

FILED AT REQUEST OF:

Name: _____

Address: _____

City, State, Zip _____



200608140224
Skagit County Auditor

8/14/2006 Page 1 of 14 3:47PM

LAND TITLE OF SKAGIT COUNTY

Grantor/Grantee. Commonwealth Limited Partnership I; HomePlace at Burlington, LLC, and Skagit Adult Day Care, a non-profit corporation
Abbrev. Leg. Ptn of Lots 2, 3, 4, and 5, Blk 136, FIRST ADDITION TO BURLINGTON, Vol 3, p.11
Tax Parcel Nos. 4077-136-005-00007/P72266; 4077-136-005-0100/P10948; 4077-136-003-0009/P72263; 4077-136-002-0000/P72259; 4077-136-003-0108/P72264
Doc. Ref No. 9610240056, 9610240057, 9608220069, 200302060063

**DECLARATION OF EASEMENTS,
WITH PROVISIONS FOR MAINTENANCE**

This declaration of restrictions, covenants and easements for parking, ingress, egress, sidewalks, storm drains, encroachments and side yard easements is made this 11th day of August 2006, by Commonwealth Limited Partnership I, a Washington limited partnership, hereafter referred to as "Commonwealth," HomePlace at Burlington, L.L.C., a Washington limited liability company, hereafter referred to as "HomePlace," and Skagit Adult Day Care, a Washington non-profit corporation, hereafter referred to as "SADC."

RECITALS

Commonwealth is owner of real property located in Skagit County, Washington, and fully described as "Parcel A" on EXHIBIT I, attached hereto and incorporated herein by this reference, hereafter referred to as the "Commonwealth property."

HomePlace is owner of real property located in Skagit County, Washington, and fully described as "Parcels B, C and D" on EXHIBIT I, attached hereto and incorporated herein by this reference, hereafter referred to as the "HomePlace property."

SADC is owner of real property located in Skagit County, Washington, and fully described as "Parcel E" on EXHIBIT I, attached hereto and incorporated herein by this reference, hereafter referred to as the "SADC property."

The parties to this instrument intend to create certain easements for parking, ingress, egress, sidewalks, storm drains, encroachments and side yard easements, for the reciprocal benefit and burden of their respective properties. With respect to the following easement grants, each of the parties grants the easement in that portion of the property owned by the party and receives an easement in that portion of the property owned by the other party or parties.

Reference to the location of the easements shall be "as built" and as shown on the illustration attached as Exhibit II. The parties hereto agree and covenant that if any of the parties wishes to have the easements definitely located and described by survey, that party shall pay the cost of said survey. Following the recordation of said survey the parties agree to execute an amendment to this declaration to incorporate the surveyed descriptions of the easements. For the purposes of this declaration, the parties agree that they are familiar with and agree as to the location of the easement areas and that reference to the attached illustration is sufficient.

Except as provided below, it is not intended to amend or replace the Declaration of Covenants and Easements recorded under AFN 200302060063.

EASEMENTS

THEREFORE, Commonwealth Limited Partnership I, a Washington limited partnership, HomePlace at Burlington, L.L.C., a Washington limited liability company, and Skagit Adult Day Care, a Washington non-profit corporation, hereby declare, grant and convey the following easements to themselves and the present and future owners of the property described on EXHIBIT I, attached hereto, and agree to be bound by the following covenants.

