

WHEN RECORDED RETURN TO:

Mike and Wendy Atterberry

1514 32nd Street

Anacortes, WA 98221



200401080065

Skagit County Auditor

1/8/2004 Page

1 of

8 1:12PM

C 29532

Document Title: Statutory Warranty Deed

Grantor(s): Dennis C. Lavine and Teresa D. Lavine, husband and wife;
Arnold R. Hofmann and Vicki G. Hofmann, husband and wife

Grantee(s): Michael M. Atterberry and Wendy Atterberry, husband and wife

Abbreviated Legal Description: Portion of NW 1/4 NE 1/4 Sec. 25 Twn. 35 North
Range 1 East, W.M.

Assessor's Property Tax Parcel Account No(s): P3975, P31973
P31972

STATUTORY WARRANTY DEED

THE GRANTOR, DENNIS C. LAVINE and TERESA D. LAVINE, husband and wife; ARNOLD R. HOFMANN and VICKI G. HOFMANN, husband and wife, for and in consideration of Ten Dollars and other good and valuable consideration in hand paid, conveys and warrants to MICHAEL M. ATTERBERRY and WENDY D. ATTERBERRY, husband and wife the following described real estate, situated in the County of Skagit, State of Washington:

Legal description is attached hereto as Exhibit A and by this reference incorporated herein.

AND, See Exhibits B, C and 2 for further conditions.

This conveyance is subject to a non-exclusive easement for ingress, egress and utilities over, under and across the east 30 feet of the above described tract said easement to be for the

benefit of and appurtenant to the real estate described by Exhibit B attached hereto including any future subdivided parts thereof.

(The subject easement is presently un-opened and un-improved and it is not known when the easement will be put to any actual use. Therefore, to avoid future conflict over the continuing validity of the subject easement, the parties, for themselves and their successors and assigns, agree that the only way that the subject easement can ever be terminated is through the execution of a document in deed form terminating same. In other words, abandonment through non-use, acts of adverse possession for any period of time, estoppel, laches or any other applicable legal theory is/are hereby waived for all time and shall not be sufficient to terminate or otherwise interfere with the easement rights granted by this instrument.)

Dated: November 19th, 2003

Dennis C. Lavine
Dennis C. Lavine

94
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

Teresa D. Lavine
Teresa D. Lavine

JAN 8 2004

Skagit Co. Treasurer
By Wm. Deputy Paid \$ 1780.00

Arnold R. Hofmann
Arnold R. Hofmann

Vicki G. Hofmann
Vicki G. Hofmann

ACCEPTED & APPROVED:
Michael M. Atterberry
Michael M. Atterberry
Wendy D. Atterberry
Wendy D. Atterberry



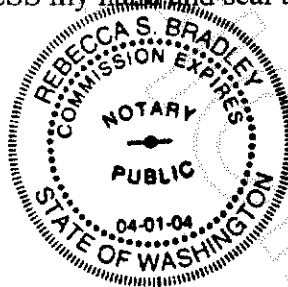
STATE OF WASHINGTON)

: ss.

COUNTY OF SKAGIT)

On this day personally appeared before me Dennis C. Lavine and Teresa D. Lavine, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and seal this 19th day of NOVEMBER, 2003.



Rebecca S. Bradley

Print Name: Rebecca S. Bradley
NOTARY PUBLIC in and for the
State of Washington
My Appointment Expires: 4-1-04

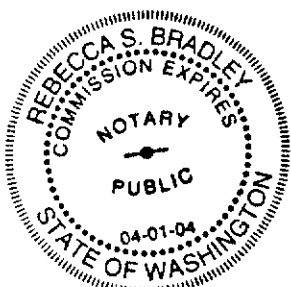
STATE OF WASHINGTON)

: ss.

COUNTY OF SKAGIT)

On this day personally appeared before me Arnold R. Hofmann and Vicki G. Hofmann, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

WITNESS my hand and seal this 19th day of NOVEMBER, 2003.



Rebecca S. Bradley

Print Name: Rebecca S. Bradley
NOTARY PUBLIC in and for the
State of Washington
My Appointment Expires: 4-1-04



EXHIBIT A

That portion of the Northwest 1/4 of the Northeast 1/4 of Section 25, Township 35 North, Range 1 East, W.M., described as follows:

Beginning a point 372 feet West of the West line of the plat of J. H. Havekost's Addition to Anacortes, as per plat recorded in Volume 1 of Plats, page 23, records of Skagit County, said point being on the center line of 31st Street when extended; thence South 281 feet, more or less, to the North line of 32nd Street; thence West 36 feet; thence North 143 feet; thence West 150 feet; thence North 138 feet, more or less, to the centerline of 31st Street extended; thence East 186 feet to the point of beginning;

Together with a non-exclusive easement for driveway purposes over and across a 15 foot strip lying adjacent to and abutting upon the north line of the above described tract;

Subject further to that certain easement granted unto Puget Sound Power & Light Company, a Massachusetts corporation, by instrument dated June 12, 1951 and recorded under Skagit County Auditor's file #463154, at Volume 246, page 124; and subject further to easement granted to Puget Sound Power & Light Company, a Massachusetts corporation, by instrument dated January 7, 1957 and recorded in the office of the Auditor of Skagit County January 28, 1957 at Volume 284, of Deeds, page 316;

Together with and subject to easements, restrictions, reservations, provisions, covenants and conditions of record.



