

DEED RECORD 60  
ISLAND COUNTY

WARRANTY DEED

62738

Tyee Land Company  
to  
Donald L. Saunders

The Grantor, TYEE LAND COMPANY, a corporation organized and existing under and by virtue of the laws of the State of Washington, for and in consideration of the sum of TEN & 00/100 Dollars to it in hand paid, the receipt whereof is hereby acknowledged, CONVEYS AND WARRANTS unto Grantee DONALD L. SAUNDERS of Marysville, Washington, his heirs and assigns forever, the following described real estate, situated in the County of Island in the State of Washington, to-wit:

Lot One hundred fifty-seven (157) of BEVERLY BEACH, DIVISION NO.1.

Also those certain tidelands owned by <sup>the</sup> Grantor lying immediately in front of Lot 157 in the Plat of Beverly Beach, Division No.1, and being between the prolongation of the north boundary line of said Lot 157 westerly in its present platted direction, and the prolongation of the south boundary line of said Lot 157 westerly in its present platted direction.

As a part of the consideration for this conveyance, without which the Grantor would not have executed the same, it is agreed as follows:

1. That the Grantee must connect any residence now upon or that may be hereafter placed upon said land to a concrete septic tank (or some equal or superior device for taking care of the sewage from said residence) and the installation and construction of the said septic tank, or other device, shall be subject to the approval of the Grantor, or of the County Engineer of Island County, Washington, and the Grantee must so long as the residence is used as a dwelling, maintain such connection in good working order. No outhouse for toilet purposes shall be erected or maintained on said land; such conveniences must be incorporated within, or as part of, the building to which they appertain.
2. It is agreed that no fence more than four feet in height shall be erected or maintained on said land without the approval of the Grantor, nor shall any bill board or advertising sign of any character be erected or maintained on said land or on any building thereon, except that the Grantee may erect and maintain a "For Sale" sign while offering said land for sale, provided said sign shall be not more than 24 inches by 24 inches in size.
3. Said land shall not be sold, conveyed, rented nor leased in whole or in part to any person not of the white race, nor shall any person not of the white race be permitted to occupy any portion of said land or any building thereon except a domestic servant actually employed by a white occupant of said building.
4. That said land shall only be used for dwelling house and agricultural purposes and shall not be used in any way as commercial property except the owner of a private dwelling may have the right to rent the property from time to time, but he shall not have the right to engage in a hotel, lodging house or cabin for rent business on said property, and it is particularly provided that no platform, pavillion or structure of any kind to be used for dances, open to the public shall be erected or placed upon the above described premises, nor shall said land nor any part thereof be used as a place for hiring boats. In case any residence hereafter <sup>to</sup> be erected or placed upon said premises shall be of a value less than Five Hundred Dollars (\$500.00), then the Grantee shall submit his plans and specifications to the Grantor and obtain its approval before commencing construction. Any residence hereafter constructed or placed on said premises shall be forthwith painted by owner.
5. There is included in this land conveyance an undivided one one hundred sixty-eighth (1-168th) interest in and to two certain parcels of land shown upon the plat of Beverly Beach, Division No.1, described as follows: "land tidelands"



adjoining and in front thereof) and Private Beach and Playgrounds Reserve "B" (and tidelands adjoining and in front thereof), subject to such restrictions and regulations regarding the use of said land as hereinafter set forth:

The said undivided one one-hundred sixty-eighth (1-168th) interest is not subject to transfer or alienation except only as the physical property hereinabove described as Lot 157 of the said plat of Beverly Beach, Division No.1, is transferred. The said undivided interest is subject to division in proportion to the actual division of said Lot 157 of the said plat of Beverly Beach, Division No.1, and not otherwise.

No building, wharf or dock of any character shall be erected on any portion of this land Private Beach and Playgrounds Reserve "A" ( and tidelands adjoining and in front thereof) and Private Beach and Playgrounds Reserve "B" (and tidelands adjoining and in front thereof), without the written consent of the Grantor being first obtained, and the use of said property or any portion thereof by the general public for picnic or playground purposes or any other purposes is hereby prohibited. These parcels of land may be used by owners thereof for themselves and their invited guests as playground and recreational centers and for bathing and boating so long as such use is carried on in an orderly manner.

