

When recorded return to:

CARL LATHAM  
4107 MARINE HEIGHTS WAY  
ANACORTES, WA 98221



200912040059  
Skagit County Auditor

12/4/2009 Page 1 of 4 3:20PM

Filed for Record at Request of  
WHATCOM LAND TITLE COMPANY, INC.  
Escrow Number: W-100638

### Statutory Warranty Deed

Grantor: MARK J. RODRIGUEZ and RENE RODRIGUEZ  
Grantee: CARL LATHAM and KAREN LATHAM

THE GRANTORS MARK J. RODRIGUEZ and RENE RODRIGUEZ, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to CARL LATHAM and KAREN LATHAM, husband and wife the following described real estate, situated in the County of WHATCOM, State of Washington

Abbreviated Legal:  
LOT 37, MARINE HEIGHTS

For Full Legal See Attached Exhibit "A"  
See Attached Exhibit "A" for Exceptions

Tax Parcel Number(s): 4695-000-037-0000 / P111775

Dated

MARK J. RODRIGUEZ

RENE RODRIGUEZ

3731  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

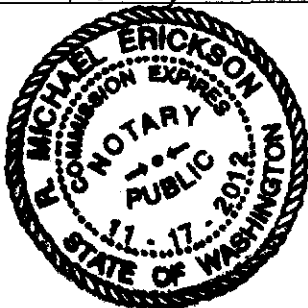
DEC 04 2009

Amount Paid \$13,355.00  
Skagit Co. Treasurer  
By *man* Deputy

STATE OF WASHINGTON  
COUNTY OF WHATCOM } SS:

I certify that I know or have satisfactory evidence that MARK J. RODRIGUEZ and RENE RODRIGUEZ is/are the person(s) who appeared before me, and said person(s) acknowledged that HE/SHE/HEY signed this instrument and acknowledge it to be HIS/HER/THEIR free and voluntary act for the uses and purposes mentioned in this instrument.

Dated:



*James M. Concannon*  
JAMES M. CONCANNON  
Notary Public in and for the State of WASHINGTON  
Residing at BELLINGHAM  
My appointment expires: 6/08/2013 11-17-12

3731  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

DEC 04 2009

Amount Paid \$13,355.00  
Skagit Co. Treasurer  
By *man* Deputy

## EXHIBIT A

LOT 37, "PLAT OF MARINE HEIGHTS," AS PER PLAT RECORDED IN VOLUME 16 OF PLATS, PAGES 173 THROUGH 175, INCLUSIVE, RECORDS OF SKAGIT COUNTY, WASHINGTON.

SITUATE IN CITY OF ANACORTES, COUNTY OF SKAGIT, STATE OF WASHINGTON.

### SUBJECT TO:

1. Municipal assessments and impact fees, if any, levied by the City of Anacortes.
2. Assessments, if any, due and owing Marine Heights Homeowner's Association.
3. Easements, restrictions, and other matters shown on Schedule "B-1" attached are also excepted from coverage. The easements, restrictions and other matters shown as lettered exceptions on Schedule "B-1" are excepted from policy coverage to the same extent that the numbered Schedule "B" Special Exceptions shown herein are excepted from policy coverage.

### ALSO SUBJECT TO:

#### EXCEPTIONS:

- A. Right of the public to make necessary slopes for cuts or fills upon property herein described in the reasonable original grading of streets, avenues, alleys and roads, as dedicated in the plat.
- B. Easements shown on face of Plat, as follows:

#### UTILITIES EASEMENT:

"An easement is hereby reserved for and granted to the City of Anacortes, Puget Power, G.T.E., Cascade Natural Gas Corp., and TCI Cablevision of Washington, Inc. and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts as shown on the face of the Plat and other utility easements, if any, shown on the face of the Plat, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures, and appurtenances attached thereto, for the purpose of providing utility services to the subdivision and other property. Together with right to enter upon the lots and tracts at all times for the purpose stated with the understanding that any grantee shall be responsible for all unnecessary damage it causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted."

#### STORM WATER DETENTION PONDS:

The storm water detention ponds, Tract "A", Tract "B" and access road is hereby dedicated to the City of Anacortes for operation and maintenance by the City of Anacortes."

