

EVERETT SCHOOL DISTRICT NO. 2

RESOLUTION NO. 95-570

A resolution of the Board of Directors (the "Board") of the Everett School District No. 2 (the "District") to release covenants.

WHEREAS, on or about June 9, 1995, the District acquired certain real property for school purposes from Mr. Kenneth W. Crow (the property acquired from Mr. Crow is hereinafter referred to as the "Crow Property"); and

WHEREAS, the Crow Property, and certain adjoining real properties, were previously under common ownership (the adjoining properties are hereinafter referred to as the "Mill Hill Properties"); and

WHEREAS, while under common ownership, the Crow Property and the Mill Hill Properties were subdivided, as more particularly described in documents recorded under Snohomish County Auditor's File No. 8111130195 (the "1981 Short Plat"); and

WHEREAS, as a result of the 1981 Short Plat, certain conditions, covenants and restrictions were impressed upon the Crow Property and the Mill Hill Properties, as more particularly described in the "Declaration of Short Subdivision and Covenants Running with the Land" recorded under Snohomish County Auditor's File No. 8111130195 (the "1981 Covenants"); and

WHEREAS, the Mill Hill Properties were further subdivided in 1994, as more particularly described in documents recorded under Snohomish County Auditor's File No. 9411025006; and

WHEREAS, in view of the further subdivision of the Mill Properties in 1994, the District has no interest in the prospective enforcement of the 1981 Covenants; and

WHEREAS, in view of the District's acquisition of the Crow Property for school purposes, the owners of the Mill Properties have no interest in the prospective enforcement of the 1981 Covenants; and

WHEREAS, Snohomish County has advised the District that it has no interest in the prospective enforcement of the 1981 Covenants; and

WHEREAS, the District and the current owners of the Mill Hill Properties have entered into a "Release of Covenants," a copy of which is attached hereto as Exhibit A, so as to release and extinguish the 1981 Covenants as between the parties thereto; and

WHEREAS, it was necessary to secure the District's execution of the Release of Covenants on or before June 20, 1995, so that the release and extinguishment of the 1981 Covenants could be secured prior to the sale of one or more of the Mill Hill Properties to third parties.

NOW, THEREFORE, BE IT RESOLVED that the actions of the District, by and through its Deputy Superintendent Jeffrey S. Riddle, in negotiating and executing the Release of Covenants are hereby ratified, affirmed and approved.

AND BE IT FURTHER RESOLVED that the District's Superintendent, Dr. Jane Hammond (or her authorized designee), be and hereby is authorized and directed to take such further action as may be necessary or appropriate to the accomplishment of the Release of Covenants.

ADOPTED this 21st day of August, 1995.

EVERETT SCHOOL DISTRICT NO. 2
a municipal corporation in the State of
Washington by

By Sue Cooper
Sue Cooper, President

By Paul Baldwin
Paul Baldwin, Vice-President

By Roy Yates
Roy Yates, Member

By Shirley Vandermeer
Shirley Vandermeer, Member

By Mark Nesse
Mark Nesse, Member

ATTEST:

By Jane Hammond
Dr. Jane Hammond
Secretary for the Board

EXHIBIT A

(Attach Copy of Release of Covenants)

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RETORNT
EVERETT SCHOOL DISTRICT NO. 2
4730 COLBY AVENUE
EVERETT, WA 98203

RECORDED

'95 JUN 29 P1:58

ATT. DON RICK

RELEASE OF COVENANTS

908 TERWILLIGER AVENUE
SNOHOMISH COUNTY, WASH.

9506290319
This RELEASE OF COVENANTS (the "Release") is dated as of this 27 day of AUGUST, 1995, and is entered into and given by and between the following parties:

Everett School District No. 2, a municipal corporation of the State of Washington (hereinafter "DISTRICT")

U.S. Builders, Inc., a Washington corporation (hereinafter "U.S. BUILDERS");

L D & D Construction Corp., a Washington corporation (hereinafter "L D & D");

Mill Hill Limited Partnership, a Washington limited partnership (hereinafter "MILL HILL");

Garden Homes Construction Company, Inc., a Washington corporation (hereinafter "GARDEN HOMES");

Edal Developments, Inc., a Washington corporation (hereinafter "EDAL");

Three Plus One, L.L.C., a limited liability company (hereinafter "THREE PLUS ONE");

Pacnor Development, Inc., a Washington corporation (hereinafter "PACNOR");

Ming Ka Inc., a Washington corporation (hereinafter "MING KA"); and

Randolf A. Cherewick, as his separate estate (hereinafter "CHEREWICK").

