

When recorded return to:

Attention: Scott F. Mennella and Anne Sidbury, Trustees
10683 Bay View Edison Road
Mount Vernon, WA 98273

TITLE: DECLARATION OF RESTRICTIVE COVENANTS

GRANTOR: Scott F. Mennella and Anne Sidbury, Trustees
Mary Sidbury
James Sidbury
Robert Sidbury
Patricia Haley

GRANTEE: Scott F. Mennella and Anne Sidbury, Trustees
Mary Sidbury
James Sidbury
Robert Sidbury
Patricia Haley
Elizabeth A. Mills and A. J. Kuntze II

ABBREV. LEGAL: N 137.5 feet of S 465 feet of NW ¼ SW1/4, Section 30 Township
35 North, Range 3 East, W.M. (Protected Property)

Full legal (Protected Property) shown in Exhibit A on page 11

Full legal of Property of which Protected Property is a part shown in

Exhibit B on page 12

Full legals of Benefitted Properties shown in Exhibit C on pages 13-14_

TAX PARCEL NUMBER(S): Protected Property: P353046

Benefitted Properties: P35045; P34986; P35029; P35030; P125937

RELATED DOCUMENTS: NONE

RECITALS

A. Scott F. Mennella and Anne Sidbury, Trustees of the Mennella-Sidbury Revocable Trust under agreement dated June 5, 2005, Mary Sidbury, as her separate estate, James Sidbury, as his separate estate, Robert Sidbury, as his separate estate, and Patricia Haley, as her separate estate, collectively "Grantor", are the owners of that certain real estate in the County of Skagit, State of Washington, of approximately 4.17 acres,

Declaration of Restrictive Covenants over Protected Property

described in Exhibit A attached hereto and incorporated herein by this reference (the "Protected Property"). The Protected Property is part of a larger legal parcel owned by Grantor legally described in Exhibit B attached hereto and incorporated herein by this reference (the "Property").

- B. Scott F. Mennella and Anne Sidbury, Trustees of the Mennella-Sidbury Revocable Trust under agreement dated June 5, 2005, are the owners of that certain real estate in the County of Skagit, State of Washington described in Exhibit B attached hereto and incorporated herein by this reference (the "Mennella/Sidbury Adjacent Property"), which property is adjacent to the Protected Property.
- C. Elizabeth A. Mills and A. J. Kuntze II, wife and husband, are the owners of that certain real estate in the County of Skagit, State of Washington described in Exhibit B attached hereto and incorporated herein by this reference (the "Mills/Kuntze Property"), which property is also adjacent to the Protected Property. The Mills/Kuntze Property is subject to a conservation easement granted to Skagit Land Trust and recorded in the official records of Skagit County on October 3, 2017 under Auditor's File No. 201710030061.
- D. Collectively, the "Mennella/Sidbury Adjacent Property" and the "Mills/Kuntze Property" are referred to herein as the "Benefitted Property".
- E. Grantor desires to protect the conservation values of the Protected Property through the placement of restrictive covenants on the Protected Property before conveyance of the Property to a third party, to run with the land to the benefit of Grantor, in gross, and the appurtenant Benefitted Property.

DECLARATION

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by this reference, and on behalf of itself and its successors and assigns, Grantor does hereby declare and record the following restrictive covenants (collectively, "Restrictive Covenants") to attach to, be binding upon, and forever run with the title of the Protected Property (a) to the benefit, in gross, of Scott F. Mennella and Anne Sidbury, Trustees of the Mennella-Sidbury Revocable Trust under agreement dated June 5, 2005, Mary Sidbury, as her separate estate, James Sidbury, as his separate estate, Robert Sidbury, as his separate estate, and Patricia Haley, as her separate estate, (the "Sidbury Family"), and (b) to the benefit of the Benefitted Properties owned by Scott F. Mennella and Anne Sidbury, Trustees of the Mennella-Sidbury Revocable Trust under agreement dated June 5, 2005, and Elizabeth A. Mills and A. J. Kuntze II, wife and husband, and each of their successors-in-interest (collectively "Grantee"):

1. The Protected Property shall remain "forever wild" and managed to benefit native plant and animal species.

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2. No structures shall be placed on the Protected Property, nor shall it be used for waste disposal or dumping.
3. The native forest of the Protected Property shall not be cut down nor native trees within the native forest of the Protected Property harvested for commercial or personal use. This restriction is not intended to prevent the removal of non-native species of trees or other vegetation, trees presenting a hazard to health, safety or adjacent property, or the removal of trees, based on forest best management practices, intended to preserve the ecological health and functioning of the native forest.

