



**Return Address:**  
Jeff Poetsch  
Managing Member  
1028 Wilmington Way  
Redwood City, CA 94062

**Please print or type information WASHINGTON STATE RECORDER'S Cover Sheet  
(RCW 65.04)**

<b>Document Title(s)</b> (or transactions contained therein): (all areas applicable to your document <u>must</u> be filled in)	
GUARDIAN NORTHWEST TITLE CO. <b>MEMORANDUM OF FUNDING AGREEMENT</b> <i>m9745-2</i>	
<b>Reference Number(s)</b> of Documents assigned or released:	
N/A	<b>ACCOMMODATION RECORDING ONLY</b>
<b>Grantor(s)</b> (Last name, first name, initials)	
1. Clear Valley Environmental Farm LLC, a Washington limited liability company 2. Forterra NW, a Washington nonprofit corporation	
<b>Grantee(s)</b> (Last name first, then first name and initials)	
1. Clear Valley Environmental Farm LLC, a Washington limited liability company 2. Forterra NW, a Washington nonprofit corporation	
<b>Legal description</b> (abbreviated: i.e. lot, block, plat or section, township, range)	
Ptns of Sections 10, 11, 14 & 15, T34N, R4E W.M., Skagit County, Washington.  Additional legal is on Exhibit A of document.	
<b>Assessor's Property Tax Parcel/Account Number</b>	<input type="checkbox"/> Assessor Tax # not yet assigned
P109225; P109241; P24443; P24483; P24480; P24491; P24494; P24497; P24498; P24512; P24530; P24531; P24532; P24533; P24535; P24892; P24695; P24897; P24731; P24743; P24801; P24805; P24806; P24890; P24891; P24892; P24804; P24694; P128590	
The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.	

## MEMORANDUM OF FUNDING AGREEMENT

This is a Memorandum ("Memorandum") of the Conservation Easement Monitoring & Enforcement Funding Agreement ("Agreement") with an effective date of July 19, 2013 ("Effective Date") between Clear Valley Environmental Farm LLC, a Washington limited liability company, having an address at 1028 Wilmington Way, Redwood City, CA 94062 ("CVEF"), and Forterra NW, a Washington nonprofit corporation, having an address at 901 Fifth Avenue, Suite 2200, Seattle, Washington 98164 ("Forterra") (collectively "Parties") as of the date provided below.

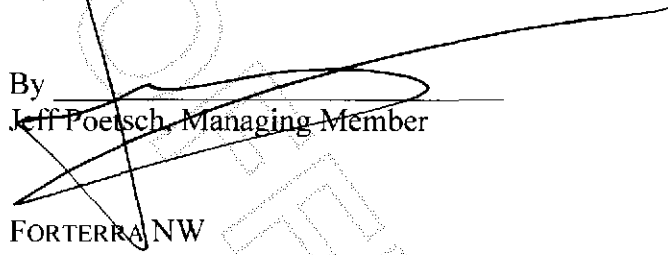
1. CVEF jointly owns, as a tenant-in-common with Clear Valley Environmental Farm, II, Inc. a Washington corporation, the property that is legally described on Exhibit A (the "Property").
2. The Agreement sets forth the respective monitoring, enforcement, and funding obligations of CVEF and Forterra with respect to that certain Grant Deed of Conservation Easement, dated July 19, 2013, in favor of Forterra which is recorded under Auditor's File No. 201307190126, Skagit County, Washington (the "Conservation Easement"). A complete copy of the Agreement is on file at the offices of Forterra.
3. This Memorandum is recorded to give public notice of the Agreement and is not a complete summary of the Agreement. Provisions in this Memorandum shall not be used in interpreting the Agreement provisions. In the event of conflict between the Memorandum and the unrecorded Agreement, the unrecorded Agreement shall control.
4. This Memorandum may be executed in one or more counterparts, each of which shall constitute an original and all of which shall be one and the same agreement.

*[Signatures on Following Page]*



IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date set forth above.

