



200603230078  
Skagit County Auditor

3/23/2006 Page 1 of 15 11:25AM

After Recording Return To:  
David N. Lombard  
Jameson Babbitt Stites & Lombard, P.L.L.C.  
999 Third Avenue, Suite 1900  
Seattle, WA 98104

119309-T

LAND TITLE OF SKAGIT COUNTY

**Document Title or Titles**  
Statutory Warranty Deed

1316  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

**Reference Nos. of Documents Assigned or Released:**  
200410130161

MAR 23 2006

**Name of Grantor:**  
McKernan Fairway Center L.L.C., a Delaware limited liability company

Amount Paid \$  
Skagit Co. Treasurer  
By *JP* Deputy

**Name of Grantee:**  
Michael K. McKernan and Barbara F. McKernan, husband and wife

**Pages referencing additional names:**  
None

**Abbreviated Legal Description:**  
Ptn NE ¼ of SE ¼, 18-34-4 E W.M. (aka Tracts 1 through 7 SP MV-1-93)

**Additional Legal Description Found On:**  
Page 4

**Assessor's Property Tax Parcel Numbers or Account Numbers:**  
8006-000-001-0000; 8006-000-002-0001; 8006-000-002-0100; 8006-000-002-0201;  
8006-000-003-0002; 8006-000-004-0003; 8006-000-004-0100; 8006-000-005-0004;  
8006-000-006-0005; 8006-000-007-0006; 8006-000-099-0000

**STATUTORY WARRANTY DEED**

THE GRANTOR, McKERNAN FAIRWAY CENTER L.L.C., a Delaware limited liability company, in consideration of dissolution of a wholly-owned limited liability company and transfer to its sole members, conveys and warrants to MICHAEL K. McKERNAN and BARBARA F. McKERNAN, husband and wife, GRANTEE, its undivided 4.73% interest in the following-described real property, situated in the County of Skagit, State of Washington:

See Exhibit A attached hereto and by this reference incorporated herein.

SUBJECT TO: those matters set forth on Exhibit B attached hereto and by this reference incorporated herein.

Dated this 21 day of March, 2006.

GRANTOR:

McKERNAN FAIRWAY CENTER L.L.C.,  
a Delaware limited liability company

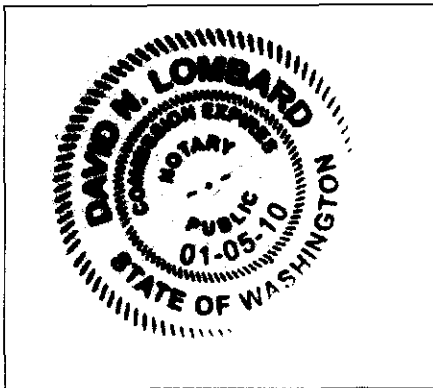
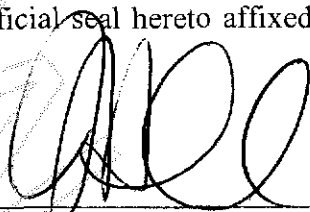
By: *McKernan*  
Name: Michael K. McKernan  
Title: Member



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 21<sup>st</sup> day of March, 2006, before me personally appeared MICHAEL K. McKERNAN, to me known to be a Member of McKERNAN FAIRWAY CENTER L.L.C., a Delaware limited liability company, the limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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



(Use This Space for Notarial Seal Stamp)

Notary Public in and for the State of Washington,  
residing at Woodinville  
My commission expires: 4/5/10  
David N. Lombard  
[Type or Print Notary Name]



**EXHIBIT A**

**LEGAL DESCRIPTION**

An undivided 4.73% interest in Lots 1 through 7, inclusive, City of Mount Vernon Binding Site Plan No. MV-1-93 entitled Skagit Valley Square, approved September 29, 1993, recorded September 30, 1993, in Book 10 of Short Plats, pages 240-246, inclusive, under Auditor's File No. 9309300143, and being a portion of the Northeast quarter of the Southeast quarter of Section 18, Township 34 North, Range 4 East, W.M.

Situate in the County of Skagit, State of Washington.



**EXHIBIT B**

**EXCEPTIONS**

4. MEMORANDUM OF LEASE, INCLUDING TERMS & CONDITIONS THEREOF:

Lessor: McNeil Fund IX, a California Limited Partnership landlord  
Lessee: Pay 'N Save Corporation, a Washington Corporation, tenant  
Dated: August 25, 1972  
Recorded: December 2, 1985  
Auditor's No.: 8512020036  
Affects: Pay 'N Save store located within building on Parcel "A"

The Lessor's interest is now held of record by vestee herein.

