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m12969
LAND TITLE COMPANY OF SKAGIT COUNTY

Parcel Nos: P62211, P62212, P662214, P62216, P62217, P62219
Legal Desc.: Lots 1 - 13, Blk 5, Bingham Acreage

Amended TO CORRECT DESCRIPTIONS OF EXHIBITS
DECLARATION OF EASEMENT A and E
FOR
INGRESS, EGRESS, UTILITIES AND SEPTIC DRAINFIELD

This Declaration is made this 20th WAF day of ~~April~~ AUGUST, 2001 by Buchanan Avenue, LLC, a Washington limited liability company, hereinafter called "Declarant".

W I T N E S S E T H

WHEREAS; Declarant is the owner of the property described on Exhibit "A" attached hereto, and

WHEREAS; Declarants desire to establish five (5) non-exclusive easements for ingress, egress, utilities and drainage and to establish provisions for the joint use and maintenance of the same;

NOW, THEREFORE: Declarants hereby conveys and quit claims easements for ingress, egress, utilities and septic drainfield over the properties identified on Exhibits "B", "C", "D" "E" and "F" attached hereto, in favor of the parties therein named.

Declarants, and any future owner of the properties encumbered, herein hereby covenant and agree, one with the other, that all maintenance and repair of the roadways created herein shall be shared between the present and future owners thereof, their heirs, successors, administrators and assigns.

Declarants futher covenant and agree that the decision for maintenance of roadways shall be by a majority vote of the owners of the lots encumbered herein, each Lot so encumbered being given one (1) vote. Should there be a disagreement as to the necessity of any maintenance or repair, each side shall select a licensed engineer, who together will select a third licensed engineer, and they shall determine whether the disputed maintenance or repair is required to maintain the roadway in a safe and passable manner. The costs of said engineers shall be born exclusively by the non-prevailing party.

Declarants further covenant and agree that this agreement shall be binding upon themselves, their heirs, successors, administrators and assigns, and shall be a covenant running with the lands said easements benefit.

This Declaration of Easement is made and executed the day and year first above written.

Buchanan Avenue, LLC

W.A. Rimmer

By: William A. Rimmer
Its: Managing Member

Easement
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

AUG 22 2001

Amount Paid \$
Skagit County Treasurer
By: *mar* Deputy

Easement
SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax

SEP 17 2001

Amount Paid \$
Skagit Co. Treasurer
By: *mar* Deputy

STATE OF WASHINGTON

County of Skagit

ss

I hereby certify that I know or have satisfactory evidence that William A. Rimmer is the person who personally appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Managing Member of Buchanan Avenue LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated this 25 day of ~~April~~, 2001.

20 ~~August~~ KT

Karan D. Theron

Notary Public in and for the State of Washington, residing at

Burl

My appointment expires 3-1-05



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EXHIBIT "A"

Lots 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, and 13, Block 5, "BINGHAM ACREAGE", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington;

Situate in the County of Skagit, State of Washington.



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EXHIBIT "B"

A non-exclusive easement for the installation, repair and maintenance of utilities over, under and across the following described property:

The West 20 feet of Lots 7 and 8, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lots 6 and 7, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.



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EXHIBIT "C"

A non-exclusive easement for ingress, egress and the installation, repair and maintenance of utilities over, under and across the following described property:

The South 20 feet of Lot 3, EXCEPT the West 15.22 feet thereof, and, the South 20 feet of Lot 4, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington

Said easement shall be for the benefit of the present and future owners of the following described property:

Lot 2, EXCEPT the West 30.45 feet thereof, and, the West 15.22 feet of Lot 3, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington



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EXHIBIT "D"

A non-exclusive easement for ingress, egress and the installation, repair and maintenance of utilities over, under and across the following described property:

The East 20 feet of Lot 11, EXCEPT the South 6.1 feet thereof, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lot 13 and the South 6.1 feet of Lot 11, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

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EXHIBIT "E"

A non-exclusive easement for the installation, repair and maintenance of a septic drainfield system over, under, across and through the real property described in Servient-1, Servient-2, Servient-3, Servient-4 and Servient-5, which shall be for the benefit of the real property described as Dominant "A", Dominant "B", Dominant "C", Dominant "D" and Dominant "E" respectively:

SERVIENT-1:

The West 20 feet of Lot 7 and 8; the North 25 feet of the West 70 feet of Lot 9; the East 35 feet of the West 70 feet of Lot 9, EXCEPT the North 25 feet thereof; and, the East 35 feet of the West 70 feet of the North 8.46 feet of Lot 10; all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SERVIENT-2:

The West 20 feet of Lot 8; the West 20 feet of the North 25 feet of Lot 9; the West 35 feet of Lot 9 EXCEPT the North 25 feet thereof, and, the West 35 feet of the North 8.46 feet of Lot 10, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

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SERVIENT-3:

The East 40 feet of the North 120 feet of the South 264.23 feet of Lot 12, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

SERVIENT-4:

The East 40 feet of the North 70 feet of the South 144.23 feet of Lot 12; the West 70 feet of the South 70 feet of the North 78.46 feet of Lot 10; the East 15 feet of the West 85 feet of the North 23.46 feet of Lot 10, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

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SRVIENT-5:

The East 40 feet of the South 74.23 of Lot 12, and, the West 70 feet of Lot 10 EXCEPT the North 78.46 feet thereof, all in Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "A":

Lot 6, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "B":

Lot 7, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "C":

Lot 8, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "D":

Lot 9, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

DOMINANT "E":

Lot 10, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

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EXHIBIT "F"

A non-exclusive easement for ingress, egress and the installation, repair and maintenance of utilities over, under and across the following described property:

A strip of land feet in width lying 25 feet on either side of the following described center line:

Beginning at the Northeast corner of Lot 9, Block 5, "BINGHAM ACREAGE", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington; thence North $88^{\circ}55'59''$ West, along the North line thereof, a distance of 319.28 feet to the Northwest corner of said Lot 9, said point also being the beginning of a curve to the right with a radius of 250.00 feet; thence Northwesterly, along the arc of said curve, through a central angle of $41^{\circ}57'49''$, an arc length of 174.38 feet to the Northeast corner of Lot 11, Block 5, of said "BINGHAM ACREAGE", and the TERMINUS of this line description.


TOGETHER WITH those portions of Lots 4, 5, 11 and 12 of said Block 5, which lie within the arc of a circle whose radius is 60 feet, the center of said circle being the above described point of terminus. EXCEPTING THEREFROM any portion lying within the easement first above described.

Situate in the County of Skagit, State of Washington.

Said easement shall be for the benefit of the present and future owners of the following described lots:

Lots 2, 3, 4, 5, 8, 9, 11, 12 and 13, Block 5, "BINGHAM ACREAGE, SKAGIT COUNTY, WASHINGTON", as per plat recorded in Volume 4 of Plats, page 24, records of Skagit County, Washington.

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