CLEAR VALLEY ENVIRONMENTAL FARM LLC

By   
Jeff Poetsch, Managing Member

FORTERRA NW

By \_\_\_\_\_  
Teresa Macaluso, Executive Vice President



IN WITNESS WHEREOF, the parties have executed this Memorandum as of the date set forth above.

CLEAR VALLEY ENVIRONMENTAL FARM LLC

By \_\_\_\_\_  
Jeff Poetsch, Managing Member

FORTERRA NW

By  \_\_\_\_\_  
Teresa Macaluso, Executive Vice President



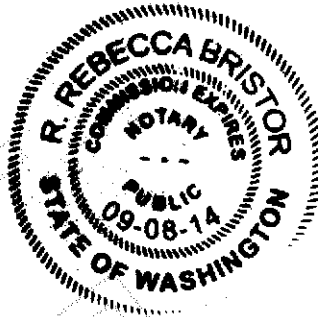
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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 10<sup>th</sup> day of July 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JEFF POETSCH, to me known to be the Managing Member of CLEAR VALLEY ENVIRONMENTAL FARM LLC, the Washington limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.

R. Rebecca Bristol  
NOTARY PUBLIC in and for the State of  
Washington, residing at Seattle  
Print Name: R. Rebecca Bristol  
My commission expires 09/08/14



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this \_\_\_ day of \_\_\_\_\_ 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared TERESA MACALUSO, to me known to be the Executive Vice President of FORTERRA NW, the Washington nonprofit corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
Print Name: \_\_\_\_\_  
My commission expires \_\_\_\_\_



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this \_\_\_\_\_ day of \_\_\_\_\_ 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JEFF POETSCH, to me known to be the Managing Member of CLEAR VALLEY ENVIRONMENTAL FARM LLC, the Washington limited liability company that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
Print Name: \_\_\_\_\_  
My commission expires \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this 12<sup>th</sup> day of July 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared TERESA MACALUSO, to me known to be the Executive Vice President of FORTERRA NW, the Washington nonprofit corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the deal and year in this certificate above written.

Elizabeth Johnston  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at Seattle  
Print Name: Elizabeth A. Johnston  
My commission expires 04-09-17



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**Exhibit A  
Legal Description**

UNOFFICIAL DOCUMENT



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SUBDIVISION GUARANTEE

Schedule "C"  
Legal Description

The land referred to herein is situated in the State of Washington, County of Skagit, and is described as follows:

Tract "A":

