

FILED AT REQUEST OF:

Name:

Bill Allen

Address:

PO 437

City, State, Zip

Sedro Woolley WA 98284



200808190064

Skagit County Auditor

8/19/2008 Page

1 of

7 2:41PM

Grantor. Haynes, Robert P., and Haynes, Faith Sharron  
Grantee. Haynes, Robert P., and Haynes, Faith Sharron  
Public  
Abbrev. Leg. Lots 2A and 2B, Short Plat PL04-0821, AFN 200602280139  
Ptn of NE ¼ of Sec. 8, T34N, R2E, WM  
Tax Parcel Nos. 340208-1-007-0200/P124150; 340208-1-007-0300/P124151

### DECLARATION OF EASEMENT

This declaration of restrictions and covenants is made this 7<sup>th</sup> day of August 2008, by Robert P. Haynes and Faith Sharron Haynes, husband and wife.

#### RECITALS

Robert P. Haynes and Faith Sharron Haynes, husband and wife, hereafter "Declarants," are owners of real property in Skagit County, Washington, described as follows:

#### Parcel A

Lot 2A, Skagit County Short Plat No. PL 04-0821, recorded February 28, 2006, under Auditors' File No. 200602280139, records of Skagit County, Washington;

Being a portion of the Northeast Quarter of Section 8, Township 34 North, Range 2 East, W.M.

Situate in Skagit County, Washington

*Easement*  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

AUG 19 2008

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1

Amount Paid \$-0-  
Skagit Co. Treasurer  
By *man* Deputy

Parcel B

Lot 2B, Skagit County Short Plat No. PL 04-0821, recorded February 28, 2006, under Auditors' File No. 200602280139, records of Skagit County, Washington;  
Being a portion of the Northeast Quarter of Section 8, Township 34 North, Range 2 East, W.M.

Situate in Skagit County, Washington

The declarants wish to expand the access and utility easement delineated on the face of the Short Plat to increase its size and also to provide that it serve Lot 2A as well as Lot 2B.

1. DECLARATION OF EASEMENT FOR ACCESS AND UTILITIES

The Declarants hereby declare, grant, convey and reserve unto themselves and to the future owners of the above described lots an easement for ingress, egress, and utilities over, under and through that portion of the property described on EXHIBIT A for the benefit of Lots 2A and 2B of the above referenced Short Plat. A Sketch of the easement area is attached hereto as EXHIBIT B. Each Lot will be both a benefited (dominant) parcel and burdened (servient) parcel to the extent of the provisions of this easement.

The Declarants hereby establish and provide that owners of the parcels benefiting by said easement, and all subsequent owners, successors or assigns, shall take said property, or portion thereof, subject to this road maintenance agreement. The Declarants and each of the subsequent owners, assigns or successors in interest, shall share equally in the cost and expense of maintaining and repairing in good condition the road rights of way over and across said private road.

2. MAINTENANCE

The beneficiaries of the private road 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 drainage 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 subject to a lien, an assessment for the proportionate share of such costs; and any other property owner paying the share of a benefited property owner, who fails to pay the same, shall be entitled to a lien again his property which may be foreclosed in the manner provided by law.

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Owner shall mean the fee simple title owner, unless the property is being sold on Real Estate Contract, in which case it shall mean the Contract Purchaser. Each property shall be entitled to one vote regardless of the number of owners of the parcel.

The owners of the two benefited parcels shall share equally in the cost of maintenance and repair of the road (the owner(s) of Lot 2A to be one-half and the owner(s) of Lot 2B to pay one-half).

### 3. 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.

### 4. ENFORCEMENT

Each owner, including the declarant if the declarant is an owner of any portion of the property, shall have the right to enforce, by any proceeding in law or equity, all the terms and provisions of this easement declaration and maintenance agreement or any amendment thereof.

