

When recorded return to:

Mr. and Mrs. David Noetzelman
20036 NE 39th Street
Samamish, WA 98074

Recorded at the request of:
Guardian Northwest Title & Escrow
File Number A96141



200812310047
Skagit County Auditor

12/31/2008 Page 1 of 4 10:26AM

Statutory Warranty Deed

A96141-1

GUARDIAN NORTHWEST TITLE CO

THE GRANTOR Douglas A. Smythe, an unmarried man for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to David Noetzelman and Barbara Noetzelman, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:
Lot 2, "PLAT OF SUNSET COVE ESTATES"

Tax Parcel Number(s): P117663, 4771-000-002-0000

Lot 2, "PLAT OF SUNSET COVE ESTATES", according to the plat thereof recorded November 29, 2000 under Auditor's File No. 20001290070, records of Skagit County, Washington.

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "A" attached hereto.

Dated 12/23/2008

[Signature]
Douglas A. Smythe

4149
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 31 2008

Amount Paid \$ 3120.00
By MF Skagit Co. Treasurer
Deputy

STATE OF WA
COUNTY OF SKAGIT } SS:

I certify that I know or have satisfactory evidence that Douglas A. Smythe, 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: 12-24-08

[Signature]
Notary Public in and for the State of WA
Residing at ANACORTES
My appointment expires: 10-8-09

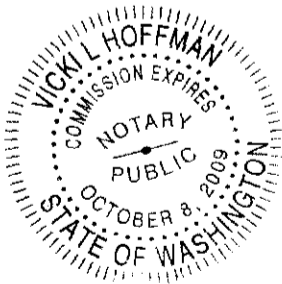


EXHIBIT A

EXCEPTIONS:

A. RESERVATIONS CONTAINED IN DEED

Executed by: P. E. Nelson and Ethel R. Nelson, husband and wife
Recorded: May 22, 1913
Auditor's No: 96724
As Follows:

"Reserving the right to plat streets and alleys across said right-of-way when above described lands are platted."

Affects that portion of said premises lying within railway right-of-way.

B. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state.

"Affects Tract A common area"

C. Terms, provisions and reservations under the Submerged Land Act (43 USCA 1301 through 1311) and the rights of the United States of America to regulate commerce, navigation, flood control, fishing and production of power.

"Affects Tract A common area"

D. Any lien or liens that may arise or be created in consequence of or pursuant to an act of the Legislature of the State of Washington entitled " an ACT prescribing the ways in which waterways for the uses of navigation may be excavated by private contract, providing for liens upon lands belonging to the State, granting rights of way across lands belonging to the State", approved March 9, 1893.

"Affects Tract A common area"

E. Right of the State of Washington or any Grantee or Lessee thereof, upon paying reasonable compensation, to acquire right-of-way for private railroads, skid roads, flumes, canals, water courses, or other easements for transporting and moving timber, stone, minerals or other products from other lands.

"Affects Tract A common area"

F. Exceptions and reservations contained in Deed from the State of Washington under Auditor's File No. 678162, under which title to portion of said premises comprising tidelands is claimed, whereby the grantor excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working mines, etc., provided that no rights shall be exercised until provision has been made for full payment of all damages sustained by reason of entry.

"Affects Tract A common area"



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G. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Boris Olich and Anne B. Olich, husband and wife
Dated: March 16, 1964
Recorded: March 27, 1964
Auditor's No: 648412
Purpose: For roadway and utility purposes
Area Affected:

A strip of land 30 feet, more or less, in width, running in a Northerly and Southerly direction along the West line of the tract conveyed in fee to said Boris Olich, et ux, in said Deed under Auditor's File No. 648412.

H. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Sunset Cove Development LLC, a Washington Limited Liability Company ("SCDLLC")
Dated: December 27, 1999
Recorded: December 30, 1999
Auditor's No: 199912300183
Purpose: View, Landscape, Pedestrian, Maintenance and Construction Easement
Area Affected: Portion South 15 acres of Government Lot 2, Section 21, Township 35 North, Range 1 East, W.M.