That portion of Sections 10, 11, 14 and 15 Township 34 North, Range 4 East, WM, described as follows: Commencing at the Southwest corner of said Section 11, Thence South 88° 32' 07" East, along the South line of said Section 11 a distance of 1168.41 feet; Thence North 1° 06' 44" East 1024.71 feet to the TRUE POINT OF BEGINNING, said true point of beginning is the same true point of beginning as described in that certain document recorded under Auditors File No. 200710110106, records of Skagit County Washington titled parcel "B" after adjustment; Thence the following courses along said Parcel "B" boundary, North 65° 38' 15" West 89.27 feet; Thence North 60° 12' 24" West 578.82 feet; Thence North 58° 52' 21" West 337.35 feet; Thence North 43° 09' 09" West 68.08 feet; Thence North 0° 43' 05" West 371.65 feet; Thence North 3° 01' 13" East 349.79 feet; Thence North 28° 03' 28" East 282.53 feet; Thence North 39° 46' 02" East 128.04 feet; Thence North 73° 15' 44" East 458.76 feet; Thence North 49° 28' 04" East 210.47 feet; Thence along a curve to the left having a radius of 148.75 feet through a central angle of 87° 56' 43" an arc distance of 228.33 feet; Thence North 38° 28' 39" West 106.10 feet; Thence North 29° 08' 06" West 48.98 feet; Thence North 5° 45' 31" West 28.47 feet; Thence North 27° 57' 37" East 255.36 feet; Thence North 38° 57' 10" East 102.81 feet; Thence North 76° 29' 57" East 62.91 feet; Thence North 60° 00' 00" East 58.53 feet; Thence South 44° 26' 23" East 49.42 feet, more or less to the Westerly margin of Babcock Road; Thence leaving said boundary of Parcel "B" Northerly along the West margin of Babcock Road, North 3° 26' 55" East 41.07 feet; Thence continuing along said West margin the following courses, North 11° 45' 40" East 40.64 feet; Thence North 27° 27' 02" East 32.32 feet; Thence North 32° 48' 39" East 35.96 feet, more or less to the East line of the Southwest Quarter of the Northwest Quarter of said Section 11; Thence North 1° 36' 43" East, along said East line, 139.16 feet to the Southerly margin of Swan Road; Thence the following courses along said Southerly margin, Northwesterly along a non-tangent curve concave to the Southwest whose radius point bears South 10° 04' 23" West a distance of 2834.79 feet through a central angle of 6° 32' 59" an arc distance of 324.06 feet; Thence North 86° 28' 36" West 1027.43 feet, more or less to the West line of said Section 11; Thence North 1° 29' 48" East, along said West line, 15.22 feet; Thence continuing along said right of way North 86° 40' 21" West 59.18 feet; Thence North 86° 44' 13" West 105.52 feet; Thence North 85° 17' 44" West 96.36 feet; Thence North 82° 50' 22" West 76.89 feet; Thence North 81° 18' 27" West 146.29 feet to the centerline of Nookachamps creek; Thence the following meandered courses along the centerline of said Nookachamps creek, South 14° 59' 44" West 44.48 feet; Thence South 1° 39' 17" East 70.61 feet; Thence South 28° 20' 12" East 86.67 feet; Thence South 63° 39' 24" East 100.51 feet; Thence South 75° 45' 56" East 110.95 feet; Thence South 66° 37' 29" East 133.10 feet; Thence South 50° 39' 38" East 53.86 feet; Thence South 36° 57' 59" East 46.09 feet; Thence South 31° 38' 29" East 105.02 feet; Thence South 19° 37' 45" East 78.67 feet; Thence South 6° 28' 20" East 36.00 feet; Thence South 1° 15' 55" East 48.25 feet; Thence South 21° 57' 10" West 65.40 feet; Thence South 52° 42' 41" West 71.75 feet; Thence South 87° 55' 04" West 50.91 feet; Thence South 70° 43' 30" West 73.77 feet; Thence North 83° 33' 13" West 37.27 feet; Thence North 67° 12' 20" West 51.36 feet; Thence North 46° 14' 06" West 152.66 feet; Thence North 55° 38' 38" West 50.63 feet; Thence North 41° 51' 17" West 255.39 feet; Thence North 62° 11' 43" West 53.08 feet; Thence North 79° 35' 00" West 58.48 feet; Thence South 82° 24' 56" West 86.84 feet; Thence South 54° 57' 47" West 88.04 feet; Thence South 36° 22' 07" West 58.88 feet; Thence South 33° 34' 34" West 198.18 feet; Thence South 55° 01' 33" West 58.93 feet; Thence North 89° 28' 26" West 79.74 feet; Thence North 80° 41' 38" West 63.98 feet; Thence North 65° 20' 23" West 91.10 feet; Thence North 56° 36' 34" West 115.20 feet; Thence North 70° 29' 45" West 114.29 feet; Thence South 89° 35' 10" West 129.32 feet; Thence South 64° 49' 30" West 116.57 feet;