### 5. ATTORNEYS' FEES

In any litigation or proceeding to enforce any of the restrictions or covenants contained in this declaration, the substantially prevailing party shall be entitled to recover from the non-prevailing party its costs, including a reasonable attorney's fee.

  
Robert P. Haynes

  
Faith Sharron Haynes

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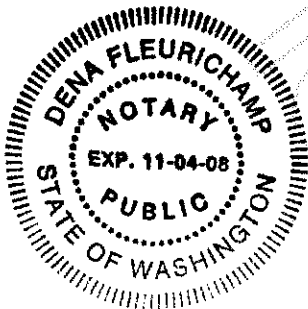
STATE OF WASHINGTON )

: ss.

COUNTY OF SKAGIT )

On this day personally appeared before me Robert P. Haynes and Faith Sharron Haynes, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7<sup>th</sup> day of August, 2006.



Dena Fleurichamp  
Print Name: Dena Fleurichamp  
NOTARY PUBLIC in and for the State of Washington,  
residing at Sedro Woolley

My commission expires: 11 / 4 / 2008

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**EXHIBIT A**  
**Easement Area**

That portion of Lots 2A and 2B of Skagit County Short Plat No. PL 04-0821, recorded February 28, 2006, under Auditors' File No. 200602280139, records of Skagit County, Washington;  
Being a portion of the Northeast Quarter of Section 8, Township 34 North, Range 2 East, W.M., described as follows;

Beginning at the Southeast corner of the "30' Utility Easement" delineated on the face of the Short Plat;

Thence West along the South line of Lots 2B and 2A to a point on the South line of Lot 2A that is 8 Feet West of the Southwest corner of the utility easement delineated on the Short Plat;

Thence Northeasterly to a point on the North line of Lot 2A that is 3 Feet West of the Northwest corner of the utility easement delineated on the Short Plat;

Thence East along the North line of Lot 2A and said North line extended East to the East line of the 30' Utility Easement delineated on the Short Plat;

Thence South along the East line of the utility easement delineated on the Short Plat to the Southeast corner of the easement and the Point of Beginning.

