



AFTER RECORDING RETURN TO:

Burton Homes, Inc.
1801 Grove Street, Unit B
Marysville, WA 98270

Skagit County Auditor

\$145.00

4/29/2013 Page

1 of

2 10:45AM

2 417

CHICAGO TITLE
620018770

Document Title:

Declaration of Easement and Maintenance Agreement for Retaining Walls

Grantors:

Houston Family LLC, owner of Lot 94 of the Plat of Digby Heights, Phase III recorded under Auditor's File Number 201109190088 and
Burton Homes, Inc., who took title as Encore Homes, Inc., owner of Lots 96 and 97 of the Plat of Digby Heights Phase III recorded under Auditor's File Number 201109190088, Situate in Skagit County, Washington State and their respective heirs, assigns and successors in ownership.

Chicago Title has placed this document for recording as a customer courtesy and accepts no liability for its accuracy or validity

Grantees:

Houston Family LLC, owner of Lot 94 of the Plat of Digby Heights, Phase III recorded under Auditor's File Number 201109190088 and
Burton Homes, Inc., who took title as Encore Homes, Inc., owner of Lots 95, 96 and 97 of the Plat of Digby Heights Phase III recorded under Auditor's File Number 201109190088, Situate in Skagit County, Washington State, and their respective heirs, assigns and successors in ownership

Legal Description:

Those portions of Lots 94, 96 and 97 of the Plat of Digby Heights Phase III recorded under Auditor's File Number 201109190088, Situate in Skagit County, Washington State as more fully described on Page 1 of this document.

Assessor's Property Tax Parcel/Account Numbers:

P130957

P130958

P130959

P130960

**DECLARATION OF EASEMENT AND
MAINTENANCE AGREEMENT FOR RETAINING WALLS**

WHEREAS, Houston Family LLC, a Washington limited liability company, is the owner of Lot 94, Plat of Digby Heights Phase III, and Burton Homes, Inc., a Washington corporation, is the owner of Lot 95, 96 and 97, Plat of Digby Heights Phase III; and

WHEREAS, Lots 94, 95, 96 and 97 are served by retaining walls that lie within Lots 94, 96 and 97


THEREFORE, each of the three Lots 94, 96 and 97 does hereby grant, convey, establish and create for the benefit of the other Lots among Lots 94, 95, 96 and 97, a non-exclusive easement over, under, along and across those areas of the lots necessary for the placement, maintenance and monitoring, construction, reconstruction, repair, and upkeep of retaining walls and the related drainage equipment together with the rights of ingress and egress for

such purposes. Said easement is a perpetual, appurtenant easement and shall run with the land and be binding on the owners thereof, their successors, heirs and assigns.

By acceptance of a deed to any of these four properties, future owners for themselves and their successors in interest covenant and agree that costs for necessary maintenance and repairs to the retaining walls and/or the related drainage equipment shall be evenly shared by those lots that are served by the wall to be maintained and/or repaired, whether their property is above or below the wall. (Maintenance and repairs to the foundation wall for the house at Lot 94 shall be the sole responsibility of the owners of Lot 94.)

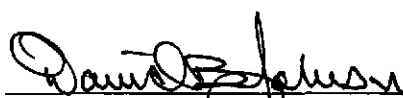
Further, by acceptance of a deed to any of these four properties, future owners for themselves and their successors in interest covenant and agree that neither Burton Homes, Inc. nor Houston Family LLC is responsible for any loss or damage resulting from an encroachment of any nature onto or off from the subject properties. Despite this easement and the location or possible future location of any retaining wall at or near any boundary line, this document is to serve notice that to the best of our knowledge, the property lines dividing these properties is now and in the future shall be the line depicted in the plat of Digby Heights Phase III recorded under Skagit County Auditor's File Number 201109190088.

Grantor/Grantee – Lots 95, 96 and 97



David B. Johnson President
Burton Homes, Inc.

Grantor/Grantee – Lot 94

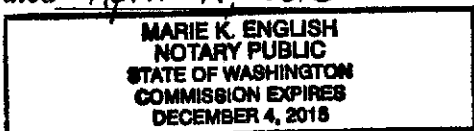


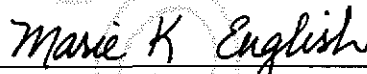
David B. Johnson, Member
Houston Family LLC

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that David B. Johnson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated he was authorized to execute the instrument and acknowledged it as the President of Burton Homes, Inc. to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated April 19, 2013



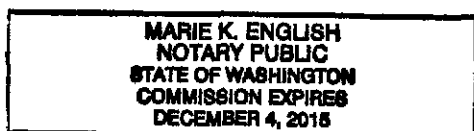


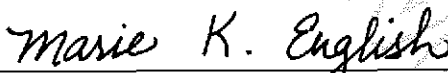
Marie K. English, Notary Public in and for the
State of Washington residing at Arlington
My appointment expires December 4, 2015

STATE OF WASHINGTON)
COUNTY OF SNOHOMISH)

I certify that I know or have satisfactory evidence that David B. Johnson is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated he was authorized to execute the instrument and acknowledged it as a Member of Houston Family LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated April 19, 2013





Marie K. English, Notary Public in and for the
State of Washington residing at Arlington
My appointment expires December 4, 2015