The Lessee's interest is now held of record by ADC Distribution Corporation by instrument recorded July 27, 1992, under Auditor's File No. 9207270102.

5. MEMORANDUM OF LEASE, INCLUDING TERMS & CONDITIONS THEREOF:

Lessor: McNeil Fund IX, a California Limited Partnership, landlord  
Lessee: Pay 'N Save Corporation, a Washington corporation, tenant  
Dated: August 25, 1972  
Recorded: December 2, 1985  
Auditor's No.: 8512020037  
Affects: Ernest Home Center Store located within building on Parcel "A"

The Lessor's interest is now held of record by vestee herein.

6. SHORT FORM LEASE AND THE TERMS AND CONDITIONS THEREOF:

Lessor: Skagit Mall 90 Associates  
Lessee: Denny's Inc.  
For a Term of: *The term of this Lease shall commence on the earlier of: (1) the date said restaurant is open for business. (2) the date any Architect engages by Lessee executed this certificate of completion of said improvements and their readiness for occupancy, or (3) forty-five (45) days following the final inspection and approval of improvements by and applicable governmental agency, whichever first occurs, and shall end on the Twentieth (20<sup>th</sup>) anniversary of said date.*  
Recorded: July 22, 1991  
Auditor's No.: 9107220007  
Affects: An undisclosed portion of the subject property



6. (Continued):

Reference is hereby made to that certain Agreement recorded February 16, 1994, under Auditor's File No. 9402160113.

The Lessor's interest is now held of record by vestee herein.

7. MEMORANDUM OF LEASE, INCLUDING TERMS & CONDITIONS THEREOF:

Lessor: Skagit Mall 90 Associates, a Washington general partnership  
Lessee: Albertson's, Inc. a Delaware corporation  
For A Term Of: 20 consecutive years  
Dated: July 10, 1992  
Recorded: October 2, 1992  
Auditor's No.: 9210020069

Said Lease was amended by instrument entitled, "Amendment To Shopping Center Lease" recorded February 16, 1994, under Auditor's File No. 9402160108.

The Lessor's interest is now held of record by vestee herein.

8. MEMORANDUM OF LEASE, INCLUDING TERMS & CONDITIONS THEREOF:

Lessor: Skagit Mall 90 Associates  
Lessee: Pay Less Drug Stores Northwest, Inc., a Maryland Corporation  
For A Term Of: 20 years  
Dated: February 16, 1993  
Recorded: February 22, 1993  
Auditor's No.: 9302220103

The Lessor's interest is now held of record by vestee herein.

9. MEMORANDUM OF LEASE, INCLUDING TERMS & CONDITIONS THEREOF:

Lessor: Skagit Mall 90 Associates, a Washington general partnership comprised of W & C Corporation and S & H Skagit Incorporated  
Lessee: Ernest Home Center, Inc., a Washington corporation  
Dated: March 30, 1993  
Recorded: April 21, 1993  
Auditor's No.: 9304210048

The Lessor's interest is now held of record by vestee herein.



- A. Restrictions imposed by instrument dated January 20, 1955, recorded February 2, 1955, under Auditor's File No. 512633, as follows:

"That neither the grantees nor their heirs and assigns will ever erect any building, fence, or other structure above the surface of the land herein and hereby conveyed within 4 feet of the East line thereof, such restrictions not to include any surfacing of the ground with gravel, cement, asphalt, etc."

- B. AN EASEMENT FOR HIGHWAY SLOPES AND SIDEWALK AREAS AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Roadway and appurtenant purposes  
In Favor Of: State of Washington  
Recorded: November 22, 1947  
Auditor's No.: 411479  
Affects: 7 foot strip along West line of Riverside Drive.

- C. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Transmission line  
In Favor Of: Puget Sound Power & Light Co., a corporation  
Recorded: April 2, 1959  
Auditor's No.: 578510 in Volume 301 of Deeds, page 114  
Affects: Undisclosed location in easement portion only

- D. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Sewer lines  
In Favor Of: City of Mount Vernon  
Recorded: June 30, 1959  
Auditor's No.: 582577 in Volume 303 of Deeds, page 207  
Affects: 18 foot strip and 20 foot strip through portion of Tract "A",  
Short Plat MV-11-79

- E. Relinquishment of right of access to State Highway and of light, view and air, under terms of deed to the State of Washington, recorded September 16, 1954, under Auditor's File No. 506543, October 19, 1954, under Auditor's File No. 508077, and September 16, 1954, under Auditor's File No. 506540.

