

Island Title Co.
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FIRST SUPPLEMENT
TO
DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
THE POINTE

(Adds THE POINTE Div. No. 3)

JERRY MCINTURE
SKAGIT COUNTY AUDITOR

90 SEP 12 P3:37

RECORDED _____ FILED _____
REQUEST OF _____

THIS FIRST SUPPLEMENT ("First Supplement") made on the date hereinafter set forth, by the undersigned:

I. RECITALS

WHEREAS,

1.1 A DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF THE POINTE was recorded in the Office of the County Auditor, Skagit County, Washington, under File No. 8912190053 (the "Declaration"), covering the certain real property in Skagit County, Washington, commonly known as "The Pointe";

1.2 A previous document entitled DECLARATION OF RIGHTS, RESERVATIONS, EASEMENTS AND PROTECTIVE COVENANTS was filed in the office of the County Auditor, Skagit County, Washington under File Nos. 8711050050 and 8711130042; those documents are deemed inoperative as to all Divisions of The Pointe except Div. No. 1 thereof and Lots 1, 2, and 3 of Short Plat No. 19-85 as amended by Boundary Line Adjustment Recording No. 8605020002, as they were never intended to be construed as a general plan for the area;

1.3 A plat commonly known as "THE POINTE Div. No. 2" was recorded under Auditor's File No. 8806270037, (hereinafter referred to as "Division 2"), and a short plat commonly known as "ROCK POINTE Short Plat No. 10-89" was recorded under Auditor's File No. 8908020066 (hereinafter referred to as "Rock Pointe"), both in the records of Skagit County, Washington and subject to that Declaration;

1.4 Section XII and paragraph 13.2.3 of that Declaration gave Declarant the right to unilaterally, without approval of anyone, expand the size of the "Property" as described therein by supplement to include other adjacent properties, and which Declarant now desires to do;

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1.5 A plat commonly known as "THE POINTE Div. No. 3" will be recorded in the records of Skagit County, Washington (hereinafter referred to as "Division 3"), and Declarant wishes to hereby add the real property within said Division 3 to the Property covered by the Declaration and thereby subject all of the real property therein and the respective Owners thereof to that Declaration; and

1.6 THE POINTE HOMEOWNERS ASSOCIATION AT VISTA SAN JUAN, a Washington nonprofit corporation (hereinafter referred to as the "Association") was incorporated July 10, 1990 under U.B.I. Number 601 260 928, covering all of The Pointe Property and the Owners thereof, to which Declarant also wishes to subject Division 3 and all Owners thereof.

NOW, THEREFORE, the undersigned Declarant hereby declares that:

II. AMENDMENT

2.1 Expansion. The Declaration is incorporated herein and made a part hereof by reference, and pursuant to paragraph 12.3 and subparagraph 13.2.3 of said Declaration, this Supplement does hereby expand the "Property" as described in the Declaration to henceforth include Division 3, and all present and future property owners thereof as "Owners" (alternatively referred to hereinafter as "Division 3 Owners").

2.1.1 The Declaration is hereby amended as necessary to accommodate this First Supplement and encompass the Division 3 property; and

2.1.2 In the event of conflict, this Supplement shall control.

2.2 Assimilation. Upon recordation hereof, the Division 3 Owners shall become subject to and brought within the jurisdiction and controls of the Declaration which shall run with the land, and shall become Members of the Association such that they together with their successors and assigns shall individually become "Owners" thereunder subject to the Association in all respects.

2.3 Easements. The Division 3 Owners are hereby granted easements for ingress, egress, and utility service over any Property which has been reserved as Common Areas.

2.4 Common Areas. The common areas designated on the recorded subdivision maps of Division 3 are hereby transferred, deeded, quit claimed, and dedicated in their entirety to the Association and subjected to the Declaration as "Common Areas" thereunder, with all attendant easements as provided therein.

III. ADDITIONAL DEFINITIONS

3.1 There shall be added to the Definitions set forth in the Declaration the following:

3.1.1 "Division 3 Lots" shall mean all Lots within the platted subdivisions of Division 3; and

3.1.2 "Division 3 Owners" shall mean and refer to all Owners within Division 3.

IV. MAINTENANCE AND IMPROVEMENTS EXPENSES

The Division 3 Owners and Lots shall be subject to and assessed for all maintenance, repairs, and other expense obligations as set forth in the Declaration.

V. HEIGHT RESTRICTIONS

The following Lots within Division 3 are subject to height restrictions above sea level for all buildings and improvements thereon as indicated:

<u>Division 3 Lot No.</u>	<u>Height Restriction- Feet Above Sea Level</u>
22	270
23	280
24	318
25	300
26	323
27	319
28	312
30	350
31	350
32	350
34	420

VI. TITLE EFFECTIVE DATE

This First Supplement shall be binding and effective upon the date of the signature set forth below, but shall not be binding upon

third parties without knowledge thereof until recorded with the Skagit County Auditor.

DATED this 12th day of SEPTEMBER, 1990.

DECLARANT:

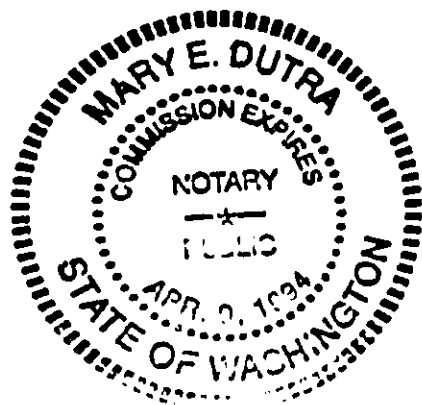
SAN JUAN FIDALGO HOLDING CO.,
INC.

By: George F. McCorkle
GEORGE F. MCCORKLE,
Secretary

STATE OF WASHINGTON)
COUNTY OF ISLAND) SS.

On this 12th day of SEPTEMBER, 1990, before me personally appeared GEORGE F. MCCORKLE, to me known to be the Secretary of the Corporation that executed the within and foregoing instrument and acknowledged that 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 he was authorized to execute said instrument and that the seal affixed thereto (if any) 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 first above written.



Mary E. Dutra
NOTARY PUBLIC in and for the
State of Washington residing
at: Oak Harbor
My commission expires 4/2/94.

POINTE 10-001
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