



200209190153

Skagit County Auditor

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Name: Robert Hayton

Address: P.O. Box 399

City and State: Burlington, WA 98233

FIRST AMERICAN TITLE CO.

68924E-2

Tax Account Number:

Escrow #: 68924

### STATUTORY WARRANTY DEED

THE GRANTOR Triple J Enterprises, a Washington General Partnership, consisting of Larry R. Jensen and Michael L. Jensen and Catherine L. Jensen, husband and wife, General Partners

for and in consideration of \$475,000.00

in hand paid, conveys and warrants to Robert Hayton and Susan Hughes-Hayton, husband and wife,

the following described real estate, situated in the County of Skagit, State of Washington:

(FOR FULL LEGAL DESCRIPTION, SEE EXHIBIT 'A', ATTACHED HERETO, AND BY THIS REFERENCE MADE A PART HEREOF.)

Abbreviated legal description: portions of the East 1/2 of Section 13, Township 34 North, Range 2 East, W.M.; the West 1/2 of Section 18, Township 34 North, Range 3 East, W.M.; and Governments Lots 1 and 2 of Section 19, Township 34 North, Range 3 East, W.M.

Tax Account Numbers: 340213-0-002-0001 340213-0-004-0009 340213-4-001-0004  
340213-0-005-0008 340213-4-002-0003 340318-0-003-0004 340318-2-003-0000  
340318-0-004-0003 340318-3-002-0009 340318-0-005-0002 340213-0-005-0300  
340213-0-006-0007

This conveyance is made pursuant to the terms of that certain Memorandum of Option to Purchase, recorded as Auditor's File No. 9405270165 and pursuant to and in compliance with the terms and provisions of the Order entered March 28, 1994 in bankruptcy Cause No. 92-09884.

This conveyance is subject to the matters set forth on Paragraphs "A" through "T", inclusive, of Schedule "B-1" of First American Title Company's Second Report issued under Order No. 68924. This conveyance is also subject to Agreements, attached hereto, pertaining to ditch maintenance and irrigation matters.

4350  
SKAGIT COUNTY WASHINGTON  
Real Estate Excise Tax  
PAID

SEP 19 2002

Amount Paid \$ 7,267.50  
By: Skagit County Treasurer  
CP Deputy

LPB-10  
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"The property described herein on Exhibit "A" will be combined or aggregated as a single lot owned by the grantee. This boundary adjustment is not for the purposes of creating an additional building lot."

Approved By: Gael Roeder on September 16, 2002.  
Skagit County Planning and Permit Center

Dated this 13th day of September, 2002.

Triple J Enterprises, a Washington General Partnership by:

Larry Jensen [Signature]

Michael L. Jensen [Signature]

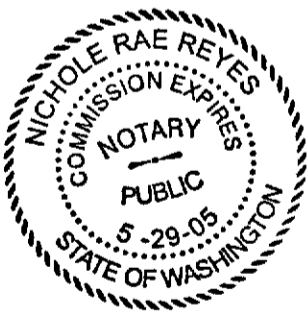
Catherine L. Jensen [Signature]

STATE OF WASHINGTON }

County of SKAGIT }

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Larry Jensen, Michael L. Jensen and Catherine L. Jensen to me known to be the individuals described in and who executed the foregoing instrument, as General Partners of Triple J Enterprises, a Washington General Partnership, and acknowledged to me that they signed and sealed this instrument as their free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

GIVEN under my hand and official seal this 13 day of September, 2002.



[Signature]  
Notary Public in and for the State of Washington

Residing at Everett

My appointment expires on 05/29/05



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EXHIBIT "A"

A portion of Lot 4 of Short Plat Number PL00-0408 as approved on July 31, 2002, and recorded as Auditor's File Number 200208010118, records of Skagit County, Washington, being in Sections 13 and 24, Township 34 North, Range 2 East, W.M., and also in Section 19, Township 34 North, Range 3 East, W.M.,

AND ALSO a portion of Lot 4 of Short Plat Number PL02-0485 as approved on September 13, 2002 and recorded as Auditor's File Number 200209160059, records of Skagit County, Washington, being in Sections 13, Township 34 North, Range 2 East, W.M., and also in Section 18, Township 34 North, Range 3 East, W.M., said portion of Lot 4 of Short Plat Number PL00-0408 and said Lot 4 of Short Plat Number PL02-0485 lying northerly and easterly of the following described line:

