

When recorded return to:

MICHAEL A. WINSLOW  
Attorney at Law  
411 Main Street  
Mount Vernon, Washington 98273



201004120090  
Skagit County Auditor

4/12/2010 Page 1 of 4 2:51PM

### MEMORANDUM OF LEASE

**GRANTORS:** Randy S. Audette and Marsha A. Audette, husband and wife.

**GRANTEES:** Rockies, LLC, a Washington limited liability company; and Cody Audette and Casey Audette.

**LEGAL DESCRIPTION:**

Tract 1 of Skagit County Short Plat No. 29-87 as approved February 12, 1988, and recorded February 12, 1988, in Volume 8 of Short Plats, page 23, under Auditor's File No. 8802120024, records of Skagit County, Washington; being a portion of the South half of the Southwest quarter of Section 14, Township 34 North, range 4 East of the Willamette Meridian.

**ASSESSOR'S PROPERTY TAX  
PARCEL OR ACCOUNT NO.**

P24749

**REFERENCE #s OF DOCU-  
MENTS ASSIGNED/RELEASED:**

None

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

APR 12 2010

Amount Paid \$  
Skagit Co. Treasurer  
By *man* Deputy

## **MEMORANDUM OF LEASE AND OPTION TO PURCHASE**

Recorded at the Request of  
and after Recording Return to:

Michael A. Winslow  
Attorney at Law  
411 Main Street  
Mount Vernon, WA 98273

Grantor: Randy S. Audette and Marsha A. Audette, husband and wife.

Grantee: Rockies, LLC, a Washington limited liability company; and Cody Audette and Casey Audette.

Tract 1 of Skagit County Short Plat No. 29-87 as approved February 12, 1988, and recorded February 12, 1988, in Volume 8 of Short Plats, page 23, under Auditor's File No. 8802120024, records of Skagit County, Washington; being a portion of the South half of the Southwest quarter of Section 14, Township 34 North, range 4 East of the Willamette Meridian.

Assessor's Tax Parcel ID#(s): P24749

## **MEMORANDUM OF LEASE AND OPTION TO PURCHASE**

### **Big Rock Cafe and Grocery Lease**

This MEMORANDUM OF LEASE (this "Memorandum") is made as of March 31, 2010, by and between Randy S. Audette and Marsha A. Audette, husband and wife ("Landlord"), and Rockies, LLC, a Washington limited liability company ("Tenant"), as a memorandum of an unrecorded Lease (the "Lease") dated March 31, 2010, and unrecorded Option to Purchase Real Estate between Landlord and the Principals of Tenant concerning the real property described as follows:

Tract 1 of Skagit County Short Plat No. 29-87 as approved February 12, 1988, and recorded February 12, 1988, in Volume 8 of Short Plats, page 23, under Auditor's File No. 8802120024, records of Skagit County, Washington; being a portion of the South half of the Southwest quarter of Section 14, Township 34 North, range 4 East of the Willamette Meridian.

together with any improvements located thereon (collectively, the "Premises").

**1. A. Lease.** Landlord leases to Tenant and Tenant leases from Landlord all of Landlord's right, title and interest in the Premises upon the terms, covenants and conditions set forth in the Lease, which provisions are hereby incorporated into this Memorandum by reference as if fully set forth herein. Capitalized terms not herein defined shall have the meanings ascribed to them in the Lease.

**B. Option.** Landlord further has granted to the Principals of Tenant, namely Cody Audette and Casey Audette, each an unmarried individual, an Option to Purchase the subject premises for a period of up to 7 years, commensurate with the terms of the Lease Agreement, on terms and conditions



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and at a price as stated in the said Option Agreement.

2. **Term.** The initial term of the Lease commenced on April 1, 2010, and shall continue until December 31, 2015.

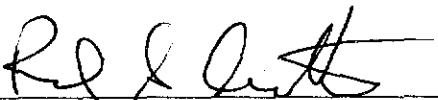
3. **Options to Extend.** Tenant has two options to extend the Lease for a term of one year each. Said options shall be exercised in the manner provided in and in accordance with and subject to the provisions of the Lease.

4. **Interpretation.** This Memorandum is not a complete summary of the Lease. Provisions in this Memorandum shall not be used in interpreting the Lease provisions. In the event of conflict between the Memorandum and the unrecorded Lease, the unrecorded Lease shall control.

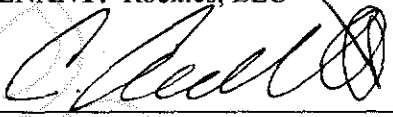
5. **Purpose of Memorandum.** This Memorandum is prepared for the purpose of providing for record notice of the following:

- A. The existence of the Lease between the parties;
- B. The Tenant's interest in the Premises thereunder;
- C. The perpetual and temporary easement appurtenant to the Premises, licenses, rights of way and terms, covenants, conditions and provisions thereof as described in the Lease, and in no way modifies the express and particular provisions of the Lease; and
- D. Option to Purchase the subject real estate.

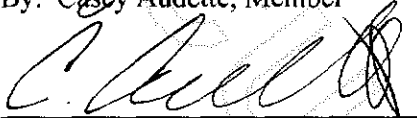
**LANDLORD:**

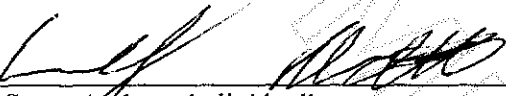
  
Randy S. Audette

**TENANT: Rockies, LLC**

  
By: Cody Audette, Member

  
By: Casey Audette, Member

  
Cody Audette, individually

  
Casey Audette, individually



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Skagit County Auditor

State of Washington )  
 )ss  
County of Skagit )

I certify that I know or have satisfactory evidence that Randy S. Audette and Marsha A. Audette, husband and wife, are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes in the instrument.

Dated: 4/6/2010, 2010.

Piper Lee Eger  
Piper Lee Eger, Notary Public  
My appointment expires 8/19/10

State of Washington )  
 )ss  
County of Skagit )

I certify that I know or have satisfactory evidence that Cody Audette is the person who appeared before me; that he acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged as a Member of Rockies, LLC, and individually, to be the free and voluntary act of him for the uses and purposes contained in the instrument.

DATED: 4/6, 2010.

Piper Lee Eger  
Piper Lee Eger, Notary Public  
My commission expires 8/19/10

State of Washington )  
 )ss  
County of Skagit )

I certify that I know or have satisfactory evidence that Casey Audette is the person who appeared before me; that he acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged as a Member of Rockies, LLC, and individually, to be the free and voluntary act of him for the uses and purposes contained in the instrument.

DATED: 4/6, 2010.

Piper Lee Eger  
Piper Lee Eger, Notary Public  
My commission expires 8/19/10



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