This Release is given with respect to the following facts.

RECITALS

A. The DISTRICT owns certain real property more particularly described at Exhibit A, attached hereto and incorporated herein by this reference (hereinafter the "DISTRICT PROPERTY").

Recorder's Note: Portions Of This
Document Poor Quality For Filming

BR 3044 PG 0418

CHEREWICK (each and all of them) the COVENANTS, and any and all interest in and to the MILL HILL PROPERTIES evidenced by or arising under the COVENANTS, to affect a full and complete extinguishment of the COVENANTS. In so doing, DISTRICT declares its intent that the COVENANTS shall be severed from the real property to which the COVENANTS were previously bound, that the COVENANTS shall no longer run with the land, and that the COVENANTS shall no longer be of any force or effect.

2. As to the DISTRICT PROPERTY, U.S. BUILDERS, L D & D, MILL HILL, GARDEN HOMES, EDAL, THREE PLUS ONE, PACNOR, MING KA and CHEREWICK (each and all of them) hereby release, quit, surrender, convey, and quit claim to the DISTRICT the COVENANTS, and any and all interest in and to the DISTRICT PROPERTY evidenced by or arising under the COVENANTS, to affect a full and complete extinguishment of the COVENANTS. In so doing, U.S. BUILDERS, L D & D, MILL HILL, GARDEN HOMES, EDAL, THREE PLUS ONE, PACNOR, MING KA and CHEREWICK (each and all of them) declare their intent that the COVENANTS shall be severed from the real property to which the COVENANTS were previously bound, that the COVENANTS shall no longer run with the land, and that the COVENANTS shall no longer be of any force or effect.

3. The parties hereto each and all warrant and represent to each other that: (a) their respective undersigned representatives have been duly authorized to execute this Release on behalf of party for whom such representative has signed; (b) they fully understand the terms and conditions of this Release (and have consulted with legal counsel as to its contents and consequences); and (c) they choose to execute this Release of their own free will for the mutual benefits to be derived to each and all of them therefrom.

EXECUTED AS OF THE DATE FIRST WRITTEN ABOVE.

Everett School District No. 2,
a municipal corporation of the State of
Washington

By:

Jeffrey S. Renda
Its Deputy Superintendent

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U.S. BUILDERS, INC., a Washington
corporation

By: _____
Its _____

L D & D CONSTRUCTION CORP., a
Washington corporation

By: *A. Auger* *C. Allen*
Its *president*

MILL HILL LIMITED PARTNERSHIP, a
Washington limited partnership

By: *M. Hill*
Its *President of General Partner*

GARDEN HOMES CONSTRUCTION
COMPANY, INC., a Washington
corporation

By: _____
Its _____

EDAL DEVELOPMENTS, INC., a
Washington corporation

By: _____
Its _____

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6/14/95

U.S. BUILDERS, INC., a Washington corporation

By: Jeff White
Its President

L D & D CONSTRUCTION CORP., a Washington corporation

By: _____
Its _____

MILL HILL LIMITED PARTNERSHIP, a Washington limited partnership

By: _____
Its _____

GARDEN HOMES CONSTRUCTION COMPANY, INC., a Washington corporation

By: _____
Its _____



Carol S. Flajole
6-28-95

EDAL DEVELOPMENTS, INC., a Washington corporation

By: [Signature]
Its Director

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THREE PLUS ONE, L.L.C., a limited
liability company

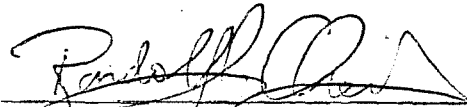
By: _____
Its _____

PACNOR DEVELOPMENT, INC., a
Washington corporation

By: _____
Its _____

MING KA INC., a Washington corporation

By: _____
Its _____



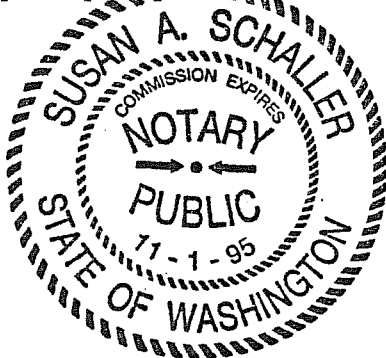
RANDOLF A. CHEREWICK, as his
separate estate

