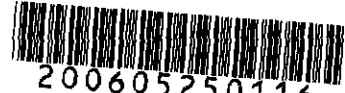


RETURN ORIGINAL DOCUMENT TO:
LANDMARK BUILDING & DEVELOPMENT, INC.
638 Sunset Park Drive, Suite 215
Sedro-Woolley, WA 98284



200605250116
Skagit County Auditor

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FIRST AMERICAN TITLE CO.

M8815-2

ACCOMMODATION RECORDING ONLY

DECLARATION OF COVENANT

LANDMARK BUILDING AND DEVELOPMENT, INC., Grantor, a Washington Corporation, by its authorized agent, owner in fee simple of the land described below does declare this covenant for the benefit of ELK HAVEN WATER SYSTEM ASSOCIATION, present and future owners of Lots 6 through 12 inclusive and Lots 34 and 35 ELK HAVEN ESTATES SUBDIVISION recorded on the 6th day of August, 2002 under Skagit County Auditor's File No. 200208060083.

The Grantor owns and operates a well and waterworks supplying water for public use known as ELK HAVEN GROUP B WATER SYSTEM, Skagit County, Washington more particularly described in a Water System Report dated October 12, 2005 prepared by Carl Garrison, P.E. which incorporates by reference site plan and water service area map. The water source for the Elk Haven Water System Association is located on Lot 7 Elk Haven Estates in the northeasterly portion of said lot and the Grantor is required to keep the water supplied from said well free from impurities which might be injurious to the public health. Grantor, further intends that there be a reserve well located on Lot 9 tag #AGO223 for the benefit of the same Group B water system and subject to the same requirements for keeping the water supplied from said well free from impurities which might be injurious to the public health in the event that the reserved well is substituted for the primary well described above.


It is the purpose of this Declaration of Covenant and Grant of an Interest to Elk Haven Water System Association to prevent certain practices hereinafter enumerated for the protection of the Grantor's water supply and the water supply of Elk Haven Water System Association.

Now therefore Grantor agrees and covenants that the Grantor, its successors and assigns will not construct, maintain, or allow to be constructed or maintained upon a circle lying within said Lot 7, the center of which is the well head tag #AEP364 and Lot 9 tag #AGO223 any potential source of contamination, such as septic tanks and drain fields, sewer lines, underground storage tanks, road, railroad tracks, vehicle storage, structures, barns, feed stations, grazing animals, enclosures for maintaining fowl or animal manure, liquid or dry chemical storage, herbicides, insecticides, hazard waste or garbage of any kind or description

within 100 feet of the well herein described, so long as the same is operated to furnish water for public consumption.

These covenants shall run with the land and shall be binding upon all parties having or acquiring any right, title or interest in the land within the 100 feet radius measured from the well heads on Lots 7 and 9, including a portion of Lot 8 and Lot 10 within Elk Haven Estates and these covenants shall inure to the benefit of each owner within the Elk Haven Water System Association service area, their successors and assigns, in perpetuity.

LANDMARK BUILDING AND DEVELOPMENT, INC., Grantor

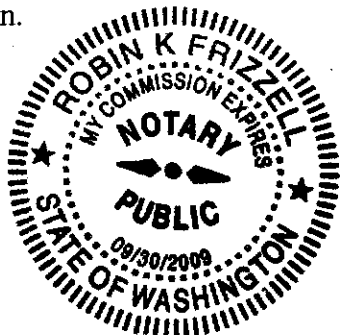
By:  VP

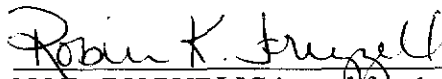
 ROGER KORTHUIS,
 Vice President and Authorized Agent

STATE OF WASHINGTON)
)ss.
 COUNTY OF SKAGIT)

On this 23rd day of May, 2006, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared ROGER KORTHUIS, to me known to be the Vice President and Authorized Agent, of LANDMARK BUILDING AND DEVELOPMENT, INC, the Washington 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 they are 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 affixed the day and year first above written.





 NOTARY PUBLIC in and for the State
 of Washington, residing at Sedro Woolley, wa
 My commission expires: 9-30-2009.