03' 58" West 97.32 feet; Thence South 40° 28' 29" West 111.76 feet; Thence South 27° 08' 00" West 48.46 feet; Thence South 13° 48' 27" West 146.66 feet; Thence South 20° 24' 58" West 163.42 feet; Thence South 50° 47' 36" West 107.26 feet; Thence South 57° 39' 24" West 85.65 feet, more or less to the North line of the Northwest Quarter of the Southeast Quarter of said Section 10; Thence leaving said creek centerline North 88° 44' 43" West, along said North line, 196.82 feet; Thence leaving said North line South 31° 56' 05" West 31.48 feet; Thence South 22° 29' 52" West 15.99 feet; Thence South 34° 40' 55" West 51.25 feet; Thence South 5° 54' 54" East 100.00 feet; Thence South 7° 21' 13" West 80.73 feet; Thence South 49° 27' 34" East 158.12 feet; Thence South 33° 46' 25" East 6.19 feet; Thence South 23° 32' 55" East 28.75 feet; Thence South 14° 56' 18" East 62.19 feet; Thence South 31° 17' 40" East 62.18 feet;

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Thence South 21° 43' 52" East 44.19 feet; Thence South 26° 20' 27" East 50.67 feet;  
Thence South 21° 18' 30" East 50.11 feet; Thence South 26° 08' 06" East 87.41 feet;  
Thence South 49° 19' 42" East 101.36 feet; Thence South 74° 28' 53" East 68.57 feet;  
Thence South 61° 47' 09" East 24.61 feet; Thence South 60° 00' 49" East 21.17 feet;  
Thence South 35° 59' 34" West 60.63 feet; Thence South 16° 40' 14" West 121.02 feet;  
Thence South 19° 08' 12" East 132.43 feet; Thence South 12° 29' 58" East 52.68 feet;  
Thence South 46° 52' 30" East 48.87 feet; Thence South 60° 03' 05" East 103.02 feet;  
Thence South 69° 30' 09" East 48.21 feet; Thence South 85° 54' 15" East 100.84 feet;  
Thence South 13° 32' 45" West 57.27 feet; Thence South 2° 03' 06" East 172.92 feet;  
Thence South 2° 06' 02" West 912.30 feet; Thence South 27° 26' 09" West 80.39 feet;  
Thence South 25° 10' 53" East 33.79 feet; Thence South 22° 11' 09" East 134.93 feet;  
Thence South 22° 14' 46" East 135.27 feet; Thence South 19° 27' 00" East 152.21 feet;  
Thence South 19° 27' 02" East 154.76 feet; Thence South 30° 22' 07" East 160.09 feet;  
Thence South 31° 44' 17" East 165.70 feet; Thence South 8° 25' 19" East 88.89 feet;  
Thence South 9° 23' 50" East 153.52 feet; Thence South 13° 53' 40" East 127.17 feet;  
Thence South 5° 13' 09" West 703.31 feet; Thence South 16° 31' 19" West 90.60 feet;  
Thence South 13° 16' 59" East 93.08 feet; Thence South 15° 26' 09" East 27.73 feet;  
