

Return To:

Kaplan Voekler Cunningham & Frank, PLC
1401 E. Cary Street
Richmond, VA 23219
Attn: D. Zachary Grabill

Document Title: Bargain and Sale Deed

Grantor: MCP Birchview WA PropCo, LLC, a Texas limited liability company

Grantee: Birchview DST, a Delaware statutory trust

Abbr. Legal Description: Lots 1-15 and 17-30, Blk. 115, Plat of the Town of Sedro

Tax Parcel No.: P76284 (4151-115-010-0002); P76285 (4152-115-015-0007); and
P76288 (4152-115-030-0008)

CHICAGO TITLE

620049032

BARGAIN AND SALE DEED

MCP BIRCHVIEW WA PROPCO, LLC, a Texas limited liability company (“Grantor”), for and in consideration of Ten Dollars (\$10) and other good and valuable considerations, in hand paid, bargains, sells, and conveys to BIRCHVIEW DST, a Delaware statutory trust (“Grantee”), the following-described real property situated in the County of Skagit, State of Washington, legally described on Exhibit A attached hereto, subject expressly to those Permitted Exceptions set forth on the attached Exhibit B attached hereto.

Grantor, for itself and for its successors in interest, does by these presents expressly limit the covenants and warranties of this deed to those herein expressed, and excludes all covenants arising or to arise by statutory or other implication, and does hereby covenant that against all persons whomsoever lawfully claiming or to claim by, through or under the Grantor, and not otherwise, it will warrant and forever defend the title the above-described real property unto Grantee, subject only to those matters described on Exhibit B attached hereto.

[Signature Page Follows]

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
Affidavit No. 2021-4081
Sep 02 2021
Amount Paid \$526055.00
Skagit County Treasurer
By Lena Thompson Deputy



Right to Manage Natural Resource Lands Disclosure

Skagit County's policy is to enhance and encourage Natural Resource Land management by providing County residents notification of the County's recognition and support of the right to manage Natural Resource Lands, e.g., farm and forest lands.

Skagit County Code 14.38.030(2) requires, in specified circumstances, recording of the following disclosure in conjunction with the deed conveying the real property:

This disclosure applies to parcels designated or within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County.

A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law.

In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands.

Washington State Law at RCW 7.48.305 also establishes that:

...agricultural activities conducted on farmland and forest practices, if consistent with good agricultural and forest practices and established prior to surrounding nonagricultural and nonforestry activities, are presumed to be reasonable and shall not be found to constitute a nuisance unless the activity or practice has a substantial adverse effect on public health and safety. ...An agricultural activity that is in conformity with such laws and rules shall not be restricted as to the hours of the day or day or days of the week during which it may be conducted.

EXHIBIT A
To Bargain and Sale Deed

LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Skagit, State of Washington, and is described as follows:

LOTS 1 THROUGH 15 AND 17 THROUGH 30, BLOCK 115, PLAT OF THE TOWN OF SEDRO, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 1 OF PLATS, PAGE 18, RECORDS OF SKAGIT COUNTY, WASHINGTON;

TOGETHER WITH THAT PORTION OF VACATED WOODS AVENUE, GRAVES STREET ALSO KNOWN AS FAIRHAVEN STREET, AND THE ALLEY LOCATED IN SAID BLOCK VACATED UNDER CITY OF SEDRO WOOLLEY ORDINANCE NO. 1253-96, DATED FEBRUARY 12, 1996, WHICH ATTACHED TO SAID PREMISES BY OPERATION OF LAW.

SITUATED IN SKAGIT COUNTY, WASHINGTON.

PROPERTY ADDRESS: 925 Dunlop Avenue, Sedro-Wooley, WA

PARCEL NUMBERS: 4152-115-010-0002
4152-115-015-0007
4152-115-030-0008

EXHIBIT B
To Bargain and Sale Deed

PERMITTED EXCEPTIONS

1. Rights or claims of parties in possession, or claiming possession, not shown by the Public Records.
2. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
3. Easements, prescriptive rights, rights-of-way, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any lien, or right to a lien, for contributions to employee benefit funds, or for state workers' compensation, or for services, labor, or material heretofore or hereafter furnished, all as imposed by law, and not shown by the Public Records.
5. Taxes or special assessments which are not yet payable or which are not shown as existing liens by the Public Records.
6. Any lien for service, installation, connection, maintenance, tap, capacity, or construction or similar charges for sewer, water, electricity, natural gas or other utilities, or for garbage collection and disposal not shown by the Public Records.
7. Unpatented mining claims, and all rights relating thereto.
8. Public or private easements, if any, over vacated portion of said premises.
9. Reservations and exceptions in United States Patents or in Acts authorizing the issuance thereof.
10. Indian tribal codes or regulations, Indian treaty or aboriginal rights, including easements or equitable servitudes.
11. Water rights, claims or title to water.
12. Easement granted for electric transmission and/or distribution line to Puget Sound Power & Light Company, dated July 10, 1996 and recorded as Recording No. 9607100065.
13. Covenants, conditions, restrictions, recitals, reservations, easements, easement provisions, dedications, building setback lines, notes, statements, and other matters, if any, but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex sexual orientation, familial status, martial status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws,

except to the extent that said covenant or restriction is permitted by applicable law, as set forth on Survey recorded as Recording No. 9710220085.

14. The property may be subject to the Skagit County Right-to-Manage Natural Resource Lands Disclosure, Skagit County Code Section 14.38, which states: "This disclosure applies to parcels designated or within 1 mile of designated agricultural land or designated or within 1/4 mile of rural resource, forest or mineral resource lands of long-term commercial significance in Skagit County. A variety of Natural Resource Land commercial activities occur or may occur in the area that may not be compatible with non-resource uses and may be inconvenient or cause discomfort to area residents. This may arise from the use of chemicals; or from spraying, pruning, harvesting or mineral extraction with associated activities, which occasionally generates traffic, dust, smoke, noise, and odor. Skagit County has established natural resource management operations as a priority use on designated Natural Resource Lands, and area residents should be prepared to accept such incompatibilities, inconveniences or discomfort from normal, necessary Natural Resource Land operations when performed in compliance with Best Management Practices and local, State, and Federal law. In the case of mineral lands, application might be made for mining-related activities including extraction, washing, crushing, stockpiling, blasting, transporting and recycling of minerals. If you are adjacent to designated NR Lands, you will have setback requirements from designated NR Lands."
15. Any rights, interests, or claims which may exist or arise by reason of the following matters disclosed by survey prepared by AEI Consultants, dated August 10, 2021, designated Job No. 21-4897.

Matters shown:

- A. Concrete walkways extend over Northern boundary into Dunlop Avenue right-of-way
- B. Flag and ground lights lie over Northern boundary in Dunlop Avenue right-of-way
- C. Concrete walkways extend over Western boundary into Township Street right-of-way
- D. Ground lights lie over Western boundary in Township Street right-of-way

E. Wall lies 2.4 feet inside Western boundary and extends West and North into Township Street and Dunlop Avenue rights-of-way