

153/18

Filed for Record at the request of and After Recording Return to:

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KATHY HILL SKAGIT COUNTY AUDITOR

96 JUL 11 P3:57

REQUEST OF Landy Bishop

9607110067

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS
AND RESTRICTIONS

(Adding Road Improvements, Maintenance)

THIS FIRST AMENDMENT ("Amendment") is made as of the 17th day of June, 1996 by the owners of that certain real property in Skagit County, Washington, described in the Declaration of Covenants, Conditions, Restrictions, Easements and Road Maintenance Agreement dated September 21, 1989, and recorded in Skagit County Recorders' office as Document No. 8909270044 at Volume 845, pages 145 et seq, of Records (hereinafter, the "CC&R's").

Said CC&R's provide that they may be amended by an instrument signed by not less than eighty (80%) percent of the lot owners. Therefore, since there are nine (9) lots, the undersigned owners of no less than eight (8) lots (constituting more than eighty (80%) percent of the lot owners) hereby amend the CC&R's as follows.

- 1. The "road easement" as defined in Paragraph I of the CC&R's and described in Exhibits "C" and "D" thereof shall be paved, an electronic gate shall be installed and ditching shall be improved for a cost not to exceed the cost summary which is attached hereto, marked Exhibit "A" and incorporated herein by reference. Such owners of each lot, except for Parcel P-9, shall pay one-eighth (1/8th) of the cost of the improvements, not to exceed one-eight (1/8) of the maximum amount set fourth in Exhibit "A". Said payment shall made by each of said lot owners within seven (7) days of the execution of this Amendment by the last of the signatories required to make this Amendment effective.
- 2. The owner of each lot shall be personally responsible to pay for any and all damage caused to the above-described road improvements as a result of negligence or the misuse of the improvements by such owner, his guests or invitees. Misuse is hereby defined as any use of the improvements by any vehicle with treads or heavier than normal passenger vehicles. **S607110067**

- 4. If any lot owner shall fail to make the payment due under the terms of this Amendment, the lot owner or owners to whom such payment is due shall have a lien against the lot of the delinquent owner for the unpaid amount and the costs (including recording fees, title costs, court costs and attorneys' fees ) of collecting the delinquent amount, together with interest upon the unpaid amount, from the date of the delinquency until paid at the rate of nine (9%) percent per annum. Any owner entitled to such lien may file for record in the office of the County Recorder of Skagit County, Washington, a Claim of Lien, signed and verified by said owner, which shall contain at least a statement of the unpaid amount, a description identifying how the amount is delinquent and the name of the owner or reputed owner of the lot for which the amount is delinquent. Such Claim of Lien shall be effective to establish the lien which shall be prior and superior to any right, title interest lien or claim which may be acquired or attached to said property subsequent to the time of filing such Claim. Such lien shall be for the use and benefit of the lot owner entitled to receive the delinquent payment and may be enforced and foreclosed in a suit or action brought by such owner in any court of competent jurisdiction in the same manner as if the amount of such lien had been evidenced by the promissory note of the delinquent owner and as if such note were secured by a real estate mortgage upon the lot owned by the delinquent owner.
- 5. Notwithstanding the provisions of Paragraph VI of the CC&R's, the lien herein provided for shall be prior to the lien of any first mortgage or Deed of Trust placed of record subsequent to the date of the filing of the Claim of Lien, as provided herein, and any such subsequent mortgage or Deed of Trust shall be subordinate to the Claim of Lien.
- 6. Each of the undersigned signatories hereby represent and warrant to each of the other undersigned owners that the undersigned is the owner of a lot covered by the CC&R's and has full authority to execute this Amendment to the CC&R's with respect to such lot.
- 7. Except as expressly provided to the contrary herein, all other provisions of the CC&R's shall remain in full force and effect.

## COST SUMMARY FOR PACIFIC RIM DRIVE

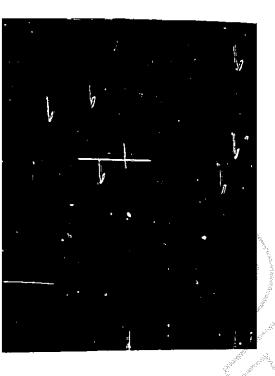
Wilder - Construct asphalt road	\$27,418.30
Harris Gate Co Install phone entry gate (including columns and electrical conduit) Puget Power - Extend power and phone for gate Tom Buggia - Trencing for power and phone for gate Tom Buggia - Clean ditches (estimate - billed by the hour)	\$7,217.21 \$4,186.45 \$3,773.00 \$1,034.88
Miscellaneous: - Wire gate (estimate) - Install common mail box pad (estimate)	\$350.00 \$200.00
Total Cost Cost Per Owner (8)	\$44,179.84 \$5,522.48

EXHIBIT "A"

DATED this 3rd day of 5a/y.	, 1996.
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PROPERTY OWNER (signature) Print Name: Rand Rishoff	PROPERTY OWNER (signature) Print Name:
Filmt Name. Na Ray AVSPIOYI	Fillit Name
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Bv	
, Title	
[Individual Attestation]	
STATE OF $\underline{\omega} \beta$	
COUNTY OF WHATCOM SS.	
instrument and acknowledged it to be his purpose mentioned in the instrument.  Dated: 3, 1996	NOTARY PUBLIC in and for the State of Why Commission expires: 28-97
[Corporate Attestation]	
STATE OF	
COUNTY OF ss.	
acknowledged it as the corporation/limited liability company/part	tory evidence that is the d person acknowledged that he/she signed this was authorized to execute the instrument and of, a nership, to be his/her free and voluntary act of apany/partnership for the uses and purpose
<i>Daiou</i>	NOTARY PUBLIC in and for the State of
	Printed Name My commission expires:
	tath continuesion exhites.

