



200810140116  
Skagit County Auditor

10/14/2008 Page 1 of 6 3:47PM

When recorded return to:

EARL W. HORTON and STACEY A. HORTON  
401 DALLAS ST  
MOUNT VERNON, WA 98274

CHICAGO TITLE CO.

**STATUTORY WARRANTY DEED**

Escrow No.: 18285  
Title Order No.: IC46670 ✓

THE GRANTOR(S)

D.B. JOHNSON CONSTRUCTION, INC., A Washington Corporation

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys, and warrants to

EARL W. HORTON and STACEY A. HORTON, Husband and Wife

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

LOT 78, PLAT OF CEDAR HEIGHTS PUD, PHASE 1, ACCORDING TO THE PLAT THEREOF, RECORDED JANUARY 19, 2007, UNDER AUDITOR'S FILE NO. 200701190116, RECORDS OF SKAGIT COUNTY, WASHINGTON. SITUATED IN SKAGIT COUNTY, WASHINGTON.

Tax Parcel Number(s): 4917-000-<sup>078</sup>~~074~~-0000

SUBJECT TO: See Exhibit "A" attached hereto.

Dated: OCTOBER 6, 2008

D.B. JOHNSON CONSTRUCTION, INC., A Washington Corporation

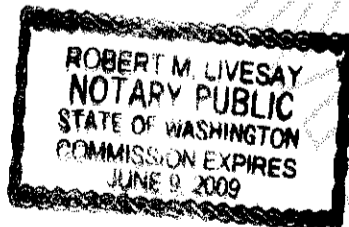
BY: Marie English  
MARIE ENGLISH Manager

STATE OF Washington ) ss.  
COUNTY OF Snohomish

I certify that I know or have satisfactory evidence that MARIE ENGLISH is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was to execute the instrument and acknowledged it as the Manager of D.B. JOHNSON CONSTRUCTION, INC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: 14th Day of October, 2008.

Robert M. Livesay  
ROBERT M. LIVESAY  
Notary Public in and for the State of Washington  
residing at MARYSVILLE  
My Commission Expires: 06/09/09



3376  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX  
OCT 14 2008  
Amount Paid \$ 4579.42  
By MM Skagit Co. Treasurer Deputy

**EXHIBIT A**

1. Terms, conditions, and restrictions of that instrument entitled Mound Fill System Installation Conditional Agreement;  
Recorded: August 31, 1987  
Auditor's No(s): 8708310002, records of Skagit County, Washington  
Affects: West 165 feet of the North 528 feet of the East Half of the Northeast Quarter of the Southwest Quarter of Section 22, Township 34 North, Range 4 East of the Willamette Meridian
  
2. Agreement, including the terms and conditions thereof; entered into;  
By: Arnold P. Libby  
And Between: AAA Mechanical Cont.  
Recorded: December 9, 1998  
Auditor's No. 9812090103, records of Skagit County, Washington  
Affects: The East 100 feet of the West 265 feet of the North 300 feet of the East Half of the Northeast Quarter of the Southwest Quarter of Section 22, Township 34 North, Range 4 East of the Willamette Meridian
  
3. Agreement, including the terms and conditions thereof; entered into;  
By: Lee M. Utke, Grantor  
And Between: Cedar Heights, LLC, Grantee  
Recorded: November 22, 2005  
Auditor's No. 200511220026, records of Skagit County, Washington  
As Follows: Grantee agrees to pay all costs associated to plat the new subdivision, including sewer hookup fees for existing house. Grantee agrees that Grantor's existing house shall have a storm drain connection. Grantee agrees, if overhead lines to existing house are required to be relocated, it will be at Grantee's expense.
  
4. Easement, including the terms and conditions thereof, granted by instrument(s);  
Recorded: May 22, 2006  
Auditor's No(s): 200605220165, records of Skagit County, Washington  
In favor of: Puget Sound Energy, Inc.  
For: Electric transmission and/or distribution line, together with necessary appurtenances  
Affects:  
  
Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void).  
  
Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open 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.
  
5. Easement contained in Dedication of said plat;  
For: All necessary slopes for cuts and fills  
Affects: Any portions of said premises which abut upon streets, avenues, alleys and roads
  
6. Tree installation details as delineated on the face of said plat.
  
7. Easement delineated on the face of said plat;  
For: Private storm drainage easement  
Affects: The West 10 feet of Lots 129-132
  
8. Easement, including the terms and conditions thereof, granted by instrument(s);  
Recorded: May 22, 2006  
Auditor's No(s): 200605220169, records of Skagit County, Washington  
In favor of: Puget Sound Energy, Inc.  
For: Electric transmission and/or distribution line, together with necessary appurtenances  
Affects:  
  
Easement No. 1: All streets and road rights-of-way as now or hereafter designed, platted, and/or constructed within the above described property. (When said streets and road are dedicated to the public, this clause shall become null and void).  
  
Easement No. 2: A strip of land 10 feet in width across all lots, tracts and open 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.



