

**AFTER RECORDING MAIL TO:**

JERRY ZWIERS & THERESA ZWIERS and  
ARTHUR L. TIMMONS and MARGHERITA TIMMONS  
564 Franck St.  
Friday Harbor, WA 98250



200706150098  
Skagit County Auditor

6/15/2007 Page 1 of 12 12:37PM

---

**CHICAGO TITLE CO. STATUTORY WARRANTY DEED**

Escrow No. 20075369  
Title Order No. IC42769 ✓

**THE GRANTOR(S) SKAGIT SOUND ENTERPRISES, LLC, a Washington limited liability company**

for and in consideration of Ten Dollars and other good and valuable consideration, and in completion of an IRC 1031 Tax Deferred Exchange

in hand paid, conveys, and warrants to **ARTHUR L. TIMMONS and MARGHERITA TIMMONS, husband and wife; and JERRY ZWIERS and THERESA ZWIERS, husband and wife**

the following described real estate, situated in the County of Skagit, State of Washington:

**Unit A, SKAGIT SOUND BUSINESS PARK CONDOMINIUM PHASE I...SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF FOR COMPLETE LEGAL DESCRIPTION**

**Abbreviated Legal: Unit A, SKAGIT SOUND BUSINESS PARK CONDOMINIUM PHASE I**

**Tax Parcel Number(s): 340203-3-009-0000  
And 340203-3-007-0400**

**SUBJECT TO covenants, conditions and restrictions of record as set forth in attached Exhibit "B", which is incorporated herein by this reference as though fully set forth.**

Dated: June 8 '07

**SKAGIT SOUND ENTERPRISES, LLC**

  
**RICHARD G. BERENTSON, Managing Member**

  
**MARK V. BELLUSCI, Managing Member**

STATE OF Washington

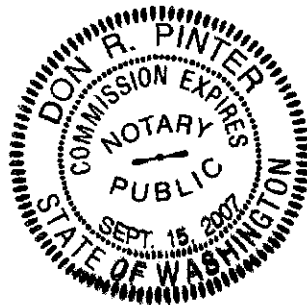
) ss.

COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that MARK V. BELLUSCI AND RICHARD G. BERENTSON are the person(s) who appeared before me, and said person(s) acknowledged that they signed this instrument, on oath stated that they were authorized to execute the instrument and acknowledged it as the MANAGING MEMBERS of SKAGIT SOUND ENTERPRISES, LLC to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 8th day of June, 2007.  
[Signature]

Notary Public in and for the State of Washington  
residing at Coupeville, WA  
My Commission Expires: 9-15-07



2816  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JUN 15 2007

Amount Paid \$ 14,503.06  
Skagit Co. Treasurer  
By [Signature] Deputy

LPB 10-05



200706150098  
Skagit County Auditor

**EXHIBIT "A"**

**Order No.: IC42769**

Unit A, SKAGIT SOUND BUSINESS PARK CONDOMINIUM PHASE 1, a condominium, according to the Declaration thereof, recorded May 3, 2007, under Auditor's File No. 200705030119 and Survey Map and Plans thereof recorded May 3, 2007, under Auditor's File No. 200705030118, records of Skagit County, Washington; being a portion of Lots 5 and 6 Short Plat No. ANA 03-001, recorded February 13, 2003, under Auditor's File No. 200302130095, records of Skagit County, Washington.

Situated in Skagit County, Washington

- END OF EXHIBIT "A" -



200706150098  
Skagit County Auditor

6/15/2007 Page

3 of

12 12:37PM

**EXHIBIT "B"**

**Subject To:**

1. Easement, including the terms, covenants, and provisions thereof, disclosed by instrument  
Recorded: August 16, 1994  
Auditor's No.: 9408160065, records of Skagit County, WA  
In favor of: Property to the West  
For: Ingress and egress of not less than 50 feet
  
2. Easement, including the terms and conditions thereof, granted by instrument  
Recorded: March 14, 1995  
Auditor's No.: 9503140087, records of Skagit County, WA  
In favor of: Puget Sound Power and Light Company  
For: Electric transmission and/or distribution line, together with necessary appurtenances
  
3. Easement, including the terms and conditions thereof, granted by instrument(s);  
Recorded: March 17, 1995  
Auditor's No(s): 9503170095, records of Skagit County, Washington  
In favor of: Puget Sound Power & Light Company, a Washington corporation  
For: An underground electric transmission and/or distribution system  
Affects: A strip of land 10 feet in width across all lots, tracts and spaces located within the above described property being parallel to and coincident with the boundaries of all private/public street and road rights-of-way

continued.....