(Affects portion bordering Interstate Highway No. 5)



F. A NON-EXCLUSIVE EASEMENT AS SET FORTH IN INSTRUMENT:

Dated: March 17, 1972  
Recorded: March 17, 1972  
Auditor's No.: 765540  
Purpose: Undisclosed  
Affects: North 200 feet of that portion of Tract "A", Short Plat No. MV-11-79

G. EASEMENT FOR HIGHWAY SLOPES AND SIDEWALK AREAS, INCLUDING TERMS AND CONDITIONS THEREOF:

Grantee: State of Washington  
Purpose: Highway  
Area Affected: 9 foot or 7 foot strip along the East line of Tract C, Short Plat MV-11-79  
Dated: September 24, 1947  
Recorded: November 22, 1947  
Auditor's No.: 411473

H. Reservation of the right to lay, maintain, operate, repair and remove at any time a sewer pipeline pre-installed, and the right for future installation, such other or additional utilities as are deemed necessary by the City of Mount Vernon, contained in Ordinance No. 1636, vacating a portion of a road right-of-way dated March 8, 1972, recorded March 24, 1972 under Auditor's File No. 765859.

I. Relocated sewer easement 20 feet in width, as disclosed by instrument dated July 14, 1972 and recorded July 17, 1972 under Auditor's File No. 771147, and described as follows:

A strip of land 20 feet in width, lying 10 feet on each side of the following described centerline: Beginning at a point on the West line of the Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , which point bears South  $0^{\circ}25'05''$  West, a distance of 115.30 feet from the Northwest corner of said subdivision; thence East a distance of 5.00 feet to the true point of beginning of this easement centerline description; thence North  $59^{\circ}51'00''$  East a distance of 259.50 feet; thence North  $88^{\circ}43'48''$  East, parallel with and 10 feet North of the North line of said subdivision, a distance of 94.09 feet to a point which is 341 feet West and 10 feet North of the Northeast corner of said subdivision.

J. Agreement regarding easements and restrictions between ABC-Pacific Corporation and Pay 'N Save Corporation dated July 24, 1972 and recorded December 7, 1972 under Auditor's File No. 777911.

K. RIGHT OF WAY CONTRACT:

Grantor: ABC-Pacific Corporation, a Washington corporation  
Grantee: Cascade Natural Gas Corporation  
Dated: March 9, 1973  
Recorded: April 3, 1973  
Auditor's No.: 782911  
(Affects portion of Tract "A", Short Plat MV-11-79 & easement portion)





L. EASEMENT, INCLUDING TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company  
Purpose: Underground electric system  
Area Affected: Portion of Tract "A", Short Plat MV-11-79  
Dated: August 23, 1973  
Recorded: September 27, 1973  
Auditor's No.: 791457

M. Agreement concerning common area dated June 25, 1973, recorded July 5, 1973 under Auditor's File No. 787571, between Island Savings and Loan Association of Oak Harbor and ABC-Pacific Corporation, a Washington Corporation.(Affects Tract "C" Short Plat MV-11-79)

N. Agreement concerning common area dated September 1, 1973, recorded October 3, 1973 under Auditor's File No. 791653, between Island Savings and Loan Association of Oak Harbor and ABC-Pacific Corporation, a Washington corporation.(Affects Tract C, Short Plat MV-11-79).

O. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: The purpose of installing, constructing, operating, maintaining, removing, repairing, replacing and using a storm drain line together with the right of ingress to and egress from said described property for the foregoing purposes  
In Favor Of: Union Oil Company of California  
Recorded: June 21, 1976  
Auditor's No.: 837329  
Affects: 10 foot by 40 foot strip in portion of Tract A, Short Plat MV-11-79

P. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Drainage purpose  
In Favor Of: Foodmaker, Inc.  
Recorded: July 23, 1976  
Auditor's No.: 839682  
Affects: 8 foot strip in portion of Tract "A", Short Plat MV-11-79

Q. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Union Oil Company of California, a corporation  
For: Ingress and egress only with parking prohibited thereon  
Area Affected: The West 20 feet of the East 246.30 feet of the North 230 feet of the Northwest ¼ of the Northeast ¼ of the Southeast ¼ EXCEPT the North 40 feet thereof  
Recorded: October 20, 1972  
Auditor's File No.: 775661.



