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10/18/2018 03:35 PM Pages: 1 of 6 Fees: \$104.00
Skagit County Auditor

RECORDING REQUESTED BY AND
AFTER RECORDING RETURN TO:
First American Title Insurance Company
Attn: Laurie Ingberg
121 South 8th St., Suite 1250
Minneapolis, MN 55402
File No: NCS-923877-MPLS

GUARDIAN NORTHWEST TITLE CO.

116636

SPECIAL WARRANTY DEED

Grantor: Cargill, Incorporated, a Delaware corporation

Grantee: Perdue Foods LLC, a Maryland limited liability company

Abbreviated Legal Description: See complete legal description on Exhibit A.

Assessor's Tax Parcel ID#: Parcel A: 340302-4-009-0000 (P855134) and
Parcel B: 340301-0-012-0002 (P20933)

Reference Numbers of Documents Assigned or Released (if applicable): N/A

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

2018 4638

OCT 18 2018

Amount Paid \$ 8549.18

Skagit Co. Treasurer
By HB Deputy

SPECIAL WARRANTY DEED

For the consideration of Ten and no/100 Dollars, and other valuable consideration, the Grantor, **Cargill, Incorporated**, a Delaware corporation, does hereby acknowledge, grant, bargain, sell, convey, and confirm to Grantee, **Perdue Foods LLC**, a Maryland limited liability company, the real property situate in Skagit County, Washington, legally described on Exhibit A attached hereto and incorporated herein.


SUBJECT TO: Items listed on Exhibit B attached hereto and incorporated herein.

The Grantor for itself and its successors-in-interest does by these presents expressly limit the covenants of the deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that Grantor will forever warrant and defend the said described real estate against all persons whomsoever claiming or to claim by, through, or under said Grantor and not otherwise.

THE GRANTEE WILL NOT, AND WILL NOT PERMIT ANY OF ITS AFFILIATES OR SUBSIDIARIES TO, (1) OPERATE THE PROPERTY AS A FEED MILL FOR THE SALE, MANUFACTURING, DISTRIBUTION OR PRODUCTION OF ANY FINISHED FEED, PREMIX, CONCENTRATES OR OTHER ANIMAL NUTRITION PRODUCTS TO ANY CUSTOMERS OF CARGILL, INCORPORATED'S COMPOUND FEED AND FEED PRE-MIX AND ADDITIVES BUSINESSES (PROVIDED, HOWEVER, GRANTOR AND GRANTEE AGREE THAT THE PROPERTY WILL BE USED AND/OR OPERATED FOR GRANTOR'S PRODUCTION OF CHICKEN FEED AND ORGANIC ANIMAL FEED SUPPLEMENTS, STORAGE, DISTRIBUTION AND SALE OF AGRICULTURAL COMMODITIES) AND (2) DIRECTLY OR INDIRECTLY SELL THE PROPERTY TO ANY COMPETITOR OF CARGILL, INCORPORATED'S COMPOUND FEED AND FEED PRE-MIX AND ADDITIVES BUSINESSES. THIS COVENANT WILL RUN WITH THE LAND FOR A PERIOD OF THREE (3) YEARS FROM THE DATE OF THIS DEED (THE "RESTRICTED PERIOD"). THIS RESTRICTIVE COVENANT MUST APPEAR IN ALL DEEDS TRANSFERRING ANY INTEREST IN THIS PROPERTY DURING THE RESTRICTED PERIOD.

[Remainder of page intentionally left blank. Signature page to follow.]

Grantor: **Cargill, Incorporated**
a Delaware corporation

By: 
Print Name: Pilar Cruz
Its: President, Cargill Feed and Nutrition

[illegible]

This instrument was acknowledged before me on October 4, 2018, by Pilar Cruz in her capacity as President, Cargill Feed and Nutrition of Cargill, Incorporated, a Delaware corporation.



J. H. Dingmann
Notary Public

[Signature page to Special Warranty Deed]

EXHIBIT A TO DEED

Legal Description

Address: 16939 State Route 20, Burlington, Skagit County, Washington

PARCEL "A":

Tax Account No.: 340302-4-009-0000 (P85134)

