



201109010071
Skagit County Auditor

9/1/2011 Page 1 of 5 4:07PM

When recorded return to:
Scott T. Landweer
42156 Pine Street
Concrete, WA 98237

Recorded at the request of:

File Number: E11904

BARGAIN AND SALE DEED

101874-1

GUARDIAN NORTHWEST TITLE CO.

THE GRANTOR Deutsche Bank National Trust Company as Trustee for Morgan Stanley ABS Capital 1 Inc., Trust 2006-NC5, Mortgage Pass-Through Certificates, Series 2006-NC5 for and in consideration of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, bargains, sells, and conveys to Scott T. Landweer, a married man, as his separate estate the following described estate, situated in the County of Skagit, State of Washington:

Lot 37, Block O, "CAPE HORN ON THE SKAGIT DIVISION NO. 2", as per plat recorded in Volume 9 of Plats, pages 14 through 19, inclusive, records of Skagit County, Washington.

"This conveyance is subject to covenants, conditions, restrictions and easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey as described in Exhibit "A" attached hereto."

Tax Parcel Number(s): P63478, 3869-015-037-0009

Dated: August 29, 2011

Deutsche Bank National Trust Company as Trustee
for Morgan Stanley ABS Capital 1 Inc., Trust 2006-
NC5, Mortgage Pass-Through Certificates, Series
2006-NC5

Bank of America, N.A., successor by
merger to BAC Home Loans Servicing, LP

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

20112059
SEP 01 2011

Amount Paid \$ 2096.50
Skagit Co. Treasurer
By *JMm* Deputy

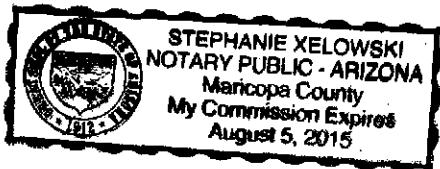
UNRECORDED DOCUMENT

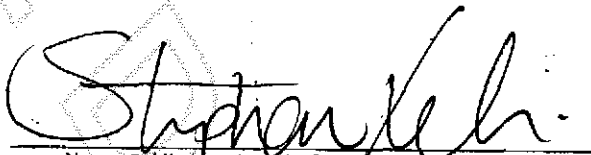
STATE OF Arizona }
County of Maricopa } ss. **ACKNOWLEDGMENT - Representative Capacity**

I certify that I know or have satisfactory evidence that Tanna Weber
is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she
was authorized to execute the instrument and acknowledged it as the Assistant Vice President
Bank of America, N.A., successor by
merger to BAC Home Loans Servicing, LP of

to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

GIVEN under my hand and official seal the day and year last above written.




Notary Public in and for the State of Arizona
residing at Maricopa

My appointment expires August 5, 2015

This jurat is page _____ of _____ and is attached to _____ dated _____



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Exhibit "A"

EXCEPTIONS:

A. CONDITIONS AND RESTRICTIONS CONTAINED IN AN INSTRUMENT, FILED JULY 13, 1965, AS AUDITOR'S FILE NO. 668869 READING AS FOLLOWS:

- "1. Lot owners to be advised that those areas indicated on the plat as being below elevation 140.0 feet, are subject to infrequent periodic inundation and buildings constructed therein should maintain a floor elevation above 140.0 feet.
2. The exterior of all buildings to have a completed appearance within one year from date of starting.
3. Lot owners shall be responsible for placing wells and septic tank drainfields in accordance with the master plan as on file with the Cape Horn Maintenance Company. A minimum of 100 feet shall be maintained between all drainfields and wells. All work to be in accordance with Skagit County Regulations.
4. All lots shall be subject to the Articles and By-Laws of the Cape Horn Maintenance Company."

An Amendment to By-Laws was recorded January 16, 2003 under Auditor's File No. 200301160063.

The Articles of Incorporation were recorded as Auditor's File No. 200611200088.

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

Plat/Subdivision Name: Cape Horn on the Skagit
Recorded: July 13, 1965
Auditor's No.: 668870

Said matters include but are not limited to the following:

1. "The Platters do hereby declare this plat and dedicate to the public forever all roads and ways and that 40 foot easement along the river shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon, following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right-of-way or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."

2. "Skagit County shall not be responsible for any flood control improvements."



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C. EASEMENT, INCLUDING TERMS & PROVISIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a corporation
Purpose: Transmission line with appurtenances
Dated: July 7, 1965
Recorded: August 17, 1965
Auditor's No.: 670429
Affects: As constructed and extended in the future at the consent of Grantee and Grantor

D. RESTRICTIONS ON OTHER LOTS IN SAID PLAT IMPOSED BY VARIOUS INSTRUMENTS OF RECORD WHICH MAY BE NOTICE OF A GENERAL PLAN AS FOLLOWS:

"Grantees covenant and agree that the above described real estate shall be subject to the charges and assessments as provided for in and for the purposes set forth in the Articles of Incorporation and the By-Laws of the Cape Horn Maintenance Co., a nonprofit, non-stock Washington corporation and that said corporation shall have a valid first lien against the above described real estate for said charges and assessments; and, in addition to the remedies set forth in said Articles of Incorporation and By-Laws, that if said charges and assessments levied by said corporation shall not be paid within four (4) months after they shall become due and payable, then said corporation may proceed by appropriate action to foreclose its lien together with such sum as the court may adjudge reasonable attorneys fees in such action. The grantee hereby acknowledges receipt of copies of said Articles of Incorporation and By-Laws of the Cape Horn Maintenance Co. This provision is a covenant running with the land and is binding on the grantees, their heirs, successors and assigns.

SUBJECT TO:

- (a) Restrictions, reservations, agreements and easements of record and as shown on the face of said recorded plat.
- (b) Use of said property for residential purposes only.
- (c) Questions that may arise due to shifting of Skagit River."

E. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS:

Declaration Dated: September 20, 1976
Recorded: December 14, 1976
Auditor's No.: 847451
Executed By: Cape Horn Maintenance Company

Terms and Provisions of document recorded as Auditor's File No. 200611200088 which may pertain thereto.

F. Any question that may arise due to shifting or changing in course of the Skagit River.
(Affects those lots abutting the River)

G. Declaration of Covenant recorded June 21, 1993 under Auditor's File No. 9306210022 regarding well and waterworks located on the "Community Park" area.



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

Recorded: November 20, 2006
Auditor's No.: 200611200088
Executed By: Cape Horn Maintenance Co.

I. LOT CERTIFICATION, INCLUDING THE TERMS AND CONDITIONS THEREOF. REFERENCE TO THE RECORD BEING MADE FOR FULL PARTICULARS. THE COMPANY MAKES NO DETERMINATION AS TO ITS AFFECTS.

Recorded: November 16, 2005
Auditor's No.: 200511160088

J. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Recorded: January 10, 2006
Auditor's No.: 200601100193

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.

Said notice/agreement may pertain to governmental regulations for building or land use. Said matters are not a matter of title insurance. If such non-title insurance matters are shown, they are shown as a courtesy only, without the expectation that all such matters have been shown.



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