



201001220131

Skagit County Auditor

1/22/2010 Page 1 of 4 3:37PM

When recorded return to:

Mr. and Mrs. Dominic Fleming  
4315 Orchard Avenue  
Anacortes, WA 98221

Recorded at the request of:

File Number: A98902

**Statutory Warranty Deed**

A98902-1

GUARDIAN NORTHWEST TITLE CO.

THE GRANTOR Irving Construction Corporation, a Washington corporation for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to Dominic Fleming and Alethea Fleming, husband and wife the following described real estate, situated in the County of Skagit, State of Washington.

Abbreviated Legal:

Lot 34, "THE ORCHARDS P.U.D."

Tax Parcel Number(s): P124017, 4882-000-034-0000

Lot 34, "THE ORCHARDS P.U.D.", according to the plat thereof recorded January 19, 2006, under Auditor's File No. 200601190126, records of Skagit County, Washington.

SUBJECT TO the Easements, Restrictions and other Exceptions set forth on Exhibit "A" attached hereto.

Dated 1/06/2010

Irving Construction Corporation

W. Scott Irving  
By: W. Scott Irving, President

176  
SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

JAN 22 2010

Amount Paid \$ 9599.<sup>00</sup>  
Skagit Co. Treasurer  
By MLM Deputy

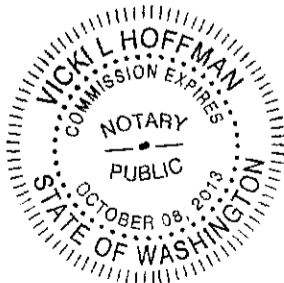
STATE OF Washington }  
COUNTY OF Skagit } SS:

I certify that I know or have satisfactory evidence that W. Scott Irving  
is/are the person(s) who appeared before  
me, and said person(s) acknowledge that he signed this instrument, on oath stated he  
is/are authorized to execute the instrument and acknowledge that as the  
President of Irving Construction Corporation  
to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: 1-14-10

Vicki L. Hoffman

Notary Public in and for the State of Washington  
Residing at Anacortes  
My appointment expires: 10-8-13



# EXHIBIT A

## EXCEPTIONS:

### A. AGREEMENT, AND THE TERMS AND PROVISIONS THEREOF:

Between: City of Anacortes  
And: 41<sup>st</sup> Street Waterline Association  
Dated: January 11, 1999  
Recorded: January 22, 1999  
Auditor's No.: 9901220116  
Regarding: Latecomers Agreement

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

Plat/Subdivision Name: The Orchards P.U.D.  
Recorded: January 19, 2006  
Auditor's No.: 200601190126

Said matters include but are not limited to the following:

1. An easement is hereby reserved for and granted to the City of Anacortes, Puget Sound Energy, Verizon Northwest, Cascade Natural Gas Corp., and Comcast Corporation and their respective successors and assigns under and upon the exterior ten (10) feet of front boundary lines of all lots and tracts as shown on the face of this plat and other utility easements, if any, shown on the face of this plat, 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 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.
2. A water quality and detention pond easement is hereby conveyed to the City of Anacortes for access and maintenance of the storm drainage system and pond located within the easement area shown hereon.
3. Easements for the purpose of conveying local storm water and/or sanitary sewer are hereby granted in favor of all abutting private lot owners in the areas designated as private drainage or sanitary 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 Anacortes is hereby granted the right to enter said easements for emergency purposes at its own discretion.

4. Know all men by these presents that Irving Construction Corporation, a Washington corporation (as to Parcels "A" and "B"), Richard A. Ballow and Gail S. Ballow, husband and wife (as to Parcel "C"), Conrad C. Levesen and Dianna Levesen, husband and wife (as to Parcels "D" and "E"), and Horizon Bank, a Washington corporation (as to Parcels "A", "B" and "C"), owners in the fee simple or contract purchasers and mortgage holders or lien holders, of the land hereby platted, declare this plat and dedicate to the use of the public forever, the Streets, Avenues, shown hereon, and the use thereof for all public purposes consistent with the use thereof for public highway purposes together with the right to make all necessary slope for cuts and fills upon the lots and blocks shown hereon in the original reasonable grading of all such Streets and Avenues shown hereon.



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5. All open space areas are to be owned and maintained by the Orchards Homeowners Association. The maintenance will include landscaping, trails, play structures and other improvements constructed within the open space areas that are to benefit the lot owners.

6. Building Setbacks:

Front - 15 feet (corner lots have two front yards)  
Rear - 20 feet  
Side - 10 feet

7. Utilities:

Sanitary Sewer: City of Anacortes  
Storm Sewer: City of Anacortes  
Water: City of Anacortes  
Power: Puget Sound Energy  
Telephone: Verizon  
Gas: Cascade Natural Gas  
T.V.: Comcast

8. Maximum building roof elevation restrictions are required for Lots 1,3, 4, 5, 6, 7 and 8 as an attempt to reduce the potential loss of views for the homes located to the West of this project. The maximum allowed roof height restrictions are as follows:

Lot 1:	348.0
Lot 3:	362.0
Lot 4:	362.0
Lot 5:	364.0
Lot 6:	364.0
Lot 7:	378.0
Lot 8:	378.0

9. Siltation control devices may be required for each lot during home construction or subsequent soil disturbances. See City of Anacortes Engineering Department for details.

10. Private access and utilities easement areas to Lots 16, 17, 18 and 19, as well as Lots 43, 44 and 45, shall be maintained by the benefited lot owners with costs being shared equally for maintenance and repairs. See Covenants for details.

11. Covenants, conditions, restrictions, easements and reservations have been prepared with respect to The Orchards Planned Unit Development and have been recorded under Skagit County Auditor's File No. 200601190127.

12. Tract "E" is to be boundary line adjusted to contiguous property to the South and is not to be considered a separate buildable tract.

13. Preliminary Plat conditions as adopted by the Anacortes City Council on February 14, 2005, as set forth on face of plat.

14. Storm drainage system easement area, as set forth on face of plat.

15. Ten (10) foot private drainage easement along West and North boundaries of Lot 12.



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16. Twenty (20) foot wide waterline easement to City along North boundary of Lot 19 and Tract "C".
17. Ten (10) foot private drainage easement along East boundary of Lots 20 – 22.
18. Fifteen (15) foot private utility and drainage easement along East boundary of Lot 23 and Tract "A".
19. Ten (10) foot private utility easement along East boundary of Lot 25.
20. Ten (10) foot private utility easements along the North and South boundaries of Lot 27.
21. Ten (10) foot private utility easement along the North boundary of Lot 29.
22. Sixteen (16) foot private utility easement along the South boundary of Lot 29 and the North boundary of Lot 30.
23. Ten (10) foot private utility easement along the North boundary of Lot 31.
24. Ten (10) foot private utility easement along the East boundary of Lot 34.
25. Ten (10) foot private utility easement along the East boundary of Lot 36.
26. Ten (10) foot private drainage easement along the East boundary of Lots 39 – 42.
27. Seven (7) foot utility easement along the East boundary of Lot 43.
28. Five (5) foot utility easement along the West boundary of Lot 46.
29. Ten (10) foot utility easement along the East boundary of Lot 47.
30. Fifteen (15) foot private utility easement along the North boundary of Lot 53.
31. Ten (10) foot drainage easement along the North boundary of Lot 58.

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

Dated:	January 12, 2006
Recorded:	January 19, 2006
Auditor's No.:	200601190127
Executed By:	Irving Construction Corporation, a Washington corporation, Richard A. Ballow and Gail G. Ballow, husband and wife, and Conrad C. Levesen and Dianna Levesen, husband and wife



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