

After Recording Return to:  
Rock Ridge LLC  
3307 "H" Avenue  
Anacortes, WA 98221



200203220149

Skagit County Auditor

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### DECLARATION OF ACCESS EASEMENT

Grantors: 1. Buehl J. Berentson and Verna J. Berentson, as Trustees of the Berentson Family Trust, utd 2-18-92

2. Anthony L. Malo and Christiane T. Malo

Grantees: 1. Eric L. Bowman

2. Dolcie Bowman

Abbreviated Legal Description: Ptn of Lots 11 through 15, Tuttle & Buckley's Plat of Anacortes  
[Full legal descriptions on Page 1 and Exhibit A of Document]

Assessor's Tax I.D. Number: 3834-011-015-0006

The Grantors, Buehl J. Berentson and Verna J. Berentson, as Trustees of the Berentson family Trust, u/t/d 2-18-92; and Anthony L. Malo and Christiane T. Malo, husband and wife (hereinafter collectively "Grantors"), for good and valuable consideration the receipt of which is hereby acknowledged, but without monetary consideration, does hereby grant and convey to the Grantees, Eric L. Bowman and Dolcie Bowman, husband and wife, an easement for ingress, egress and utilities over, across, under and through the real property described on Exhibit "A" hereto and by this reference incorporated herein (hereinafter the "Easement"). A drawing of the Easement is attached hereto as Exhibit "B" and by this reference incorporated herein. The Easement is for the benefit of the Grantees' real property legally described as follows (hereinafter "Grantees' Property"):

Lots 13, 14 and 15, Block 11, Tuttle and Buckley's Plat of Anacortes, according to the plat thereof recorded in Volume 2 of Plats, Page 23, records of Skagit County, Washington.

This grant of the Easement is subject to the following terms and conditions:

1. In the event that Grantor develops the property upon which the Easement is located, construction of such development may temporarily impair access to and use of, the Easement in whole or in part. During such construction Grantors agrees to provide a temporary access easement to Grantees' Property during the course of such construction which will provide adequate alternate access to Grantees' Property.

2. In the event that in the future Grantees' Property receives access by virtue of a dedicated public right-of-way or road, the Easement granted herein shall automatically terminate and be of no further force or effect; **provided, however**, that should a building permit be obtained for the construction of a single family residence on Grantee's Property prior to such access being provided by a dedicated public right-of-way or road, then the Easement shall not terminate when such access is provided but shall remain in full force and effect.

3. In the event that some or all of the property upon which the Easement is located is dedicated as a public right-of-way or road, the rights of Grantees and all other owners of property benefitted by the Easement shall be subject to, and subordinated to, the rights of the public and its franchisees pursuant to such dedication.

4. Grantors shall have the right to use the property burdened by the Easement in such manner as does not unreasonably interfere with the Easement granted herein.

5. Subject to the terms and conditions set forth above, Grantees' shall have the right to use the Easement for ingress, egress and utilities to Grantees' Property and may improve the Easement in such manner as is consistent with the rights granted herein, including the cutting and removal of brush, trees and other obstructions as may interfere with the use of the Easement for ingress, egress and utilities.

6. The Easement granted herein and the terms and conditions of this document shall run with the land and shall be binding upon Grantors and Grantees, their heirs, successors and assigns, including all future owners of Grantees' Property and all future owners of the property burdened by the Easement.

7. This Declaration of Easement replaces that certain Declaration of Easement recorded on February 28, 2002, under Skagit County Recording No. 200202280226 (the "Prior Declaration of Easement"), and the Prior Declaration of Easement shall be of no further force or effect .

**[Signatures on next page]**



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**GRANTORS:**

Buehl J. Berentson and Verna J. Berentson,  
as Trustees of the Berentson Family Trust, u/t/d 2-18-92

By: *Buehl J. Berentson*  
Buehl J. Berentson, Trustee

By: *Verna J. Berentson*  
Verna J. Berentson, Trustee

Anthony L. Malo, Jr.

