

Return Address:



199912060114

Kathy Hill, Skagit County Auditor

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SEAFIRST BANK

Attn: Wende Wahl

701 Fifth Avenue, 15th Floor

Seattle, WA 98104

Loan Number 454566-1, 605813 and 3058823

KATHY HILL  
SKAGIT COUNTY AUDITOR

'98 DEC 31 P3:42

ISLAND TITLE COMPANY

SA-17922 ✓

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RECORDED \_\_\_\_\_ FILED \_\_\_\_\_  
REQUEST OF \_\_\_\_\_

Document Title(s) (or transactions contained therein): (all areas applicable to your document must be filled in)

1. DEED OF TRUST MODIFICATION AND SPREADING AGREEMENT

Reference Number(s) of Documents assigned or released:

Additional reference #'s on page \_\_\_\_ of document

Grantor(s) (Last name first, then first name and initials)

1. KOFFRON, KOFFRON, METZGER AND CHRISTOFERSEN, L.L.C, a Washington limited liability company

☐ Additional names on page \_\_\_\_ of document.

Grantee(s) (Last name first, then first name and initials)

1. BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, D/B/A SEAFIRST BANK

☐ Additional names on page \_\_\_\_ of document.

Legal description (abbreviated: i.e. lot, block, plat or section, township, range): Ptn lot 4 SP 95-002 (Ptn. trs. 3, 4, and 5, Plate 11, Anacortes tdlts)

☒ Additional legal is on page \_\_\_\_ of document.

Assessor's Property Tax Parcel/Account Number: 350230-2-223-0300; ptn of 350230-2-223-0002

☐ Assessor Tax # not yet assigned

The Auditor/Recorder will rely on the information provided on the form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

Being re-recorded to correct scribners error.

## DEED OF TRUST MODIFICATION AND SPREADING AGREEMENT

THIS AGREEMENT is dated December 4, 1998, and is made and entered into by and between **KOFFRON, KOFFRON, METZGER AND CHRISTOFERSEN, L.L.C, a Washington limited liability company**, whose address is 762 Padilla Heights Road, Anacortes, WA 98221, and **BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, D/B/A SEAFIRST BANK**, whose address is 333 South Beaudry, 26th Floor, Los Angeles, California 90017, Attention: Commercial Mortgage Loan Servicing.

### RECITALS

A. Bank of America National Trust and Savings Association, dba Seafirst Bank, (hereinafter called "**Beneficiary**") is the Beneficiary of that certain Deed of Trust encumbering certain property in Skagit County Washington described as:

#### PARCEL A

The North 160 feet of the East 151 feet of all that portion of Lot 4, lying West of "V" Place, as set forth on ANACORTES SHORT PLAT NO. 95-002 as approved June 6, 1995, and recorded August 30, 1995, in Volume 12 of Short Plats, pages 23 and 24, under Auditor's File No. 9508300041, records of Skagit

Deed of Trust Modification and Spreading Agreement

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County, Washington; being a portion of Tracts 3, 4 and 5, Plate 11, Anacortes Tide and Shorelands in Section 30, Township 35 North, Range 2 East of the Willamette Meridian.

which Deed of Trust is dated December 5, 1996, and was recorded in the official records of Skagit County, Washington, on December 19, 1996, under Recording No. 9612190087, hereinafter referred to as the "Deed of Trust").

B. Grantor has now acquired certain other and additional real property, which is described as:

**PARCEL B**

The North 160 feet of all that portion of Lot 4, Anacortes Short Plat No. ANA 95-002, as approved June 6, 1995 and recorded August 30, 1995, Volume 12 of Short Plats, pages 23 and 24, under Auditor's File No. 9508300041, records of Skagit County, Washington, lying West of "V" Place as shown thereon; being a portion of Tracts 3, 4 and 5, Plate 11, Anacortes Tide and Shorelands in Section 30-35-2 East of the Willamette Meridian. EXCEPT the East 151 feet thereof.

**PARCEL C**

All that portion of Lot 4, Anacortes Short Plat No. ANA 95-002, as approved June 6, 1995, and recorded August 30, 1995, Volume 12 of Short Plats, pages 23 and 24, under Auditor's File No. 9508300041, records of Skagit County, Washington, lying west of "V" Place as shown thereon; being a portion of Tracts 3, 4 and 5, Plate 11, Anacortes Tide and Shorelands in Section 30-35-2 East of the Willamette Meridian.

EXCEPT the ~~East 151 feet thereof~~. North 160 feet thereof, ALSO EXCEPT all that portion thereof lying Southeasterly of a line, parallel to and 50 feet Northwesterly of, as measured at right angles to the centerline of Street "A" as delineated on said Short Plat.