R. NON-EXCLUSIVE EASEMENTS AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Ingress and egress and parking spaces  
In Favor Of: Island Savings & Loan Association and Skagit State Bank  
Recorded: June 13, 1973, July 5, 1973 and September 24, 1973  
Auditor's No.: 786423, 787570 and 791256  
Affects: Portions of Tract C, Short Plat No. MV-11-79.

S. Notes contained on the face of said Short Plat No. MV-11-79, as follows:

- 1.) Short Plat Number and date of approval shall be included in all Deeds and Contracts.
- 2.) Sewage Disposal by Mount Vernon City Sewer.
- 3.) Water by Skagit County Public Utility District No. 1.
- 4.) An easement is hereby reserved for and granted to the Puget Sound Power and Light company, the Continental Telephone Company of the Northwest, the Cascade Natural Gas Corporation, the Public Utility District No. 1 of Skagit County, and Nationwide Cablevision, Inc., and their respective successors and assigns, under and upon the exterior seven (7) feet of the front boundary lines of Parcels "A", "B-1", "B-2", and "C" abutting bath College Way and Riverside Drive and as shown hereon, in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines, fixtures and appurtenances attached thereto, for the purpose of providing utility services to the Short Plat and other property, together with the right to enter upon the tracts at all times for the purposes stated, with the understanding that only grantee shall be responsible for all necessary damage it courses to only real property owner in the Short Plat by the exercise of rights and privileges herein granted.
- 5.) The Charge in Lieu of Assessments for each lot in this subdivision shall be \$ -0-. (This charge includes a credit of \$ -0- for installed sewer lines.) A Standard Participation Contract must be executed and the said amount paid prior to the issuance of a sewer permit.

T. Relinquishment of right of access to state highway and of light, view and air, under terms of deed to the State of Washington, recorded September 16, 1964, under Auditor's File No. 506543.  
(Affects Parcel "B" Only)

U. Condemnation of access to State Highway No. 1-5 and of light, view and air.

Decree To: State of Washington  
Entered: October 11, 1974  
Skagit County Superior  
Cause No.: SC 34107  
(Affects Parcel "B" Only)



V. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: A right of way 10 feet in width having 5 feet of such width on each side of a centerline described as follows: Commencing at the point of beginning of that certain easement recorded under Auditor's File No. 791457, Volume 129, page 351, records of Skagit County, Washington; thence South 12°22'00" West, 425.98 feet along an existing underground power line on the above mentioned easement to the true point of beginning; thence following the approximate bearings and distances; South 56°28'51" West 79.22 feet; South 11°28'51" West, 220.41 feet; South 11°01'09" East, 130.35 feet to its terminus which is an existing transformer on the above described easement.  
Recorded: August 15, 1991  
Auditor's No.: 9108150130

W. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: A right of way 20 feet in width having 10 feet of such width on each side of a centerline described as follows: Beginning at a point on the North line of the above described property (said North line being the South margin of College Way, SR-538) that is 55 feet East of the Northwest corner thereof; thence Southerly 60 feet to its terminus  
Dated: August 28, 1992  
Recorded: September 3, 1992  
Auditor's No.: 9209030104

X. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: State of Washington  
Purpose: Highway purposes  
Area Affected: Strip of land 7 feet in width  
Dated: August 26, 1947  
Recorded: October 25, 1947  
Auditor's No.: 410370  
(Affects Parcel "C")



Y. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: City of Mount Vernon  
Purpose: Sewer line  
Dated: March 20, 1959  
Recorded: June 30, 1959  
Auditor's No.: 582576  
(Affects Parcel "C")

Z. RIGHT OF WAY CONTRACT, INCLUDING TERMS AND CONDITIONS THEREOF:

Grantor: Bud Buckner et al  
Grantee: Cascade Natural Gas Corporation  
Dated: December 15, 1969  
Recorded: December 18, 1969  
Auditor's No.: 734188  
(Affects Parcel "C")

AA. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power and Light Company, a Washington Corporation  
Purpose: The right to construct, operate, maintain, repair, replace and enlarge an underground electric transmission and/or distribution system  
Area Affected: A right-of-way 20 feet in width having 10 feet of such width on each side of a centerline described as follows: Being located as constructed or to be constructed on Parcel "C", more particularly described as follows: Beginning at a point on the most Northerly line of the above described property that is approximately 10 feet West of the most Northerly Northeast corner thereof; thence following these approximate bearings and distances: Southerly, 170 feet; Westerly, 166 feet to a point on the most Westerly line of the above described property and the terminus.  
Dated: February 2, 1993  
Recorded: February 5, 1993  
Auditor's No.: 9302050142  
(Affects Parcel "C")



