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200402240093
Skagit County Auditor

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ACCOMMODATION RECORDING

DOCUMENT TITLE:	EASEMENT
GRANTOR:	MATTHEW E. BROWN and KATHLEEN A. BROWN, husband and wife; REBECCA ANNE HALL, individually; and JEFFREY P. HEILMAN, individually
GRANTEES:	DECEPTION SHORES COMMUNITY ASSOCIATION
ABBREVIATED LEGAL DESCRIPTION:	LOTS 11 AND 12, DECEPTION SHORES PLANNED UNIT DEVELOPMENT, BEING A PORTION OF LOT 2, SP#93-049, IN GOVT LOTS 3, 4, 5 AND 6, SEC. 24, TWP. 34 N, R 1 E, W.M., SKAGIT COUNTY, WASHINGTON (ADDITIONAL LEGAL DESCRIPTION ON PAGE 2 OF DOCUMENT)
ASSESSOR'S TAX PARCEL NUMBER:	R118304 / 4780-000-011-0000 and R118305 / 4780-000-012-0000;

DECEPTION SHORES PLANNED UNIT DEVELOPMENT PEDESTRIAN EASEMENT

THIS PEDESTRIAN EASEMENT is made and entered into by and between, MATTHEW E. BROWN and KATHLEEN A. BROWN, husband and wife; REBECCA ANNE HALL, individually; and JEFFREY P. HEILMAN, individually, collectively referred to as the "Grantor", and DECEPTION SHORES COMMUNITY ASSOCIATION, a Washington nonprofit corporation, hereinafter referred to as "Grantee".

RECITALS:

A. WHEREAS, the Grantor owns Deception Shores Planned Unit Development (hereinafter referred to as "Deception Shores PUD"), a 27 lot residential planned unit development described as:

Lots 1 through 27, inclusive, Deception Shores Planned Unit Development, recorded September 10, 2001, under Auditor's File No. 200109100117, records of Skagit County, Washington, situated in a portion of Government Lots 3, 4, 5, and 6, Section 24, Township 34 North, Range 1 East of Willamette Meridian. Situate in Skagit County, Washington; and

B. WHEREAS, Grantee is a Washington nonprofit corporation having as its objectives and purposes the common welfare of the owners of lots within the Deception Shores PUD, and for the ownership, regulation, care, maintenance and use of common areas, roads, paths, walkways and easements for the Deception Shores PUD.

NOW, THEREFORE, Grantor hereby grants, conveys and warrants unto the Grantee the following easement:

1. Pedestrian Easement for Access to Deception Pass State Park.

A non-exclusive perpetual pedestrian pathway easement over, across, along, upon and through

Lot 11 and Lot 12, Deception Shores Planned Unit Development, recorded September 10, 2001, under Auditor's File No. 200109100117, records of Skagit County, Washington, situated in a portion of Government Lots 3, 4, 5, and 6, Section 24, Township 34 North, Range 1 East of Willamette Meridian. Situate in Skagit County, Washington,

which pathway easement is fully described and shown in Exhibit "A" and Exhibit "B", respectively, attached hereto and by this reference made a part hereof.

2. Purpose of Easement. The purpose of the non-exclusive pedestrian easement described herein is to allow and provide the owners of Lots 1 through 27, inclusive, of Deception Shores Planned Unit Development, being the members of the



Grantee, a pedestrian pathway for access, ingress and egress from the Deception Shores Planned Unit Development to the Deception Pass State Park.

3. Terms and Conditions. This Easement Agreement is granted subject to and conditioned upon the following terms, conditions and covenants which the Grantee and each of the members of the Grantee (hereinafter collectively referred to as "Grantee") hereby promises to faithfully and fully observe and perform.

3.1 Grantee shall use the easement for pedestrian pathway and bicycle use only and no motorized dirt bikes, motorcycles, ATV's or other motorized vehicles shall be allowed.

