

AFTER RECORDING RETURN TO:

Terry Mitchell, President
Cheleek Community Association
1162 Viewpoint Dr.
Oak Harbor, WA 98277

DOCUMENT TITLE:

ASSIGNMENT OF CERTIFICATES OF MEMBERSHIP IN POLNELL LANDING
WATER ASSOCIATION

REFERENCE NUMBER OF DOCUMENTS ASSIGNED OR RELEASED:

Agreement for Assignment of 25 Certificates of Membership in Polnell Landing Water
Association and Other Assorted Water Rights Owned by Roberts and Other
Miscellaneous Provisions, Island County Auditor's File No. 93014781

GRANTORS:

Terry Mitchell, individually and
Terry Mitchell, Marsha Cook, and Robin Bridges as co-trustees of the
Norma R. Mitchell Trust, dated December 5, 1987

GRANTEES:

Terry Mitchell, Marsha Cook, and Robin Bridges, co-trustees of the
Norma R. Mitchell Trust, dated December 5, 1987

LEGAL DESCRIPTION (abbreviated):

Grantees' Parcel: Lot 1-16 of Cheleek PRD, volume 1 pages 124-29 of Planned
Residential Development recorded under Island County Auditor's File Number 4071107

ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBERS:

Grantees' parcel: S6367-00-000-01 through 16-0, inclusive

**ASSIGNMENT OF CERTIFICATES OF MEMBERSHIP
IN POLNELL LANDING WATER ASSOCIATION**

CERTIFICATES OF MEMBERSHIP in the Polnell Landing Water Association are hereby assigned and transferred to Lots 1-16 of Cheleek PRD as follows:

Recitals

1. The Polnell Landing Water Association (also, the “Association”), a Washington non-profit corporation located in Oak Harbor, Washington, operates a water system that has been approved by the Washington State Department of Health to serve 27 (twenty seven) domestic connections under Department of Health Identification Number 55476W.
2. The By-Laws of the Polnell Landing Water Association (“By-Laws”) (Island County Auditor’s File No. 86015123) provide for water supply and ownership interests in the Association and its water system to be transferred through certificates of membership to the Association. Each certificate of membership entitles the certificate owner to one water service to the Association, which shall be and remain appurtenant to the specific parcel for which the membership is granted. The By-Laws further transferred to Robert S. Roberts, its then current President, all existing certificates of membership for his sale and distribution.
3. By an Agreement for Assignment of 25 Certificates of Membership in Polnell Landing Water Association, (etc.) (referred to as “Agreement for Assignment”) (Island County Auditor’s File No. 93014781), Robert S. Robert conveyed and assigned to Terry Mitchell and his mother, Norma R. Mitchell 25 (twenty five) certificates of membership in the Polnell Landing Water Association to be appurtenant to certain lands designated within the Agreement for Assignment as the Mitchell Real Property.
4. Norma R. Mitchell transferred her interest in the 25 (twenty five) certificates of membership in the Polnell Landing Water Association to the Norma R. Mitchell Trust, under that trust December 5, 1987, of which Terry Mitchell, Marsha Cook, and Robin Bridges are co-trustees.
5. On or about August 18, 2003 the above-referenced Mitchell Real Property was platted into the Cheleek Planned Residential Development, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor’s File Number 4071107.

6. The By-Laws provide for certificates of membership to be issued to individual, subdivided parcels within the Mitchell Real Property.
7. Prior to this assignment, the Polnell Landing Water Association had assigned nine (9) certificates of membership to the Association to parcels outside of the Mitchell Real Property. Those nine assignments of certificates of membership are not among the 25 certificates assigned within the Agreement for Assignment referenced in paragraph 3 of these recitals.
8. Prior to this assignment, assignments of certificates of membership have been made to properties that have become Lots 2, 3 and 4 within the Cheleek PRD. The assignments of certificates of membership to those Lots 2, 3 and 4 within this assignment instrument are without prejudice to whatever rights may have accrued by prior assignments to Lots 2, 3 and 4.

NOW THEREFORE, Terry Mitchell, as assignee within the Agreement for Assignment and Terry Mitchell, Marsha Cook, and Robin Bridges as co-trustees of the Norma R. Mitchell Trust under that trust December 5, 1987 hereby assign and transfer their assigned certificates of membership in the Polnell Landing Water Association as follows:

Assignments of Certificates of Membership

1. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 1 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 10.

2. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 2 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 11.

3. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 3 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 12.

4. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 4 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 13.

5. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 5 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 14.

6. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 6 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 15.

7. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 7 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 16.

8. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 8 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 17.

9. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 9 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 18.

10. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 10 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 19.

11. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 11 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 20.

12. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 12 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 21.

13. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 13 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 22.

14. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 14 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 23.

15. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 15 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 24.

16. One certificate of membership in the Polnell Landing Water Association is hereby transferred and assigned exclusively to the following described lot within the Cheleek PRD:

Lot 16 of Cheleek, volume 1 pages 124-29 of Planned Residential Development recorded under Island County Auditor's File Number 4071107

This Certificate of Membership shall be Certificate No. 25.

17. Each of the above certificates of membership is appurtenant to and limited to each of the above described lots within the Cheleek PRD and is a covenant running with the land for the described real property and shall not be severed from the above described real property, but shall run with the described real property.

18. Each certificate of membership grants to the owner(s) of each of the above identified lots a single membership in the Polnell Landing Water Association, a Washington non-profit corporation located in Oak Harbor, Washington. This membership is subject to the Articles of Incorporation and By-Laws of the Polnell Landing Water Association, as those Articles and By-Laws may be amended. The owners of the above described real property are required to comply with all of the terms and conditions of the said Articles of Incorporation and By-Laws, including but not limited to, the payment of dues and assessments and the enforcement of the same by lien rights and foreclosure in the event of failure to pay the said dues and assessments.

19. This assignment is of certificates of membership in the Polnell Landing Water Association and not an assignment of water rights. In making this assignment, the grantors and assignors, Terry L. Mitchell, Marsha Cook, and Robin Bridges, neither individually nor as co-trustee of the Norma R. Mitchell Trust, dated December 5, 1987, nor as Board members of the Cheleek Community Association make any representation, warranty, assurance, or guarantee as to the service, condition, capacity, or operation of the Polnell Landing Water Association, the nature, extent or validity of water rights or the water purveyor approvals held Polnell Landing Water Association, or of the quality, quantity, condition availability of water or water service from the association and do not indemnify the assignees of the certificates of membership regarding these matters.

EXECUTED on the day and date set forth below. (last notarized signature Feb 4, 2005)

Terry L. Mitchell

Terry L. Mitchell,
Individually and as co-trustee of the
Norma R. Mitchell Trust, dated December 5, 1987

Marsha Cook

Marsha Cook, co-trustee of the
Norma R. Mitchell Trust, dated December 5, 1987

Robin Bridges

Robin Bridges, co-trustee
Norma R. Mitchell Trust dated December 5, 1987

Signed and recorded copy in the Association records.