I. Terms and conditions of Easement Agreement between the City of Anacortes and Sunset Cove Development, LLC, a Washington Limited Liability Company, as recorded December 30, 1999, under Auditor's File No. 199912300185.

J. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Estates of William D. and Anne M. Suryan, and their assigns
Dated: December 30, 1999
Recorded: February 23, 2000
Auditor's No: 200002230070
Purpose: A non-exclusive easement for installation and maintenance of underground utilities
Area Affected: Within the 30 foot wide easement area

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

Dated: November 28, 2000
Recorded: November 9, 2004
Auditor's No.: 200411090073
Executed By: Sunset Cove Development, L.L.C.

Said Instrument is a re-recording of instrument recorded under Auditor's File No. 200011290069.

ABOVE COVENANTS, CONDITIONS AND RESTRICTIONS WERE AMENDED AS FOLLOWS:

Declaration Dated: October 4, 2005
Recorded: October 4, 2005
Auditor's No.: 200510040074



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

Plat/Subdivision Name: Plat of Sunset Cove Estates
Recorded: November 29, 2000
Auditor's No: 200011290070

1. An easement is hereby reserved for and granted to the City of Anacortes, Puget Sound Energy, Verizon, Cascade Natural Gas Corp., TCI Cablevision of Washington, Inc., other public franchise utilities and their respective successors and assigns under and upon the exterior ten (10) feet of the front boundary lines of all lots and tracts as shown on the face of the plat. 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 restoring the property to conditions found prior to work within the easement.
2. Know all persons by these present that John J. Piazza, Sr., Dorothy Ann Piazza, William L. Obrock, Jarilyn M. Obrock, Sunset Cove Development, L.L.C., and Sterling Savings Bank, the undersigned owners in fee simple and mortgage holder of the land hereby platted, hereby declare this plat and dedicate to the use of the public forever all streets, avenues and public places for any and all public purposes, not inconsistent with the use thereof for public highway purposes. Also, all claims for damage by the owners and their successors and assigns against any governmental authority are waived which may be occasioned to the adjacent land by the establishment, construction, drainage, and maintenance of said roads. The undersigned owners in fee simple and mortgage holder also dedicate to the Sunset Cove Development Homeowners Association storm sewer easements and Tracts A, B, C and D as shown hereon and common areas as defined in the Declaration of Covenants, conditions and restrictions recorded separately and referenced hereon.
3. Sewage Disposal - City of Anacortes
4. Water - City of Anacortes
5. Twenty (20) foot sanitary sewer easement across Lots 10 - 13 and portion of Tract B is hereby granted to the City of Anacortes. Access shall not be obstructed by fencing, shrubs or other landscape or fence features that would obstruct access to manholes. Should excavation of the sewer line be required for maintenance beyond routine manhole access, the grantee shall restore the easement area to all weather access condition only. Grantor, successor or assigns shall be responsible for restoration to prior conditions.
6. Twenty (20) foot sanitary sewer easement across Lots 4 and 5 is hereby granted to and to be privately maintained and operated by the owners of served structures located on said lots and on the adjoining Tract E.
7. Westerly building setback line for Lots 9 - 12 is 100 feet Easterly of the ordinary high water mark or 25 feet Easterly of the original top of bank across said Lots, whichever is farther Easterly. See lines crossing said Lots as shown hereon. Said building setback line meets criteria set forth in shoreline permit # 233, granted May 28, 1997.
8. Hatched area of Tract B is subject to an easement for ingress, egress and utilities in favor of its Westerly and Southerly adjoiners.
9. Ten (10) foot and 20 foot private storm drain easements as delineated over Lots 10 and 11.
10. Twenty (20) foot public sanitary sewer easement as delineated over Tract G.
11. Twenty (20) foot private storm drain easement as delineated over Tract G.

M. Terms and conditions of ByLaws of Sunset Cove Development Homeowners Association recorded January 21, 2005 under Auditor's File No. 200501210087.



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