By: *A. Malo*  
Anthony L. Malo, Jr.

Christiane T. Malo

By: *Christiane T. Malo*  
Anthony L. Malo, Jr., her attorney-in-fact

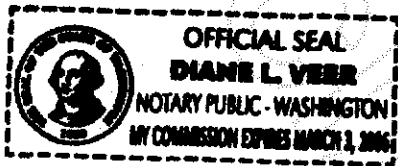
[Notary's acknowledgment on next page]



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STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Buehl J. Berentson and Verna J. Berentson are the persons who appeared before me, and said persons on oath stated that they were authorized to execute the instrument and acknowledged it as the Trustees of The Berentson Family Trust, u/t/d 2-18-92, to be the free and voluntary act of said party for the uses and purposes mentioned in the instrument.

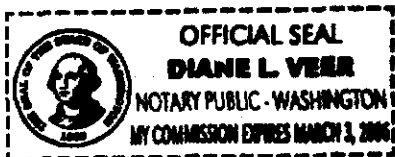


DATED: March 22, 2002  
Diane L Veer  
NAME: Diane L. Veer  
(Print Name)

Notary Public in and for the State of  
Washington.  
Commission Expires: 3-3-06

STATE OF WASHINGTON )  
 ) ss:  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that Anthony L. Malo, Jr. is the person who appeared before me, and said person 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.



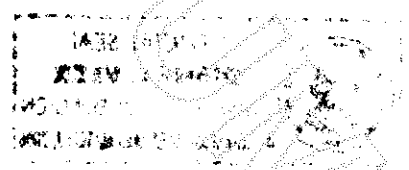
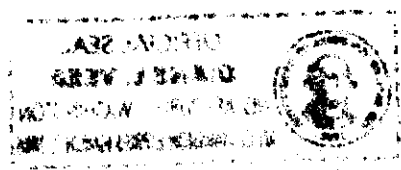
DATED: March 22, 2002  
Diane L Veer  
NAME: Diane L. Veer  
(Print Name)

Notary Public in and for the State of Washington.  
Commission Expires: 3-3-06



200203220149  
Skagit County Auditor

UNOFFICIAL DOCUMENT



STATE OF WASHINGTON )  
 ) SS:  
COUNTY OF SKAGIT )

On this 22 day of March, 2002, before me personally appeared Anthony L. Malo, Jr., to me known to be the individual described in and who executed the foregoing instrument for himself and also as Attorney-In-Fact for Christiane T. Malo, and acknowledged that he signed and sealed the same as his free and voluntary act and deed for himself and also as Attorney-In-Fact for said principal, for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that said principal is now living and is not insane.

GIVEN under my hand and official seal the day and year last above written.

Diane L. Veer



NAME: Diane L. Veer  
(Print Name)