Situate in Skagit County, Washington



EXHIBIT B  
Sketch

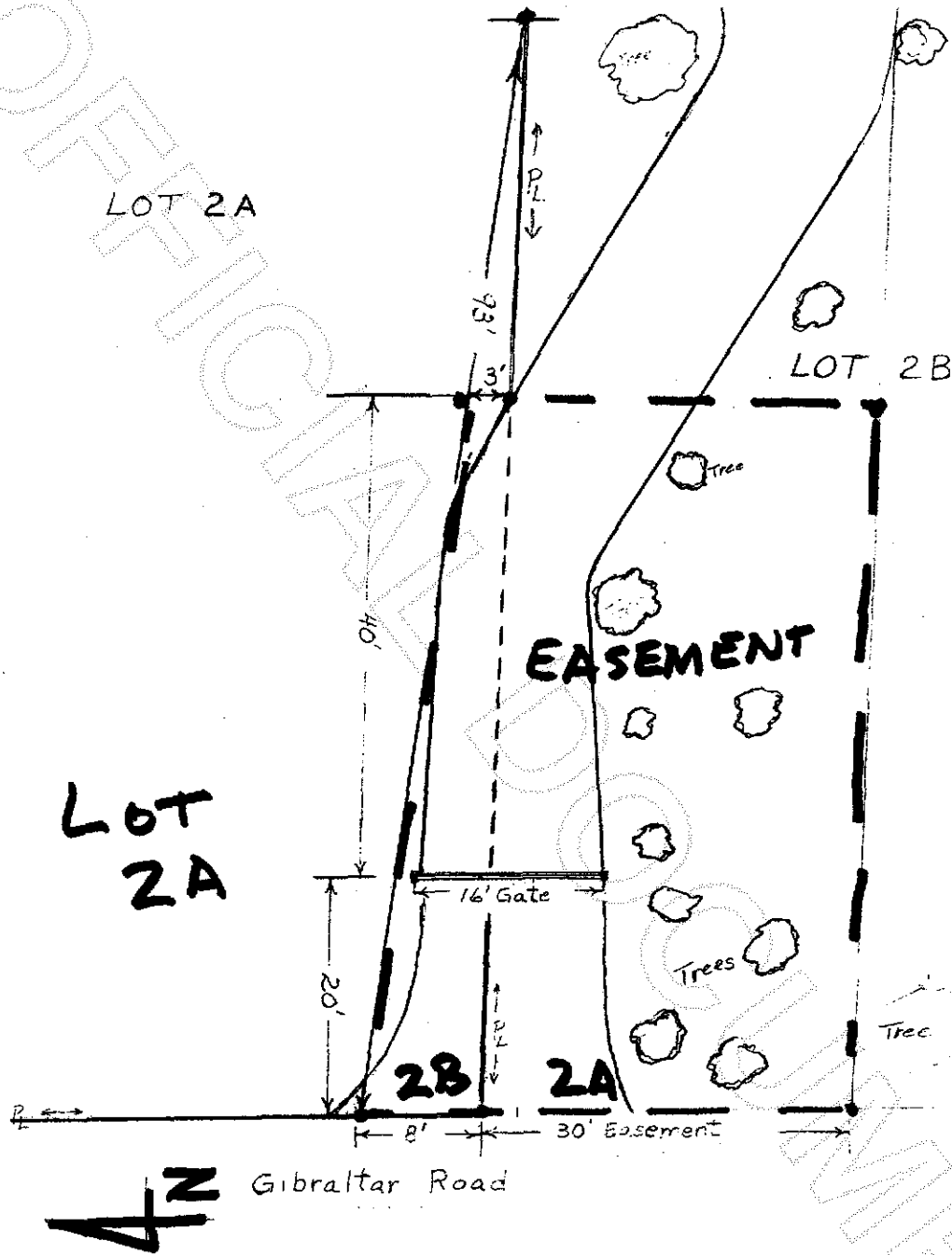


Exhibit B, continued.

0 50 100 200 300  
SCALE

SIMILK, INC.

LOT 2B

Os-PA

NOTE: THIS PORTION OF LOT 2B NORTHEASTERLY OF SATTERLEE ROAD IS NOT TO BE USED AS A BUILDING SITE.

