

When recorded return to:

Anthony J. Delagarza  
P.O. Box 20578  
Seattle, WA 98102-1578

Recorded at the request of:  
First American Title  
File Number: 89914



200706080148  
Skagit County Auditor

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### Statutory Warranty Deed

THE GRANTORS Thomas R. Derleth and Carol E. Derleth, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Anthony J. Delagarza, an unmarried man the following described real estate, situated in the County of Skagit, State of Washington

FIRST AMERICAN TITLE CO.

89914E-1

Abbreviated Legal:

Lot 44, Block A, "CAPE HORN ON THE SKAGIT, DIVISION NO. 1"

Tax Parcel Number(s): P62897, 3868-001-044-0001

Lot 44, Block A, "CAPE HORN ON THE SKAGIT, DIVISION NO. 1", as per plat recorded in Volume 8 of Plats, pages 92 through 97, inclusive, records of Skagit County, Washington.

Subject to covenants, conditions, restrictions and easements, if any, as per attached Exhibit "A"

Dated 6-5-07

Thomas R. Derleth  
Thomas R. Derleth

Carol E. Derleth  
Carol E. Derleth

2692  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUN 08 2007

STATE OF Washington  
COUNTY OF Skagit

SS:

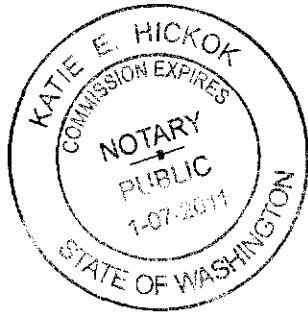
Amount Paid \$ 3636.20  
By man Skagit Co. Treasurer Deputy

I certify that I know or have satisfactory evidence that Thomas R. Derleth and Carol E. Derleth, 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: 6-5-07

Katie Hickok

Notary Public in and for the State of Washington  
Residing at Mt Vernon  
My appointment expires: 1-7-11



**Schedule "B-1"**

**EXCEPTIONS:**

A. Restrictions and Conditions contained in the Plat, reading substantially as follows:

"The Platters do hereby declare this plat and dedicate to the public forever all roads and ways and that 40 foot easement along the river shown hereon with the right to make all necessary slopes for cuts and fills, and the right to continue to drain said roads and ways over and across any lot or lots, where water might take a natural course, in the original reasonable grading of the roads and ways shown hereon, following original reasonable grading of the roads and ways hereon, no drainage waters on any lot or lots shall be diverted or blocked from their natural course so as to discharge upon any public road right-of-way or to hamper proper road drainage. Any enclosing of drainage waters in culverts or drains or rerouting thereof across any lot as may be undertaken by or for the owner of any lot, shall be done by and at the expense of such owner."

B. A condition on the face of the plat as follows:

"Skagit County shall not be responsible for any flood control improvements."

C. Conditions and restrictions contained in an instrument, filed July 13, 1965, as Auditor's File No. 668869 reading as follows:

"1. Lot owners to be advised that those areas indicated on the plat as being below elevation 140.0 feet, are subject to infrequent periodic inundation and buildings constructed therein should maintain a floor elevation above 140.0 feet.

2. The exterior of all buildings to have a completed appearance within one year from date of starting.

3. Lot owners shall be responsible for placing wells and septic tank drainfields in accordance with the master plan as on file with the cape horn maintenance company. A minimum of 100 feet shall be maintained between all drainfields and wells. All work to be in accordance with Skagit County regulations.

4. All lots shall be subject to the articles and by-laws of the Cape Horn Maintenance Company."

Amendment to by-laws was recorded January 16, 2003 under auditor's file no. 200301160063.

D. EASEMENT, INCLUDING TERMS & PROVISIONS THEREOF:

|                |   |
|----------------|---|
| Grantee:       | Puget Sound Power & Light Company, A Corporation                                |
| Purpose:       | Transmission line with appurtenances  |
| Dated:         | July 7, 1965  |
| Recorded:      | August 17, 1965   |
| Auditor's No.: | 670429  |
| Affects:       | As constructed and extended in the future at the consent of grantee and grantor |



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E. Restrictions on other lots in said plat imposed by various instruments of record which may be notice of a general plan as follows:

"Grantees covenant and agree that the above described real estate shall be subject to the charges and assessments as provided for in and for the purposes set forth in the articles of incorporation and the by-laws of the Cape Horn Maintenance Co., a nonprofit, non-stock Washington corporation and that said corporation shall have a valid first lien against the above described real estate for said charges and assessments; and, in addition to the remedies set forth in said articles of incorporation and by-laws, that if said charges and assessments levied by said corporation shall not be paid within four (4) months after they shall become due and payable, then said corporation may proceed by appropriate action to foreclose its lien together with such sum as the court may adjudge reasonable attorneys fees in such action. The grantee hereby acknowledges receipt of copies of said articles of incorporation and by-laws of the cape horn maintenance co. This provision is a covenant running with the land and is binding on the grantees, their heirs, successors and assigns.

SUBJECT TO:

(A) Restrictions, reservations, agreements and easements of record and as shown on the face of said recorded plat.

(b) Use of said property for residential purposes only.

(c) Questions that may arise due to shifting of Skagit River."

F. COVENANTS, CONDITIONS AND RESTRICTIONS CONTAINED IN DECLARATION OF PROTECTIVE RESTRICTIONS:

Declaration Dated: September 20, 1976  
Recorded: December 14, 1976  
Auditor's No.: 847451  
Executed By: Cape Horn Maintenance Company

G. Any question that may arise due to shifting or changing in course of the Skagit River.

(Affects those lots abutting the river)

H. Declaration of Covenant recorded June 21, 1993 under Auditor's File No. 9306210022 regarding Well and Waterworks located on the "Community Park" area.

I. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, CREED, OR NATIONAL ORIGIN, CONTAINED INSTRUMENT:

From: Cape Horn Maintenance Co.  
Recorded: November 20, 2006  
Auditor's No.: 200611200088

J. TERMS AND CONDITIONS OF AFFIDAVIT:

Recorded: September 25, 1992  
Auditor's No.: 9209250097  
Regarding: Septic System

