



200906050164

Skagit County Auditor

6/5/2009 Page 1 of 14 3:47PM

When Recorded Return to:

Anderson Hunter Law Firm  
ATTN: Thomas R. Collins  
P. O. Box 5397  
Everett, WA 98206

LAND TITLE OF SKAGIT COUNTY

133341-PE

## STATUTORY WARRANTY DEED

Grantors: James N. Nelson, a married man dealing with his separate property and his wife, Joanne G. Nelson, as to his undivided 1/3 interest; and Norman W. Nelson, Jr., a married man dealing with his separate property and his wife, Sharrie L. Nelson, as to his undivided 1/3 interest

Grantees: Gerald E. Nelson and Jenny T. Nelson, husband and wife

Legal Description (abbreviated): Ptn. W 1/2, 6-35-3 E.W.M.; Ptn. E 1/2 E 1/2, 8-35-3 E.W.M.; N 1/2 NW 1/4, 22-35-3 E.W.M.; Ptn. E 1/2 W 1/2 SW 1/4, 26-35-3 E.W.M. County of Skagit. Additional on Exhibit A

Assessor's Tax Parcel No: 350306-0-006-0004, 350306-0-008-0002, 350306-2-001-0005, 350306-3-001-0100, 350308-0-002-0006, 350308-0-007-0001, 350308-0-009-0009, 350322-2-004-0002, 350322-2-003-0003, 350326-3-005-0005, 350326-3-003-0007

THE GRANTORS, JAMES N. NELSON, a married man dealing with his separate property and his wife, Joanne G. Nelson, as to his undivided 1/3 interest; and NORMAN W. NELSON, JR., a married man dealing with his separate property and his wife, Sharrie L. Nelson, as to his undivided 1/3 interest, for and in consideration of Ten Dollars (\$10.00) and other valuable consideration, as part of an IRC 1031 tax deferred exchange, in hand paid, convey and warrant to GERALD E. NELSON and JENNY T. NELSON, husband and wife, the following described real estate, situated in the County of Skagit, State of Washington, together with all after acquired title of the Grantor therein:

See **Exhibit A** attached hereto and incorporated herein by this reference.

DATED this 4TH day of JUNE, 2009.

1618  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUN 05 2009

Amount Paid \$13,770.35  
Skagit Co. Treasurer  
By *[Signature]* Deputy

*[Signature]*  
JAMES N. NELSON

*[Signature]*  
JOANNE G. NELSON

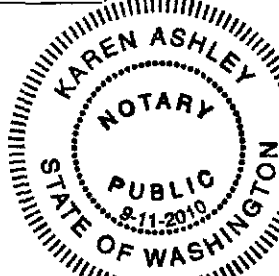
2. 2  
NORMAN W. NELSON, JR.

Sharrie L. Nelson  
SHARRIE L. NELSON

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

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

SUBSCRIBED AND SWORN TO before me by JAMES N. NELSON on this 5TH day of JUNE, 2009.

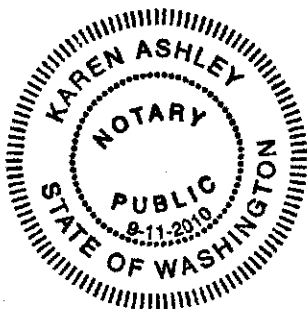


Karen Ashley  
PRINTED NAME: KAREN ASHLEY  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 9/11/2010

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this day personally appeared before me JOANNE G. NELSON, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me by JOANNE G. NELSON on this 5TH day of JUNE, 2009.



Karen Ashley  
PRINTED NAME: KAREN ASHLEY  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 9/11/2010



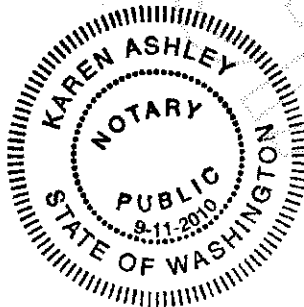
200906050164

Skagit County Auditor

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

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

SUBSCRIBED AND SWORN TO before me by NORMAN W. NELSON, JR. on this  
5TH day of JUNE, 2009.

