



FILED FOR RECORD AT REQUEST OF

D-99661  
AFTER RECORDING MAIL TO:

CHESTER T. LACKEY  
401 BNS BUILDING  
BELLINGHAM, WA 98225

RECEIVED

OCT 06 1989

BELCHER, SWANSON, LACKEY,  
DORAN & LEWIS

THIS SPACE RESERVED FOR RECORDER'S USE  
WHATCOM COUNTY  
BELLINGHAM, WA  
10/06/89 11:42 AM  
REQUEST OF: /TIC  
Shirley Forslof, AUDITOR  
BY: CO. DEPUTY  
11.00 - FEE

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File No: 89100659

Statutory Warranty Deed

THE GRANTOR

ONA WHALEN, individually and as Personal Representative of PHILLIP PATRICK WHALEN, deceased, as to an undivided 29/92nds interest; MICHELLE WHALEN, as Personal Representative of ROSEMARY DUGAN WHALEN, also known as ROSEMARY DUGAN, deceased, as to an undivided 63/92nds interest.

for and in consideration of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION in hand paid, conveys and warrants to BOUNDARY HEIGHTS DEVELOPMENT, INC.

the following described real estate, situated in the County of WHATCOM, State of Washington:

SEE ATTACHED EXHIBIT "A"

RE-RECORD TO CORRECT LEGAL DESCRIPTION

CERTIFICATE OF EXEMPTION  
WCC 21.12.050-1  
THE LAND DIVISION DESCRIBED IN THIS DOCUMENT IS EXEMPT FROM THE WHATCOM COUNTY SUBDIVISION REGULATIONS, AS OF  
5 OCT 1989. Long Stone  
DAY MONTH YEAR FOR WHATCOM COUNTY

Dated this \_\_\_\_\_ day of October, 1989.

By Ona Whalen  
ONA WHALEN, individually

By Michelle Whalen aka Ramona  
MICHELLE WHALEN, aka MICHELLE WHALEN POMADA, as Personal Representative of ROSEMARY DUGAN WHALEN, aka ROSEMARY DUGAN, deceased.

By Ona Whalen  
of PHILLIP PATRICK WHALEN, deceased.  
STATE OF WASHINGTON, } ss.

By \_\_\_\_\_  
STATE OF WASHINGTON, } ss.  
County of \_\_\_\_\_

I hereby certify that I know or have satisfactory evidence that ONA WHALEN is the person who appeared before me, and said person acknowledged that ( She ) signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that ( he ) signed this instrument, on oath stated that \_\_\_\_\_ authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ of \_\_\_\_\_ to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

Dated: October 4, 1989

Dated: \_\_\_\_\_

Ramona C. Kennedy  
Notary Public in and for the State of Washington,  
residing at Bellingham

\_\_\_\_\_  
Notary Public in and for the State of Washington,  
residing at \_\_\_\_\_

My appointment expires 9/30/92

My appointment expires \_\_\_\_\_

55170Y EX 10/27/89 PAID

20.00

11.00

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STATE OF WASHINGTON,

County of WHATCOM

} ss.



SAFECO

On this day personally appeared before me MICHELLE WHALEN, aka MICHELLE WHALEN POMADA

to be known to be the individual described in and who executed the within and foregoing instrument and acknowledged to me that she signed the same as her free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal this 4th day of October, 1989

Ramona J. Kennedy

Notary Public in and for the State of Washington, residing at Bellingham  
My Commission expires: 9/26/93  
SAFECO Title Insurance Company - ACKNOWLEDGMENT - ORDINARY

## EASEMENTS

Grantor is the owner of the following described real property, which lies immediately to the North of the Fee Property. Such property shall hereinafter be referred to as the "Serviant Estate", and is more particularly described as follows:

ALL THAT PORTION OF GOVERNMENT LOTS 2, 7 AND 8, IN SECTION 35, TOWNSHIP 41 NORTH, RANGE 3 WEST OF W.M., LYING WEST OF COUNTY ROAD NO. 512 AS EXTENDED INTO WHAT IS SOMETIMES KNOWN AS THE GOODMAN ROAD; SOUTH OF ELM STREET AS SHOWN ON THE PLATS OF MAPLE BEACH SUPPLEMENTAL, AS RECORDED IN BOOK 7 OF PLATS, PAGE 1, RECORDS OF WHATCOM COUNTY, WASHINGTON AND WHALEN'S 1ST ADDITION TO MAPLE BEACH SUPPLEMENTAL, AS RECORDED IN BOOK 8 OF PLATS, PAGE 63, RECORDS OF WHATCOM COUNTY, WASHINGTON; WEST OF DERBY AVENUE, AS SHOWN ON SAID WHALEN'S 1ST ADDITION TO MAPLE BEACH SUPPLEMENTAL; AND SOUTH OF THE SOUTH LINE AND EASTERLY EXTENSION THEREOF, OF THE PLAT OF ROOSEVELT WAY ESTATES DIVISION NO. 2, AS RECORDED IN BOOK 12 OF PLATS, PAGE 40 RECORDS OF WHATCOM COUNTY, WASHINGTON. EXCEPT THAT PORTION PLATTED AS MICHAEL PALISADES, AS RECORDED IN BOOK 10 OF PLATS, PAGE 31, RECORDS OF WHATCOM COUNTY, WASHINGTON. AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13, BLOCK 6, MAPLE BEACH ADDITION TO POINT ROBERTS, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 22, RECORDS OF SAID COUNTY AND STATE; THENCE SOUTH 89 DEGREES 59' 45" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ELM STREET FOR A DISTANCE OF 142.33 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WHATCOM COUNTY ROAD NO. 512 AS PER THE PLAT OF MAPLE PARK ADDITION TO POINT ROBERTS, WHATCOM COUNTY, WASHINGTON, RECORDED IN VOLUME 9 OF PLATS, PAGE 13, RECORDS OF SAID COUNTY AND STATE, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 59' 45" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ELM STREET FOR A DISTANCE OF 510.28 FEET; THENCE SOUTH 0 DEGREES 00' 15" EAST FOR A DISTANCE OF 263.39 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE PROPOSED PLAT OF WHALEN ESTATES; THENCE ALONG SAID NORTHERLY LINE SOUTH 72 DEGREES 05' 00" EAST FOR A DISTANCE OF 92.30 FEET. THENCE CONTINUING ALONG SAID NORTH NORTHERLY LINE SOUTH 63 DEGREES 57' 22" EAST FOR A DISTANCE OF 87.01 FEET; THENCE NORTH 63 DEGREES 59' 45" EAST PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ELM STREET FOR A DISTANCE OF 317.63 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 512; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 227.57 FEET AND A CENTRAL ANGLE OF 93 DEGREES 20' 23" FOR AN ARC DISTANCE OF 370.73 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY

