

AFTER RECORDING MAIL TO:
Land Evolution, Inc.
1041 W. 18th, Suite A-101
Costa Mesa, CA 92627



200511300168
Skagit County Auditor

11/30/2005 Page 1 of 4 3:49PM

Filed for Record at Request of
First American Title Of Skagit County
Escrow Number: A86542

Statutory Warranty Deed

Grantor(s): Thomas Bay-Schmith and Cathy Bay-Schmith
Grantee(s): Land Evolution Inc. FIRST AMERICAN TITLE CO.
A86542

Ptn. Lot 37 and all Lot 38, "ANACO BEACH, SKAGIT COUNTY, WASHINGTON"

Additional legal(s) on page: 2


Assessor's Tax Parcel Number(s): P61847, 3858-000-038-0003, 3858-000-037-0103, P61846

THE GRANTOR Thomas Bay-Schmith and Cathy Bay-Schmith, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, and as part of an IRS 1031 Tax Deferred Exchange, in hand paid, conveys and warrants to Land Evolution Inc., a California corporation, the following described real estate, situated in the County of Skagit, State of Washington


SEE ATTACHED EXHIBIT "A" HERETO FOR LEGAL DESCRIPTION

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "B" attached hereto.

Dated November 19, 2005

 6675
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX
Thomas Bay-Schmith Cathy Bay-Schmith

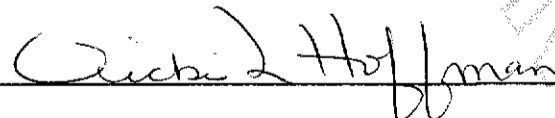
NOV 30 2005

Amount Paid \$ 20,475.00
Skagit Co. Treasurer
By  Deputy

STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Thomas Bay-Schmith and Cathy Bay-Schmith, the persons who appeared before me, and said person(s) acknowledged that he/she/they signed this instrument and acknowledge it to be his/her/their free and voluntary act for the uses and purposes mentioned in this instrument.

Date: 11-29-05



Notary Public in and for the State of Washington

Residing at Anacortes
My appointment expires: 10-8-09

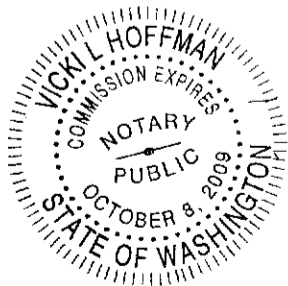


EXHIBIT A

PARCEL "A":

That portion of Tract 37, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, Washington, lying South of a line that is 14.64 feet South of, and measured at right angles to, the North line of said tract.

TOGETHER WITH a 1/5th interest in the tidelands described as follows:

First Class tidelands, as conveyed by the State of Washington, lying in front of, adjacent to and abutting upon that portion of Tract 37, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, lying South of a line that is 14.64 feet South of, and measured at right angles to the North line of said Tract, together with tidelands of the First Class, as conveyed by the State of Washington, lying in front of, adjacent to and abutting on the North Half of Tract 38, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, Washington, being a portion of Tract No. 1, Plate No. 2, Tide and Shore Lands of Section 34, Township 35 North, Range 1 East, W.M., Anacortes Harbor, as shown on the official map which is on file in the Office of the Commissioner of Public Lands at Olympia, Washington.

ALSO TOGETHER WITH AND SUBJECT TO those certain easements for access to the beach and for ingress, egress and utilities as more fully described and set forth in documents recorded under Auditor's File Nos. 8801130067, 8801130068 and 8801130069 and as delineated on the face of that certain Survey recorded in Volume 7 of Surveys, pages 186 and 187 under Auditor's File No. 8804210019, records of Skagit County, Washington.

PARCEL "B":

Tract 38, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, Washington.

TOGETHER WITH a 1/5th interest in the tidelands described as follows:

First Class tidelands, as conveyed by the State of Washington, lying in front of, adjacent to and abutting upon that portion of Tract 37, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, lying South of a line that is 14.64 feet South of, and measured at right angles to the North line of said Tract, together with tidelands of the First Class, as conveyed by the State of Washington, lying in front of, adjacent to and abutting on the North Half of Tract 38, "ANACO BEACH", according to the plat thereof recorded in Volume 5 of Plats, Page 4, records of Skagit County, Washington, being a portion of Tract No. 1, Plate No. 2, Tide and Shore Lands of Section 34, Township 35 North, Range 1 East, W.M., Anacortes Harbor, as shown on the official map which is on file in the Office of the Commissioner of Public Lands at Olympia, Washington.

