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Skagit County Auditor

10/10/2007 Page 1 of 5 11:33AM

200710040085

Skagit County Auditor

10/4/2007 Page 1 of 5 1:41PM

WHEN RECORDED RETURN TO:

JAMES E. ANDERSON P.S.
P.O. BOX 727
ANACORTES, WA 98221

Rerecord to add Treasurer Stamp
BOUNDARY LINE ADJUSTMENT/RESTRICTIVE COVENANTS

GRANTORS: NADINE FOIST, as her separate property;
JOHN K. HSIANG and LENA Y. HSIANG, husband and wife

GRANTEE: THE PUBLIC; "PLAT OF THE TOWNSITE OF GIBRALTER";
JOHN K. HSIANG and LENA Y. HSIANG, husband and wife

LEGAL DESCRIPTION:

The Westerly 5 feet of the following described property: Lots 3 through 7 inclusive, Block 36, and Lots 3 through 7 inclusive, Block 37, all in "PLAT OF THE TOWNSITE OF GIBRALTER", according to the plat thereof recorded in Volume 1 of Plats, Pages 19 and 20, records of Skagit County, Washington together with additional property as set forth on page 6 of this document.

TAX PARCEL NOS.: P73542, P68176, P73539. This agreement also affects the following property immediately to the West of the above described property which includes Tax Parcel Nos.: P73540, P73548, P20422, and P73545.

RECITAL

A. NADINE FOIST, as her separate property, is the owner of the above-described/referenced property and resides on said property with her husband ROBERT HOUSTON FOIST (hereafter individually and collectively referred to as "Foist"); and

B. JOHN K. HSIANG and LENA Y. HSIANG, husband and wife (hereinafter individually and/or collectively referred to as "Hsiang") are the owners of the real property legally described on page 7 of this document.

BOUNDARY LINE ADJUSTMENT/
RESTRICTIVE COVENANTS - 1

C. The existing fence between the properties owned by Foist and Hsiang is located approximately 5 feet onto the Foist property and to resolve any existing questions concerning the actual boundary line between their respective properties the parties have agreed said fence will be the boundary line between their respective properties and desire to establish the same of record; and

D. Hsiang has agreed to impose certain restrictive covenants on their property to protect the view of Hoist; and

NOW, THEREFORE, in consideration of the mutual benefits inuring to each of the parties hereto, the parties agree and covenant as follows:

1. Foist and Hsiang agree that their common boundary line shall be along the existing fence line between their respective properties and accordingly, Foist **conveys and quitclaims** the westerly five (5) feet of the above described property to Hsiang. Said property will be combined and aggregated with contiguous property (see legal description on page 7) owned by Hsiang and this boundary adjustment is not for the purposes of creating any additional building lots.

2. Hsiang agrees to impose restrictive covenants on their property described on page 7 as follows:

2.1 Hsiang will not allow vegetation or any structures to be placed on the southerly thirty (30) feet of their property that would exceed ten (10) feet in height. Exception to said height restriction would be the tall existing tree and any existing structures that would be in that area.

2.2 Hsiang agrees not to raise the roofline of their existing residence, or any replacement of the same.

2.3 The restrictive covenants provided for in this agreement will only be in effect for so long as Nadine Foist and/or Houston Foist, or a trust in which one or both of them is the primary beneficiaries, own the above described property.

2.4 This agreement will be binding upon Hsiang's heirs, successors and assigns for so long as Foist owns the above described property as provided for in the preceding paragraph.

3. Foist agrees to pay all costs connected with having the Boundary Line Adjustment Agreement approved by the applicable Skagit County Authorities and for the recording fees of this agreement.

BOUNDARY LINE ADJUSTMENT/
RESTRICTIVE COVENANTS - 2



200710100054

Skagit County Auditor

4. Foist agrees to pay all costs connected with the maintenance, repair and/or replacement of the fence referred to in Article 1 above. In the event that said fence is replaced, Foist agrees to provide Hsiang with the specifics of the new fence and any new fence will be subject to Hsiang's approval, which shall not be unreasonably withheld.

5. Foist's husband, Robert Houston Foist, is not an owner of record of the above-described property but by his signature below, agrees to be bound by the terms and conditions of this agreement should he ever acquire an interest in the subject property as referred to in Article 2.3 above.

6. Hsiang and Foist agree that all provisions of this agreement are subject to the approval of the applicable Skagit County authorities to the Boundary Line Adjustment set forth herein.

THE PROPERTY DESCRIBED UNDER "LEGAL DESCRIPTION" ON PAGE 1 OF THIS AGREEMENT WILL BE COMBINED OR AGGREGATED WITH CONTIGUOUS PROPERTY OWNED BY HSIANG. THIS BOUNDARY ADJUSTMENT IS NOT FOR THE PURPOSE OF CREATING AN ADDITIONAL BUILDING LOT.

DATE: 9/4/07 Nadine Foist
NADINE FOIST

DATE: 9/28/07 John K. Hsiang
JOHN K. HSIANG

DATE: 28 Sept 07 Lena Y. Hsiang
LENA Y. HSIANG

DATE: 4 Sept 07 Robert Houston Foist
ROBERT HOUSTON FOIST

BOUNDARY LINE ADJUSTMENT/
RESTRICTIVE COVENANTS - 3



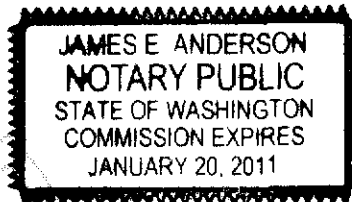
200710100054
Skagit County Auditor

STATE OF WASHINGTON)
) ss
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that NADINE FOIST and ROBERT HOUSTON FOIST signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: SEPTEMBER 4, 2007

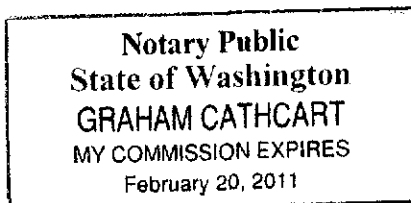
James E. Anderson
Notary Public in and for the State of Washington
Residing at ANACORTES
My appointment expires: 1/20/11



STATE OF WASHINGTON)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that JOHN K. HSIANG signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 9/28/07, 2007



Graham Cathcart
Notary Public in and for the State of Washington
residing at 3001 78th Ave SE
My appointment expires: 02/20/2011

BOUNDARY LINE ADJUSTMENT/
RESTRICTIVE COVENANTS - 4



200710100054

Skagit County Auditor

10/10/2007 Page

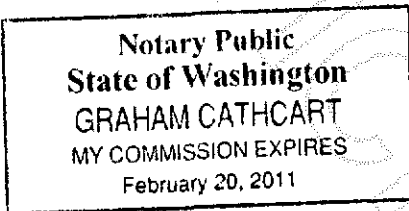
4 of

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STATE OF WASHINGTON)
) ss
COUNTY OF)

I certify that I know or have satisfactory evidence that LENA Y. HSIANG signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED: 9/28, 2007



Graham Cathcart
Notary Public in and for the State of Washington
residing at 3001 78th Ave SE
My appointment expires: 02/20/2011

Approved this 27 day of August, 2007 by
GRACE ROEDER of the Skagit County Planning and Permit
Center.

SKAGIT COUNTY

4773
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

OCT 10 2007

Amount Paid \$ 0
Skagit Co. Treasurer
By M&M Deputy

By Grace Roeder

BOUNDARY LINE ADJUSTMENT/
RESTRICTIVE COVENANTS - 5



Skagit County Auditor

10/10/2007 Page

5 of

5 11:33AM