D. The parties desire now to modify and spread the Deed of Trust as hereinafter provided.

NOW, THEREFORE, in consideration of the foregoing, and the covenants contained herein, and the mutual benefits accruing to the said parties hereunder and as otherwise more fully described in the Deed of Trust, it is hereby agreed between them as follows:

1. The lien of the Deed of Trust is hereby spread to cover in its entirety Parcels B and C as described above, and to that end, Grantor hereby irrevocably grants, bargains, sells and conveys to Rainier Credit Company, whose address is 800 Fifth Avenue, Floor 19, Seattle Washington 98104, as Trustee, in trust, with power of sale, for the benefit of Beneficiary, the above-described Parcels B and C, which are not used principally or primarily for agricultural or farming purposes, together with all improvements thereon and all tenements, hereditaments and appurtenances, now or hereafter thereunto belonging or in anywise appertaining, and the leases and other agreements for use and occupancy pertaining thereto, and the rents, issues and profits thereof, and all other property or rights of any kind or nature whatsoever further set forth in the said Deed of Trust; subject, however, to the right, power and authority given to and conferred upon Beneficiary to collect and apply such rents, issues and profits for the purpose of securing performance of each agreement, payment and undertaking secured by the Deed of Trust according to its terms. It is the intention of the parties hereto that the Deed of Trust and this Agreement shall be construed as a single instrument, and the powers and duties of the Trustee named in the Deed of Trust and the rights of Beneficiary shall be the same as if the above described Parcels B and C conveyed herein had originally been included in the Deed of Trust.



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2. This Deed of Trust does hereafter also secure the following additional obligations of Grantor to Beneficiary, which are hereafter included in the definition of "Secured Obligations" within the meaning of the Deed of Trust:

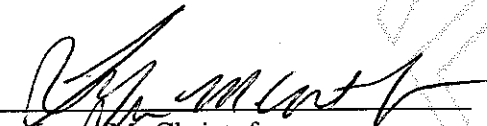
Payment of the sum of SEVEN HUNDRED FIFTY FIVE THOUSAND AND NO/100ths DOLLARS (\$755,000.00) with interest thereon according to the terms of a promissory note dated December 4, 1998, payable to Beneficiary or order and made by Grantor, including all renewals, amendments, modifications, extensions and substitutions therefor (the "\$755,000 Note").

3. The word "Note" as used in the Deed of Trust shall hereafter include both the Note defined in the Deed of Trust in the original principal amount of \$315,000, dated December 5, 1996, and the \$755,000 Note defined above, and the words "Loan Documents" as used in the Deed of Trust shall hereafter include both the Loan Documents as defined in the Deed of Trust and the "Loan Documents" as defined in the \$755,000 Note.

4. Except insofar as herein expressly changed, all terms, covenants and provisions of the Deed of Trust, and all Loan Documents relating thereto and obligations evidenced and secured thereby, shall remain in full force and effect and are hereby expressly ratified and confirmed by the parties hereto.

**GRANTOR**

**KOFFRON, KOFFRON, METZGER AND CHRISTOFERSEN, L.L.C.,**  
a Washington limited liability company

By:   
Lynn M. Christofersen,  
Its Managing Member

**BENEFICIARY:**  
**SEAFIRST BANK**

By:   
Its: VICE PRESIDENT

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Skagit )

On the 8<sup>th</sup> day of December, 1998, before me personally appeared LYNN M. CHRISTOFERSEN, to me known (or proven on the basis of satisfactory evidence) to be the Managing Member of KOFFRON, KOFFRON, METZGER AND CHRISTOFERSEN, L.L.C., a Washington limited liability company, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that she/he was authorized to execute said instrument.

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

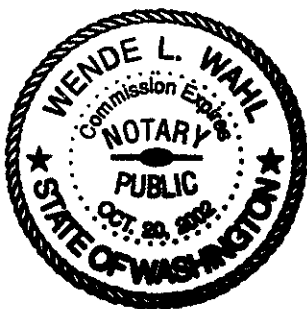


Wende L. Wahl  
NOTARY PUBLIC in and for the State of  
Washington, residing at Renton  
My commission expires 10-20-2002  
Print Name: Wende Wahl

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Skagit )

On this 8<sup>th</sup> day of December, 1998, before me personally appeared Wayne J. Fjellstad, to me known (or proven on the basis of satisfactory evidence) to be the Vice President of BANK OF AMERICA NATIONAL TRUST AND SAVINGS ASSOCIATION, dba SEAFIRST BANK, 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 s/he was duly elected, qualified and acting as said officer of the corporation, and that s/he was authorized to execute said instrument.

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



Wende L. Wahl  
NOTARY PUBLIC in and for the State of  
Washington, residing at Renton  
My commission expires 10-20-2002  
Print Name: Wende Wahl