200401080065

Skagit County Auditor

EXHIBIT B

LEGAL DESCRIPTION: Ed Frank Property

Parcel BA:

That portion of the Northwest ¼ of the Northeast ¼ of Section 25, Township 35 North, Range 1 East, W.M., lying East of the city road as conveyed under Auditor's File Numbers 678696 and 592635, described as follows:

Beginning at a point 372 feet West of the West line of the J.H. Havekost's addition to Anacortes, Washington, and being on the centerline of 31st Street when extended; **thence** West 372 feet; **thence** North 296 feet, more or less to the centerline of 30th Street when extended; **thence** East 372 feet; **thence** South 296 feet, more or less to the **POINT OF BEGINNING**.

Except road or street off of or through the West end thereof; also except the following described tracts:

Commencing at a point 372 feet West of the West line of J.H. Havekost's addition to Anacortes, Washington, and being on the centerline of 31st Street when extended; **thence** North 0° 04' 28", East 296 feet more or less to the centerline of 30th Street when extended; **thence** North 89° 56' 13", West 213 feet along said centerline, to the **POINT OF BEGINNING**; **thence** continuing North 89° 56' 13", West 122.35 feet more or less along said centerline to the East line of an easement granted to City of Anacortes for road, under Auditor's File Number 678695; **thence** South 0° 08' 19", East 90.5 feet along the East line of said easement; **thence** South 89° 56' 13", East 122.01 feet; **thence** North 0° 04' 28", East 90.5 feet more or less to the **POINT OF BEGINNING**.

Also less and except therefrom the following described portion;
Beginning at a point which is 485 feet south and 330 feet East of the Northwest corner of the Northwest ¼ of the Northeast ¼ of Section 25, Township 35 North, Range 1 East, W.M.; **thence** North parallel to the West line of said subdivision to the centerline of 30th Street in the City of Anacortes, projected; **thence** East 44.88 feet, more or less, along the centerline of 30th Street projected to the centerline of existing unplatted city road connecting 29th Street with 32nd Street in the City of Anacortes; **thence** Southerly along the centerline of said road to a point which bears South 89° 50' 30", East from the **POINT OF BEGINNING**; **thence** North 89° 50' 30", West 44.88 feet, more or less, to the **POINT OF BEGINNING**;

Except road.

Subject to and together with easements, reservations, restrictions, covenants and other instruments of record.



200401080065
Skagit County Auditor

EXHIBIT C

This conveyance is subject to an express height restriction covenant prohibiting any improvements, building or vegetation exceeding twenty (20) feet in height on the property for the exclusive benefit of the Seller's remaining property and parcels in Tracts B and C, for the benefit of the heirs, successors and assigns of seller with respect to this property and these parcels. This height restriction covenant shall run with the land with respect to the property and be binding upon the buyer, their heirs, successors and assigns. Additionally, the conveyance of the property shall be subject to a 20 foot easement (depicted on Exhibit 2 attached hereto) in favor and for the benefit of Seller's remaining property and parcels in Tracts B and C for sewer, storm sewer, utilities and water which easement shall be set forth and described upon the revised short plat application, and incorporated into this deed to Atterberrys. Further this conveyance is subject to a 30 foot non-exclusive easement (depicted on Exhibit 2 attached hereto) in favor and for the benefit of the Property parcel owned by Edwin Frank lying immediately adjacent to the North of the property and known as Skagit County Tax Parcel P31969 for ingress, egress, sewer, storm sewer, utilities and water, which easement shall also be set forth and described upon the revised short plat application and incorporated into this Deed. This 30-foot easement shall further contain the following conditions and limitations:

- (a) If the City of Anacortes in the future desires to purchase the subject easement area for a municipal right-of-way, the then dominant and servient owners of the easement would not object and cooperate on that purchase;
- (b) The dominant owner of the easement shall be responsible for all improvements and maintenance of the easement necessary to provide access to its property;



