



200912310058

Skagit County Auditor

12/31/2009 Page 1 of 6 11:06AM

FILED FOR RECORD AT REQUEST OF

Fred Rusina, Trustee
Lowell Dayton Irrevocable Grantor
Trust, u/a dtd December 23, 2009
c/o PO Box 467
Burlington, WA 98233-0467

WHEN RECORDED RETURN TO

Heather A. Kmetz
Sussman Shank LLP
1000 S.W. Broadway, Suite 1400
Portland, Oregon 97205-3066

STATUTORY WARRANTY DEED

The Grantors, **Lowell C. Dayton** and **Sandra Dayton, husband and wife**, convey and warrant to **Fred Rusina, Trustee, Lowell Dayton Irrevocable Grantor Trust, u/a dtd December 23, 2009**, Grantee, the real property situated in the County of Skagit, State of Washington, more fully described on Exhibit A, attached hereto.

The consideration for this transfer is \$0.00 (gift).

Abbreviated Legal: Section 23, Township 36, Range 3; Ptn. (aka Lot 23 Colony Mountain)

Tax Parcel Number: P48113, 360323-3-005-1005

The liability and obligations of the Grantors to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature, and terms of any right or indemnification available to Grantors under any title insurance policy, and Grantors shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantors under any such title insurance policy.

The said property is subject to easements, restrictions, provisions and reservations of record, as set forth on Exhibit B1 attached hereto.

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401.0
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 31 2009

Amount Paid \$0
By *[Signature]*
Skagit Co. Treasurer
Deputy

DATED this 23 day of December, 2009.

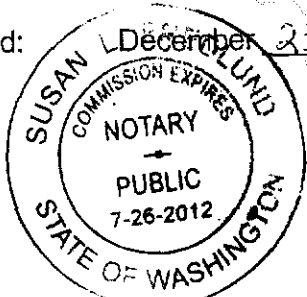
[Signature]
Lowell C. Dayton

[Signature]
Sandra S. Dayton

STATE OF WASHINGTON)
County of Skagit) ss.

I certify that I know or have satisfactory evidence that Lowell C. Dayton 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: December 23, 2009

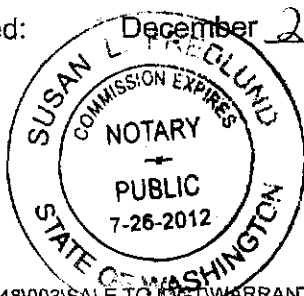


[Signature]
(Signature)
Notary Public
Title
My Appointment Expires: 7/26/2012

STATE OF WASHINGTON)
County of Skagit) ss.

I certify that I know or have satisfactory evidence that Sandra S. Dayton is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: December 23, 2009



[Signature]
(Signature)
Notary Public
Title
My Appointment Expires: 7/26/2012

F:\CLIENTS\19548\003\SALE TO UGT\WARRANTY DEED - WHITMAN CTY.DOC

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EXHIBIT A

A tract of land in Section 23, Township 36 North, Range 3 East, W.M., described as follows:

Beginning at a point on the Westerly line of said Section 23, a distance of 482.39 feet on a bearing of North 0°28'18" West of the Southwest corner of said Section 23, thence continuing on said Westerly line North 0°28'18" West, 760.37 feet to an intersection with a curve having a radius of 3,030 feet, the center of which curve bears North 48°05'50" East; thence Southeasterly on said curve to the left through a central angle of 3°33'50" an arc distance of 188.47 feet; thence South 45°28'00" East, 178.49 feet to a curve to the right having a radius of 1,050 feet the center of which curve bears South 44°32'00" West; thence Southeasterly along said curve to the left through a central angle of 21°0'00" an arc distance of 384.85 feet; thence South 68°30'14" West 505.62 feet to the point of beginning, also known as Tract 23 of the Unrecorded Survey of Colony Mountain.



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Schedule "B-1"

EXCEPTIONS:

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

Recorded: July 6, 1973
Auditor's No.: 787652

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

Dated: May 6, 1976
Recorded: November 8, 1976
Auditor's No.: 845592

C. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company
Recorded: May 22, 1975
Auditor's No.: 817912
Purpose:

Electric line right-of-way, together with the to construct, maintain, replace and enlarge one or more electric lines consisting of poles, anchors, wires and/or underground cables, conduits, manholes.

Area Affected:

A 60 foot strip, reference is hereby made to the record for the full particulars.

D. A NON-EXCLUSIVE EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES:

In Favor Of: All property owners in Colony Mountain
Recorded: October 1, 1973, November 21, 1973, March 27, 1974,
March 29, 1974, May 1, 1974 and October 17, 1974
Auditor's Nos.: 791555, 793602, 798356, 798408, 798409, 798522, 800130,
801522, 808992, 808993, 808994 and 808995
Purpose: Ingress, egress and utilities

Said 60 foot strip was purportedly conveyed to Colony Mountain Community Club by instrument recorded under Auditor's File No. 8005190033.

Clarification of Easement, recorded September 21, 1979 under Auditor's File No. 7909210015, reference is made to the document for the full particulars. (See copy attached)

A portion of said road system was purportedly conveyed to Skagit County by deed recorded November 19, 1984 under Auditor's File No. 8411100070.



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Order No: B92489

E. EASEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF:

Grantee: Donald Smyth and Helen Smyth, husband and wife
Recorded: June 2, 1981
Auditor's No.: 8106020001
Purpose: Ingress and egress
Area Affected: Roadways, as in Auditor's File No. 8005190033

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

Recorded: May 15, 1985
Auditor's No.: 8505150010
Executed By: Colony Mountain Community Club

Said document was modified by "Agreement for Water System Access and Modification of Easement" recorded under Auditor's File No. 8707130025.

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

Recorded: July 16, 1987
Auditor's No.: 8707160044
Executed By: Colony Mountain Community Club

Said covenants and/or easements were modified by instruments recorded under Auditor's File Nos. 9405110050, 9507310038, 9610160031 and 200104300175.

H. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: C.E. Wright and Lillie B. Wright, husband and wife
Recorded: April 16, 1917
Auditor's No.: 118572
Purpose: "All water that will flow through a one inch pipe and the right to lay and maintain such pipe perpetually across said property."
Area Affected: The East 1/2 of the Northeast 1/4 of Section 22, Township 36 North, Range 3 East, W.M.

I. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Colony Land Co., a Washington Corporation
Dated: February 27, 1969
Recorded: March 18, 1969
Auditor's No.: 724372
Purpose: Right-of-way
Area Affected: A portion of the Old School Trail Road



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J. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Adjoining land owners
Dated: May 14, 1974
Recorded: May 31, 1974
Auditor's No: 801522
Purpose: A non-exclusive easement for roadway for ingress,
egress and all utilities
Area Affected: A portion of the subject property and other property

K. Terms and conditions of Amendment to Covenants, Restrictions and Agreements of Colony Mountain Community Club, recorded May 11, 1994, under Auditor's File No. 9405110050.

L. AGREEMENT AND THE TERMS AND PROVISIONS THEREOF:

Between: Skagit County
And: Nicolette Welsh
Dated: April 18, 1991
Recorded: April 18, 1991
Auditor's No.: 9104180101
Regarding: Alternative Sewage System Installations



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