200706150098  
Skagit County Auditor

## EXHIBIT "B"

### Subject To:

4. Easement provisions contained on the face of said Short Plat No. 95-020, as follows:

Easements are granted to Public Utility District No. 1 of Skagit County Washington, a municipal corporation, its successors or assigns, the perpetual right, privilege and authority enabling the PUD to do all things necessary or proper in the construction and maintenance of a water line, lines or related facilities, including the right to construct, operate, maintain, inspect, improve, remove, restore, alter, replace, relocate, connect to and locate at any time a pipe or pipes, line or lines or related facilities, along with necessary appurtenances for the transportation of water over, across, along, in and under the lands as shown on this plat together with the right of ingress to and egress from said lands across adjacent lands of the Grantor, also, the right to cut and/or trim all brush, timber, trees or other growth standing or growing upon the lands of the Grantor which, in the opinion of the district, constitutes a menace or danger to said line or to persons or property by reason of proximity to the line. The Grantor agrees that title to all timber, brush, trees, other vegetation or debris trimmed, cut and removed from the easement pursuant to this agreement is vested in the district. Grantor, its heirs, successors, or assigns hereby conveys and agrees not to construct or permit to be constructed structures of any kind on the easement area without written approval of the general manager of the district. Grantor shall conduct its activities and all other activities on Grantor's property so as not to interfere with, obstruct or endanger the usefulness of any improvements or other facilities, now or hereafter maintained upon the easement or in any way interfere with, obstruct or endanger the district's use of the easement.

continued.....



200706150098

Skagit County Auditor

6/15/2007 Page

5 of 12 12:37PM

**EXHIBIT "B"**

**Subject To:**

5. Recitals on the face of Short Plat No. 95-020, as follows:
- A. All maintenance and construction of private roads are the responsibility of the lot owners and the responsibility of maintenance shall be in direct relationship to usage of road.
  - B. No building permit shall be issued for any residential and/or commercial structures which are not at the time of application determined to be within an official designated boundary of Skagit County Fire District.
  - C. All lots are subject to and together with a road easement for ingress, egress and utilities over, under and across as shown on Sheet No. 1.
  - D. A 10 foot easement is hereby granted to all owners of Lots 1 to 4. The centerline of which is the centerline of the existing swales, ditches and storm drain pipes, together with a 10 foot strip surrounding the detention pond, adjoining as well as the detention pond itself. The maintenance of the drainage facilities shall be the responsibility of the home owners association. Skagit County may utilize the plat easements to perform inspections and/or emergency maintenance. All maintenance performed by Skagit County shall be at the expense of the home owners association, as per Skagit County Drainage Ordinance No. 14.26.
6. Terms and provisions set forth in document entitled "Skagit County Conditional Agreement - Alternative Sewage System Installation"
- |                |  |
|----------------|--|
| Recorded:      | May 19, 1994                             |
| Auditor's No.: | 9405190003, records of Skagit County, WA |
| Executed by:   | Jerry L. Smith                           |
| Affects:       | Short Plat No. 95-020                    |
7. Terms and conditions set forth in Variance;
- |                |  |
|----------------|--|
| Recorded:      | October 2, 1995                                  |
| Auditor's No.: | 9510020109, records of Skagit County, Washington |
| Affects:       | Short Plat No. 95-020                            |

continued.....