These Restrictive Covenants shall run with the land and be binding on all current and future owners of any portion of or interest in the Protected Property. The benefits of these Restrictive Covenants are appurtenant to the Benefitted Properties, as covenants running with the land. The benefits of these Restrictive Covenants are also personal to the Sidbury Family.

Any of the Grantees may undertake action for injunctive or other equitable relief in the event of violation of any of the Restrictive Covenants. In any litigation or other legal proceeding to enforce or interpret any provision in this instrument, the substantially prevailing party shall be entitled to an award of its reasonable attorneys' and consultants' fees and costs, including fees and costs incurred on appeal and in any bankruptcy proceeding.

There shall never be a merger of title of these Restrictive Covenants with the fee title to the Protected Property, and it is the intent of the Grantor that these Restrictive Covenants shall be perpetual and remain with the Protected Property, irrespective of common ownership.

The failure of any of the Grantees to exercise any right or remedy provided for in this instrument or under applicable law or to insist upon the strict performance of any of these Restrictive Covenants shall not be a waiver of that party's right to exercise that right or remedy or insist upon the strict performance of any of these Restrictive Covenants in the future.

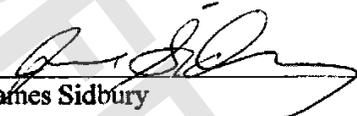
Any determination by any court of competent jurisdiction that any provision of this instrument is invalid or unenforceable shall not affect the validity or enforceability of any of the other provisions hereof.

These Restrictive Covenants are effective upon their recording in the official records of Skagit County, Washington.

{Signature page(s) to follow}

Declaration of Restrictive Covenants over Protected Property

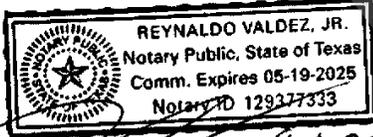
IN WITNESS WHEREOF, Grantor James Sidbury has executed this Declaration of Restrictive Covenants on the 1 of September 2022.


James Sidbury

State of Texas)
County of Harris) ss

I certify that I know or have satisfactory evidence that James Sidbury is the person who appeared before me, and said persons acknowledged that he signed this instrument, and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this 1 day of September, 2022.




9.1.22

Notary Public in and for said state,
residing at Houston, Texas
My commission expires: 05.19.2025

Acknowledgment of Separate Property by Sheila Connolly

Sheila Connolly, wife of Robert Sidbury, acknowledges that the interest of her husband, Robert Sidbury, in the property described herein is separate and not community property.

Dated: Sept. 06, 2022

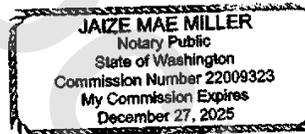
Sheila Connolly
Sheila Connolly

State of Washington)
County of King) ss

I certify that I know or have satisfactory evidence that Sheila Connolly is the person who appeared before me, and said person acknowledged that she signed this instrument, and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this 6th day of September, 2022.

Jaize Mae Miller
Notary Public in and for said state,
residing at Seattle, WA
My commission expires: 12/27/25



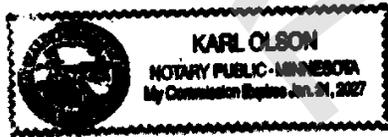
IN WITNESS WHEREOF, Grantor Patricia Haley has executed this Declaration of Restrictive Covenants on the 1 of Sept, 2022.

Patricia Haley
Patricia Haley

State of MN)
) ss
County of WASH)

I certify that I know or have satisfactory evidence that Patricia Haley is the person who appeared before me, and said person acknowledged that she signed this instrument, and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

Given under my hand and official seal this 1 day of September, 2022.



