibility of a homeowners association with the lot owners as members. See Elk Haven Estates Covenants, Conditions and Restrictions and Declarations filed under Auditor's File #200208060084.

See Protected Critical Areas Agreement filed under Auditor's File #200208060085.

\$100 per lot will be donated to Skagit County Parks & Recreation upon the sale of each lot.

Plat name, number and date of approval shall be included in all deeds and contracts.

3. TERMS, COVENANTS, CONDITIONS, NOTES AND RESTRICTIONS CONTAINED IN SAID PLAT, AS FOLLOWS:

Know all men by these presents that Ron Valiquette and V. Valiquette, husband and wife and Whidbey Island Bank do hereby declare this plat and dedicate to the public forever all roads and ways, except private and corporate roads, shown hereon with the rights 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 natural course, in the original reasonable grading of roads and ways shown hereon. Following original reasonable grading of 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 road drainage. Any enclosing of drainage waters in culverts or drains or rerouting shall be done by and at the expense of such owner.



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4. RIGHT OF THE PUBLIC TO MAKE NECESSARY SLOPES FOR CUTS OR FILLS UPON SAID PREMISES IN THE REASONABLE ORIGINAL GRADING OF STREETS, AVENUES, ALLEYS AND ROADS, AS DEDICATED IN THE PLAT.

5. Building set-back lines as delineated on the face of the plat.

6. Drainage easements as shown across Lots 4, 5 and 8

7. Well Protection easements - Lots 5, 8 and 11

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

Dated: June 11, 2002
Recorded: August 6, 2002
Auditor's No.: 200208060084
Executed by: Ron Valiquette and V. Valiquette

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: January 19, 2006
Recorded: February 22, 2006
Auditor's No.: 200602220047

H. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: Ron Valiquette & V. Valiquette
And: Skagit County
Dated: April 19, 2002
Recorded: August 6, 2002
Auditor's No.: 200208060085
Regarding: Protected Critical Area Easement Agreement

I. LOT CERTIFICATION, INCLUDING THE TERMS AND CONDITIONS THEREOF, REFERENCE TO THE RECORD BEING MADE FOR FULL PARTICULARS. THE COMPANY MAKES NO DETERMINATION AS TO ITS AFFECTS.

Recorded: June 21, 2005
Auditor's No.: 200506210025

(Affects Lots 1-4, 6-12, 15-31, 33-37)

J. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Energy, Inc., a Washington corporation
Dated: May 16, 2007
Recorded: May 29, 2007
Auditor's No.: 200705290179
Purpose: "...utility systems for purposes of transmission, distribution and sale of gas and electricity..."
Area Affected: Portion of Lot 36 and other property



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