DATED this 3 day of	, 1996.
W. TROM	
PROPERTY OWNER (signature)	PROPERTY OWNER (signature)
Print Name: Claude B Oliver	Print Name:
By	
, Title	
[Individual Attestation]	
STATE OF $\omega \beta$	
COUNTY OF WHATCOM SS.	
I certify that I know or have satisfacto	ory evidence that CHAUDE OHVER is
the person who appeared before me, and said	d person acknowledged that he/she signed this her free and voluntary act for the uses and
purpose mentioned in the instrument.	ner free and voluntary act for the uses and
Dated: Jaly 3, 1996	Linen A. Toer
Dated: 40 0 1 / 1/2	NOTARY PUBLIC in and for the
	State of WH
	Printed Name NAME TEND  My commission expires: 2-28 97
[Companie Attention]	
[Corporate Attestation]	
STATE OF	
COUNTY OF	
I certify that I know or have satisfactor person who appeared before me, and said	ory evidence that is the is the is the
instrument, on oath stated that he/she wa	person acknowledged that he/she signed this s authorized to execute the instrument and
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such corporation/limited liability comp	pany/partnership for the uses and purpose
mentioned in the instrument.	
Dated:	
	NOTARY PUBLIC in and for the State of
•	State of
	My commission expires:

9607110067



	1006
DATED this day of	, 1996.
ATT Walling	
PROPERTY OWNER (signature)	PROPERTY OWNER (signature)
PROPERTY OWNER (signature) Print Name: MICHAEL T. MATTHE CO. 7	Print Name:
	· ·
By	
, Title	
PT. 31-33-1 Amazaniani	A A DICA UELM
[Individual Attestation]	CARISA HELM NOTARY PUBLIC
STATE OF Wardangton ) ss.	STATE OF WASHINGTON MY COMMISSION EXPIRES MARCH 23, 1999
COUNTY OF whatern	MY COMMISSION EXTINCE
I certify that I know or have satisfactor	ory evidence that Michael Matheusis
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purpose mentioned in the instrument.	
Dated: 7-3-96	Causa Ch
Dated	NOTARY PUBLIC in and for the
	Printed Name Cousa He LAA
	My commission expires: 3-23-99
[Corporate Attestation]	
STATE OF)	
) ss.	
COUNTY OF	
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such corporation/limited liability com	d person acknowledged that he/she signed this as authorized to execute the instrument and of, a, a, a, a, a, pany/partnership for the uses and purpose
menuonea in the instrument.	
Dated:	NOTARY PUBLIC in and for the
	State of
	Printed Name My commission expires:

DATED this 3 day of	, 1996.
Mil Illiah	
PROPERTY OWNER (signature)  Print Name: Douglas G Hil-	PROPERTY OWNER (signature)
Print Name: Douglas Co Til	Print Name:
By	
, Title	
[Individual Attestation]	
STATE OF WA.	
COUNTY OF WHATCOM SS.	
the person who appeared before me, and sa instrument and acknowledged it to be his purpose mentioned in the instrument.  Dated: 7-3-96	ory evidence that Douglas G. HITTY is id person acknowledged that he/she signed this s/her free and voluntary act for the uses and NOTARY PUBLIC in and for the State of William
	Printed Name <u>NYNN J J = W</u> My commission expires: <u>2-28-92</u>
[Corporate Attestation]	
STATE OF)	
COUNTY OF	
I certify that I know or have satisfact person who appeared before me, and said instrument, on oath stated that he/she wacknowledged it as thecorporation/limited liability company/part such corporation/limited liabil	d person acknowledged that he/she signed this vas authorized to execute the instrument and
mentioned in the instrument.	
Dated:	
	NOTARY PUBLIC in and for the State of
	Printed Name
	My commission expires:

