

93013781
DECLARATION OF COVENANT

700
82
J

Know all men by these presents that I (we) the undersigned, owner(s) in fee simple of the land described herein, hereby declare this covenant and place same on record.

I (we), the grantor(s) herein, am (are) the owner(s) in fee simple of (an interest in) the following described real estate situated in ISLAND County, State of Washington, to wit:
CARL POWELL

on which the grantor(s) owns and operates a well and waterworks supplying water for public use located on said real estate, to wit:

4411 N JAMES ROAD OAK HARBOR WA 98277
R-23432-040-0280 E 23432-0280 23
and grantor(s) is (are) required to keep the water supplied from said well free from impurities which might be injurious to the public health.

It is the purpose of these grants and covenants to prevent certain practices hereinafter enumerated in the use of said grantor(s) land which might contaminate said water supply.

NOW, THEREFORE, the grantor(s) agree(s) and covenant(s) that said grantor(s), his (her) (their) heirs, successors and assigns will not construct, maintain, or suffer to be constructed or maintained upon the said land of the grantor(s) and within 100 (one hundred) feet of the well herein described, so long as the same is operated to furnish water for public consumption, any of the following: structures, residences, cesspools, sewers, privies, septic tanks, drainfields, manure piles, garbage of any kind or description, barns, chicken houses, rabbit hutches, pigpens, or other enclosures or structures for the keeping or maintenance of fowls or animals, or storage of liquid or dry chemicals, herbicides, or insecticides.

7-16-93

These covenants shall run with the land and shall be binding on all parties having or acquiring any right, title, or interest in the land described herein or any part thereof, and shall inure to the benefit of each owner thereof.

WITNESS MY hand ON this 16 day of JULY, 1993

[Signature] (Seal)
[Signature] (Seal)
Grantor(s)

State of Washington
County of ISLAND) ss

I, the undersigned, a Notary Public in and for the above named County and State, do hereby certify that on this 16th day of JULY, 1993, personally appeared before me CARL POWELL to me known to be the individual described in and who executed the within instrument, and acknowledge that he (they) signed and sealed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

G. M. Miller - Blunck FILED
Notary Public in and for the Vol.
State of Washington residing at Carl Powell
Greenbank JUL 16 1 03 PM '93



#96 003629 TYPE: WD \$8.00
BK 703 PG 799 3/4/96 3:39:28 PM
Art Hyland, ISLAND COUNTY AUDITOR
DEPUTY: CS REQUESTED BY:
Land Title Company

Filed for Record at Request of
LAND TITLE COMPANY

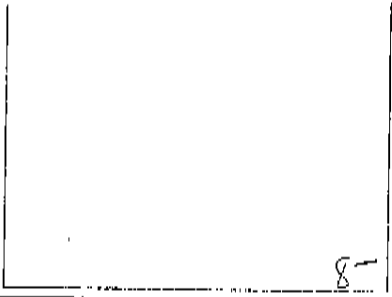
AFTER RECORDING MAIL TO:

Name JAMES H. HUTTON

Address P.O. BOX 231202

City, State, Zip ANCHORAGE, AK 99523-1202

Record No. E1450
LT-53986



Statutory Warranty Deed

THE GRANTOR CARL N. POWELL and LISA C. POWELL, husband and wife.

Ten Dollars and Other Valuable Consideration, as Part of an
for and in consideration of IRC Section 1031 Tax Deferred Exchange
in hand paid, conveys and warrants to JAMES H. HUTTON TRUSTEE OF THE JAMES H. HUTTON
DECLARATION OF TRUST DATED NOVEMBER 15, 1991 AND CHARLENE D. HUTTON TRUSTEE OF THE
CHARLENE D. HUTTON DECLARATION OF TRUST DATED NOVEMBER 15, 1991
the following described real estate, situated in the County of Island, State of Washington:

Fig

The North 271.96 feet of the South 514.59 feet of that portion of Government Lot 1,
Section 32, Township 34 North, Range 2 East W.M., lying West of the centerline of
County Road known as Jones Road;

43

EXCEPT the West 494.00 feet thereof; and

EXCEPT any portion thereof lying within County Road known as Jones Road on the East.

X
38

Situates in the County of Island, State of Washington.

ISLAND COUNTY WASHINGTON
REAL ESTATE RECORDS

MAR - 4 1996

AMOUNT PAID: 3093.00
MAXIMUM PAID: 3093.00
ISLAND COUNTY TREASURER

3-4-96

TOGETHER WITH: Easement as shown in Exhibit "A" attached hereto and made a part
hereof.

SUBJECT TO: Easements, Restrictions, Reservations and Provisions of record, if any.

Dated this 21st day of February, 1996

By [Signature] By _____
CARL N. POWELL

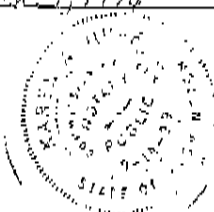
By [Signature] By _____
LISA C. POWELL

STATE OF Washington

COUNTY OF Island

I certify that I know or have satisfactory evidence that Carl N. Powell and Lisa C. Powell
are the person s who appeared before me, and said person s acknowledged that
they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes
mentioned in this instrument.

Dated: March 4, 1996



[Signature]
Karen A. Hull
Notary Public in and for the State of Washington
Residing at Inland County
My appointment expires: September 19, 1999

Exhibit "A"

1) A non-exclusive easement for ingress, egress and utilities over and across an existing driveway located within the South 400 feet of the following described property:

The West 494 feet of Government Lot 1, Section 32, Township 34 North, Range 2 East, W.M.
EXCEPT the North 305 feet as measured along the West line thereof; and
ALSO EXCEPT the West 384 feet of the South 617.39 feet thereof; and ALSO EXCEPT the County Road along the South line thereof known as Halder Road.

2) ALSO, together with an easement for access to an existing well site and water lines that lay over, under and across a 10' strip of land the center of which is the existing water line. Said well site and water line are located on the parcel described in EXHIBIT 'A'.

Grantee shall have the use of said easements for operation, maintenance and repair of said well and water lines from said existing well to the west line of the property described as parcel 1. At such time that Parcel 1 is occupied, costs of maintenance and repair will be divided equally by both owners.

3-4-96