The Grantor reserves the right to sell and dispose of such amount of gravel and sand forming a portion of the beach in front of the parcel described as Private Beach and Playgrounds Reserve "A", from time to time, at such price as it may consider reasonable, to such an extent as in its opinion will not materially damage the said beach for playground, recreational, boating and bathing purposes, on condition that the net proceeds from such sale or sales shall nevertheless be expended by the Grantor for the improvement of either Private Beach and Playgrounds Reserve "A" or Private Beach and Playgrounds Reserve "B", and the Grantor reserves the right from time to time, at its option, to expend its own money for improvement of the said two parcels of land last above mentioned, but it is not obligated so to do.

It is understood that tide lands mentioned herein are subject to reservation by the State of Washington of oil, gas, coal and minerals therein.

The foregoing restrictions and regulations shall remain in full force and effect and shall run with the land until the 31st day of December, 1958.

Wherever the words "Grantor" or "Grantee" are used the same shall be construed to include the successors, heirs and assigns of said parties.

This deed is given subject to all taxes and special assessments becoming a lien after August 28, 1928 and after said date the warranties herein shall apply only to acts of the Grantor.

IN WITNESS WHEREOF, the said TYEE LAND COMPANY has caused these presents to be signed by its President and its corporate seal, attested by its Secretary, to be hereunto affixed, the 9th day of March, 1931.

Seal: Tyee Land Company,  
Incorporated August 11, 1924  
Everett, Washington.

TYEE LAND COMPANY

BY D. A. Duryee President

Attest: Steve Saunders Secretary

STATE OF WASHINGTON, } ss.  
County of Snohomish

On this 23rd day of March, 1931, before me personally appeared D. A. Duryee to me known to be the President, and Steve Saunders to me known to be the Secretary of the TYEE LAND COMPANY, the 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 they

## DESCRIPTION

This Plat of Beverly Beach Division No. 1 embraces all of Government Lot 1 and the North 650 feet of Government Lot 2, Section 26, Twp. 30 N. Range 2 E. W.M.