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9. Easement, including the terms and conditions thereof, granted by instrument(s);  
Recorded: May 22, 2006  
Auditor's No(s): 200805220170, records of Skagit County, Washington  
In favor of: Puget Sound Energy, Inc.  
For: Electric transmission and/or distribution line, together with necessary appurtenances  
Affects: A strip of land 10 feet in width with five feet on each side of the centerline of grantee's facilities as now constructed, to be constructed, extended or relocated lying within the above described parcel. This easement description may be superseded at a later date with a surveyed description provided at no cost to Grantee.

10. Covenants, conditions, restrictions, and easements contained in declaration(s) of restriction, but omitting any covenants 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 applicable law;  
Recorded: January 19, 2007  
Auditor's No(s): 200701190117, records of Skagit County, Washington  
Executed By: Cedar Heights LLC

AMENDED by instrument(s):  
Recorded: May 23, 2007, June 20, 2007, and January 11, 2008  
Auditor's No(s): 200705230184, 200706200115, and 200801110076, records of Skagit County, Washington

11. Easement delineated on the face of said plat;  
For: Utilities and sidewalk  
Affects: The exterior portion of all lots adjacent to streets or alleys

12. Landscaping tree and installation details as delineated on the face of said plat.

13. Covered Area details as delineated on the face of said plat.

14. PUD Utility Easement provisions contained on the face of said plat, as follows:

Easements (within utility easements as shown hereon) 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 district 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 or other similar public services 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 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(s) or to persons or property by reason of proximity to the line(s). The grantor agrees that title to all brush, 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 grantors 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.

15. Private Drainage and Sewer Easement provisions contained on the face of said plat, as follows:

Easements for the purpose of conveying local storm water runoff and sanitary sewer are hereby granted in favor of all abutting private lot owners in the areas designated as private drainage or private sewer easements. The maintenance of private easements established and granted herein shall be the responsibility of, and the costs thereof shall be borne equally by the present and future owners of the abutting private lot owners and their heirs, owners personal representatives and assigns.

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



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16. Storm Pond and Drainage Easement to City of Mount Vernon provisions contained on the face of said plat, as follows:

Storm pond and drainage easements, as shown hereon, are hereby granted to the City of Mount Vernon, to construct, maintain, replace, reconstruct, and remove drainage and detention facilities, with all appurtenances incident thereto or necessary therewith, in, under and across the said premises, and to cut and remove from said easement any trees, fences and other obstructions which may endanger the safety or interfere with the use of said drainage and detention facilities, or appurtenances attached or connected therewith; and the right of ingress and egress to and over said premises at any and all times for the purpose of doing anything necessary for the easement hereby granted. Adjoining property owners are prohibited from constructing fences, buildings or other objects within the easement area. Adjoining property owners are prohibited from placing fill, or other debris within easement area, or otherwise altering the detention facility side slop areas, or access road. Vehicular access in the easement area is restricted specifically to public maintenance vehicles.

Pond maintenance is the responsibility of the City of Mount Vernon and shall be performed per the maintenance procedure document prepared by Ravnik & Associates on file at the City of Mount Vernon.

17. Utilities, Sidewalk and Public Trail Easement provisions contained on the face of said plat, as follows:

An easement is hereby reserved for and granted to the City of Mount Vernon, Public Utility District No. 1, Puget Sound Energy, Verizon Northwest, Cascade Natural Gas Corp., and Comcast Corporation and their respective successors and assigns under and upon the exterior front boundary lines of all lots and tracts as shown on the face of this plat and other easements, if any, shown on the face of this plat, for sidewalk and trail purposes and in which to install, lay, construct, renew, operate, maintain and remove utility systems, lines fixtures, appurtenances attached thereto, for the purpose of providing utility services and pedestrian access to the subdivision and other property, 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 causes to any real property owner in the subdivision by the exercise of rights and privileges herein granted.

Public trail, access, sanitary, storm and sewer line easements are specifically granted over, under and across the as constructed sidewalks and or sewer lines constructed within open space tracts G, H, I, J and K.

18. Recitals on the face of the plat, as follows:

- A. Zoning Classification – R-1. 4.0 – Cedar Heights P.U.D.
- B. Sewage Disposal – City of Mount Vernon.
- C. Storm Drainage – City of Mount Vernon.
- D. Street Standard – City of Mount Vernon.
- E. Water – Skagit County P.U.D. No. 1.
- F. Power – Puget Sound Energy.
- G. Telephone – Verizon Northwest.
- H. Gas – Cascade Natural Gas.
- I. Television Cable – Comcast Corporation
- J. Garbage Collection – City of Mount Vernon. Solid waste collection for lots shall be at the edge of the public right of way.
- K. Wetland boundary line shown hereon are based upon field delineations by Skagit Wetlands and Critical Areas, Inc. in August 2004 and September 2006.
- L. All lots within this subdivision are subject to impact fees for schools, fire, parks and any other city impact fees, payable upon issuance of a building permit.
- M. All homes shall be built on site and no modular or manufactured homes are permitted.
- N. Siltation control devices may be required for each lot during home construction or subsequent soil disturbances. See City of Mount Vernon Development Services Department for details.

continued.....