Thence South 26° 42' 33" East 216.31 feet; Thence South 53° 03' 24" East 45.81 feet;  
Thence South 21° 00' 54" West 115.42 feet; Thence South 7° 01' 24" West 143.10 feet;  
Thence South 29° 48' 00" East 59.82 feet; Thence South 1° 34' 02" East 49.36 feet;  
Thence South 13° 38' 32" East 64.62 feet; Thence South 23° 58' 35" East 65.67 feet;  
Thence South 40° 38' 15" East 90.57 feet; Thence South 50° 23' 19" East 102.63 feet;  
Thence South 79° 51' 55" East 166.09 feet; Thence North 70° 45' 13" East 43.22 feet;  
Thence South 79° 25' 18" East 20.49 feet; Thence South 81° 40' 02" East 29.44 feet;  
Thence South 11° 49' 18" West 92.65 feet; Thence South 12° 29' 54" East 123.98 feet;  
Thence South 28° 39' 56" West 29.14 feet; Thence South 14° 37' 34" West 75.63 feet;  
Thence South 0° 20' 45" East 111.73 feet; Thence South 48° 25' 28" East 11.36 feet;  
Thence South 5° 04' 40" East 65.41 feet; Thence South 19° 53' 20" East 63.44 feet;  
Thence South 28° 19' 19" East 94.72 feet; Thence South 70° 31' 51" East 89.84 feet;  
Thence South 43° 33' 29" East 155.07 feet; Thence North 70° 24' 51" East 83.00 feet;  
Thence South 54° 50' 52" East 21.37 feet; Thence North 79° 28' 23" East 71.92 feet;  
Thence South 62° 24' 17" East 18.77 feet; Thence South 72° 29' 08" East 30.68 feet;  
Thence North 78° 29' 56" East 189.47 feet; Thence North 76° 52' 30" East 48.87 feet;  
Thence North 60° 00' 00" East 39.16 feet; Thence North 45° 00' 00" East 39.16 feet;  
Thence North 30° 00' 00" East 39.16 feet; Thence North 15° 00' 00" East 39.16 feet;  
Thence North 2° 40' 41" East 25.22 feet; Thence North 2° 26' 49" West 123.92 feet;  
Thence North 11° 11' 06" West 151.99 feet; Thence North 4° 52' 22" East 217.56 feet;  
Thence North 3° 26' 51" East 166.51 feet; Thence North 3° 54' 05" West 38.37 feet;  
Thence North 16° 28' 47" West 55.73 feet; Thence North 2° 38' 24" East 488.36 feet;  
Thence North 33° 46' 25" East 91.41 feet; Thence North 15° 15' 23" East 159.46 feet;  
Thence North 23° 57' 12" East 230.05 feet; Thence North 42° 19' 28" East 83.47 feet;  
Thence North 76° 34' 08" East 85.59 feet; Thence North 81° 15' 14" East 140.92 feet;  
Thence North 89° 24' 51" East 314.01 feet; Thence North 79° 23' 17" East 227.38 feet;  
Thence North 70° 05' 05" East 99.42 feet; Thence North 79° 18' 54" East 95.41 feet;  
Thence North 73° 24' 27" East 30.88 feet; Thence North 62° 30' 16" East 39.83 feet;