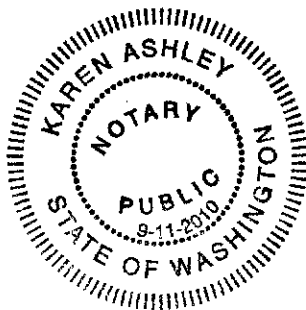


Karen Ashley  
PRINTED NAME: KAREN ASHLEY  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 9/11/2010

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

On this day personally appeared before me SHARRIE L. NELSON, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN TO before me by SHARRIE L. NELSON on this 5TH  
day of JUNE, 2009.



Karen Ashley  
PRINTED NAME: KAREN ASHLEY  
NOTARY PUBLIC  
in and for the State of Washington.  
My commission expires: 9/11/2010



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**Schedule "A-1"**

**133341-PE**

**DESCRIPTION:**

**PARCEL "A":**

The Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Government Lot 5 and Government Lot 6, all in Section 6, Township 35 North, Range 3 East, W.M.;

EXCEPT Lot 1, Skagit County Short Plat No. 94-049, approved December 9, 1994, and recorded December 12, 1994, in Volume 11 of Short Plats, pages 155 and 156, under Auditor's File No. 9412120047, records of Skagit County, Washington;

ALSO EXCEPT the following described tract:

Beginning at the Northwest corner of Government Lot 5 of Section 6, Township 35 North, Range 3 East, W.M.;

thence North  $87^{\circ}16'33''$  East along the North line of said Government Lot 5, a distance of 93.43 feet to the Southwesterly line of the dike right-of-way appropriated by Dike District No. 5 in Superior Court Cause No. 3050 and the point of beginning of this description;

thence North  $87^{\circ}16'33''$  East along the North line of said Government Lot 5 and the North line of the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 6 a distance of 2,273.77 feet to the Northeast corner of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;

thence South  $01^{\circ}47'11''$  West along the East line of said Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  a distance of 838.62 feet;

thence South  $89^{\circ}51'49''$  West a distance of 443.94 feet;

thence South  $06^{\circ}29'11''$  West a distance of 389.83 feet to a point on a non-tangent curve to the right having a chord bearing of South  $43^{\circ}02'28''$  East and a radius of 107.00 feet;

thence Easterly along said curve through a central angle of  $149^{\circ}54'56''$  and an arc length of 279.97 feet;

thence South  $31^{\circ}55'00''$  West a distance of 74.02 feet;

thence South  $39^{\circ}55'12''$  West a distance of 128.24 feet;

thence South  $52^{\circ}43'07''$  West a distance of 75.85 feet;

thence South  $06^{\circ}29'11''$  West a distance of 305.29 feet to Point "A";

thence South  $33^{\circ}11'29''$  West a distance of 80.17 feet;

thence North  $56^{\circ}48'31''$  West a distance of 227.08 feet;

thence North  $11^{\circ}48'07''$  West a distance of 592.76 feet;

thence North  $13^{\circ}36'57''$  East a distance of 817.98 feet to the center of an existing drainage ditch;

thence along the center of said ditch through the following four courses:

North  $64^{\circ}33'03''$  West a distance of 333.20 feet;

North  $71^{\circ}54'21''$  West a distance of 66.52 feet;

North  $89^{\circ}15'51''$  West a distance of 75.43 feet;

South  $75^{\circ}58'32''$  West a distance of 42.25 feet to the center of a ditch intersecting from the Southwest;

thence South  $28^{\circ}52'12''$  West along the center of said intersecting ditch a distance of 52.59 feet;

thence continuing along the center of said intersecting ditch South  $23^{\circ}18'16''$  West a distance of 231.48 feet to the East line of said Government Lot 5;

thence South  $01^{\circ}43'11''$  West along the East line of said Government Lot 5 a distance of 605.60 feet;

thence South  $87^{\circ}06'54''$  West parallel with the South line of said Government Lot 5 a distance of 355.29 feet;

thence North  $01^{\circ}29'29''$  East parallel with the West line of said Government Lot 5 a distance of 436.48 feet;

thence North  $41^{\circ}15'24''$  West a distance of 849.43 feet to the point of beginning of this description.



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**Schedule "A-1"**

**133341-PE**

**DESCRIPTION CONTINUED:**

**PARCEL "A" CONTINUED:**

(Being a portion of Lot 2, Skagit County Short Plat No. 94-049, approved December 9, 1994, and recorded December 12, 1994, in Volume 11 of Short Plats, pages 155 and 156, under Auditor's File No. 9412120047, records of Skagit County, Washington.)