ALSO TOGETHER WITH AND SUBJECT TO those certain easements for access to the beach and for ingress, egress and utilities as more fully described and set forth in documents recorded under Auditor's File Nos. 8801130067, 8801130068 and 8801130069 and as delineated on the face of that certain Survey recorded in Volume 7 of Surveys, pages 186 and 187 under Auditor's File No. 8804210019, records of Skagit County, Washington.



EXCEPTIONS:

A. Rights of the public to make all necessary slopes for cuts or fills upon the lots, blocks and tracts of land shown on the plat in reasonable grading of all the streets and avenues, shown thereon, as granted in the dedication of the plat.

B. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

C. Reservation of minerals, etc., as provided by Section 7797-56, of Remington's Revised Statutes, as contained in Deed from the State of Washington, recorded under Auditor's File No. 456831.

D. RESERVATIONS CONTAINED IN DEED

Executed by: Oscar E. Koenig, et ux
Recorded: October 18, 1960
Auditor's No: 599928
As Follows:

SUBJECT TO THE FOLLOWING RESTRICTIVE COVENANTS: The tracts herein sold shall be used for dwelling purposes only and no part thereof shall be used for any dance hall, store, amusement resort or for any commercial purpose of any kind or nature whatsoever. The restrictive covenants are agreed as covenants running with the title to the said tracts herein sold and violations of any of them shall cause the title of said tracts to revert to grantors and heirs, executors and assigns and said grantors and heirs, executors and assigns may maintain suit for injunction and damages to enforce the restrictions or violation thereof.

E. Reservations contained in deed from the State of Washington recorded under Auditor's File Nos. 511409 and 550569, reserving to the grantor all oil, gases, coal, ores, minerals, fossils, etc., and the right of entry for opening, developing and working the same and providing that such rights shall not be exercised until provision has been made for full payment of all damages sustained by reason of such entry.

Right of the State of Washington or its successors, subject to payment of compensation therefore, to acquire rights of way for private railroads, skid roads, flumes, canals, water courses or other easements for transporting and moving timber, stone, minerals and other products from this and other property, as reserved in deed referred to above.

F. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN:

Dated: November 14, 1987
Recorded: January 13, 1988
Auditor's No: 8801130067
Executed by: Maurice O. Helland and Martha J. Helland,
husband and wife and Barbara Bryan, a
widow



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G. DECLARATION OF EASEMENTS, COVENANTS AND ROAD MAINTENANCE AGREEMENT, INCLUDING THE TERMS AND CONDITIONS THEREOF:

Dated: December 28, 1987
Recorded: January 13, 1988
Auditor's No: 8801130068 and 8801130069
For: Road and Utilities
Affects: A portion of the subject property

H. EASEMENT AND PROVISIONS THEREIN:

Grantee: Puget Sound Power & Light Company
Dated: June 7, 1988
Recorded: June 16, 1988
Auditor's No: 8806160074
Purpose: Right to construct, operate, maintain, repair, replace and enlarge one or more electric transmission and/or distribution lines over and/or under the right-of-way
Location: The 30 foot access roadway as delineated on that certain survey recorded under Auditor's File No. 8804210019, Volume 7 of Surveys, Page 186; Right of Way No. 2 on the East 10 feet of the North 30 feet

I. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF:

Grantee: Donald H. Coughlin, et ux et al
Dated: May 28, 1988
Recorded: June 27, 1988
Auditor's No: 8806270071, 8806270072, 8806270073 and 8806270074
Purpose: Drainfield
Area Affected: As delineated on Survey recorded under Auditor's File No. 8804210019

J. EASEMENT AS DELINEATED AND/OR DEDICATED ON THE FACE OF THE SURVEY:

Purposes: Power pole line and anchor
Affects: As delineated on survey recorded under Auditor's File No. 8804210019

K. All matters as set forth on the face of Surveys recorded under Auditor's File Nos. 8708260003 and 8804210019.



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