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STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

On this 20 day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Jeffrey S. Riddle, to me known to be the person who signed as Deputy Superintendent of EVERETT SCHOOL DISTRICT NO. 2, a municipal corporation of the State of Washington, that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said municipal corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said officer of the municipal corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Susan A. Schaller
(Signature of Notary)
SUSAN A. SCHALLER
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Everett
My Appointment Expires: Nov. 1, 1995

STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

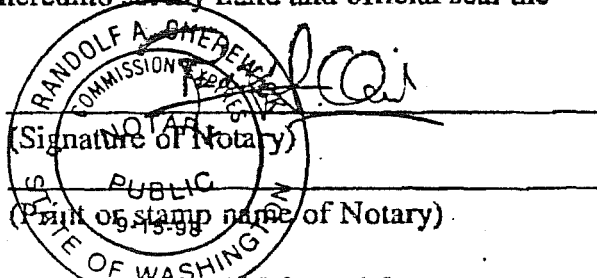
On this 20 day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared JEFF A. WHITNEY, to me known to be the person who signed as Jeff A. Whitney of U.S. BUILDERS, INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 He was duly elected, qualified and acting as said officer of the corporation, that

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H. was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



NOTARY PUBLIC in and for the State
of Washington, residing at Bothell
My Appointment Expires: 9-15-98

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the person who signed as _____ of L L & D CONSTRUCTION CORP., the corporation that executed the within and foregoing instrument, and acknowledged 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 _____ was duly elected, qualified and acting as said officer of the corporation, that _____ was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

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_____ was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

(Signature of Notary)

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at _____
My Appointment Expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

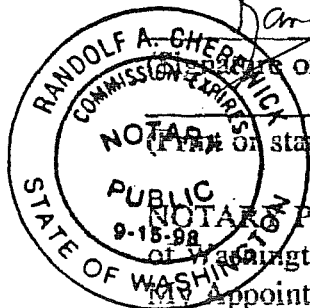
On this 29 day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared R. Gregg E. ELLIS, to me known to be the person who signed as President of L L & D CONSTRUCTION CORP., the corporation that executed the within and foregoing instrument, and acknowledged 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 he was duly elected, qualified and acting as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

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IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



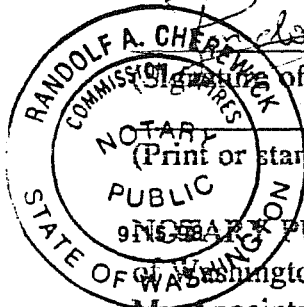
Randolph A. Cherewick
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Bothell
My Appointment Expires: 9-15-98

STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

On this 29 day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared H. R. CHEREWICK, to me known to be the person who signed as PRESIDENT OF GENERAL PARTNER of MILL HILL LIMITED PARTNERSHIP, the limited partnership that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited partnership for the uses and purposes therein mentioned, and on oath stated that HE was authorized to execute said instrument on behalf of the limited partnership.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Randolph A. Cherewick
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Bothell
My Appointment Expires: 9-15-98

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STATE OF WASHINGTON)

COUNTY OF Snohomish ss.

On this 28th day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Charles E. Kamins to me known to be the person who signed as President of GARDEN HOMES CONSTRUCTION COMPANY, INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 he was duly elected, qualified and acting as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Norma J. Miller

(Signature of Notary)

Norma J. Miller

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State

of Washington, residing at EverettMy Appointment Expires: 5/20/97

STATE OF WASHINGTON)

) ss.

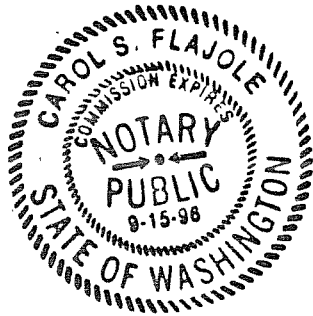
COUNTY OF _____)

On this _____ day of _____, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the person who signed as _____ of EDAL DEVELOPMENT, INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 _____ was duly elected, qualified and acting as said officer of the

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corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Carol S Flajole

(Signature of Notary)

CAROL S FLAJOLE

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Lynnwood
My Appointment Expires: 9-15-98

STATE OF WASHINGTON)

COUNTY OF Snohomish) ss.