3.2 Grantee shall follow and observe reasonable conditions and requirements for use of the pedestrian pathway that the Grantor may notify the Grantee in writing and post upon the Grantor's property from time to time, which reasonable conditions and requirements shall be for the use and enjoyment of the pedestrian pathway and not impose obstacles or obstructions to preclude said use.

3.3 Grantor shall not be responsible for the maintenance or upkeep of the pedestrian pathway easement and the Grantor shall not be responsible for the condition of said easement. Grantee, at Grantee's election, shall be responsible for keeping the easement in such condition and repair as to allow pedestrian traffic over and across said easement. Grantee shall keep and maintain the pedestrian pathway easement free of any garbage, rubbish or debris that the Grantee may cause or dispose of on or about the easement areas.

3.4 Grantee does hereby release, indemnify and promise to defend and save harmless Grantor from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by Grantor in defense thereof, asserted or arising directly or indirectly on account of or out of acts or omissions of Grantee or Grantee's invitees, agents, employees and



contractors in the exercise of the rights granted herein; PROVIDED, HOWEVER, this paragraph 3.4 does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of Grantor or Grantor's agents, employees or contractors.

4. Successors. The rights and obligations of the parties hereto shall inure to the benefit of and be binding upon their respective successors and assigns.

DATED this 26 day of January, 2004.

GRANTOR:

Matthew E. Brown
Matthew E. Brown

SKAGIT COUNTY WASHINGTON
Real Estate Excise Tax
PAID

FEB 24 2004

Amount Paid \$
Skagit County Treasurer
Deputy
By: [Signature]

Kathleen A. Brown
Kathleen A. Brown

Rebecca Anne Hall
Rebecca Anne Hall

Jeffrey P. Heilman
Jeffrey P. Heilman



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GRANTEE:

Deception Shores Community Association

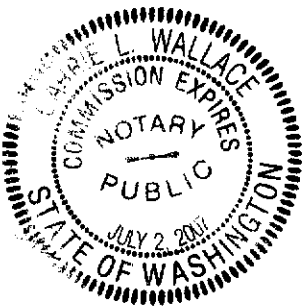
By Kathleen A Brown
Kathleen A. Brown

By Rebecca Anne Hall
Rebecca Anne Hall

STATE OF WASHINGTON)
County of Skagit) ss.

This is to certify that on the 26th day of January, 2004, before me, the undersigned Notary Public in and for the State of Washington, personally appeared **MATTHEW E. BROWN and KATHLEEN A. BROWN, husband and wife**, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Carrie L Wallace
NOTARY PUBLIC in and for the State of
Washington, residing at Anacortes
My commission expires July 2, 2007



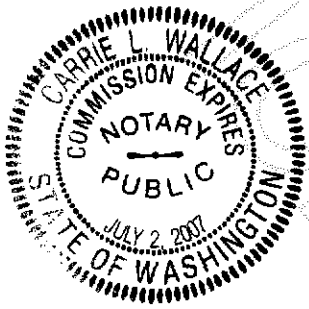
200402240093
Skagit County Auditor

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STATE OF WASHINGTON)
County of Skagit) ss.

On this 26th day of January, 2004, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **KATHLEEN A. BROWN**, to me known to be the President of **DECEPTION SHORES COMMUNITY ASSOCIATION**, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

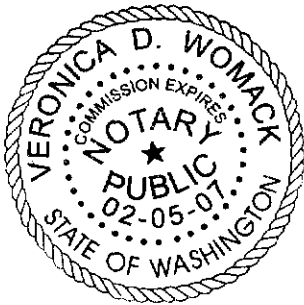


Carrie L. Wallace
NOTARY PUBLIC in and for the State of
Washington, residing at Anacortes
My commission expires July 2, 2007

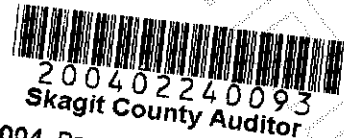
STATE OF WASHINGTON)
County of Kitsap) ss.