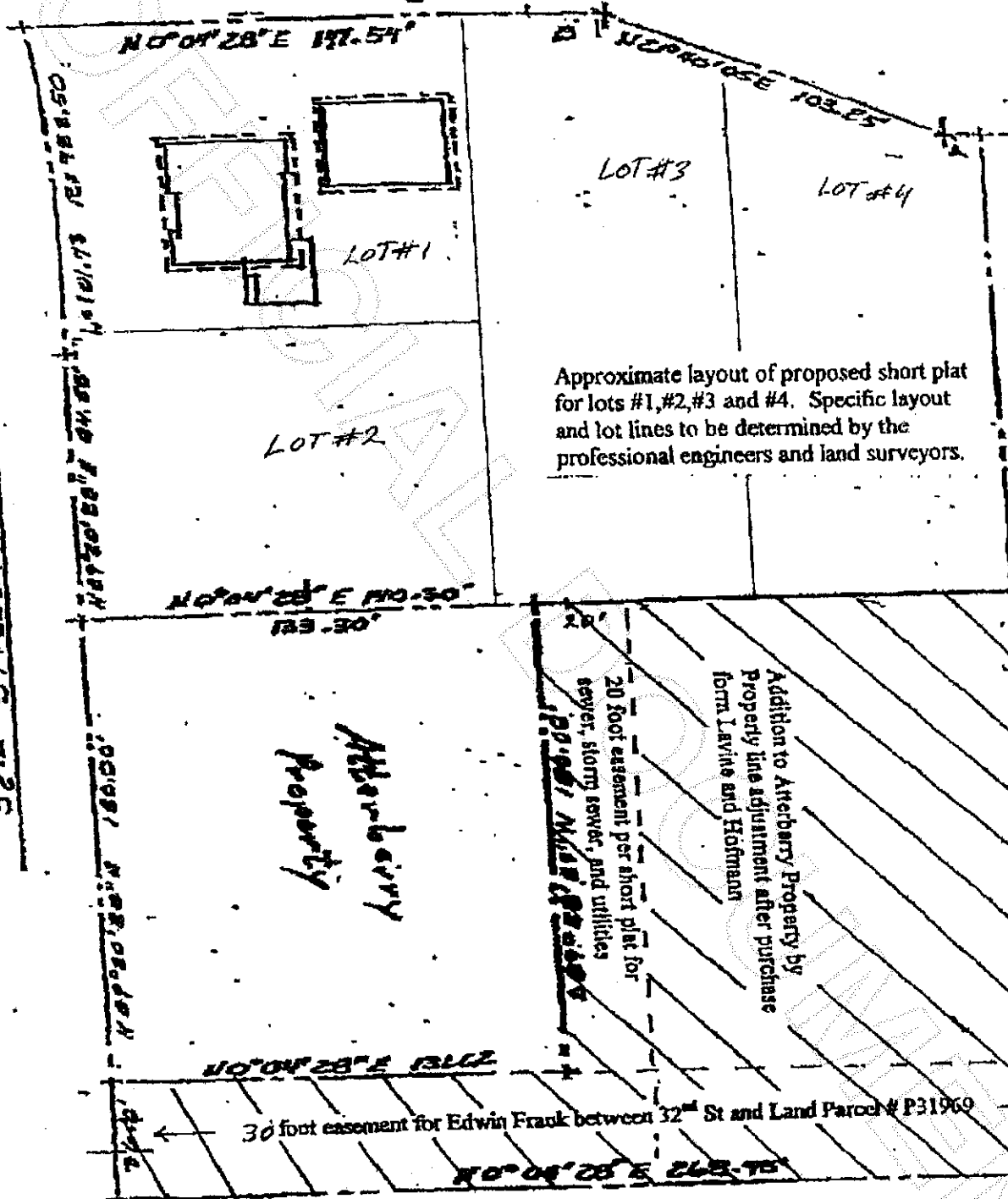
200401080065
Skagit County Auditor

- (c) The servient owner shall be responsible for all improvements and maintenance of the easement area with respect to its use, if any, to provide access to its property
- (d) The dominant owner of the easement agrees to hold the servient owner harmless for any present and future conditions or acts of the dominant owner on or within the easement area;
- (e) The dominant owner shall honor and not interfere with any existing easements of record that presently attach to the area within the easement.
- (f) The servient owner makes no warranty at any time of the conditions existing within the area of the easement.

Walter Hoff
Walter Hoff
Dennis Tappan
Laura Brown
Nickel Atterberry
Ken Gelfand



EXHIBIT 2



Approximate layout of proposed short plat for lots #1, #2, #3 and #4. Specific layout and lot lines to be determined by the professional engineers and land surveyors.

Atherberry
Property

20 foot easement per short plat for
sewer, storm sewer, and utilities

Addition to Atherberry Property by
Property line adjustment after purchase
from Lavite and Hofmann

30 foot easement for Edwin Frank between 32nd St and Land Parcel # P31969



200401080065
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