200706150098  
Skagit County Auditor

## EXHIBIT "B"

### Subject To:

8. Easement provisions contained on the face of said Short Plat No. ANA-03-001, as follows:

An easement is hereby reserved for and granted to the City of Anacortes, Puget Sound Energy, Verizon Northwest, Cascade Natural Gas Corporation and AT&T Broadband and their respective successors and assigns, under and upon the exterior 10 feet of all lots and tracts abutting all public roads and rights of way 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 subdivision. Together with the right to enter upon the lots and tracts at all times for the purposes stated, with the understanding that any grantee shall be responsible for all unnecessary damage it caused to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

9. Private Drainage easement and Tract 1 is reserved for and granted to Anacortes Short Plat \_\_\_\_\_ Homeowners Association and all of the lot owners under and upon the area designated as "Private Drainage Easement" on the Short Plat for the purpose of conveying storm water runoff. Responsibility for maintenance of all storm drainage facilities located within the private drainage easement and Tract 1 shall be according to the provisions of the declaration of CC&R's for the short plat.

The City of Anacortes is hereby granted the right to enter said easements for emergency purposes at its own discretion.

continued.....



200706150098  
Skagit County Auditor

6/15/2007 Page

7 of

12 12:37PM

## EXHIBIT "B"

### Subject To:

10. Notes on the face of Short Plat No. ANA-03-001;
  - A. Zoning – LM1
  - B. Sewage Disposal – City of Anacortes  
Water – City of Anacortes  
Power – Puget Sound Energy  
Telephone – Verizon  
Gas – Cascade Natural Gas  
Cable – AT&T Cable  
Parcel Number – P19738
  - C. All lots within this subdivision are subject to impact fees for Schools, Fire, Parks and Roads, payable upon issuance of a building permit.
  - D. This survey has depicted existing fence lines and other occupational indicators in accordance with W.A.C. on 332.130. These occupational indicators may indicate a potential for claims of unwritten title ownership. The legal resolution of ownership based upon unwritten title claims has not been resolved by this boundary survey.
  - E. Subject to the declaration of covenants, conditions and restrictions as recorded under Auditor's File No. \_\_\_\_\_, which establishes ownership and maintenance responsibilities for the biofiltration swale and private drainage facilities.
  - F. Short Plat number and date of approval shall be included in all deeds and contracts.
  - G. This survey was accomplished by field traverse using a Leica Tcra 1105.
  - H. The open space area within drainage Tract 1 is hereby designated as an open space to be used for a landscape mitigation area for the benefit of Lots 5, 6, 7, 8 of this short plat and Lot 3 of Skagit County Short Plat 95-020. The use of this area and its application to the City of Anacortes Landscape requirements, Chapter 17.41, will be addressed at the site plan review of the individual lots.

continued.....



200706150098

Skagit County Auditor



**EXHIBIT "B"**

**Subject To:**

11. Easement contained in Dedication of said plat;  
For: All necessary slopes for cuts and fills and continued drainage of roads  
Affects: Any portions of said premises which abut upon streets, avenues, alleys, and roads **and** where water might take a natural course
  
12. Easement delineated on the face of said short plat;  
For: Utilities  
Affects: The exterior 10 feet adjacent to Molly Lane
  
13. Covenants, conditions, and restrictions contained in declaration(s) of restriction, but omitting any covenant or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by law;  
Recorded: February 14, 2003  
Auditor's No(s): 200302140232, records of Skagit County, Washington
  
14. Easement delineated on the face of said short plat;  
For: Drainage  
Affects: The Southerly 15 feet of said premises
  
15. The encroachment of a fence onto the Southerly portion of Lot 6 as delineated on the face of said Short Plat No. ANA 03-001.
  
16. Right, title and interest of property owners adjacent on the South to that portion of said Lot 6 Southerly of said encroaching fence.
  
17. Agreement, including the terms and conditions thereof; entered into;  
By: Jerry Smith and Molly Smith, husband and wife  
And Between: Charles Olson and Margaret Olson, husband and wife  
Recorded: May 13, 1996  
Auditor's No. 9605130079, records of Skagit County, Washington  
Providing: Declaration and Agreement for Maintenance and Repair

Said agreement is also contained on the face of said Short Plat No. 95-020.

continued.....