BB. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: City of Mount Vernon, Washington  
Purpose: The right to lay, maintain, operate, relay and remove at any time a sewer pipe or pipes, line or lines for the transportation of sewage, and if necessary to erect, maintain, operate and remove said lines, with right of ingress and egress to and from the same  
Area Affected: Portion of Tract 4  
Recorded: June 26, 1958  
Auditor's No.: 567025

CC. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Barnett Investment Company, Inc., a Washington Corporation  
Purpose: Repairing, maintaining, replacing or improving a wall  
Area Affected: 55 feet of East 300 feet of Lot 7  
Dated: February 1, 1966  
Recorded: February 21, 1966  
Auditor's No.: 679044

DD. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Cascade Natural Gas Corporation, a Washington Corporation  
Purpose: The right to construct, install, operate, maintain, protect, improve, repair, and abandon in place a natural gas pipeline or pipelines  
Area Affected: Ten feet in width, North line of which is 5 feet North of centerline of existing 2" natural gas pipeline, and South line of which is 5 feet South the of centerline of existing 2" natural gas pipeline  
Dated: June 28, 1993  
Recorded: July 19, 1993  
Auditor's No.: 9307190086

EE. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Puget Sound Power & Light Company, a Washington Corporation  
Purpose: The right to construct, install, operate, maintain, protect, improve, repair, replace and enlarge an underground electric transmission and/or distribution system

EE. (Continued):

**Area Affected:** A right-of-way 10 feet in width having 5 feet of such width on each side of a centerline described as follows: Beginning at the most Northerly Northeast corner of Lot 7; thence South 0°40'30" West along the East property line 80 feet to the Point of Beginning; thence South 88°43'58" West, 80 feet to the terminus

**Recorded:** August 5, 1993  
**Auditor's No.:** 9308050088

**FF. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**Grantee:** Cascade Natural Gas Corporation, a Washington corporation  
**Purpose:** The right to construct, install, operate, maintain, protect, improve, repair, and abandon in place a natural gas pipeline or pipelines

**Area Affected:** 10 feet in width, per mutual agreement of Grantor and Grantee herein over portion of Tract A, Short Plat No. MV-11-79.

**Dated:** June 25, 1995  
**Recorded:** July 6, 1995  
**Auditor's No.:** 9507060054

Note: Said instruments supercedes instrument under Auditor's File No. 9307190086

**GG. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:**

**Grantee:** City of Mount Vernon, Washington  
**Purpose:** To construct, operate, maintain, repair, replace and enlarge an underground sanitary sewer line

**Area Affected:** A right of way 20 feet in width for the full length of Grantor's West property line and more particularly describe on Exhibit "A" & "A-1", attached thereto.

**Dated:** July 16, 1993  
**Recorded:** July 16, 1993  
**Auditor's No.:** 9307160070

**HH. EASEMENT AS DISCLOSED BY COVENANT FOR MAINTENANCE OF LANDSCAPING ADJACENT TO ROOSEVELT AVENUE AND THE TERMS AND CONDITIONS THEREOF**

**Grantee:** Hollander Investments  
**Grantors:** Skagit Mall 90 Associates and Pacific Northwest Properties  
**Dated:** July 18, 1995  
**Recorded:** September 15, 1995  
**Auditor's No.:** 9509150047  
**Affects:** A portion of said premises adjacent to Roosevelt Avenue



II. Easements, restrictions, provisions and matters delineated and/or disclosed by Skagit Valley Square Binding Site Plan No. MV-1-93 BSP recorded September 30, 1993, under Auditor's File No. 9309300143.

JJ. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Purpose: Parking, walkways, utilities, and common area useage  
Area Affected: Portions of said premises  
Dated: July 31, 1972  
Recorded: November 6, 1972  
Auditor's No.: 776418

Note: Upon receipt of a properly executed Sellers' Affidavit, the above item will be removed.

KK. EASEMENT AND THE TERMS AND CONDITIONS THEREOF:

Grantee: Public Utility District No. 1 of Skagit County, Washington, a Municipal Corporation, its successors or assigns  
Purpose: The right to lay, maintain, operate, relay and remove at any time a pipe or pipes, line or lines for the transportation of water, and if necessary to erect, maintain, operate and remove said lines, with right of ingress and egress to and from.  
Area Affected: A portion of said premises. See instrument for full particulars.  
Dated: July 11, 1962  
Recorded: July 30, 1962  
Auditor's No.: 624442