Notary Public in and for the State of Washington.  
Commission Expires: 3-3-06

*Easement*  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

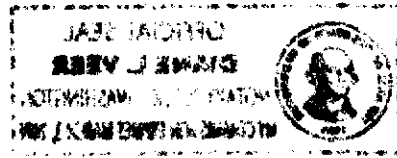
MAR 22 2002

Amount Paid \$0  
Skagit County Treasurer  
By: man Deputy



200203220149  
Skagit County Auditor

UNOFFICIAL DOCUMENT



**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF EASEMENT**

AN EASEMENT FOR INGRESS, EGRESS AND UTILITIES OVER, ACROSS, UNDER AND THROUGH A PORTION OF VACATED MICHIGAN AVENUE (WEST K AVENUE) AND OVER, ACROSS, UNDER AND THROUGH A PORTION OF LOTS 11 AND 12, BLOCK 11, AND THE ADJOINING VACATED ALLEY, ALL IN TUTTLE AND BUCKLEY'S PLAT OF ANACORTES, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 2 OF PLATS, PAGE 23, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 1, ROCK RIDGE PHASE II, A SHORT PLAT RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 9905240012, THENCE SOUTH 88° 42' 48" EAST, ALONG THE SOUTH LINE OF SAID LOT, FOR 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;  
THENCE CONTINUING SOUTH 88° 42' 48" EAST 30 FEET TO THE CENTERLINE OF THE 60 FOOT RIGHT-OF-WAY DEDICATED BY SAID SHORT PLAT;  
THENCE SOUTH 1° 17' 12" WEST, ALONG THE SOUTHERLY PROLONGATION OF SAID CENTERLINE FOR 30.00 FEET;  
THENCE NORTH 88° 42' 48" WEST, 105.00 FEET TO THE EAST LINE OF LOT 13 OF SAID BLOCK 11;  
THENCE NORTH 1° 17' 12" EAST, ALONG SAID EAST LINE AND THE NORTHERLY PROLONGATION THEREOF, 30.00 FEET TO THE POINT OF BEGINNING.

SITUATE IN THE COUNTY OF SKAGIT, STATE OF WASHINGTON.



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NE1/4 & NW1/4 OF THE NW 1/4  
SEC.26 TWP.35 N., RGE. 1E., W.M.

ROCK RIDGE  
V.21 PP.85-87  
19

18

12TH STREET

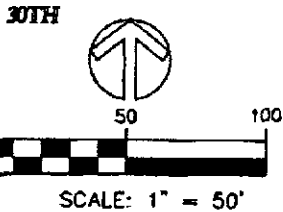
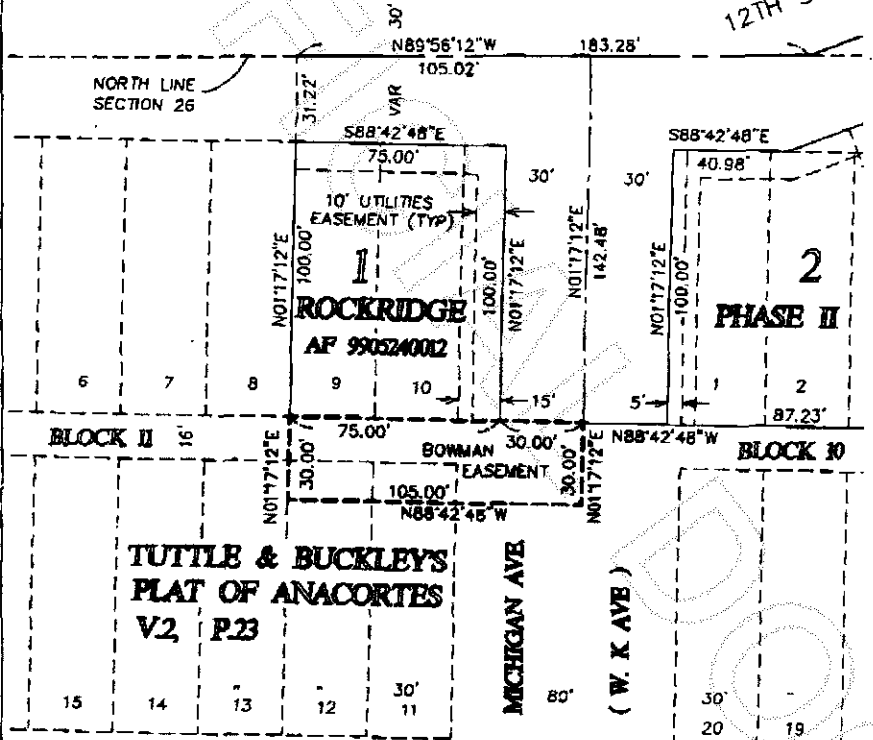


EXHIBIT B  
BOWMAN  
ACCESS & UTILITY EASEMENT



OSTERGAARD-ROBINSON AND ASSOC.  
3630 COLBY AVE. EVERETT, WA. 98201  
(425) 259-6445 (425) 827-5854 96145

AF# \_\_\_\_\_  
96145SMTBLK11.DWG PLOTTED 02/22/02



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