EXHIBIT "A"

PROPERTY

A tract of land within Government Lots 7 and 8, Section 35, Township 41 North, Range 3 West of the Willamette Meridian, Whatcom County Washington, more particularly described as follows:

BEGINNING at the southeast corner of said Section 35; thence West along the south line of said Section 35 for a distance of 2,040.19 feet, more or less, to the east line of the west 600 feet of said Government Lot 7; thence N 00 degrees 19' 48" E along said east line for a distance of 1,008.68 feet; thence S 89 degrees 40' 12" E for a distance of 118.00 feet; thence N 77 degrees 34' 31" E for a distance of 218.30 feet, thence S 72 degrees 05' 00" E, for a distance of 629.86 feet to the southwest corner of that certain tract of land described in a Real Estate Contract recorded under Whatcom County Auditor's File No. 1379824 and depicted on Record of Survey No. 811, recorded under Whatcom County Auditor's File No. 1380450: thence continuing along the southerly line of said certain tract of land the following bearings and distances:

S 72 degrees 05' 00" E, 92.30 feet;  
thence S 63 degrees 57' 22" E, 87.01 feet;  
thence N 89 degrees 59' 45" E,

to the center line of the Goodman Road No. 512 as per the plat of the Maple Park Addition to Point Roberts, Whatcom County Washington, recorded in Volume 9 of Plats, Page 13; thence southeasterly along the centerline of Goodman Road No. 512 to the POINT OF BEGINNING.

EXCEPTING THEREFROM the Plat of Michael Palisades as per the plat thereof recorded in Volume 10 of Plats, Page 31, records of Whatcom County, Washington:

ALSO EXCEPT Goodman Road, County Road No. 512;

ALSO EXCEPT Johnson Road, County Road No. 592.

SITUATE in Whatcom County, Washington.

(hereinafter "Fee Property")

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ROAD NO. 512 THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 227.57 FEET AND A CENTRAL ANGLE OF 37 DEGREES 11' 19" FOR AN ARC DISTANCE OF 127.85 FEET; THENCE SOUTH 89 DEGREES 59' 45" WEST PARALLEL WITH THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 91.86 FEET; THENCE SOUTH 40 DEGREES 26' 04" WEST FOR A DISTANCE OF 17.60 FEET; THENCE SOUTH 49 DEGREES 33' 56" EAST FOR A DISTANCE OF 56.71 FEET; THENCE SOUTH 11 DEGREES 10' 30" WEST FOR A DISTANCE OF 64.49 FEET TO AN INTERSECTION WITH SAID SOUTHERLY LINE; THENCE NORTH 89 DEGREES 59' 45" EAST ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 127.83 FEET TO THE POINT OF BEGINNING.

EXCEPT THE WEST 600 FEET THEREOF, AND EXCEPT THE FEE PROPERTY.

SITUATE IN WHATCOM COUNTY, WASHINGTON.

THE GRANTOR CONVEYS AND WARRANTS TO THE GRANTEE A PERPETUAL EASEMENT OVER THE SOUTH 150 FEET OF THE SERVIENT ESTATE, EXCEPT THE WEST 300 FEET THEREOF FOR THE PURPOSE OF ALLOWING THE GRANTEE OR ITS SUCCESSORS AND ASSIGNS TO TRIM, LIMB AND/OR TOP ANY TREES. THIS RIGHT SHALL BE COVENANT RUNNING WITH THE LAND, AND IS A RIGHT THAT MAY BE EXERCISED BY GRANTEE'S SUCCESSORS OR ASSIGNS, INCLUDING INDIVIDUAL LOT OWNERS IN THE EVENT THE FEE PROPERTY IS SUBDIVIDED.

THE GRANTEE, IN ADDITION, CONVEYS AND WARRANTS TO THE GRANTEE A 20 FOOT EASEMENT FOR DRAINAGE PURPOSES OVER THE EASTERLY 20 FEET OF THE SERVIENT ESTATE. THIS EASEMENT IS INTENDED TO ALLOW GRANTEE TO DRAIN THE PROPERTY TO ELM STREET.

WHATCOM COUNTY  
BELLINGHAM, WA  
10/27/89 11:42 AM  
REQUEST OF: JIC  
Shirley Forslof, AUDITOR  
BY: RO: DEPUTY  
\$19.00 FEE

(The easement line shall be parallel to and 150 feet north of the north boundary of the fee property)