This is to certify that on the 28th day of January, 2004, before me, the undersigned Notary Public in and for the State of Washington, personally appeared **REBECCA ANNE HALL**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that she signed and sealed the same as her free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Veronica D. Womack
NOTARY PUBLIC in and for the State of
Washington, residing at Peulso
My commission expires 2-5-07

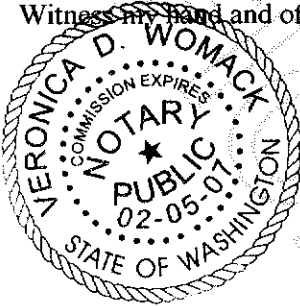


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STATE OF WASHINGTON)
County of Kitsap) ss.

On this 28th day of January, 2004, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared **REBECCA ANNE HALL**, to me known to be the Secretary of **DECEPTION SHORES COMMUNITY ASSOCIATION**, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

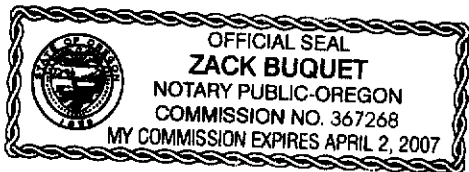


Veronica D. Womack
NOTARY PUBLIC in and for the State of
Washington, residing at Paulsbo
My commission expires 2-5-07.

STATE OF OREGON)
County of MULTNOMA H) ss.

This is to certify that on the 2ND day of FEB, 2004, before me, the undersigned Notary Public in and for the State of Washington, personally appeared **JEFFREY P. HEILMAN**, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



Zack Buquet
NOTARY PUBLIC in and for the State of
Washington, residing at 1604 CR / PTLSD
My commission expires 4-2-2007.



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PSE

Pacific Surveying & Engineering

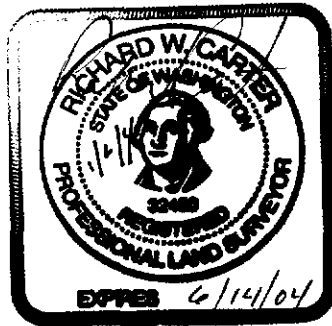
EXHIBIT "A"
LOT 11

PEDESTRIAN ACCESS EASEMENT

A TRACT OF LAND SITUATE IN A PORTION OF GOVERNMENT LOT 4, SECTION 24, TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., SKAGIT COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11, DECEPTION SHORES P.U.D., AS RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 200109100117; THENCE ALONG THE WEST LINE OF SAID LOT SOUTH $06^{\circ}53'19''$ EAST 34.11 FEET; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT SOUTH $49^{\circ}14'35''$ EAST 10.11 FEET; THENCE NORTH $32^{\circ}06'44''$ EAST 78.28 FEET TO THE SOUTHERLY MARGIN OF SOUTH DECEPTION SHORES DRIVE, BEING 40 FEET IN WIDTH; THENCE ALONG SAID SOUTHERLY MARGIN, BEING A CURVE CONCAVE TO THE NORTH, FROM WHICH THE RADIUS POINT BEARS NORTH $32^{\circ}56'55''$ WEST 220.00 FEET, 42.54 FEET THROUGH A CENTRAL ANGLE OF $11^{\circ}04'48''$ TO THE END OF CURVE; THENCE CONTINUING ALONG SAID MARGIN SOUTH $68^{\circ}07'53''$ WEST 16.87 FEET TO THE POINT OF BEGINNING.