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- O. This property is subject to and together with easements, reservations, restrictions, covenants, liens, leases or other instruments of record referred to in Land Title Company report referenced under Note 2 above. Said report lists documents recorded under Auditor's File No. 8708310002, 200501050139, 200503180070, 200504290127 (Terminates upon dedication of plat roads), 200507140125, 200507220135, 200512070128, 200603090154, 200603130140, 200605220170, 200603090152, 200701190116, 200701190117, 200701190118, 200702210067 and 200705310139, records of Skagit County, Washington.
- P. A homeowners association has been created that will be responsible for maintenance of the open space and other landscaping strips within public right of way. See document recorded under Auditor's File No. 200701190117, records of Skagit County, Washington.
- Q. Building locations, designs and lot landscaping plans attached on sheets 10, 11 and 12 have been approved with respect to design review. Additional information for each of the building types is available at the City of Mount Vernon Development Services Department.
- R. There are 4 private driveways located East of Dallas Street that serve 6 lots each. The adjacent property owners shall be responsible for the maintenance of these driveways. See document referenced under Note No. 25.
- S. No driveways for vehicular access shall be allowed from Lots 93-98 onto East Division Street.
- T. Unless otherwise approved no driveways for vehicular access shall be allowed from Lots 33, 34, 39 or 123 onto East Broadway Street.
- U. Open space Tracts A and B are to be conveyed to the Cedar Heights PUD Homeowners Association and are to be maintained in accordance with the document referenced in Note No. 25.
- V. Sample home, designs and lot landscaping plans attached on Sheets 9 and 10 have been approved with respect to design review. All building designs and locations must meet the requirements of the City of Mount Vernon Design review process. See the City of Mount Vernon Development Services Department for specific criteria.
- W. Open Space Tracts C, D, E, F, G, H, I, J and K are to be conveyed to the Cedar Heights PUD Homeowners' Association and are to be maintained in accordance with the document referenced in Note No. 23.
- X. No driveways for vehicular access shall be allowed from Lots 124, 1656, 167, 168, 169, 170, 171 or 172 onto East Broadway Street.
- Y. All homes constructed on lots that abut an alley shall take vehicular access from the alley. The homes shall be designed so that the front elevation faces either an open space or a public street. No front elevation of any home shall be allowed to face an alley.
19. Recitals on the face of the plat, as follows:
- A. All planting areas are to be cleared of all construction material, rocks and sticks larger than 2 inches in diameter.
- B. All soils on site will be utilized and approved by the City of Mount Vernon Parks and Recreation Department. Professionally for content. Any additives necessary for soil to meet standards will be added. Soils in Division I have been approved by the City of Mount Vernon Parks and Recreation Department.
- C. All landscape beds are to receive a minimum of 3 inches fine bark mulch around the trees, shrubs and groundcover.
- D. All plant material shall conform to AAN standards for nursery stock, latest edition. All plant materials shall be healthy representatives, typical of their species of variety and shall have a normal habit of growth. They shall be full, well-branches, well proportioned and have a vigorous, well-developed root system. All plants shall be hardy under climatic conditions similar to those in the locality of the project. Tree, shrubs, and ground covers are to be healthy, vigorous, well-foliated when in leaf and free of disease, injury, insects, decay, harmful defects and all weeds.
- E. All landscape areas shall have adequate drainage, either through natural percolation or by means of an installed drainage system.



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20. Assessments or charges and liability to further assessments or charges, including the terms, covenants, and provisions thereof, disclosed in instrument(s);  
Recorded: January 19, 2007  
Auditor's No(s): 200701190117 records of Skagit County, Washington  
Imposed By: Cedar Heights PUD No. 1 Homeowners Association
21. Terms, conditions, and restrictions of that instrument entitled Agreement to Participate in the Intersection Improvements for Division Street and Waugh Road;  
Recorded: January 19, 2007  
Auditor's No(s): 200701190118, records of Skagit County, Washington
22. Easement delineated on the face of said plat;  
For: Utilities  
Affects: The South 26 feet of Lot 93
23. Easement delineated on the face of said plat;  
For: Private drainage and sewer  
Affects: The West 5 feet of Lots 67-69, the North 5 feet of Lots 13-15, the Southeastery 5 feet of Lots 16-18, the Northwesterly 5 feet of Lots 19-21 and a portion of the East 5 feet of Lot 49
24. Easement delineated on the face of said plat;  
For: Ingress, egress and utilities  
Affects: The Southeastery 13 feet of Lots 13-15, the Northwesterly 13 feet of Lots 16-18, the Southeastery 13 feet of Lots 19-21 and the Northwesterly 13 feet of Lots 22-24



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