

When recorded return to:

Mr. and Mrs. Dana B. Birkby  
15727 Mink Road NE  
Woodinville, WA 98077

Recorded at the request of:  
Guardian Northwest Title & Escrow  
File Number A95633



200810310098  
Skagit County Auditor

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### Statutory Warranty Deed

THE GRANTORS Steve Simonis and Yemia Simonis, husband and wife for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Dana B. Birkby and Greta M. Birkby, husband and wife the following described real estate, situated in the County of Skagit, State of Washington

Abbreviated Legal:  
Ptn. Lots 42, 43 and 44, "PLAT OF POTLATCH BEACH"

GUARDIAN NORTHWEST TITLE CO.

A 95633E-2

For Full Legal See Attached Exhibit "A"

Subject to covenants, conditions, restrictions and easements, as per attached Exhibit "B"

Tax Parcel Number(s): P68065, 3967-000-043-0004, P68066, 3967-000-044-0003

Dated 10/20/2008

[Signature]  
Steve Simonis

[Signature]  
Yemia Simonis

3606  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

OCT 31 2008

Amount Paid \$ 17805.00  
Skagit Co. Treasurer  
By [Signature] Deputy

STATE OF Washington }  
COUNTY OF Skagit } SS:

On this 24TH day of October, 2008 before me personally appeared Yemia Simonis, to me known to be the individual described in and who executed the foregoing instrument for her self and as Attorney in Fact for Steve Simonis and acknowledged that she signed and sealed the same as her free and voluntary act and deed for her self and also as her free and voluntary act and deed as Attorney in Fact for said principal for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that the said principal is now living, and is not incompetent.

Given under my hand and official seal the day and year last above written.  
(Seal)

[Signature]

Notary Public in and for the State of Washington  
Residing at Anacortes  
My appointment expires: 10/08/2009



## EXHIBIT A

### Parcel "A":

That portion of Lots 42 and 43, EXCEPT the South 15 feet of said Lot 43, "PLAT OF POTLATCH BEACH", according to the plat thereof recorded in Volume 6 of Plats, page 10, records of Skagit County, Washington, lying above the line of extreme high tide.

### Parcel "B":

That portion of Lot 44 and the South 15 feet of Lot 43, and the Northwesterly 1/2 of the vacated road lying between Lots 44 and 45, as would attach by operation of law, all in "PLAT OF POTLATCH BEACH", according to the plat thereof, recorded in Volume 6 of Plats, page 10, records of Skagit County, Washington, lying above the line of extreme high tide.

### Parcel "C":

A 3/75th undivided interest in and to that portion of Lots 19 to 56, inclusive, "PLAT OF POTLATCH BEACH", according to the plat thereof recorded in Volume 6 of Plats, page 10, records of Skagit County, Washington, lying below the line of extreme high tide.

### Parcel "D":

A 3/75th interest in and to the tidelands of the second class, situate in front of, adjacent to, and abutting upon Lots 19 to 56, inclusive, "PLAT OF POTLATCH BEACH", according to the plat thereof recorded in Volume 6 of Plats, page 10, records of Skagit County, Washington.

### Parcel "E":

A non-exclusive easement for access to the beach over and across Lot 19 and the Westerly 20 feet of Lots 20, 21, 22 and 23, "PLAT OF POTLATCH BEACH", according to the plat thereof recorded in Volume 6 of Plats, page 10, records of Skagit County, Washington; as created by instrument recorded May 30, 1960, under Auditor's File No. 593888, records of Skagit County, Washington.



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## EXHIBIT B

### EXCEPTIONS:

A. All rights which riparian owners and other members of the public may have to use shorelands, tidelands, or so much of the water of a contiguous body of water or area, which is or has been navigable, for navigation and general recreation purposes.

B. Exceptions and reservations contained in Deeds from the State of Washington, under which title to a portion of said premises comprising tidelands is claimed, recorded under Auditor's File Numbers 87523, 87524 and 403142, whereby the grantor saves, excepts and reserves all oils, gases, coal, ores, minerals, fossils, etc., together with the right to enter upon said lands for the purpose of opening, developing and working mines, etc., provided that no rights shall be exercised under this reservation until provision has been made by the State, its successors or assigns, for full payment of all damages sustained by owner by reason of such entering.

C. An easement for laying, constructing, maintaining, repairing and replacing water pipe lines, in favor of: H. B. Nelson and Ida M. Nelson, husband and wife, affecting the East 10' of Lots 19-56 as reserved by various documents of record.

D. AN EASEMENT AFFECTING THE PORTION OF SAID PREMISES AND FOR THE PURPOSES STATED HEREIN, AND INCIDENTAL PURPOSES.

For: Access to the beach  
In Favor Of: James N. Berentsen, et ux, et al  
Recorded: September 11, 1973, October 18, 1974 October 23, 1974 and  
March 22, 1976  
Auditor's Nos.: 790665, 809009, 809207 and 832113  
Affects: A portion lying within the original Plat of Potlatch Beach

E. Right of the general public to the unrestricted use of all the waters of a navigable body of water not only for the primary purposes of navigation, but also for corollary purposes, including (but not limited to) fishing, boating, bathing, swimming, water skiing and other related recreational purposes, as those waters may affect the tidelands, shorelands, or adjoining uplands, and whether the level of the water has been raised naturally or artificially to a maintained or fluctuating level, all as further defined by the decisional law of this state. (Affects all of the premises subject to such submergence.)

F. REGULATORY NOTICE/AGREEMENT THAT MAY INCLUDE COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THE SUBJECT PROPERTY:

Executed By: Steve and Yemia Simonis  
Recorded: August 25, 1997  
Auditor's No: 9708250083

Reference is hereby made to the record for the full particulars of said notice/agreement. However, said notice/agreement may have changed or may in the future change without recorded notice.



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