



200401120375

Skagit County Auditor

1/12/2004 Page 1 of 3 3:45PM

AFTER RECORDING MAIL TO:
Babbitt Properties, L.L.C.
26351 Panorama Place
Sedro Woolley, WA 98284

Filed for Record at Request of
Land Title Company of Skagit
Escrow Number: 110371-SE

LAND TITLE OF SKAGIT COUNTY

Statutory Warranty Deed

Grantor(s): California Union Properties LLC who acquired title as California Union
Grantee(s): Babbitt Properties, L.L.C. Properties Limited Partnership
Abbreviated Legal Lot 24, Block L, "CAPE HORN ON THE SKAGIT DIVISION NO. 2,"
Assessor's Tax Parcel Number(s): 3869-012-024-0019, P63400

THE GRANTOR CALIFORNIA UNION PROPERTIES, LLC, who erroneously acquired title as CALIFORNIA UNION PROPERTIES LIMITED PARTNERSHIP, a California Limited Liability Company for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to BABBITT PROPERTIES, L.L.C., a Washington Limited Liability Company the following described real estate, situated in the County of Skagit, State of Washington.

Lot 24, Block L, "CAPE HORN ON THE SKAGIT DIVISION NO. 2," as per plat recorded in Volume 9 of Plats, pages 14 through 19, inclusive, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

Subject to: Schedule "B-1" attached hereto and made a part thereof. #147

Dated January 6, 2004

California Union Properties, LLC

By: John A. Myrtakis, Managing Member

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

JAN 12 2004

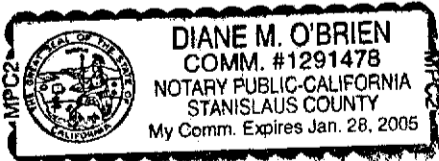
Amount Paid \$ 927.18
By: Skagit County Treasurer Deputy

STATE OF California }
County of 1-7-06 } SS:

I certify that I know or have satisfactory evidence John A. Myrtakis
is _____ the person who appeared before
me, and said person acknowledged that he signed this instrument, on oath stated as
authorized to execute the instrument and is Managing Member
of California Union Properties, LLC
to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 1-7-06

Diane M. O'Brien



Notary Public in and for the State of California
Residing at Modesto, Ca
My appointment expires: 1-28-05

EXCEPTIONS:

A. EASEMENT, INCLUDING TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company,
a corporation
Purpose: Transmission line with appurtenances
Area Affected: As constructed and extended in the future
at the consent of Grantee and Grantor
Dated: July 7, 1965
Recorded: August 17, 1965
Auditor's No.: 670429

B. Restrictions and conditions contained in the Plat, reading substantially as follows:

"The Platters do hereby declare this plat and dedicate to the public forever all roads and ways and that 40 foot easement along the river shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon, following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right of way or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or re-routing thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."

C. A condition on the face of the Plat, as follows:

"Skagit County shall not be responsible for any flood control improvements."

D. Conditions and restrictions contained in instrument filed July 13, 1965, under Auditor's File No. 668869, reading as follows:

1. Lot owners to be advised that those areas indicated on the plat as being below elevation 140.0 feet, are subject to infrequent periodic inundation and buildings constructed therein should maintain a floor elevation above 140.0 feet;
2. The exterior of all buildings to have a completed appearance within one year from date of starting.
3. Lot owners shall be responsible for placing wells and septic-tank drainfields in accordance with the master plan as on file with the Cape Horn Maintenance Company. A minimum of 100 feet shall be maintained between all drainfields and wells. All work to be in accordance with Skagit County Regulations.
4. All lots shall be subject to the Articles and By-Laws of the Cape Horn Maintenance Company.

- Continued -



200401120375

Skagit County Auditor

EXCEPTIONS CONTINUED:

E. Restrictions on other lots in said plat imposed by various instruments of record which may be notice of a general plan, as follows:

"Grantees covenant and agree that the above described real estate shall be subject to the charges and assessments as provided for in and for the purposes set forth in the Articles of Incorporation and the By-Laws of the Cape Horn Maintenance Co., a non-profit, non-stock Washington corporation and that said corporation shall have a valid first lien against the above described real estate for said charges and assessments; and, in addition to the remedies set forth in said Articles of Incorporation and By-Laws, that if said charges and assessments levied by said corporation shall not be paid within four (4) months after they shall become due and payable, then said corporation may proceed by appropriate action to foreclose its lien together with such sum as the court may adjudge reasonable attorneys fees in such action. The Grantee hereby acknowledges receipt of copies of said Articles of Incorporation and By-Laws of the Cape Horn Maintenance Co. This provision is a covenant running with the land and is binding on the Grantees, their heirs, successors and assigns.

SUBJECT TO: (a) Restrictions, reservations, agreements and easements of record and as shown on the face of said recorded plat.

(b) Use of said property for residential purposes only.

(c) Questions that may arise due to shifting of Skagit River.

F. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS, AS HERETO ATTACHED:

Declaration Dated: September 20, 1976
Recorded: December 14, 1976
Auditor's No.: 847451
Executed By: Cape Horn Maintenance Company

G. MITIGATION PLAN; PUBLIC WATER SYSTEM WELLHEAD PROTECTION AREA, AND THE TERMS AND CONDITIONS THEREOF:

Executed By: Peter Tamsky
Recorded: July 21, 2003
Auditor's File No. 200307210317



200401120375
Skagit County Auditor