AND ALSO EXCEPT that portion of Lot 2 of Short Plat No. 94-049, approved December 9, 1994, recorded December 12, 1994, in Volume 11 of Short Plats, pages 155 and 156, under Auditor's File No. 9412120047, records of Skagit County, Washington, and being a portion of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 6, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at the Northwest corner of Lot 1 of said Short Plat No. 94-049;  
thence North  $00^{\circ}24'03''$  East (equals North  $01^{\circ}10'58''$  West on said Short Plat No. 94-049) a distance of 2.63 feet along the Northerly extension of the Westerly line of said Lot 1;  
thence North  $62^{\circ}29'11''$  West 7.36 feet;  
thence North  $51^{\circ}19'38''$  West 22.00 feet;  
thence North  $62^{\circ}50'57''$  West 53.51 feet;  
thence North  $72^{\circ}06'39''$  West 50.96 feet;  
thence North  $83^{\circ}40'26''$  West 59.84 feet to the North extension of an existing fence line;  
thence South  $00^{\circ}52'10''$  West 658.50 feet along said fence line to the Northerly margin of the Samish Island Road;  
thence North  $87^{\circ}06'22''$  East 210.20 feet along said Northerly margin to the Southwest corner of said Lot 1;  
thence Northerly along the Westerly line of said Lot 1 to the point of beginning.

Situate in the County of Skagit, State of Washington.

**PARCEL "B":**

Government Lots 1 and 4 of Section 8, Township 35 North, Range 3 East, W.M.,

EXCEPTING THEREFROM road, dike and ditch rights of way,

AND EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed dated March 3, 1950, and recorded May 22, 1950, under Auditor's File No. 445900,

AND EXCEPT the following described tracts:

1.) That portion of Government Lot 4, Section 8, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point 1,102 feet North and 930.3 feet West of the Southeast corner of said Lot 4;  
thence South  $71^{\circ}35'$  West 62 feet to the right bank of the Samish River;  
thence South  $14^{\circ}23'$  East 42.1 feet along the bank of said river;  
thence North  $71^{\circ}35'$  East 65 feet;  
thence North  $18^{\circ}25'$  West 42 feet to the point of beginning.



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DESCRIPTION CONTINUED:

PARCEL "B" CONTINUED:

2.) That portion of Government Lot 4, Section 8, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point 1,102 feet North and 930.3 feet West of the Southeast corner of said Lot 4;  
thence North 18°25' West 32 feet;  
thence South 71°35' West 60 feet to the right bank of the Samish River;  
thence South 14°23' East along the bank of said river 32.1 feet;  
thence North 71°35' East 62 feet to the point of beginning.

3.) That portion thereof lying within the boundaries of that certain tract foreclosed upon by Skagit County under Tax Foreclosure Case No. T.J. 620½ and conveyed to John W. Brisky by deed dated December 11, 1952, and recorded December 11, 1952, under Auditor's File No. 482917, said premises being more particularly described therein as follows:

One square acre in the Northwest corner of Lot 1, Section 8, Township 35 North, Range 3 East, W.M.

ALSO, that portion of Government Lot 5, Section 8, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at the Northeast corner of said Government Lot 5;  
thence South 1°03' West along the East line of said Lot 5, 254.63 feet;  
thence North 88°57' West 750.0 feet, more or less, to the right bank of the Samish River;  
thence Northwesterly along the right bank of said river to the North line of said Government Lot 5;  
thence East along the North line of said Lot 5 to the point of beginning,

EXCEPT road and dike and ditch rights of way,

AND EXCEPT that portion thereof conveyed to the State of Washington for highway purposes by deed dated March 3, 1950 and recorded May 22, 1950, under Auditor's File No. 445900.

Situate in the County of Skagit, State of Washington.

PARCEL "C":

The North ½ of the Northwest ¼ of Section 22, Township 35 North, Range 3 East, W.M.,

EXCEPT the East 980 feet thereof,

AND EXCEPT the County road right of way along the North line thereof,

AND EXCEPT the North 958 feet of the West 165 feet thereof.

Situate in the County of Skagit, State of Washington.



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Skagit County Auditor

**Schedule "A-1"**

**133341-PE**

**DESCRIPTION CONTINUED:**

**PARCEL "D":**

The East ½ of the West ½ of the Southwest ¼ of Section 26, Township 35 North, Range 3 East, W.M.,

EXCEPT that portion thereof lying Northerly of Olympic Marsh Ditch,  
AND EXCEPT the South 45 feet conveyed to Skagit County by deed recorded March 8, 1911, under  
Auditor's File No. 87346 (Volume 83 of Deeds, page 502).