- C. Notes shown on face of Plat, as follows:

1. No more than 35% of any lot shall have man-made impervious surfaces. This includes, but is not limited to patios, driveways, buildings, etc.
2. No trees in this area shall be removed without the written permission of the city parks and recreation director.
3. All lots within this subdivision are subject to covenants, conditions, and restrictions as recorded in Book \_\_\_, page \_\_\_ of Auditor's File No. \_\_\_\_\_.
4. No parking is allowed in the two cul-de-sacs as shown on the plat.
5. Lots 29, 30, 31, 32, 33, 34, 35, and 37 shall each provide two additional on-site parking spaces to make up for lost on-street parking in the cul-de-sac.



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6. Prior to securing a building permit for Lots 8, 9, 10, 14 through 25, 38, 39, 41, 42, 43, 44 and 47 through 49 the property owner shall submit to the city building department a geotechnical engineering report providing site and plan specific recommendations for building foundation, design, construction and other site considerations as required. The building department reserves the right to ask for specific site geotechnical study and engineering on Lots 1, 2, 3, 4, 5, 6, 7, 11, 12, 13, 26, 27, 28, 29, 30, 36, 37, 45 and 46 that have received fill or exhibit steep slopes.

7. Ownership and maintenance of the detention facility and all on-site storm water improvements shall initially be with the developer until 25 homes are completed. After the 25th home ownership and maintenance of said facilities will transfer to the City of Anacortes.

8. AF#9002120093 describes a right of way from the South line of Skyline Div. #10 to the North line of Marine Drive. The grantors only conveyed the portion that passed through their ownership. The r/w referenced in Parcel "B" of the description (AF# 235194) was vacated per AF# 9002130115. The South boundary of AF# 235194 does not mathematically match the North boundary of Marine Drive. The owner to the West makes reference to the same document. This right of way seems to be represented on the Plat of Anaco Beach for the purposes of this plat boundary. It was assumed that AF# 2335194 intended to match the North line of Marine Drive.

9. All lots shown with drainage or sewer easements are subject to the right of ingress, egress and for the installation, replacement and maintenance of said utility line for the benefit of the lots shown hereon.

10. Lot 35 is subject to a 20 foot storm and sanitary sewer easement for the benefit of Lot 34 with the right of ingress and egress for the installation, replacement and maintenance of said storm and sewer line.

11. Lot 12 is subject to a 10 foot sanitary sewer easement for the benefit of Lot 27 with the right of ingress-egress for the installation, replacement and maintenance of said sewer line.

12. Lot 10 is subject to a sanitary sewer easement for the benefit of Lots 28 and 29 with the right of ingress-egress for the installation, replacement and maintenance of said sewer line.

13. Lot 39 is subject to a 10' x 20' easement for the benefit of Lot 40, to be used for stairway and landscape purposes only.

D. DECLARATION OF COVENANTS, CONDITIONS, AND EASEMENTS CONTAINED IN SAID PLAT, AS HERETO ATTACHED:

Declaration Dated:	July 30, 1997
Recorded:	July 30, 1997
Auditor's No.:	9707300089
Executed By:	Charger, Inc.

AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND EASEMENTS FOR MARINE HEIGHTS:

Recorded:	August 5, 1997
Auditor's No.:	9708050055

AMENDED DECLARATION OF COVENANTS, CONDITIONS, AND EASEMENTS FOR MARINE HEIGHTS:

Recorded:	September 13, 1999
Auditor's No.:	199909130145

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D. (Continued)

NOTE: This amendment purports to amend and supersede the documents recorded under Auditor's File Nos. 9707300089 and 9708050055.

FIRST AMENDMENT TO AMENDED DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS FOR MARINE HEIGHTS:

Recorded: October 9, 2002  
Auditor's No.: 200210090113

SECOND AMENDMENT TO AMENDED DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS FOR MARINE HEIGHTS:

Recorded: December 3, 2003  
Auditor's No.: 200312030076

THIRD AMENDMENT TO AMENDED DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS FOR MARINE HEIGHTS:

Recorded: April 18, 2005  
Auditor's No.: 200504180011

FOURTH AMENDMENT TO AMENDED DECLARATION OF COVENANTS, CONDITIONS AND EASEMENTS FOR MARINE HEIGHTS:

Recorded: July 8, 2005  
Auditor's No.: 200507080161

E. MATTERS DISCLOSED BY RECORD OF SURVEY:

Prepared By: Leonard, Boudinot & Skodje  
Recorded: May 4, 1999  
Auditor's File No.: 9905040128

F. Restrictions imposed by said Plat, as follows:

"Trees to be left undisturbed in this area."

G. EASEMENT AND TERMS AND CONDITIONS THEREOF:

Disclosed By: Plat of said addition  
Purpose: Drainage  
Area Affected: West 10 feet of said premises



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