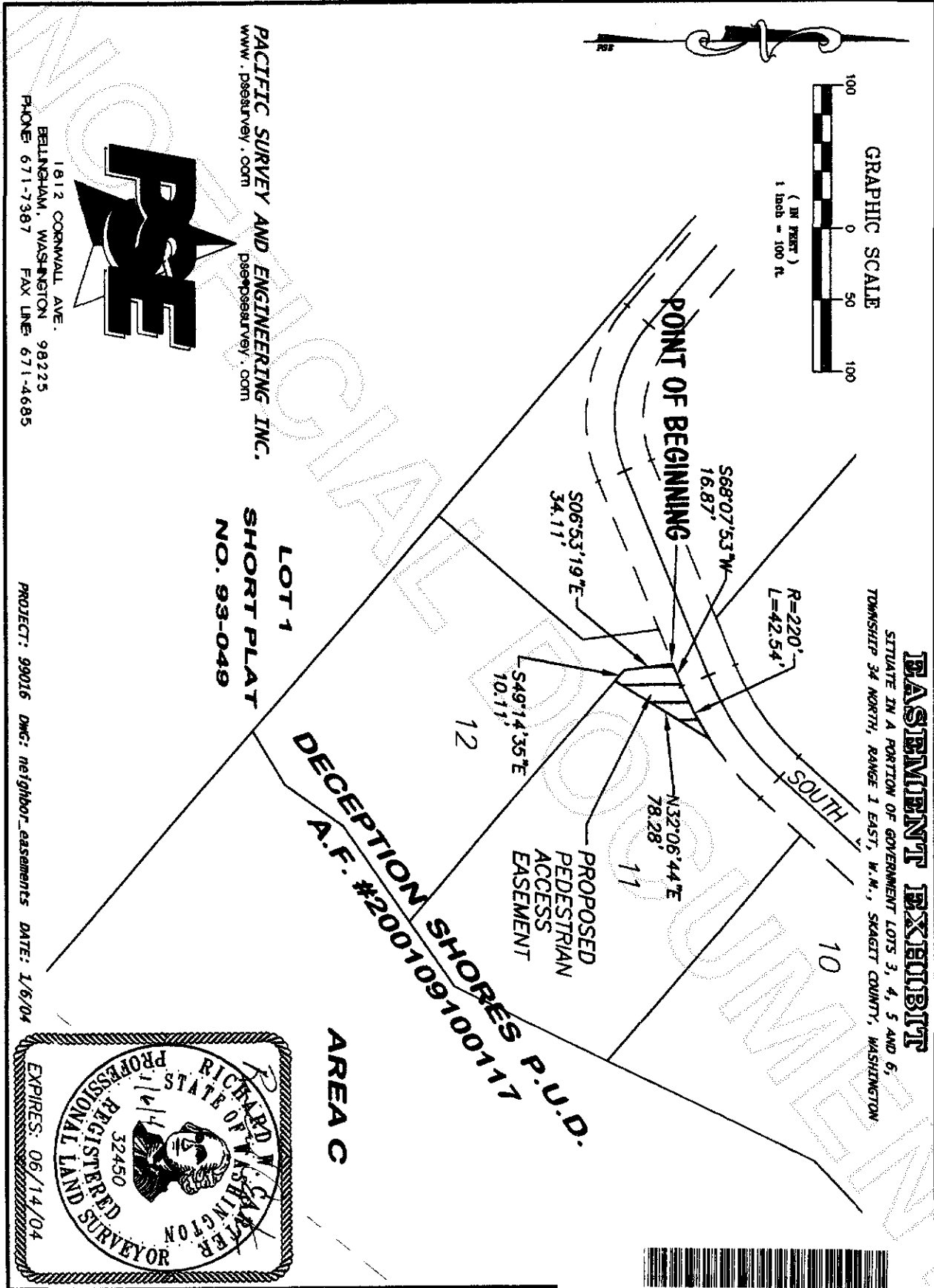
CONTAINING 1,284 SQUARE FEET, MORE OR LESS.