Beginning at the Southeast corner of said Lot 4, Short Plat Number PL02-0485;  
thence Westerly along the South line of said Lot 4 to the Southeast corner of said Section 13, as shown on the "Plat of Skagit Beach No. 1", as per plat recorded in Volume 8 of Plats, page 71, records of Skagit County, Washington;  
thence North 89°21'46" West 2070.66 feet along an existing ditch to a line that is 40 feet east of and parallel with the east line of said "Plat of Skagit Beach No. 1";  
thence North 45°28'30" East 142.20 feet along said parallel line;  
thence North 24°38'30" East 239.26 feet along said parallel line;  
thence North 04°26'30" West 298.01 feet along said parallel line;  
thence North 14°57'00" East 213.60 feet along said parallel line to an existing ditch;  
thence South 88°35'37" East 552.13 feet along said ditch;  
thence North 75°40'36" East 31.97 feet along said ditch;  
thence North 60°30'11" East 94.00 feet along said ditch;  
thence North 00°00'00" West 1375.31 feet to an existing ditch;  
thence North 49°40'18" West 93.40 feet along said ditch;  
thence North 62°34'07" West 48.57 feet along said ditch;  
thence North 72°31'43" West 35.22 feet along said ditch;  
thence North 62°29'38" West 32.82 feet along said ditch;  
thence North 48°48'39" West 51.56 feet along said ditch;  
thence North 54°12'12" West 79.38 feet along said ditch;  
thence North 80°52'14" West 59.94 feet along said ditch;  
thence South 75°58'30" West 110.80 feet along said ditch;  
thence North 72°37'53" West 67.46 feet along said ditch;  
thence North 63°44'03" West 102.39 feet along said ditch;  
thence North 43°11'28" West 98.98 feet along said ditch;



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EXHIBIT "A" CONTINUED

thence North 31°52'08" West 107.10 feet along said ditch;  
thence North 16°33'40" West 125.70 feet along said ditch;  
thence North 04°10'20" East 153.90 feet along said ditch;  
thence North 28°53'43" East 156.41 feet along said ditch;  
thence North 16°42'45" East 105.13 feet along said ditch;  
thence North 00°35'19" West 108.97 feet along said ditch;  
thence North 07°31'33" West 141.06 feet along said ditch;  
thence North 05°34'37" East 103.70 feet along said ditch;  
thence North 18°28'35" East 114.83 feet along said ditch;  
thence North 33°05'56" East 101.50 feet along said ditch;  
thence North 45°42'52" East 98.54 feet along said ditch;  
thence North 38°10'50" East 59.78 feet along said ditch;  
thence North 21°25'46" East 30.65 feet along said ditch;  
thence North 17°35'36" East 40 feet, more or less, to the north line of said Lot 4, Short Plat Number PL02-0485, and the terminus of said line.



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TOGETHER WITH a non-exclusive easement for ingress, egress and utilities for agricultural and farming purposes only over, across, under and through the East 30 feet of that portion of Lot 4, of Short Plat No. PL00-0408, as approved on July 31, 2002, and recorded under Auditor's File No. 200208010118, records of Skagit County, Washington, lying within Government Lots 1 and 2, of Section 19, Township 34 North, Range 3 East, W.M.

A non-exclusive easement for ingress, egress and utilities for agricultural and farming purposes only, over, across, under and through a strip of land 30 feet in width lying Easterly of and adjacent to the West line of that portion of Lot 4, of Short Plat No. PL00-0408, as approved on July 31, 2002, and recorded under Auditor's File No. 200208010118, records of Skagit County, Washington, lying within Government Lot 1 of Section 24, Township 34 North, Range 2 East, W.M., and Government Lot 7, of Section 13, Township 34 North, Range 2 East, W.M., being more particularly described as follows:

An easement 30 feet in width lying Easterly and Southerly of the following described line:

Commencing at a point which bears North 89 degrees 21' 46" West, a distance of 2070.66 feet from the Southeast corner of said Section 13, as shown on the "Plat of Skagit Beach No. 1", as per plat recorded in Volume 8 of Plats, Page 71, records of Skagit County, Washington, and which point is the most Southwesterly corner of that fee tract of land conveyed hereinabove to Hayton Farms, Grantee from Triple J Enterprises, Grantor; thence North 45 degrees 28' 30" East along the Westerly line of the hereinabove described Triple J Enterprises to Hayton Farms conveyance, a distance of 42.31 feet to the true point of beginning of this Easement Line Description; thence North 89 degrees 21' 46" West, a distance of 56.41 feet to a point on the Westerly line of said Lot 4, of Short Plat No. PL00-0408, and on the Easterly line of Tract "E" of said "Plat of Skagit Beach No. 1"; thence South 45 degrees 28' 30" West

EXHIBIT "A" CONTINUED

along the East line of said Tract "E", a distance of 244.83 feet to the most Southeasterly corner of said Tract "E"; thence Southerly and Westerly along the Easterly line of Tract "A", of said "Plat of Skagit Beach No. 1", along the following courses and distances:

South 9 degrees 44' West, a distance of 236.01 feet; South 86 degrees 00' 30" West, a distance of 274.92 feet; South 22 degrees 40' 30" West, a distance of 50.00 feet, more or less, to a point 15 feet Southerly of the centerline of an existing driveway access and which point is the terminus of this easement description.