PROPERTY OWNER (signature) Print Name:  By, Title  [Individual Attestation]  STATE OF, Ss.  COUNTY OF Ss.  I certify that I know or have satisfactory evidence that	DATED this 300 day of 7011	, 1996.
By		<del></del>
[Individual Attestation]  STATE OF WHATCOM  I certify that I know or have satisfactory evidence that KERY SMANWO is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.  Dated: 1996  NOTARY PUBLIC in and for the State/b U/F Printed Name NOTARY PUBLIC in and for the State/b U/F Printed Name Notate State/b U/F State/b	PROPERTY OWNER (signature) Print Name: Script Sono //	PROPERTY OWNER (signature) Print Name:
STATE OF WHATCOM Ss.  I certify that I know or have satisfactory evidence that Smallwood is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.  Dated: July 3 1996  NOTARY PUBLIC in and for the State of Printed Name Synn Titum is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the corporation/limited liability company/partnership, to be his/her free and voluntary act of such corporation/limited liability company/partnership for the uses and purpose mentioned in the instrument.  Dated:  NOTARY PUBLIC in and for the State of Printed Name		
I certify that I know or have satisfactory evidence that	[Individual Attestation]	
I certify that I know or have satisfactory evidence that   SMA   wood is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.  Dated:   July 3   1996   NOTARY PUBLIC in and for the State/of   W/N   J J E W   NOTARY PUBLIC in and for the State/of   W/N   J J E W   NOTARY PUBLIC in and for the State/of   W/N   J J E W   NOTARY PUBLIC in and for the State/of   W/N   J J E W   NOTARY PUBLIC in and for the State/of   W/N   J J E W   NOTARY PUBLIC in and for the State/of   Ss.   Ss.   Sc.   S	STATE OF <u>WA</u> )	
It person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purpose mentioned in the instrument.  Dated: July 3 1996  NOTARY PUBLIC in and for the State/of WITH Printed Name WINN I. TEW My commission expires: 2 28-97  [Corporate Attestation]  STATE OF	COUNTY OF WHATCOM SS.	
STATE OF	instrument and acknowledged it to be his purpose mentioned in the instrument.  Dated: July 3, 1996	NOTARY PUBLIC in and for the State of WAY TITEW
I certify that I know or have satisfactory evidence that is the.  person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the of, a corporation/limited liability company/partnership, to be his/her free and voluntary act of such corporation/limited liability company/partnership for the uses and purpose mentioned in the instrument.  Dated:	•	
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State of	Dated:	
Printed Name		State of
		Printed Name

DATED this 10	th day of July		
	0		
_ Cary Ellis			
PROPERTY OWNER Print Name: (arm	(signature)	PROPERTY OWNER (signatur	e)
Time Name. Try	-FIVSOO	Print Name:	
Ellican Bood laws			
Ellison-Brady Inves	timeurs:	•	
By Cary Ell	wan		
Denesde faitne	2 <u>4</u> , Title		
FF 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	_		
[Individual Attestation]			
STATE OF Washingt	on ).		
COUNTY OF What	ss.		
COUNTY OF WHAT	<u>conc</u>		
I certify that I k	now or have satisfactor	ory evidence that Cary Ellison	_ is
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purpose mentioned in t	the instrument.	ther tree and voluntary act for the uses	and
Dated: 7-6.96		- () and - Cold. 4-	
Daice. 1 0 10	CLARICE A. LEIGHTON	NOTARY PUBLIC in and for the	
	STATE OF WASHINGTON	State of Wash neton	
	NOTARY PUBLIC MY COMMISSION EXPIRES 6-08-99	Printed Name Curice Ategate  My commission expires: 6-8-99	_
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[Corporate Attestation]			
STATE OF	)		
COUNTY OF	ss.		
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		Printed Name	3
		rath commingsion exhites:	<b>—</b>

the 10	
DATED this S day of lung	1996.
Bour Muse	
PROPERTY OWNER (signature)	PROPERTY OWNER (signature)
Print Name: DARRY M. MEUI	Print Name:
By	
, Title	
[Individual Attestation]	
STATE OF Vicunia ).	
COUNTY OF Farkay ss.	
I certify that I know or have satisfact the person who appeared before me, and satisfact instrument and acknowledged it to be his purpose mentioned in the instrument.	ory evidence that Bary Meuse is id person acknowledged that he/she signed this s/her free and voluntary act for the uses and
Dated: 7/5/96	In the state of th
	NOTABY PUBLIC in and for the
	State of Virginia Printed Name   Leanor Chample
	My commission expires: 9/14/2000
[Corporate Attestation]	
STATE OF	
COUNTY OF ss.	
instrument, on oath stated that he/she w	d person acknowledged that he/she signed this as authorized to execute the instrument and
corporation/limited liability company/parts such corporation/limited liability commentioned in the instrument.	of, a, a, a
Dated:	
	NOTARY PUBLIC in and for the State of
	Printed Name
	My commission expires:



DATED this 3 day of July	, 1996.
2-1 h-1	Path: Smy
PROPERTY OWNER (signature) Print Name: Frank   mhok	PROPERTY OWNER (signature) Print Name: Path Tonkof
By, Title	
[Individual Attestation]	
STATE OF WAShington )	
COUNTY OF Whatcom ss.	
purpose mentioned in the instrument.  Dated: July 3, 1990	person acknowledged that he/she signed this her free and voluntary act for the uses indpiction of the uses individual of the uses indpiction of the uses indpiction of the uses indpiction of the uses individual of the uses individ
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COUNTY OF ss.	
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	State of
	Printed Name
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