



200808010056

Skagit County Auditor

Filed for Record at Request of:

8/1/2008 Page 1 of 5 11:32AM

Shropshire Law Firm, PLLC
1223 Commercial Street
Bellingham, WA 98225

CHICAGO TITLE CO.

19B3105

ACCOMMODATION RECORDING

DOCUMENT TITLE: Nonexclusive Access, Drainage and Utility Easement Agreement
 REFERENCE NUMBER OF RELATED DOCUMENT: N/A
 GRANTOR: Dave Gold, Inc., a Washington corporation
 GRANTEE: Rock Ridge L.L.C., a Washington limited liability company
 ABBREVIATED LEGALS: (Grantor's) Lots 13, 14 and 15 of Tuttle & Buckley Plat of Anacortes
 (Grantee's) Lot 15 of Rock Ridge South, Phase III
 ASSESSOR'S TAX PARCEL NUMBERS: (Grantor's) P60443
 (Grantee's) P127685

Chicago Title Company has placed this document for recording as a customer courtesy and accepts no liability for its accuracy or validity

NONEXCLUSIVE ACCESS, DRAINAGE AND UTILITY EASEMENT AGREEMENT

This Nonexclusive Access, Drainage and Utility Easement Agreement is made between Dave Gold, Inc. (hereinafter referred to as "Grantor") and Rock Ridge L.L.C. (hereinafter referred to as "Grantee").

RECITALS:

- Grantor is the owner in fee simple of real property legally described in Exhibit A.
- Grantee is the owner in fee simple of real property also legally described in Exhibit A.
- Grantor wishes to grant and Grantee wishes to receive a nonexclusive, permanent and perpetual easement over, under, on and across the portions of Grantor's property hereinafter be referred to as the "Easement Area," also legally described in Exhibit A. (A depiction of the Easement Area is set forth and incorporated by Exhibit B.)

NOW THEREFORE, in consideration of the mutual terms and covenants herein, along with other valuable consideration, the sufficiency and receipt of which is hereby acknowledged, the parties further agree as follows:

- INTENT AND PURPOSE.** The intent and purpose of this Nonexclusive Access, Drainage and Utility Easement Agreement is to forever burden the Easement Area and grant the associated rights to the full extent described below.
- GRANT OF THE EASEMENT.** Grantor hereby grants Grantee a nonexclusive, permanent and perpetual easement over, under, on and across the North fourteen (14') feet of Grantor's property for ingress, egress, drainage and utility use by Grantee. Grantor further grants Grantee the right to take any and all reasonably necessary and proper actions to construct, maintain and improve the Easement Area for Grantee's use. To protect Grantee's rights hereunder, Grantor, its heirs, successors, assigns, licensees, invitees, tenants, employees, personal representatives and legal representatives, are hereby prohibited from constructing any improvement or structure within the Easement Area that would unreasonably interfere with Grantee's use of Easement Area.
- RUNNING OF BENEFITS AND BURDENS.** All provisions of this instrument, including the benefits and burdens, run with the land and are binding upon and inure to the benefit and or burden of the parties,

their heirs, assigns, licensees, invitees, successors, tenants, employees, personal representatives and legal representatives. This easement shall at all times be considered and is hereby deemed appurtenant to Grantee's property.

4. **ATTORNEY'S FEES AND COSTS.** In any action, proceeding, or arbitration between the parties to this Agreement arising out of this easement, the substantially prevailing party shall be entitled to reasonable attorney's fees and costs from the non-prevailing party(ies), including on appeal. Any such action shall be brought in Whatcom County, Washington.

5. **EXECUTION OF ANY AND ALL NECESSARY DOCUMENTS.** The parties agree to execute any and all necessary documents to accomplish the intent and purpose of this Exclusive Easement Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement this 27th day of July 2008.

GRANTOR
Dave Gold, Inc.

GRANTEE
Rock Ridge L.L.C.

By: [Signature]
David G. Gold, President

By: [Signature]
Anthony L. Malo, Jr.

SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

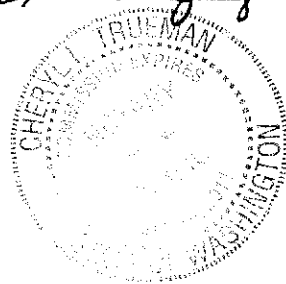
AUG 01 2008

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

Amount Paid \$ 0
Skagit Co. Treasurer
By: [Signature] Deputy

On this 27th day of July 2008, before me personally appeared David G. Gold, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed on behalf of Dave Gold, Inc., acknowledging due authority for same, for the uses and purposes therein mentioned.

Dated this 27th day of July 2008.



[Signature]
Notary Public in and for the state of Washington
Residing at Mount Vernon
My commission expires 5/14/11
[Signature]

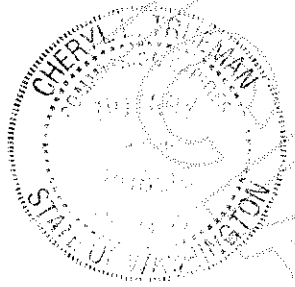


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STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 21st day of July 2008, before me personally appeared Anthony L. Malo, Jr., to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed and sealed the same as his free and voluntary act and deed on behalf of Rock Ridge L.L.C., acknowledging due authority for same, for the uses and purposes therein mentioned.