On this 28th day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David Chun Yen Chen, to me known to be the person who signed as President of THREE PLUS ONE, L.L.C., the limited liability corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said officer of the limited liability corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said limited liability corporation.

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IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Carol S Flajole

(Signature of Notary)

CAROL S. FLAJOLE

(Print or stamp name of Notary)

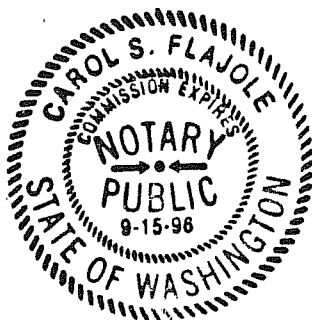
NOTARY PUBLIC in and for the State
of Washington, residing at Lynnwood
My Appointment Expires: 9-15-96

STATE OF WASHINGTON)

COUNTY OF Snohomish) ss.

On this 28th day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Paul K. Yeung, to me known to be the person who signed as President of PACNOR DEVELOPMENT, INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 he was duly elected, qualified and acting as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Carol S Flajole

(Signature of Notary)

CAROL S. FLAJOLE

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Lynnwood
My Appointment Expires: 9-15-96

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STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

On this 28th day of June, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Lawrence Man Hoi Hui, to me known to be the person who signed as President Secretary of MING KA INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 he was duly elected, qualified and acting as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



Carol S Flajole
(Signature of Notary)
CAROL S FLAJOLE
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Lynnwood
My Appointment Expires: 9-15-96

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 1995, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RANDOLF A. CHEREWICK, to me known to be the individual who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this _____ day of _____, 1995, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the person who signed as _____ of MING KA INC., the corporation that executed the within and foregoing instrument, and acknowledged 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 _____ was duly elected, qualified and acting as said officer of the corporation, that _____ was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

(Signature of Notary)

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at _____
My Appointment Expires: _____

STATE OF WASHINGTON)
) ss.
COUNTY OF Snohomish)

On this 29 day of June, 1995, before me, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RANDOLF A. CHEREWICK, to me known to be the individual who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

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GIVEN UNDER my hand and official seal hereto affixed the day and year in
this certificate first above written.



Deanne Radke

(Signature of Notary)

Deanne Radke

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Seattle

My Appointment Expires: 9-15-98

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EXHIBIT A

THE DISTRICT PROPERTY:

Tract 1, PLAT OF TWIN VALLEY GARDEN TRACTS, according to the plat thereof recorded in Volume 10 of Plats, Page 21, in Snohomish County, Washington;

EXCEPT the north 190.0 feet of the west 344.0 feet as measured along the west and north lines thereof;

AND EXCEPT the south 61 feet thereof;

AND EXCEPT the east 20 feet thereof;

TOGETHER WITH the north 121.54 feet of said east 20 feet;

(ALSO KNOWN AS being a portion of Lot 1 of Short Plat 212(6-80) as recorded under Recording Number 8111130195.)

EXCEPT any portion thereof lying east of the east line of the the northwest quarter of the southeast quarter of Section 7, Township 27 North, Range 5 East.

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EXHIBIT B

The individual properties described herein collectively comprise the Mill Hill Properties:

U.S. BUILDERS, INC.

Lots 1, 14, 17 and 24, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

L D & D CONSTRUCTION CORP.

Lots 2, 18, 20 and 25, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

MILL HILL LIMITED PARTNERSHIP

Lots 3, 7, 12 and 22, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

GARDEN HOMES CONSTRUCTION COMPANY, INC.

Lots 5, 6, 10, 11, 15, 16, 19 and 23, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County.

EDAL DEVELOPMENTS, INC.

Lot 4, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

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THREE PLUS ONE, L.L.C.

Lot 8, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

PACNOR DEVELOPMENT, INC.,

Lot 9, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

MING KA INC.

Lot 13, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

RANDOLF A. CHEREWICK

Lot 21, Mill Hill, according to the plat thereof recorded in volume 57 of plats, pages 294 through 296, records of Snohomish County, Washington.

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