



201212040064
Skagit County Auditor

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When recorded return to:
Anthony J. Emley and Shari L. Emley
623 Hemmi Road
Bellingham, WA 98226

Recorded at the request of:

File Number: A104891

Statutory Warranty Deed

A104891

GUARDIAN NORTHWEST TITLE CO.

THE GRANTORS Barry R. Whitcher and Edna Vilma O. Whitcher, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Anthony J. Emley and Shari L. Emley, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:

Lots 11 & 12, Block D, Cape Horn on the Skagit


Tax Parcel Number(s): P62976, 3868-004-012-0003, P62975, 3868-004-011-0004

Lots 11 and 12, Block D, "CAPE HORN ON THE SKAGIT", according to the plat thereof recorded in Volume 8 of Plats, pages 92 through 97, 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

Dated 12/03/2012


Barry R. Whitcher



Edna Vilma O. Whitcher

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

2012 3869

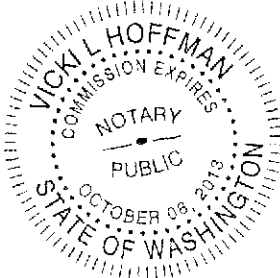
DEC 04 2012

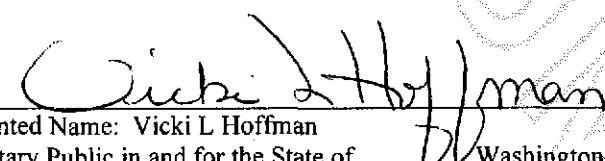
STATE OF Washington }
COUNTY OF Skagit } SS:

Amount Paid \$ 236.⁴⁰
Skagit Co. Treasurer
By  Deputy

I certify that I know or have satisfactory evidence that Barry R. Whitcher and Edna Vilma O. Whitcher, the persons who appeared before me, and said person(s) acknowledged that they signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 12-4-12




Printed Name: Vicki L Hoffman
Notary Public in and for the State of Washington
Residing at Anacortes, WA
My appointment expires: 10/08/2013

EXCEPTIONS:

EXHIBIT A

A. Restrictions and Conditions contained in the Plat, reading substantially as follows:

"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."

B. A condition on the face of the plat as follows:

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

C. 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."

Amendment to by-laws was recorded January 16, 2003 under Auditor's File No. 200301160063.

D. 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



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E. 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."

F. 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.

G. Any question that may arise due to shifting or changing in course of the Skagit River.

(Affects those lots abutting the river)

H. 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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