



200903310060

Skagit County Auditor

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4 12:01PM

WHEN RECORDED RETURN TO:

~~James E. Britain~~
~~Britain & Vis PLLC~~
~~805 Dupont St. Ste. 1~~
~~Bellingham, WA 98225~~

mark Linnemann
PO 345
A nacortes WA 98221

Document Title: Right of First Refusal
 Grantor: PHILIP G. BURTON
 Grantee: MARK LINNEMANN
 Legal Description: Tract 4, SP #92-027
 Assessor's Tax Parcel ID#: P102410 / 3846-060-000-0501

CHICAGO TITLE CO.
 6020002190

SKAGIT COUNTY WASHINGTON
 REAL ESTATE EXCISE TAX

MAR 31 2009

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

RIGHT OF FIRST REFUSAL

For value received, PHILIP G. BURTON, a single person (Grantor) hereby grants to MARK LINNEMANN, a married person as to his separate estate (Grantee) a right of first refusal to purchase the property described above on the following terms:

1. **The Property.** The property that is the subject of this Right of First Refusal is located on Solstice Lane, Guemes Island, Washington, described in the attached Exhibit A.
2. **Notice of Sale.** If Grantor contemplates a specific sale of sale of said property or any portion thereof, Grantor shall notify Grantee thereof, describing in detail the terms of the contemplated sale. The furnishing to Grantee of a copy of the proposed contract of sale will constitute sufficient notice.
3. **Exercise of Right.** Grantee shall have fifteen (15) days after the date of the Notice of Sale within which to elect to purchase under the terms of said contemplated sale. Such election shall be made by written notice to Grantor and Grantee shall tender

the earnest money down payment or price proposed in said contemplated sale.

Thereafter, the parties shall execute such contracts and other instruments of conveyance as are necessary to consummate said sale on the terms specified in the Notice of Sale. If Grantee fails to exercise this right to purchase as hereinabove provided, Grantor shall be free to sell under the terms stated or referred to in the Notice of Sale. If Grantee fails to so elect to purchase and the terms of the contemplated sale are materially changed, Grantee shall again be given notice as hereinabove provided and shall be given the same time within which to make an election to purchase on the changed terms. If Grantee fails to so exercise this right to purchase and Grantor does not consummate said contemplated sale, Grantee shall not be deemed to have relinquished the rights herein granted in the event of a future contemplated sale.

4. **Notice.** All notices required herein shall be in writing and mailed to the party to whom directed at the addresses hereinafter set forth or personally delivered to such party. Notice shall be deemed given when deposited in the U.S. Mail, postage prepaid, or if personally delivered, when received by a party.

Grantor: Philip G. Burton, 620 Commercial Avenue, Anacortes, WA 98221.

Grantee: Mark Linneman, PO Box 345, Anacortes, WA 98221

5. **Termination.** All rights granted and obligations created herein shall terminate on the earlier of: 1) Grantor's payment in full of amount due to Grantee, pursuant to the Amended Loan Agreement and the Amended Loan Agreement, dated March __ 2009; or 2) February 21, 2019.

6. **Non-Assignability.** Grantee's rights under this Right of First Refusal are personal to him and may not be assigned to another party without Grantor's written consent, which may withheld without cause.



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Executed, this 30 day of March 2009.

GRANTOR:


PHILIP G. BURTON

GRANTEE:


MARK LINNEMANN


STATE OF WASHINGTON)

COUNTY OF SKAGIT) SS.

I certify that I know or have satisfactory evidence that **PHILIP G. BURTON** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



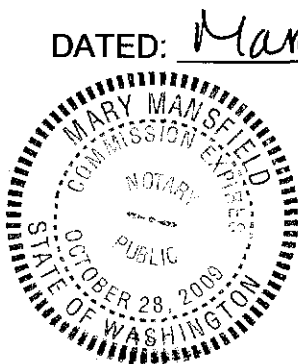
DATED: March 30, 2009.


Mary Mansfield, NOTARY PUBLIC
My appointment expires: 10-28-09


STATE OF WASHINGTON)

COUNTY OF SKAGIT) SS.

I certify that I know or have satisfactory evidence that **MARK LINNEMANN** is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.



DATED: March 30, 2009.


Mary Mansfield, NOTARY PUBLIC
My appointment expires: 10-28-09



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EXHIBIT A to Right of First Refusal

Tract 2 of SKAGIT COUNTY SHORT PLAT NO. 92-027, as approved December 14, 1992, and recorded December 15, 1992, in Volume 10 of Short Plats, page 155, under Auditor's File No. 9212150027, records of Skagit County, Washington; being a portion of Parcel C of SKAGIT COUNTY SHORT NO. 526-84, as approved October 14, 1985 and recorded November 4, 1985, in Volume 7 of Short Plats, page 49, under Auditor's File No. 8511040008, records of Skagit County, Washington; being a portion of Blocks 41 through 60, inclusive, of WOOD'S PLAT OF NORTH ANACORTES, according to the plat thereof recorded in Volume 2 of Plats, page 37, records of Skagit County, Washington

Situate in Skagit County, Washington

Tract 3 of SKAGIT COUNTY SHORT PLAT NO. 92-027, as approved December 14, 1992, and recorded December 15, 1992, in Volume 10 of Short Plats, page 155, under Auditor's File No. 9212150027, records of Skagit County, Washington; being a portion of Parcel C of SKAGIT COUNTY SHORT NO. 526-84, as approved October 14, 1985 and recorded November 4, 1985, in Volume 7 of Short Plats, page 49, under Auditor's File No. 8511040008, records of Skagit County, Washington; being a portion of Blocks 41 through 60, inclusive, of WOOD'S PLAT OF NORTH ANACORTES, according to the plat thereof recorded in Volume 2 of Plats, page 37, records of Skagit County, Washington

Situate in Skagit County, Washington

All that portion of Tract 4, Skagit County Short Plat No. 92-027, approved December 14, 1992, and recorded December 15, 1992, in Volume 10 of Short Plats, page 155, under Auditor's File No. 9212150027, records of Skagit County, Washington, described as follows:

Beginning at the Northeast corner of said Tract 4;
Thence South $1^{\circ}25'51''$ West for 901.5 feet to the point of beginning;
Thence North $87^{\circ}15'05''$ West for 486.8 feet to an intersection with the West line of said Tract 4;
Thence South $1^{\circ}15'28''$ West along the West line thereof for 555.53 feet to the Southwest corner of Tract 4;
Thence South $88^{\circ}45'01''$ East along the South line of Tract 4 for 888.63 feet to the Southwest corner thereof;
Thence North $01^{\circ}25'51''$ East 454.88 feet to the Northwest corner of Tract 3 of said Short Plat;
Thence North $87^{\circ}15'05''$ West 403.63 feet;
Thence North $01^{\circ}25'51''$ East for 33.7 feet to the point of beginning;

All situate in Skagit County, Washington



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