

When recorded return to:

Mr. and Mrs. Clarence M. VanderGriend
18426 S. Westview Raod
Mount Vernon, WA 98237

Recorded at the request of:
Guardian Northwest Title & Escrow
File Number 94666



200808010065
Skagit County Auditor

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Statutory Warranty Deed

THE GRANTOR Grace D. Van Diest, as her separate estate for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, as Part of an IRS 1031 Tax Deferred Exchange in hand paid, conveys and warrants to Clarence M. Vander Griend and Lona C. Vander Griend, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

GUARDIAN NORTHWEST TITLE CO.

Abbreviated Legal:

Lots 38 & 39, Block I, "CAPE HORN ON THE SKAGIT DIVISION NO. 2"

94666E

Tax Parcel Number(s): P63317, 3869-009-038-0001, P63318, 3869-009-039-0000

Lots 38 & 39, Block I, "CAPE HORN ON THE SKAGIT DIVISION NO. 2", as per plat recorded in Volume 9 of Plats, pages 14 through 19, inclusive, records of Skagit County, Washington.

Subject to easements, restrictions or other exceptions hereto attached as Exhibit A

Dated 7-30-08

Grace D. Van Diest
Grace D. VanDiest

2513
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

AUG 01 2008

Amount Paid \$ 539.00
Skagit Co. Treasurer
By [Signature] Deputy

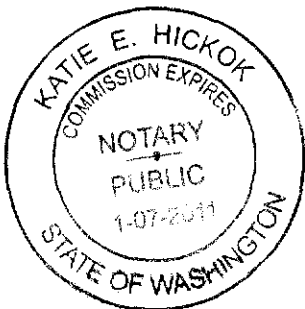
STATE OF Washington }
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that Grace D. VanDiest, 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: 7-30-08

[Signature]

Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 1/07/2011



EXCEPTIONS:

A. 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."

An Amendment to By-Laws was recorded January 16, 2003 under Auditor's File No. 200301160063.

B. MATTERS DISCLOSED AND/OR DELINEATED ON THE FACE OF THE FOLLOWING PLAT/SUBDIVISION:

Plat/Subdivision Name: Cape Horn on the Skagit
Recorded: July 13, 1965
Auditor's No.: 668870

Said matters include but are not limited to the following:

1. "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."
2. "Skagit County shall not be responsible for any flood control improvements."

C. 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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D. 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."

E. 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

Terms and Provisions of document recorded as Auditor's File No. 200611200088 which may pertain thereto.

F. Any question that may arise due to shifting or changing in course of the Skagit River.
(Affects those lots abutting the River)

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

H. PROTECTIVE COVENANTS AND/OR EASEMENTS, BUT OMITTING RESTRICTIONS, IF ANY, BASED ON RACE, COLOR, RELIGION OR NATIONAL ORIGIN:

Dated: June 10, 1965
Recorded: November 20, 2006
Auditor's No.: 200611200088
Executed By: Cape Horn Maintenance Co.



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