1. Parking.

- a. An exclusive easement is declared and granted for the benefit of Parcel B for the use of the parking spaces numbered 1 through 6 on the attached EXHIBIT II.
- b. An exclusive easement is declared and granted for the benefit of Parcel A for the use of the parking spaces numbered 22 through 25 on the attached EXHIBIT II.
- c. An exclusive easement is declared and granted for the benefit of Parcel C for the use of the parking spaces numbered 34 and 35 on the attached EXHIBIT II.
- d. An exclusive easement is declared and granted for the benefit of Parcel E for the use of the parking spaces numbered 41 and 42 on the attached EXHIBIT II.
- e. An exclusive easement is declared and granted for the benefit of Parcel D for the use of the parking space numbered 47 on the attached EXHIBIT II.
- f. A nonexclusive easement is declared and granted for the benefit of Parcels A, B, C, and D for the use of parking spaces numbered 7 through 21 on the attached EXHIBIT II.
- g. A nonexclusive easement is declared and granted for the benefit of all properties described on EXHIBIT I for the use of the remaining parking spaces.
- h. MODIFICATION OF EARLIER EASEMENT. Documents recorded under AFNs 9610240056, 9610240057, and 9608220069, reference reciprocal nonexclusive



easements for Parcels A and B for 20 parking spaces. However, the development, as constructed has only 14 spaces. Accordingly, those earlier easement grants and agreements are modified as necessary to provide for nonexclusive use of 14 parking spaces located on Parcel A.

2. Ingress, Egress, including Driveway and Sidewalks. I

a. A nonexclusive easement is declared and granted for ingress and egress over those portions of the illustrated driveways shown on Parcels A, B, C, D, and E, as depicted on EXHIBIT II.

b. A nonexclusive easement is declared and granted for pedestrian access over the sidewalks on Parcels B, C, D, and E, as depicted on EXHIBIT II. This particular declaration and grant is not intended to revoke or terminate any sidewalk easements previously granted.

c. An easement is declared and granted for the benefit of Parcel B for use of the access to the building located on Parcel B, a portion of which access, including stairwell, is located on Parcel A, as shown on EXHIBIT II.

d. An easement is declared and granted for the benefit of Parcel C for pedestrian access to the building located on Parcel C, a portion of which access is located on Parcel B, as shown on EXHIBIT II.

e. An easement is declared and granted for the benefit of Parcels B and D for pedestrian access over and across the sidewalk across Parcel C, as shown on EXHIBIT II.

f. An easement is declared and granted for the benefit of Parcel B and C for pedestrian access located near the northeast corner of Parcel C, as shown on EXHIBIT II.

3. Storm Drain. An easement is granted for storm drainage for the drainage system now existing and as depicted on EXHIBIT II. The easement area shall be ten feet either side of center line of the drainage system as shown on the attached illustration (Exhibit II), provided that if it is later learned that the as-built existing system differs from the illustration, then the easement area shall be ten feet each side of the center line of the existing drainage system as-built.

4. Dumpster pad. An exclusive easement is granted for the benefit of Parcel A for the use of the dumpster and dumpster pad located partially on Parcels A and B, as shown on EXHIBIT II.

5. Encroachments. The following easements for existing building and other improvement encroachments, as they currently exist, are granted to permit the continued use and occupation of such improvements as they now exist, following the discovery of the encroachments by recent survey.

a. An easement is declared and granted for the benefit of Parcel C for that portion of the roof and any other portions of the Parcel C building and porch encroaching across the south line of Parcel B.

b. An easement is declared and granted for the benefit of Parcel E for that portion of the roof and any other portions of the Parcel E building, and also for the gas meter, or other utilities serving the Parcel E building, that are encroaching across the north line of



Parcel D.

c. Sideyard/setback easements. To the extent possible, an easement is declared and granted by all parties for all parcels, for side yard and/or set back requirement, necessary in order to comply with setback requirements of the City of Burlington, or other applicable government regulations. No guarantee or warranty is intended by this grant that it is possible to meet building separation requirements, but instead the parties, grant an easement to comply as much as possible with any such requirements as they apply to the buildings and other improvements, as constructed and existing at this time.

MAINTENANCE

The maintenance costs of the above referenced easements that are jointly used, meaning the driveway, drainage, parking, and sidewalk easements that are shared, shall be paid as follows: Parcel A owners, 20%, Parcel B and D owners, 70%, Parcel C owners 10%.

COVENANTS AND EASEMENTS TO RUN WITH THE LAND

The easements and covenants contained herein shall run with lands described herein and shall extend to and be binding on the successors, and assigns of the owners of said lands.