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Skagit County Auditor



BASEMENT EXHIBIT
SITUATE IN A PORTION OF GOVERNMENT LOTS 3, 4, 5 AND 6,
TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., SKAGIT COUNTY, WASHINGTON

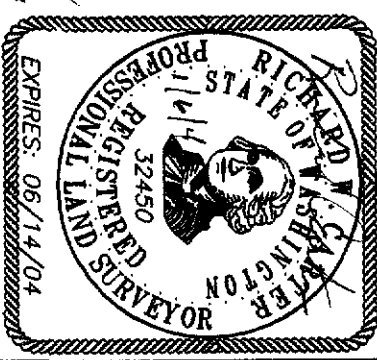


PACIFIC SURVEY AND ENGINEERING INC.
www.psesurvey.com
psurvey.com

PSE

1612 CORNWALL AVE.
BELLINGHAM, WASHINGTON 98225
PHONE 671-7387 FAX LINE 671-4685

PROJECT: 99016 DWG: neighbor_essments DATE: 1/6/04



200402240093
Skagit County Auditor

PSE

Pacific Surveying & Engineering

EXHIBIT "B"
LOT 12

PEDESTRIAN ACCESS EASEMENT

A TRACT OF LAND SITUATE IN A PORTION OF GOVERNMENT LOT 4, SECTION 24, TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., SKAGIT COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 12, DECEPTION SHORES P.U.D., AS RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 200109100117; THENCE ALONG THE EAST LINE OF SAID LOT SOUTH $06^{\circ}53'19''$ EAST 34.11 FEET; THENCE ALONG THE NORTHEASTERLY LINE OF SAID LOT SOUTH $49^{\circ}14'35''$ EAST 10.11 FEET; THENCE SOUTH $32^{\circ}06'44''$ WEST 171.95 FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 12; THENCE ALONG SAID LINE NORTH $49^{\circ}14'35''$ WEST 33.49 FEET TO THE NORTHWESTERLY LINE OF SAID LOT; THENCE ALONG SAID LINE NORTH $40^{\circ}45'25''$ EAST 133.91 FEET; THENCE NORTH $06^{\circ}53'19''$ WEST 53.56 FEET TO THE SOUTHERLY MARGIN OF SOUTH DECEPTION SHORES DRIVE, BEING 40 FEET IN WIDTH; THENCE ALONG SAID SOUTHERLY MARGIN NORTH $68^{\circ}07'53''$ EAST 25.88 FEET TO THE POINT OF BEGINNING.

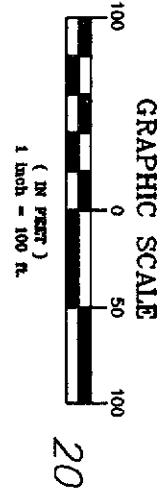
CONTAINING 4,636 SQUARE FEET, MORE OR LESS.