ALL THAT PORTION OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S RIGHT-OF-WAY IN THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID SECTION 2, DISTANT NORTHERLY 441.72 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 2, THENCE SOUTH 63°27'50" WEST (BEARING ASSUMED FOR THE PURPOSE OF THIS DESCRIPTION) ALONG A LINE PARALLEL WITH AND DISTANT SOUTHEASTERLY 150.0 FEET FROM THE CENTER LINE OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S MAIN LINE TRACK A DISTANCE OF 448.8 FEET TO THE EASTERLY LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN DEED DATED NOVEMBER 24, 1997 FROM THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY TO NORTHWEST FUEL COMPANY, INC., RECORDED UNDER AUDITOR'S FILE NO. 9712110022, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID EASTERLY LINE OF SAID DEED BEING PARALLEL WITH AND DISTANT 275.0 FEET NORTHEASTERLY, AS MEASURED AT RIGHT ANGLES FROM THE NORTHWESTERLY EXTENSION OF THE NORTHEASTERLY LINE OF 60.0 FOOT WIDE MAIN STREET, ACCORDING TO THE RECORDED PLAT OF AVON; THENCE NORTH 28°52'18" WEST ALONG SAID EASTERLY LINE OF SAID DEED A DISTANCE OF 126.10 FEET TO A LINE PARALLEL WITH AND DISTANT SOUTHEASTERLY 24.0 FEET FROM SAID CENTERLINE; THENCE NORTH 63°27'50" EAST ALONG SAID PARALLEL LINE A DISTANCE OF 514.20 FEET TO SAID EAST LINE OF SECTION 2, THENCE SOUTH 00°58'30" EAST ALONG SAID EAST LINE A DISTANCE OF 139.67 FEET TO THE POINT OF BEGINNING.

EXCEPT THOSE ACCESS RIGHTS CONVEYED TO THE STATE OF WASHINGTON BY SPECIAL WARRANTY DEED RECORDED APRIL 21, 2006 AS SKAGIT COUNTY AUDITOR'S FILE NO. 200604210087.

PARCEL "B":

Tax Account No.: 340301-0-012-0002 (P20933)

THE SOUTHWEST 1/4 OF SECTION 1, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M., LYING BETWEEN THE SOUTH LINE OF THE GREAT NORTHERN RAILROAD RIGHT-OF-WAY AND THE NORTH LINE OF THE STATE HIGHWAY RIGHT-OF-WAY AS SAID RIGHT-OF-WAY IS SHOWN ON THAT CERTAIN MAP APPROVED MAY 20, 1944 ENTITLED "SR 20 BAYVIEW-BURLINGTON NAVAL ACCESS ROAD" ON SHEET 1 OF 2 ON FILE WITH THE STATE OF WASHINGTON, DEPARTMENT OF TRANSPORTATION.

EXHIBIT A TO DEED (cont'd)

Legal Description

EXCEPT FROM ALL OF THE ABOVE, THE RIGHT-OF-WAY OF DRAINAGE DISTRICT NO. 19, AS CONDEMNED IN SKAGIT COUNTY SUPERIOR COURT CAUSE NO. 8889, RECORDS OF SKAGIT COUNTY, WASHINGTON.

AND EXCEPT MINERAL RIGHTS AS RESERVED BY THE UNITED STATES OF AMERICA BY DEED RECORDED UNDER AUDITOR'S FILE NO. 370956 IN VOLUME 164 OF DEEDS, PAGES 373-374, RECORDS OF SKAGIT COUNTY, WASHINGTON.

EXCEPT THOSE ACCESS RIGHTS CONVEYED TO THE STATE OF WASHINGTON BY SPECIAL WARRANTY DEED RECORDED APRIL 21, 2006 AS SKAGIT COUNTY AUDITOR'S FILE NO. 200604210087.

PARCEL "C":

NON-EXCLUSIVE EASEMENTS, ABBREVIATED BELOW, AND AS MORE FULLY DESCRIBED ON AND ESTABLISHED BY DECREE OF QUIET TITLE ENTERED NOVEMBER 26, 2003 AND BY STIPULATION ENTERED DECEMBER 3, 2003 IN SKAGIT COUNTY CASE NO. 02-2-01905-9, OVER AND ACROSS PORTIONS OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 34 NORTH, RANGE 3 EAST, W.M.:

- A) A 25-FOOT WIDE EASEMENT FOR INGRESS, EGRESS AND OPERATION OF A SCALE;
- B) A 15-FOOT BY 56-FOOT PARKING EASEMENT; AND
- C) A 44-FOOT BY 85-FOOT MANEUVERING EASEMENT.

ALL SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.

EXHIBIT B TO DEED
Permitted Encumbrances

1. Taxes and assessments for the year 2019 and subsequent years.
2. Easements, right of ways, covenants and restrictions, and other encumbrances of record, if any; provided that this reference shall not reimpose the same;
3. Zoning, subdivision, building code and other land use laws imposed by any governmental authority.

Ex. B- 1