In the event of dispute or action regarding enforcement of the provisions of this agreement, the prevailing party shall be entitled to recover its costs, including a reasonable attorney's fee, whether or not suit is brought.

SIGNATURES AND ACKNOWLEDGMENTS ON PAGES 5-7

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

AUG 14 2006

Amount Paid \$
Skagit Co. Treasurer
By Deputy



200608140224

Skagit County Auditor

Homeplace at Burlington, LLC, by:

[Signature] [Signature]
Kendall Gentry, Member Nancy Gentry Member

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

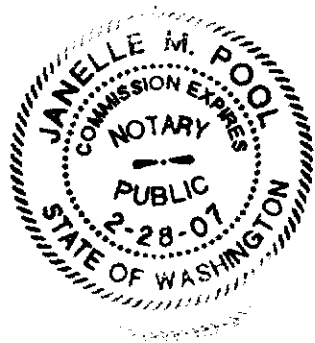
I certify that I know or have satisfactory evidence that Kendall Gentry and Nancy Gentry are the persons who appeared before me, and said persons acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as members of HomePlace at Burlington, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Witness my hand and official seal hereto affixed this 11th day of August, 2006

Janelle M. Pool
Typed/Printed Notary Name Janelle M. Pool

Notary Public in and for the State of Washington, residing at Sedro-Woolley

My appointment expires 02/28/07



200608140224

Skagit County Auditor

Skagit Adult Day Care, by:

JAMES B MEYER
PRESIDENT

WINIFRED BRADFORD,
TREASURER

James Meyer

Winifred Bradford

I certify that I know or have satisfactory evidence that James Meyer Winifred Bradford is/are the persons who appeared before me, and said persons acknowledged that he/she/they signed this instrument, on oath stated that he/she/they were authorized to execute the instrument and acknowledged it as President and Treasurer of Skagit Adult Day Care, a Washington nonprofit corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

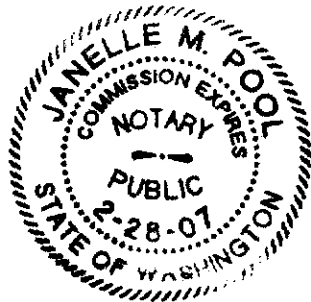
Witness my hand and official seal hereto affixed this 11th day of August, 2006

Janelle M. Pool

Typed/Printed Notary Name Janelle M. Pool

Notary Public in and for the State of Washington, residing at Sedro-Woolley

My appointment expires 02/28/07



**EXHIBIT I
Description**

Parcel A

Commonwealth property, Parcel 72266

Lots 4 And 5, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington.

EXCEPT the West 240.0 feet thereof;

AND EXCEPT the East 20.0 feet of the West 260.0 feet of the North 60.0 feet of said Lot 5;

TOGETHER WITH a non-exclusive easement for ingress, egress, parking and utilities over, under and across portions of said Lots 4 and 5, more particularly described as follows:

Beginning at the Southwest corner of said Lot 4, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.,";

thence South 88°26'32" East 248.00 feet along the South line of said Lot 4, Block 136;

thence North 1°45'43" East 87.84 feet, parallel with the West line of said Lot 4, Block 136;

thence North 51°59'49" East 12.82 feet;

thence South 88°26'32" East 115.54 feet to a point 25.00 feet West of the East line of said Lots 4 and 5, Block 136;

thence South 1°43'54" West 96.00 feet parallel with said East line of Lots 4 and 5, Block 136, to the South line of said Lot 4, Block 136;

thence South 88°26'32" East 25.00 feet along said South line of Lot 4, Block 136, to the Southeast corner thereof;

thence North 1°43'54" East 180.00 feet along the East line of said Lots 4 and 5, Block 136, to the Northeast corner of said Lot 5, Block 136;

thence North 88°26'32" West 138.36 feet along the North line of said Lot 5, Block 136, to the Northeast corner of the East 20.00 feet of the West 260.00 feet of said Lot 5, Block 136;