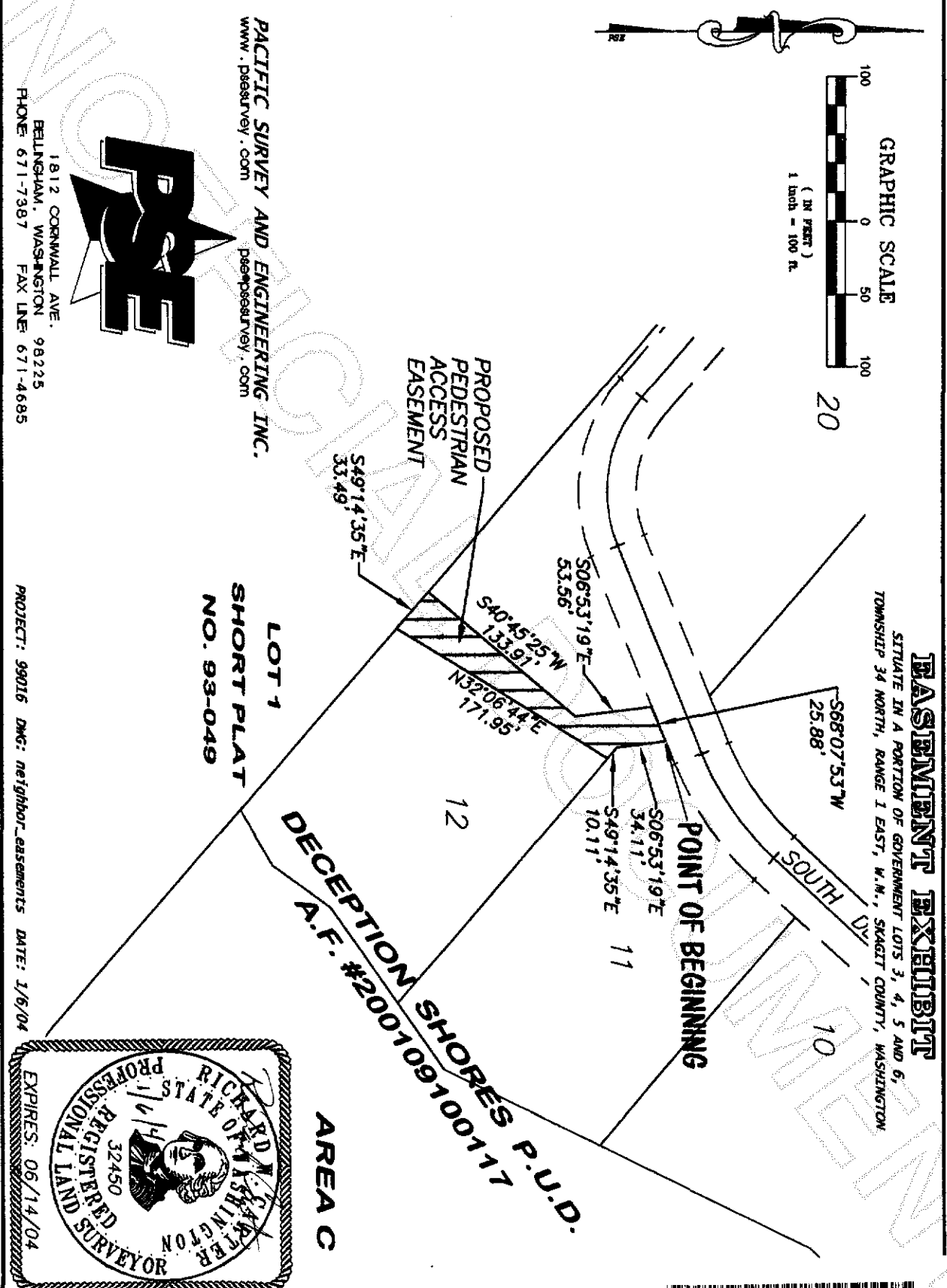
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Skagit County Auditor

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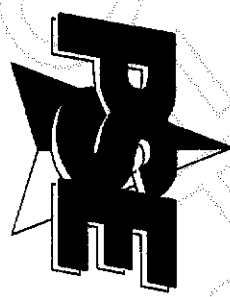
EXHIBIT "B" MAP



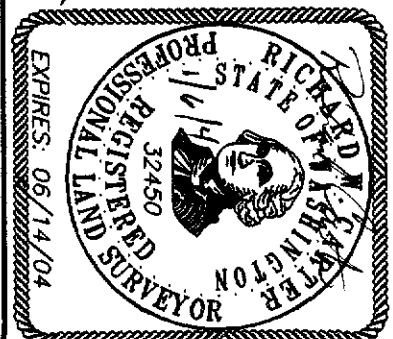
BASINMENT EXHIBIT
 SITUATE IN A PORTION OF GOVERNMENT LOTS 3, 4, 5 AND 6,
 TOWNSHIP 34 NORTH, RANGE 1 EAST, W.M., SKAGIT COUNTY, WASHINGTON



PACIFIC SURVEY AND ENGINEERING, INC.
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 1812 CORNWALL AVE.
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 PHONE: 671-7387 FAX LINE: 671-4685



PROJECT: 99016 DMC: neighbor_easements DATE: 1/6/04



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 Skagit County Auditor