200706150098

Skagit County Auditor

## EXHIBIT "B"

### Subject To:

18. Agreement, including the terms and conditions thereof; entered into;  
By: City of Anacortes  
And Between: Jerry and Molly Smith and Margaret Olson  
Recorded: December 22, 1997  
Auditor's No. 9712220117, records of Skagit County, Washington  
Providing: City of Anacortes Annexation Agreement
19. Easement delineated on the face of said Short Plat No. ANA 03-001;  
For: Ingress, egress and utilities  
Affects: The North 25 feet of Lot 5
20. Recitals on the face of Skagit Sound Business Park BSP, as follows:
  - A. Parking shown is adequate for warehouse use and subsequent use may require additional parking.
  - B. Future building permits may require street improvements to Molly Lane as required by City of Anacortes Codes and Standards.
  - C. This binding site plan is not for the purposes of creating separate lots.
21. Easement provisions contained on the face of said Skagit Sound Business Park BSP, as follows:
  - A. Easements are hereby granted for overhangs, awnings and other building projections.
  - B. An easement for ingress and egress is hereby granted to the City of Anacortes in areas designated as Fire Lane and access to garbage and recycling areas. These areas and lanes shall be kept clear at all times.
22. Declaration on face of Skagit Sound Business Park B.S.P.;

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of the city, town or county having jurisdiction over the development of such land, and in accordance with such other governmental permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owners' associations have a membership or other legal or beneficial interest. This binding site plan shall be binding upon all now or hereafter having any interest in the land described herein.

continued.....



200706150098  
Skagit County Auditor

**EXHIBIT "B"**

**Subject To:**

23. Easement, including the terms and conditions thereof, granted by instrument(s);  
Recorded: September 6, 2005  
Auditor's No(s): 200509060173, records of Skagit County, Washington  
In favor of: City of Anacortes  
For: Sanitary Sewage Facilities  
Affects: The East 10 feet of Lot 6 of said Short Plat, and the South 10 feet of the East 100 feet of Lot 6 of said Short Plat No. ANA 03-001
24. Easement delineated on the face of said Skagit Sound Business Park BSP;  
For: Landscaping  
Affects: Various portions of said BSP
25. Easement delineated on the face of said Skagit Sound Business Park BSP;  
For: Fire lane  
Affects: 20 foot strip across said BSP
26. Easement delineated on the face of said Skagit Sound Business Park BSP;  
For: Public access and utility  
Affects: The East 10 feet
27. Easement delineated on the face of said Skagit Sound Business Park BSP;  
For: Access Road  
Affects: A portion of the North 10 feet
28. Building setback line(s) delineated on the face of said Skagit Sound Business Park;  
Affects: A portion of the West 10 feet
29. Terms, covenants, conditions, easements, and restrictions **And** liability for assessments contained in Declaration of Condominium, but omitting any covenant or restrictions, if any, based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by law;  
Recorded: May 3, 2007  
Auditor's No.: 200705030119, records of Skagit County, Washington

NOTE: Among other things said Declaration contains a First Right of Refusal in favor of other units owners within said condominium.

continued.....



200706150098  
Skagit County Auditor

**EXHIBIT "B"**

**Subject To:**

30. Assessments or charges and liability to further assessments or charges, including the terms, covenants, and provisions thereof, disclosed in instrument(s);  
Recorded: May 3, 2007  
Auditor's No(s): 200705030119, records of Skagit County, Washington  
Imposed By: Skagit Sound Business Park Association
31. Recitals on the face of Skagit Sound Business Park Condominium;
- A. All common elements in the condominium are subject to development rights set forth in the Declaration. See Section 3.3.1 of the Declaration of further details.
  - B. Vertical unit boundaries of unit A lie approximately 0.5 feet outside the building exterior wall shown to the nearest 0.1 foot.
  - C. Horizontal unit boundaries lie above and below the building as shown on the profile drawing.
32. Parking as recited on the face of Skagit Sound Business Park Condominium, as follows:  
Each parking space is or maybe assigned as a limited common element to a unit as indicated on Exhibit C to the declaration.

- END OF SCHEDULE B-001 -



200706150098  
Skagit County Auditor