Dated this 21st day of July 2008.



Cheryl L. Trueman
Notary Public in and for the state of Washington
Residing at Bellingham Mount Vernon
My commission expires 5/14/11
Cheryl L. Trueman



EXHIBIT A
Legal Descriptions

(Grantor's Property)

Lots 13, 14 and 15, Block 11, Tuttle and Buckley's Plat of Anacortes, according to the plat thereof recorded in Volume 2 of plats, Page 23, records of Skagit County, Washington. Situate in Skagit County, Washington.

(Grantee's Property)

Lot 15 of Rock Ridge South Plat, Phase 3 in the NW 1/4, § 26, TWP 35N, R 1E, W.M., as recorded under Skagit County AF #200806300185. Situate in Skagit County, Washington.

(Easement Area)

A nonexclusive easement for ingress, egress, drainage and utilities over, across and under the following described property:

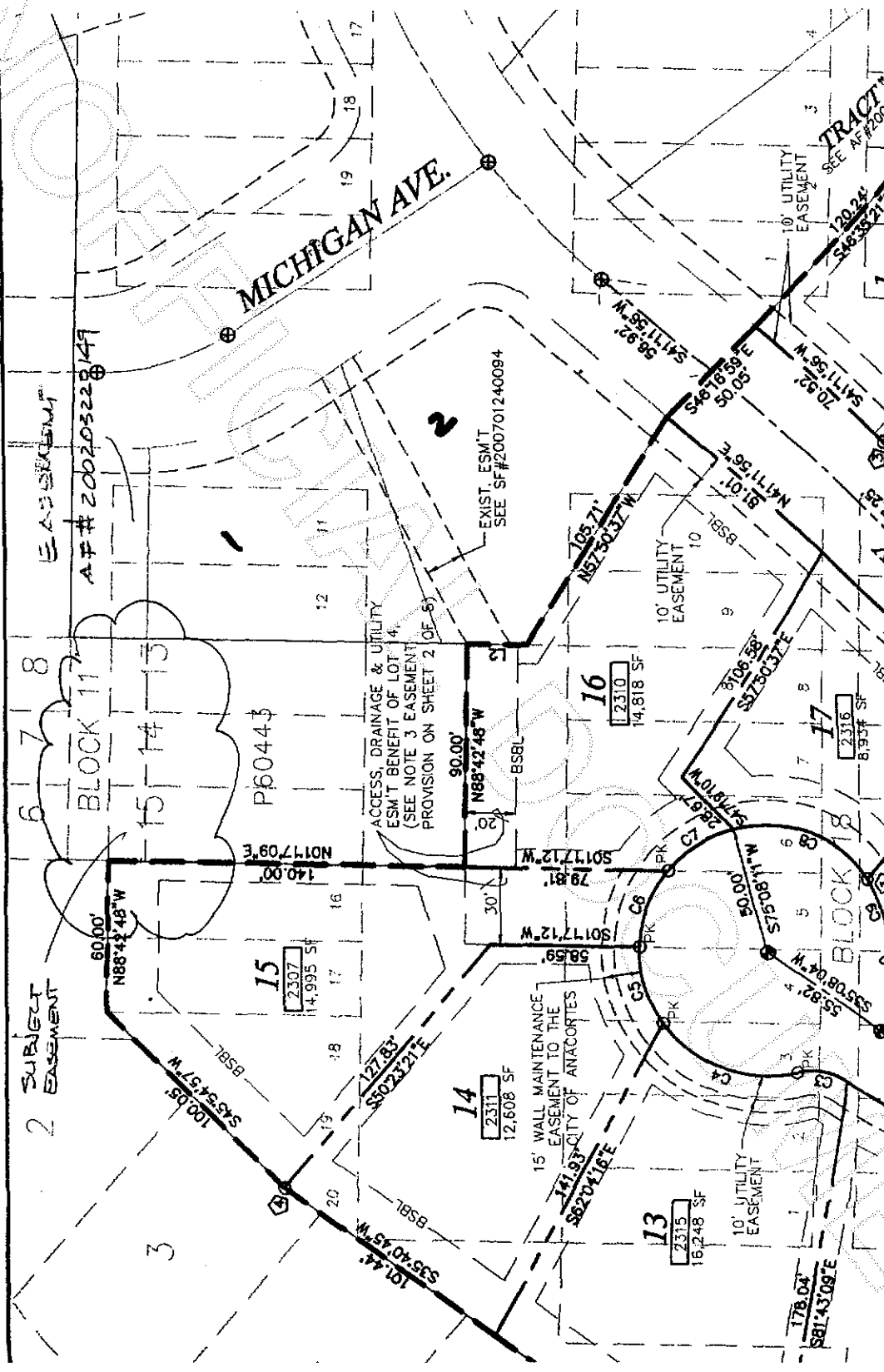
The North fourteen (14') feet of Lots 13, 14 and 15, Block 11, Tuttle and Buckley's Plat of Anacortes, according to the plat thereof recorded in Volume 2 of plats, Page 23, records of Skagit County, Washington. Situate in Skagit County, Washington.



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EXHIBIT B



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