thence South 1°45'43" West 51.00 feet along said East line;

thence South 51°59'49" West 45.53 feet;

thence North 88°26'32" West 25.00 feet;

thence South 1°45'43" West 61.00 feet;

thence North 88°26'32" West 110.00 feet;

thence North 1°45'43" East 6.00 feet;

thence North 88°26'32" West 90.00 feet to the West line of said Lot 4, Block 136;

thence South 1°45'43" West 45.00 feet along said West line of Lot 4, Block 136, to the point of beginning.

ALSO TOGETHER WITH a non-exclusive parking easement as reserved by instrument recorded August 22, 1996, under Auditor's File No. 9608220069.

Situate in the City of Burlington, County of Skagit, State of Washington.



Exhibit I, continued:

Parcel B

HomePlace property, Parcel 109418

The West 240.00 feet of Lots 4 and 5, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington. (Also shown as Parcel B of Survey recorded December 4, 1992 in Volume 13 of Surveys, page 147, under Auditor's File No. 9212040024, records of Skagit County, Washington).

TOGETHER WITH the East 20 feet of the West 260 feet of the North 60 feet of Lot 5, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington; being a Northwesterly portion of Parcel "A" of Survey recorded December 4, 1992 in Volume 13 of Surveys, page 147, under Auditor's File No. 9212040024. A non-exclusive easement for ingress, egress and utilities is reserved over, across and under any future "as built" driveway or utilities over said 20 feet by 60 feet parcel. Said easement to benefit said Parcel "A".

AND ALSO TOGETHER WITH a non-exclusive mutually beneficial easement for ingress, egress and utilities over, under and across the South 30.00 feet of the West 240.00 feet of said Lot 4, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," said easement to be relinquished in favor of a 30.00 foot wide easement being 15.00 feet on either side of the as-built centerline of the proposed new curvilinear driveway from Skagit Street to the West line of Parcel "A" of said Survey.

Situate in the City of Burlington, County of Skagit, State of Washington.



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Exhibit I, continued

Parcel C

HomePlace property, Parcel 72263

That portion of Lots 2 and 3, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of Lot 3 of said Block 136;
thence East along the North line of said Lot 3, a distance of 223 feet to the Northwest corner of a tract conveyed to L.J. Sommer by Deed recorded December 9, 1946, under Auditor's File No. 398847;
thence South along the West line of said Sommer tract to the South line of said Lot 3, said point being the Northeast corner of a tract conveyed to Belle Brindle by Deed recorded March 5, 1946, under Auditor's File No. 389077;
thence West along the South line of said Lot 3 and the North line of said Brindle tract, a distance of 78 feet to the Northwest corner of said Brindle tract and the TRUE POINT OF BEGINNING;
thence South along the West line of said Brindle tract a distance of 10 feet to the Northeast corner of a tract conveyed to Henry G. Reinert, by Deed recorded September 9, 1946, under Auditor's File No. 395792;
thence West along the North line of said Reinert tract, a distance of 25 feet to the Southeast corner of a tract conveyed to said Henry Reinert by Deed recorded March 28, 1949, under Auditor's File No. 429473, said point being 120 feet East of the West line of Lot 2 of said Block 136;
thence North along the East line of the second referred to Reinert tract and said tract extended North to the Southeast corner of a tract conveyed to William S. Rabenstein by deed recorded September 22, 1947, under Auditor's File No. 409032;
Thence West along the South line of said Rabenstein tract a distance of 120 feet to the West line of said Lot 3, said point being the Southwest corner of said Rabenstein tract;
thence North along the West line of said Lot 3 to the POINT OF BEGINNING;

EXCEPT THEREFROM the following described tract:

Beginning at the Northwest corner of Lot 3 of said Block 136;
thence East along the North line of said Lot 3, a distance of 223 feet to the Northwest corner of a tract conveyed to L.J. Sommer by Deed recorded December 9, 1946, under Auditor's File No. 398847;
thence South along the West line of said Sommer tract to the South line of said Lot 3, said point being the Northeast corner of a tract conveyed to Belle Brindle by Deed recorded March 5, 1946, under Auditor's File No. 389077;
thence West along the South line of said Lot 3 and the North line of said Brindle tract, a



Exhibit I, Parcel C, continued:

distance of 78 feet to the Northwest corner of said Brindle tract and the TRUE POINT OF BEGINNING;

thence South along the West line of said Brendle tract a distance of 10 feet to the Northeast corner of a tract conveyed to Henry G. Reinert, by Deed recorded September 9, 1946, under Auditor's File No. 395792;

thence West along the North line of said Reinert tract, a distance of 25 feet to the Southeast corner of a tract conveyed to said Henry Reinert by Deed recorded March 28, 1949, under Auditor's File No. 429473, said point being 120 feet East of the West line of Lot 2 of said Block 136;

thence North along the East line of the second referred to Reinert tract to the North line of said Lot 2;

Situate in the City of Burlington, County of Skagit, State of Washington.



Exhibit I, continued:

Parcel D

HomePlace property, P-72259 and P72260 - After boundary adjustment

The West 145 feet of the South 60 feet of the North 70 feet of Lot 2, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington.

TOGETHER WITH the North 10 feet of the West 120 feet of Lot 2, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington.

ALSO TOGETHER WITH that portion of Lot 2, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington, described as follows:

Beginning at the Northwest corner of Lot 3 of said Block 136;
thence East along the North line of said Lot 3, a distance of 223 feet to the Northwest corner of a tract conveyed to L.J. Sommer by Deed recorded December 9, 1946, under Auditor's File No. 398847;
thence South along the West line of said Sommer tract to the South line of said Lot 3, said point being the Northeast corner of a tract conveyed to Belle Brindle by Deed recorded March 5, 1946, under Auditor's File No. 389077;
thence West along the South line of said Lot 3 and the North line of said Brindle tract, a distance of 78 feet to the Northwest corner of said Brindle tract and the TRUE POINT OF BEGINNING;
thence South along the West line of said Brindle tract a distance of 10 feet to the Northeast corner of a tract conveyed to Henry G. Reinert, by Deed recorded September 9, 1946, under Auditor's File No. 395792;
thence West along the North line of said Reinert tract, a distance of 25 feet to the Southeast corner of a tract conveyed to said Henry Reinert by Deed recorded March 28, 1949, under Auditor's File No. 429473, said point being 120 feet East of the West line of Lot 2 of said Block 136;
thence North along the East line of the second referred to Reinert tract to the North line of said Lot 2;
thence Easterly along said North line to the TRUE POINT OF BEGINNING.

Situate in the City of Burlington, County of Skagit, State of Washington.



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Exhibit I, continued:

Parcel E

SADC property, Parcel 72264

The Wst 120 feet of Lot 3, Block 136, "FIRST ADDITION TO BURLINGTON, SKAGIT CO., WASH.," as per plat recorded in Volume 3 of Plats, page 11, records of Skagit County, Washington, EXCEPT the North 45 feet thereof.

Situate in the City of Burlington, County of Skagit, State of Washington.