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Thence North 39° 52' 39" East 258.14 feet more or less to the Southwesterly line of that certain parcel described as Parcel "A" after BLA, recorded under Auditors File No. 200708090007, records of Skagit County Washington; Thence North 60° 07' 16" West along said Southwesterly line of said Parcel "A" a distance of 218.28 feet; Thence North 29° 52' 18" East 422.07 feet to a point on the Northeasterly line of said Parcel "A"; Thence the following courses along the boundary of said Parcel "A" South 56° 41' 17" East 148.65 feet; Thence North 46° 15' 53" East 126.54 feet; Thence South 53° 55' 39" East 185.22 feet to the Northeasterly corner of said Parcel "A", being on the centerline of that certain 100 foot wide right of way to Seattle Lake Shore and Eastern Railway Company right of way as conveyed by Deed dated April 4, 1890 and recorded July 13, 1890 in Volume 10 of Deeds, page 651, records of Skagit County Washington;

Thence along the centerline of said right of way, North 36° 04' 21" East 104.06 feet; Thence along a curve to the right having a radius of 5613.62 feet through a central angle of 4° 10' 36" and arc distance of 409.21 feet; Thence North 40° 14' 58" East 804.87 feet to a point on the East line of the Southwest Quarter of Section 11; Thence North 1° 43' 48" East along said line, 140.29 feet to the Northeast corner of that certain parcel described as Parcel "D" described in that certain document recorded under Auditors File No. 200805080061, records of Skagit County Washington; Thence North 45° 00' 00" West along the Easterly line of said Parcel "D" a distance of 58.96 feet to the Southerly bank of the East Fork of Nookachamps Creek; Thence along the Southerly bank of the East Fork of Nookachamps Creek the following courses South 33° 37' 57" West 6.52 feet; Thence South 51° 31' 50" West 116.03 feet; Thence South 85° 47' 33" West 62.12 feet; Thence North 64° 43' 28" West 53.38 feet; Thence North 71° 22' 26" West 66.45 feet; Thence South 77° 07' 20" West 47.84 feet; Thence South 60° 57' 09" West 28.25 feet; Thence South 47° 36' 06" West 26.30 feet; Thence South 37° 13' 16" West 30.25 feet; Thence South 50° 03' 57" West 29.00 feet; Thence South 71° 14' 40" West 40.28 feet; Thence North 83° 04' 06" West 51.29 feet; Thence North 69° 25' 17" West 94.54 feet; Thence North 58° 31' 50" West 104.07 feet; Thence North 50° 26' 04" West 48.54 feet; Thence North 59° 32' 38" West 24.74 feet; Thence South 89° 03' 02" West 213.66 feet; Thence North 74° 35' 08" West 54.54 feet; Thence North 68° 35' 12" West 132.92 feet; Thence South 37° 17' 52" West 92.81 feet; Thence South 52° 15' 52" West 29.33 feet; Thence South 72° 35' 27" West 56.67 feet; Thence North 85° 25' 43" West 33.79 feet to the East line of the Southwest Quarter of the Southwest Quarter of said Section 11; Thence North 1° 06' 44" East along the East line thereof, 614.85 feet more or less to a point which lies South 65° 38' 15" East from the true point of beginning; Thence North 65° 38' 15" West 163.26 feet to the TRUE POINT OF BEGINNING.

EXCEPT the fee ownership underlying those Easement rights AND EXCEPT those Easement rights reserved by Clear Valley Environmental Farm, LLC, a Washington limited liability company, et al, on that certain Statutory Warranty Deed recorded November 20, 2007 as Auditor's File No. 200711200139; being a portion of the North ½ of the Northwest ¼ of Section 14, Township 34 North, Range 4 East, W.M..

**Tract "B":**

Those Easement rights reserved by Clear Valley Environmental Farm, LLC, a Washington limited liability company, et al, on that certain Statutory Warranty Deed recorded November 20, 2007 as Auditor's File No. 200711200139; being a portion of the North ½ of the Northwest ¼ of Section 14, Township 34 North, Range 4 East, W.M., EXCEPT the following described property:

That portion of the below described Parcel "A" being a portion of the Northwest ¼ of Section 14, Township 34 North, Range 4 East, WM described as follows, being a portion of Parcel "A", after Boundary Line Adjustment, as recorded under Auditors File No. 200708090007:

Beginning at the most Southerly corner of the below described Parcel "A"; Thence North 60° 07' 16" West along the Southwesterly line thereof, 30.00 feet; Thence North 29° 52' 44" East 423.87 feet to a point on the Northeasterly line of the below Parcel A"; Thence South 56° 41' 17" East along said line, 30.00 feet; Thence South 29° 52' 18" West 422.07 feet to the point of beginning.



**Parcel "A":**

Commencing at the North Quarter corner of Section 14, Township 34 North, Range 4 East, W.M.; thence West, along the North line of said Section 14, a distance of 275.88 feet to an intersection with the Westerly right of way line of the Northern Pacific Railway Company; thence Southwesterly, along said right of way line, 1086.24 feet to a point hereinafter referred to as Point "A"; thence continue Southwesterly along said right of way, 408.00 feet; thence North 60° 07' 16" West in a straight line, 1691.33 feet, more or less, to a point 396.00 feet South of the Northwest corner of said Section 14 and on the West line of said Section 14 to the TRUE POINT OF BEGINNING; thence North, along the West line thereof a distance of 396.00 feet; thence East, along the North line of said Section 14, a distance of 329.30 feet; thence South 56° 41' 17" East, along a line that would connect to the aforementioned Point "A", a distance of 1363.83 feet; thence South 29° 52' 18" West 422.07 feet, to a point which lies South 60° 07' 16" East from the true point of beginning; thence North 60° 07' 16" West 1460.34 feet to the TRUE POINT OF BEGINNING.

Said Tracts "A" and "B" comprise portions of Tracts 1, 2, 3, 4, 5, 6 and 7 of the legal description set forth on the original Schedule "C" of this Guarantee.



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