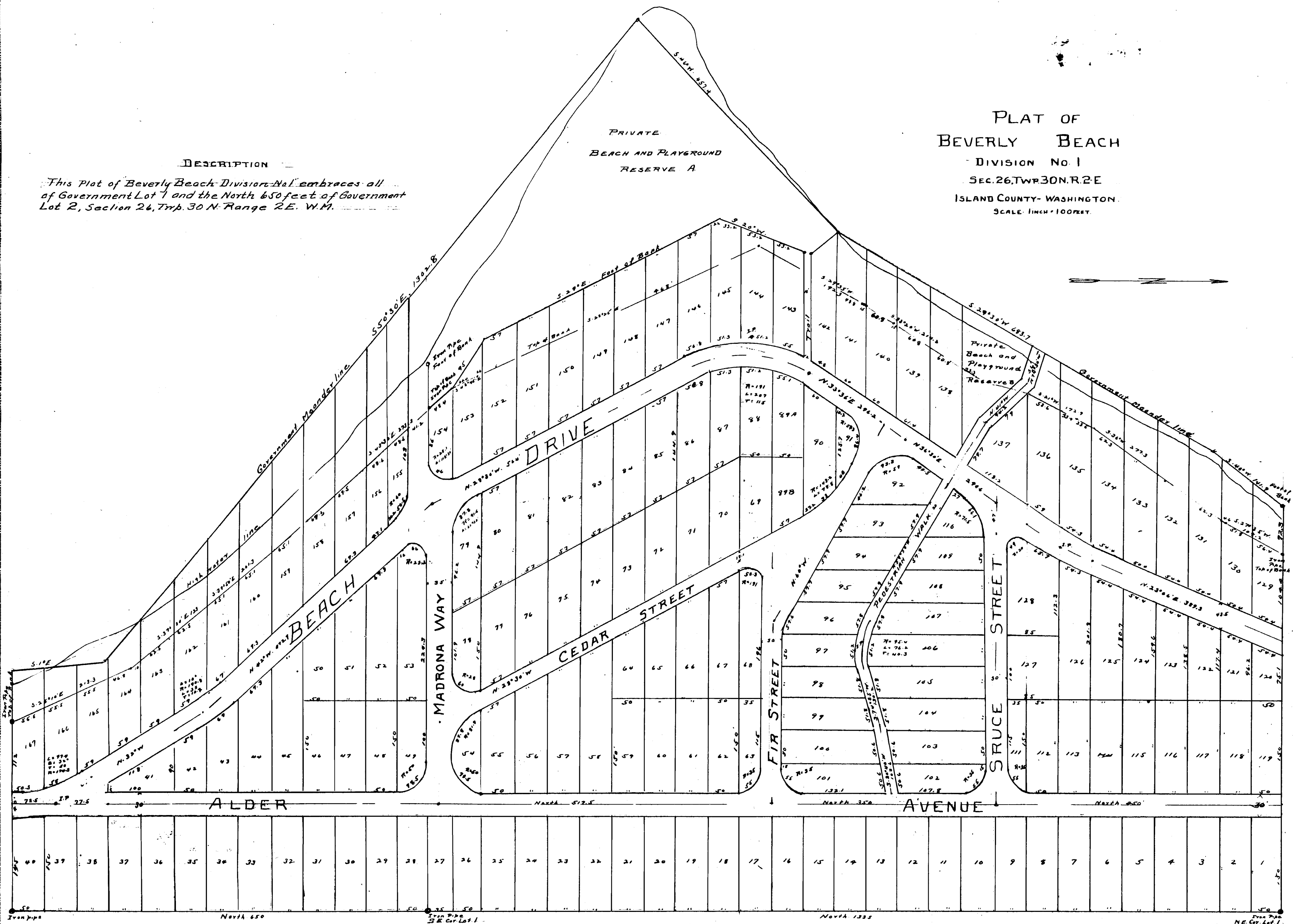
# PLAT OF BEVERLY BEACH

DIVISION No. 1

SEC. 26, TWP. 30 N. R. 2 E.

ISLAND COUNTY - WASHINGTON.

SCALE: 1 INCH = 100 FEET.



## DEDICATION

Know all men by these presents: That the Tyee Land Company, a Washington Corporation, owner in fee simple of the herein described Tract of Land as shown on the annexed plat of "Beverly Beach, Division No. 1" hereby declares said plat and dedicates to the public and for the public use forever all streets and trails as shown thereon.

TYEE LAND COMPANY

D. A. Duryee - President

Steve Saunders - Secretary

## CERTIFICATES

I, Esther M. Manson, Treasurer of Island County, Washington, do hereby certify that all taxes on the herein described property have been paid up to and including the year 1928.

Esther M. Manson  
County Treasurer.

I, L. A. Wanamaker, certify that this plat of "Beverly Beach, Division No. 1" is based upon an actual survey, and that corresponding distances are given in feet and decimals of feet; that iron pipe monuments and lot stakes have been set on the ground as shown on said plat.

L. A. Wanamaker.

## ACKNOWLEDGEMENT

STATE OF WASHINGTON } ss.  
COUNTY OF SHROUD }  
On this 22nd day of July 1928, before me personally appeared D. A. Duryee, to me known to be the President and Steve Saunders, to me known to be the Secretary of the Tyee Land Company, the 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 they were authorized to execute said instrument and that the seal affixed is the corporate seal of said Corporation. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Tyee Land Company  
Incorporated Aug 11, 1920  
Everett, Washington

Notary Public in and for the State of  
Washington residing at Everett.

Approved by the Board of County Commissioners this 3rd day of July 1928

Albert Hoffman  
M. T. Brown  
County Commissioners

Examined and approved this second day of July 1928

L. A. Wanamaker - County Engineer.

32134

Office of County Clerk  
County of Island  
State of Washington } ss.

Filed for record at  
the request of S. Saunders the 17 day of Aug 1928  
at 1:30 P.M. and recorded in Volume 3 of Plats  
on page 19 of Records of said County

R. L. Maylor  
Clerk of Island County

J. M. Mada  
Notary Public  
State of Washington  
Commission Expires  
Feb. 2, 1929

See old platting part of C. O. D. &  
Brainerd's Div. vol. 510 page 553  
and also file # 375064