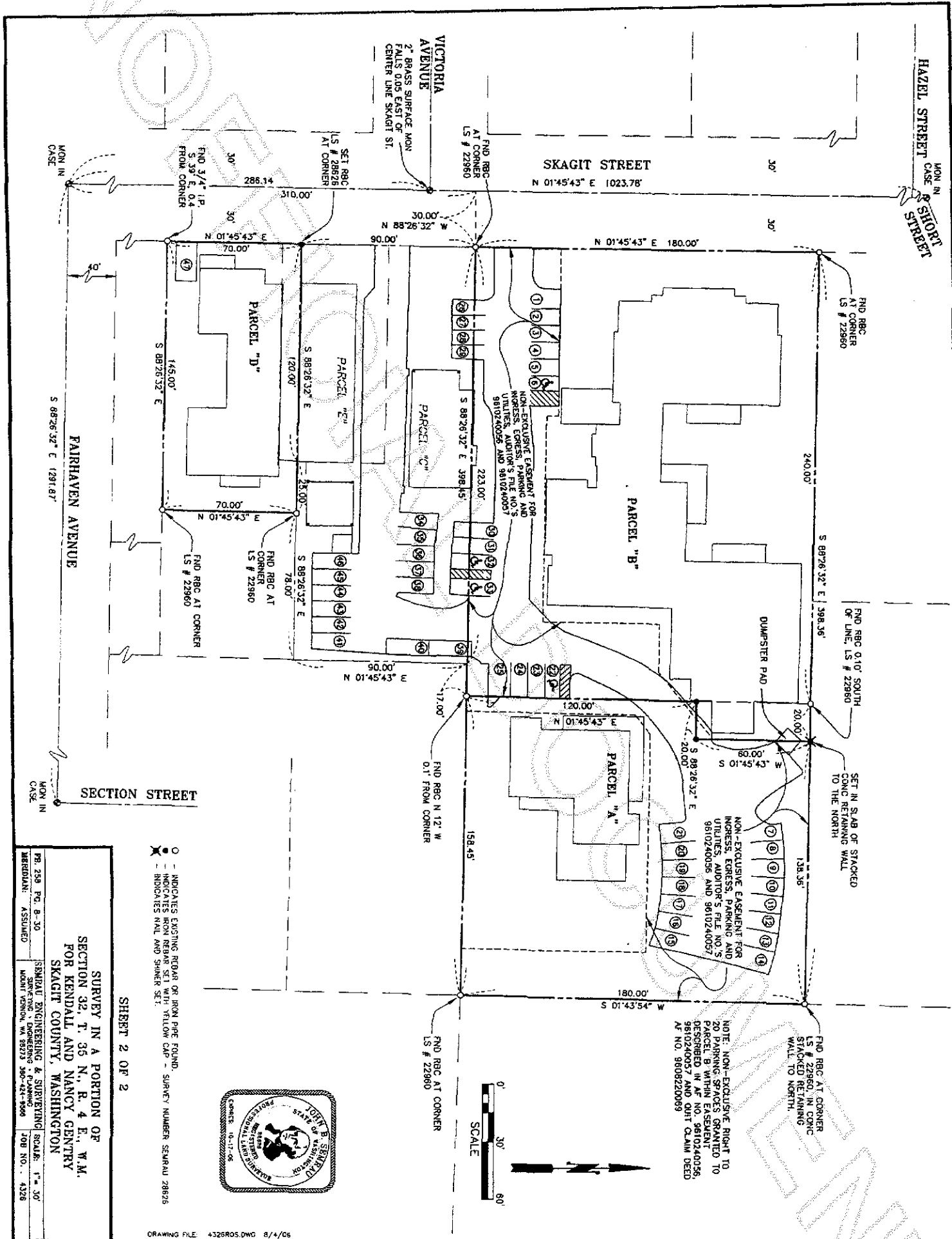


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EXHIBIT II
Illustration



SECTION 32, T. 35 N., R. 4 E., W. 1 M.
FOR KENDALL AND NANCY GENTRY
SKAGIT COUNTY, WASHINGTON

SURVEY IN A PORTION OF
SECTION 32, T. 35 N., R. 4 E., W. 1 M.
FOR KENDALL AND NANCY GENTRY
SKAGIT COUNTY, WASHINGTON

ISMAIUA ENGINEERING & SURVEYING
SURVEYING, ENGINEERING & PLANNING
18001 VERNON, WA 98273 360-424-9500

FB-259 PG. B-30
BEREADIAN ASSURED
108 NO. 4328

SHEET 2 OF 2

CRAWLING FILE: 4326R05.DWG 8/4/06

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Skagit County Auditor