Karl Olson
Notary Public in and for said state,
residing at 2865 Neal Ave N
My commission expires: Jan 31, 2027

Exhibit A

Legal Description of the Protected Property

The North 137.5 feet of the South 465 feet of the Northwest one-quarter of the Southeast one-quarter in Section 30, Township 35 North, Range 3 East W.M.

Exhibit B

Legal Descriptions of the Property

The North 137.5 feet of the South 465 feet of Government Lot 3, and the North 137.5 feet of the South 465 feet of the Northwest one-quarter of the Southeast one-quarter in Section 30, Township 35 North, Range 3 East W.M., EXCEPT Bayview Edison Road.

Exhibit C

Legal Descriptions of the Benefitted Properties

Mennella/Sidbury Adjacent Property

Parcel "A":

The North 137.5 feet of the South 327.5 feet of Government Lot 3 in Section 30, Township 35 North, Range 3 East, W.M., EXCEPT County Road and EXCEPT the North 100 feet (measured along the County Road) of that portion of said property lying Westerly of said County Road.

Situate in the County of Skagit, State of Washington

Parcel "B":

The North 137.5 feet of the South 327.5 feet of the Northwest ¼ of the Southeast ¼ of Section 30, Township 35 North, Range 3 East, W.M.

Situate in the County of Skagit, State of Washington

Mills/Kuntze Property

That portion of Government Lot 3 and the Northwest ¼ of the Southeast ¼ of Section 30, Township 35 North, Range 3 East, W.M., described as follows:

Beginning at a point 465 feet North of the Southwest corner of Government Lot 3 in Section 30, Township 35 North, Range 3 East, W.M.;
thence East to a point 465 feet North of the Southeast Corner of the Northwest ¼ of the Southeast ¼ of said Section 30;
thence North 417 feet;
thence West to the meander line of Padilla Bay;
thence along said meander line in a Southerly direction to the place of beginning.

EXCEPT that portion of said premises conveyed to Skagit County for road purposes by deed recorded under Auditor's File No. 555711;

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AND EXCEPT that portion of said premises, if any, lying within the North 26 ½ rods of said Government Lot 3 and within the North 26 ½ rods of said Northwest ¼ of the Southeast ¼;

AND ALSO EXCEPT any portion of said premises lying South of a line running South 89°32'10" East and South 89°14'30" West from a point North 0°07'20" East a distance of 1798.74 feet from the South ¼ of said Section 30.

AND ALSO EXCEPT that portion thereof lying within Tract "A", Short Plat 78-76 located in Section 30, Township 35 North, Range 3 East, W.M., approved January 31, 1977, and recorded in Volume 2 of Short Plats, page 27, Auditor's File No. 850312, records of Skagit County, Washington.

AND ALSO EXCEPT that portion of Government Lot 3 of Section 30, Township 35 North, Range 3 East W.M., described as follows:

Begin at a point 465 feet North of the Southwest corner of said Lot 3; thence East parallel with the South line of said Lot 3 to the Southeast corner of Lot A of Skagit County Short Plat 78-76, approved January 31, 1977, said point being the true point of beginning; thence continue East parallel with the South line of said Lot 3, a distance of 180 feet; thence North parallel with the East line of said Lot 3, a distance of 345 feet; thence West parallel with the South line of said Lot 3 to the Easterly line of the Bayview-Edison Road; then Southerly along said Easterly line to the Westerlymost corner of said Lot "A"; thence North 52°51'34" East along the Northerly line of Lot "A", a distance of 137.63 feet to an angle point; thence North 85°08'34" East, a distance of 69.38 feet; thence South 16°53'02" East along the Easterly line of said Lot "A" to the true point of beginning.

(All of the above being a portion of Tract 2, Short Plat No. 72-78, approved September 6, 1978, recorded September 8, 1978, in Volume 3 of Short Plats, page 9, records of Skagit County, Washington.)

Situate in the County of Skagit, State of Washington.