SEE "GRANT DEED FOR PROTECTIVE COVENANTS" RECORDED AS AUDITOR'S NO. 200409220100 RECORDS OF SKAGIT COUNTY, WASHINGTON

SATTERLEE ROAD

LOT 2 PL 04-0096

Os-PA

LOT 2A

LOT 1 PL 04-0096 AF NO. 200409220101

LOT 2B

Os-PA

OPEN SPACE PRESERVATION AREA

30' UTILITY EASEMENT LOT 2B

GIBRALTAR ROAD

AF NO. 200408300197

S/P 41-84 D

CENTER SECTION FOUND MONUMENT IN CASE

NORTH 1/4 CORNER FOUND 2" IRON PIPE WITH COPPER PIN

S/P 94-36 P20163

S/P 94-22 P20164

27-06

JOHN S. SERRAO  
STATE OF WASHINGTON  
REGISTERED  
PROFESSIONAL LAND SURVEYOR  
EXPIRES 10-1-05

DW - INDICATES PROPOSED DRIVEWAY LOCATION

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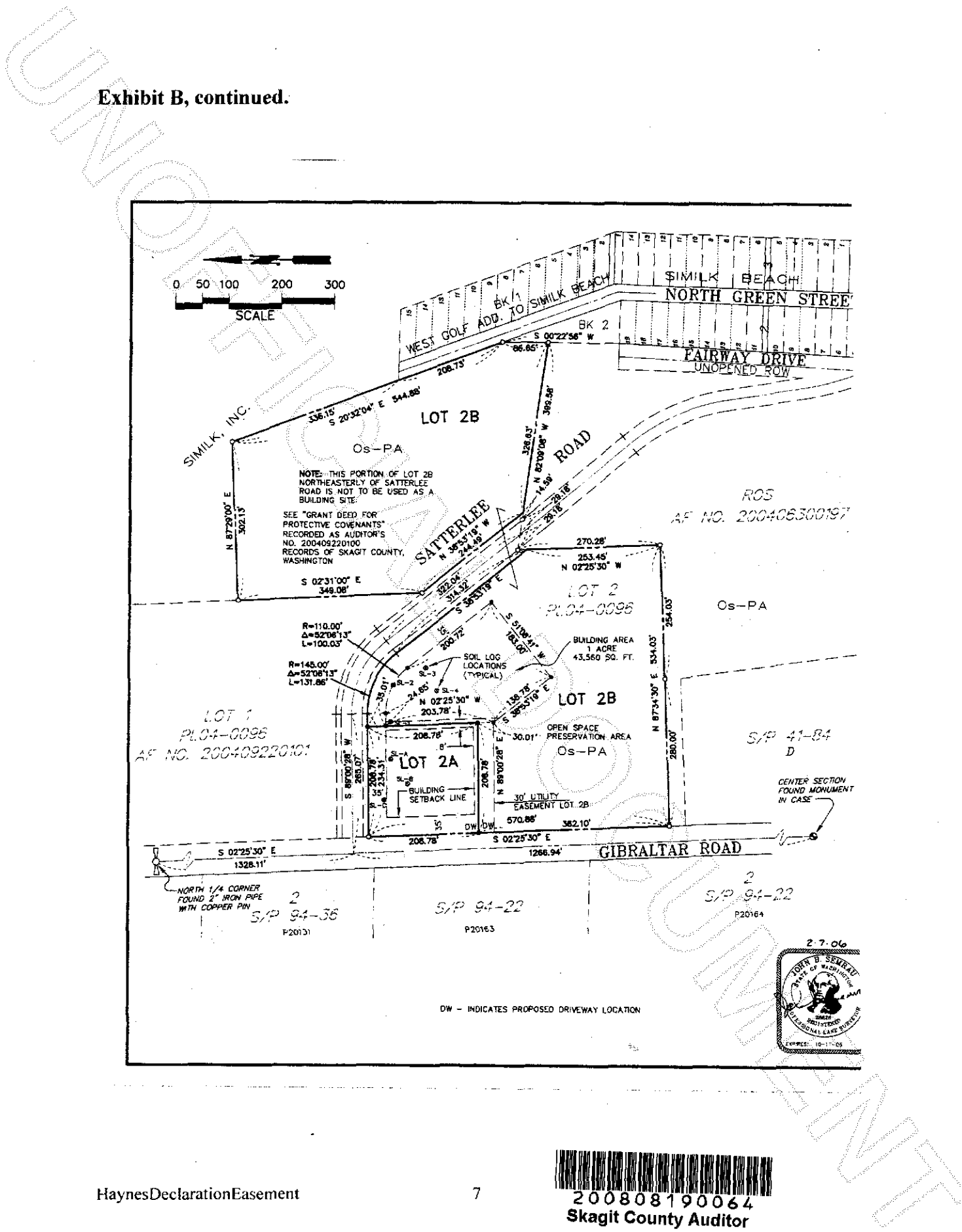
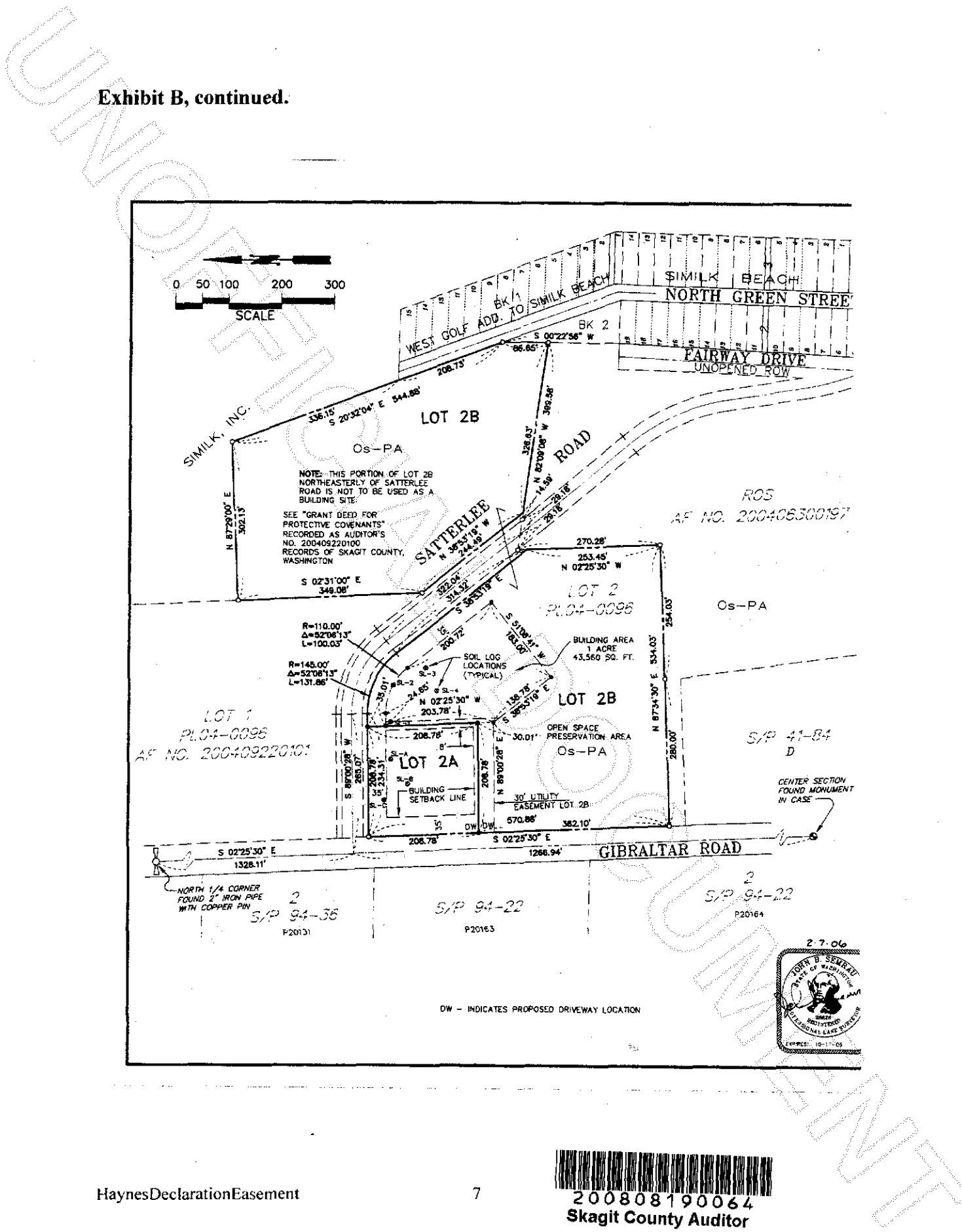


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SATTERLEE ROAD

LOT 2 PL 04-0096

Os-PA

LOT 2A

LOT 1 PL 04-0096 AF NO. 200409220101

LOT 2B

OPEN SPACE PRESERVATION AREA

Os-PA

30' UTILITY EASEMENT LOT 2B

GIBRALTAR ROAD

AF NO. 200408300197

S/P 41-84 D

CENTER SECTION FOUND MONUMENT IN CASE

NORTH 1/4 CORNER FOUND 2" IRON PIPE WITH COPPER PIN

S/P 94-36 P20131

S/P 94-22 P20163

S/P 94-22 P20164

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