Situate in the County of Skagit, State of Washington.



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## EXHIBIT B

1. Second half 2009 general real property taxes.
2. The lands described herein have been classified as open space as disclosed by notice recorded November 12, 1971, under Auditor's File No. 760545, and May 8, 2009, under Auditor's File No. 200905080143 (Affects Parcel "A") and as disclosed by notice recorded November 28, 1973, under Auditor's File No. 793833, and May 8, 2009, under Auditor's File No. 200905080142 (Affects Parcel "B").
3. The lands described herein have been classified as farm and agricultural as disclosed by notice recorded under Auditor's File No. 792457 and 807643, and May 8, 2009, under Auditor's File No. 200905080141 (Affects Parcel "C") and as disclosed by notice recorded November 19, 1971 and September 23, 1974, under Auditor's File No. 760872 and 807643, respectively, and May 8, 2009, under Auditor's File No. 200905080141 (Affects Parcel "D").
4. Unrecorded leaseholds, if any; rights of vendors and holders of security interests on personal property installed upon said property, and rights of tenants to remove trade fixtures at the expiration of the term.



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Schedule "B-1"  
Affects Parcel "A" only  
EXCEPTIONS:

133341-PE

A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee:	Diking District No. Five (5)
Purpose:	Diking and drainage purposes
Area Affected:	A 40-foot wide strip of land
Recorded:	March 27, 1946
Auditor's No.:	390020

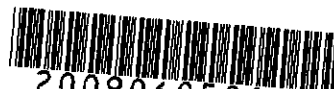
B. NOTES ON THE FACE OF SHORT PLAT, AS FOLLOWS:

1. Short Plat number and date of approval shall be included in all contracts;
2. Zoning - Residential;
3. Sewage Disposal - On-site septic systems (See Note 11, p.2)
4. Water - Lot 1 is served by Samish Farms Water Assoc. Lot 2 will not be available until Samish Farms Water Assoc. has State Dept. of Health approval.
5. Easements, reservations, covenants and conditions, encroachments, and unwritten rights, if any, apparent or of record, may apply. This survey does not purport to warrant title.
6. All maintenance and construction of private roads are the responsibility of lot owners.
7. Addresses: Lot 1 - 1043 Samish Is Rd.; Lot 2 - 1041 Samish Isl. Rd.
8. Not 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 (Dist. No. 5).
9. All or part of this subdivision is within the flood plain of the Samish River. Significant elevation of the first living floor may be required for residential construction.
10. Lot 1 requires an alternative septic system. See Skagit county Health Officer for details. Replacement area for Lot 1 also requires an alternative septic system.

C. Any adverse claim based upon the assertion that:

- (a) Said land or any part thereof is now or at any time has been below the ordinary highwater mark of the unnamed slough;
- (b) Some portion of said land has been created by artificial means or has accreted to such portion so created.
- (c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the unnamed slough or has been formed by accretion to any such portion.

- Continued -



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Schedule "B-1"

133341-PE

Affects Parcel "A" only

EXCEPTIONS CONTINUED:

- D. Rights of the public to that portion of said land, if any, lying within the right-of-way for Samish Island Road, as disclosed by various instruments of record.

Affects: The West and South boundaries of said premises

- E. Rights of the public to that portion of said land, if any, lying within the right-of-way for ditch and dike, as disclosed by various instruments of record.

F. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Pintail Gun Club LLC  
Purpose: Ingress, egress and utilities  
Area Affected: Said premises, the exact location and extent of said easement is undisclosed of record  
Recorded: July 9, 1999  
Auditor's No.: 9907090027

G. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Pintail Gun Club LLC  
Purpose: Ingress, egress and utilities  
Area Affected:

Beginning at the Southeast corner of the Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 6, Township 35 North, Range 3 East, W.M.; thence South  $87^{\circ}06'23''$  West along the South line of said subdivision a distance of 244.24 feet to the initial point of this line description; thence North  $02^{\circ}53'37''$  West a distance of 30.00 feet to the Southwest corner of Lot 1, Short Plat No. 94-049, file in Volume 11 of Short Plats, pages 155 and 156, records of Skagit County, Washington; thence North  $08^{\circ}54'51''$  West along the West line of said Lot 1 a distance of 214.51 feet; thence North  $02^{\circ}55'10''$  West along the West line of said Lot 1 a distance of 52.35 feet; thence North  $06^{\circ}00'53''$  East along the West line of said Lot 1 a distance of 133.13 feet; thence North  $00^{\circ}24'03''$  East along the West line of said Lot 1 a distance of 184.78 feet to the Northwest corner of said Lot 1; thence North  $28^{\circ}26'21''$  East a distance of 63.72 feet to a point 30.00 feet Northeasterly of the top of bank of an existing drainage ditch; thence Northwesterly along a line parallel with and 30 feet Northwesterly from the Northeasterly top of bank of said drainage ditch a distance of 292.00 feet, more or less, to Point "A" described in Parcel "A" above and the terminus of this line description.

Recorded: July 9, 1999  
Auditor's No.: 9907090027

H. AGREEMENT AND THE TERMS AND CONDITIONS THEREOF:

Between: Pintail Gun Club LLC  
And: James N. Nelson, et al  
Recorded: July 9, 1999  
Auditor's No.: 9907090027  
Regarding: Seller, agrees to install a bridge across the ditch/slough located on the property at a location to be determined by survey prior to closing or at a location agreed on by both buyer and seller. Seller reserves the right to build such bridge.



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Schedule "B-1"

Affects Parcel "A" only

133341-PE

EXCEPTIONS CONTINUED:

I. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT:

Recorded: July 9, 1999  
Auditor's No.: 9907090027  
Executed By: Pintail Gun Club LLC  
As follows:

Seller reserves any and all hunting rights together with the right of ingress and egress upon the land necessary to exercise such rights. Said rights shall be exclusive to Pintail Gun Club LLC, its successors and assigns. Notwithstanding the aforesaid, Purchaser shall have the right to hunt game birds and waterfowl on the land herein conveyed.

J. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:

Recorded: October 25, 2005  
Auditor's File No.: 200510250060

K. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Skagit County, a political subdivision of the State of Washington  
Purpose: To assure that the Protected Property will be retained forever for agricultural productivity and use, to ensure no net loss of agricultural lands and to protect prime and important agricultural soils, and to prevent any use of, or activity on, the Protected Property that will significantly impair or interfere with its agricultural values, character, use or utility

Area Affected: Portion of subject property  
Dated: March 19, 2007  
Recorded: April 2, 2007  
Auditor's No.: 200704020245



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A. Any adverse claim based upon the assertion that:

(a) Said land or any part thereof is now or at any time has been below the ordinary highwater mark of the Samish River;

(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.

(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Samish River or has been formed by accretion to any such portion.

B. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:

Recorded: October 25, 2005

Auditor's File No.: 200510250061



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A. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company  
Purpose: The right to install, maintain, replace, remove and use an electric line, including all necessary poles, anchors, wires and fixtures, and to keep this line free of interference from trees or other growth  
Area Affected: As now staked across said property and as constructed  
Dated: July 7, 1965  
Recorded: July 12, 1965  
Auditor's No.: 668815

B. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Hilda Belle Vander Vate  
Purpose: For a power transmission line. This easement includes the right to maintain said line as it is presently located and to go upon said land to repair and maintain said line  
Area Affected: Undisclosed portion of the Northwest ¼ of the Northwest ¼  
Dated: April 29, 1970  
Recorded: May 8, 1970  
Auditor's No.: 738764

C. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge one or more electric transmission and/or distribution lines  
Area Affected: The North 30 feet  
Dated: Not disclosed  
Recorded: October 28, 1987  
Auditor's No.: 8710280045

D. LOT CERTIFICATION AND THE TERMS AND CONDITIONS THEREOF:

Recorded: May 29, 2007  
Auditor's File No.: 200705290192

E. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Skagit County, a political subdivision of the State of Washington  
Purpose: to assure that the Protected Property will be retained forever for agricultural productivity and use, to ensure no net loss of agricultural lands and to protect prime and important agricultural soils, and to prevent any use of, or activity on, the Protected Property that will significantly impair or interfere with its agricultural values, character, use or utility  
Area Affected: Portion of the subject property  
Dated: September 24, 2007  
Recorded: December 5, 2007  
Auditor's No.: 200712050081



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Skagit County Auditor

Schedule "B-4"  
Affects Parcel "D" only

133341-PE

- A. Any change in the boundary of legal description of the real property, or title to the estate insured, that may arise due to shifting and changing in course of the Olympic Marsh Slough.



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Skagit County Auditor