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The Grantors herein reserve for the benefit of their remaining portion of Lot 4, of said Short Plat No. PL 00-0408, a non-exclusive easement for ingress, egress, utilities and irrigation over, across, under and through a strip of land 30 feet in width lying Westerly of the East line of the following described tract of land:

Government Lot 4, of Section 18, Township 34 North, Range 3 East, W.M.

Government Lot 3, that portion of the Southeast 1/4 of the Northwest 1/4 lying South and West of Higgins Slough, and that portion of the Northeast 1/4 of the Southwest 1/4 lying West of Higgins Slough, all in Section 18, Township 34 North, Range 3 East, W.M.

The above described easement commences on the South line of said Government Lot 4, and terminates on the East line of Government Lot 2, of said Section 18.

### AGREEMENT

The Grantor and Grantee herein agree that adjoining all or most of the Easterly line of the above reserved easement for ingress, egress, utilities and irrigation is a natural slough and/or a drainage ditch. Both parties are desirous of using said adjoining sloughs and/or ditch from time to time for irrigation purposes. The terms of this agreement specified below are binding on the Grantors and Grantees to the extent that they or either of them have legal rights to the water in said slough and/or ditch.

The parties agree that they have equal rights to any water naturally occurring in said slough and/or ditch.

The parties agree that any water added to said slough and/or ditch belongs to whomever put it there.

The parties agree that whomever adds water to said slough and/or ditch will make any excess water available to the other party at a cost to be determined at the time of sale of said water.

The parties agree that neither will withdraw water added to said slough and/or ditch by the other without negotiated permission.

The parties agree that no usage of said slough and/or ditch for the above referenced irrigation purposes may result in any physical damage to the property of the other.

This agreement is appurtenant to the properties of the Grantors and Grantees lying within Lot 4 of Short Plat No. PL 00-0408 and Lot 4 of Short Plat No. PL 02-0485.

Dated: September 17, 2002.

Larry Jensen

Michael L. Jensen

Catherine L. Jensen

Robert Hayton

Susan Hughes-Hayton



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# AGREEMENT

Triple J Enterprises, a Washington General Partnership, is selling 250 acres of farmland that are described on the deed to which this agreement is attached and Robert Hayton and Susan Hughes-Hayton, husband and wife, are purchasing said 250 acres of farmland. Upon the recording of said deed the sellers and buyers will share a common boundary along the Southerly and Westerly lines of said 250 acres sold to the Haytons. Most of said common boundary is a drainage ditch (or ditches) that benefits both said 250 acres and the adjoining property owned by Triple J Enterprises.

THEREFORE, the undersigned sellers and purchasers agree to maintain said drainage ditch (or ditches) as follows:

The ditch (or ditches) will be cleaned every 10 years.

The ditch (or ditches) may be cleaned more often upon the mutual agreement of the sellers and purchasers.

The undersigned sellers agree to pay one-half the cost of cleaning said ditch (or ditches).

The undersigned purchasers agree to pay one-half the cost of cleaning said ditch (or ditches).

The spoils removed from said ditch (or ditches) will be shared equally by the sellers and purchasers.

The sellers agree to pay one-half of the cost of electricity to run an existing pump in said ditch (or ditches).

The purchasers agree to pay one-half of the cost of electricity to run an existing pump in said ditch (or ditches) when billed annually in January by the sellers. The purchasers also agree to pay one-half or any repair, maintenance or replacement costs of said existing pump when billed by the seller.

Any internal ditches emptying into said ditch (or ditches) will be maintained at the expense of the party owning said internal ditches.

This agreement will be binding on the heirs, successors and assigns of both the sellers and the purchasers within both Lot 4 of Skagit County Short Plat No. 00-0408 and Lot 4 of Skagit County Short Plat No. 02-0485. No other farm lands will be allowed to drain into the above ditch (or ditches).

This agreement agree is not binding upon the six residential lots of the sellers known as Lots 1, 2 and 3 of Skagit County Short Plat No. PL 00-0408 and Lots 1, 2 and 3 of Skagit County Short Plat No. PL 02-0485.

Dated: September 17, 2002.

Larry Jensen

Michael L. Jensen

Catherine L. Jensen

Robert Hayton

Susan Hughes-Hayton



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