

Return Address:

Starbird Properties, L.L.C.
P.O. Box 817
Anacortes, WA 98221



200112130005

Skagit County Auditor

12/13/2001 Page 1 of 7 8:58AM

LAND TITLE COMPANY OF SKAGIT COUNTY

S-99276E

DOCUMENT TITLE(S) (for transactions contained therein):

1. Amendment to Declaration of Covenants and Restrictions
2. Starbird Heights Subdivision
- 3.
- 4.

Reference Number(s) of Documents assigned or released:

(on page of document(s))
200105100119

Grantor(s)

1. Starbird Properties, L.L.C., et al
- 2.
- 3.
- 4.

Additional Names on page of document.

Grantee(s)

1. Public
- 2.
- 3.
- 4.

Additional Names on page of document.

Legal Description (abbreviated i.e. lot, block, plat or section, township, range)

Lots 1-4 Short Plat 01-0151, in 29-33-4 EWM

Additional legal is on page of document.

Assessor's Property Tax Parcel/Account Number 330429-4-007-0500/R118153

330429-4-007-0300/P117538, 330429-4-007-0009/P17485 **

The Auditor/Recorder will rely on information provided on the form. The staff will not read the document to

verify the accuracy or completeness of the indexing information provided herein.

**330429-4-007-0400/R118152; 330429-4-007-0600/R118154

**AMENDMENT TO
DECLARATION OF COVENANTS AND RESTRICTIONS
STARBIRD HEIGHTS SUBDIVISION**

This is an amendment to the original DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE SUBDIVISION OF STARBIRD HEIGHTS SUBDIVISION ("Declarant"), and is made by STARBIRD PROPERTIES, L.L.C., a Washington Limited Liability Company, by COLONEL F. BETZ, JAMES N. SCOTT, THOMAS L. ALLEN and NORTHWEST FOOT CLINIC, INC., P.S.P., a Washington professional service corporation (the said BETZ, SCOTT, ALLEN and NORTHWEST FOOT CLINIC, INC., P.S.P., being members of STARBIRD PROPERTIES, L.L.C.) hereinafter referred to as the "Declarant." This amendment amends the original Declaration which was filed for record in the office of the Skagit County Auditor on May 10, 2001, pages 1 through 18, under Auditor's File No. 200105100119, and is effective the 8th day of December, 2001.

RECITALS

Declarant is the owner of certain real property (the "Property") in Skagit County, Washington, legally described on Exhibit 1, which was attached to the original Declaration of Covenants and Restrictions referred to above, and Declarant wishes to amend the original Declaration and subject the Business Use and Permitted Structures to this Amendment of Declaration of the original Declaration of Covenants and Restrictions.

WITNESSETH:

WHEREAS, since the original Declaration of Covenants and Restrictions was filed, Subjecting the Property to said Declaration, Declarant has determined that it is desirable and necessary to provide for the preservation of values and amenities in said Property and therefore, Declarant desires to subject the Property to an additional covenant and restriction relative to the size and business use of any improvements to be constructed or placed on any of the lots contained in STARBIRD HEIGHTS SUBDIVISION;

NOW, THEREFORE, Declarant hereby amends and supplements the original Declaration of Covenants and Restrictions as follows:

ARTICLE 3.1 Permitted Structures is amended to delete the last sentence of the second paragraph and replace it as follows:

The side walls of any detached building shall not exceed a height of 12 feet, and the total number of square feet of floor space in such building shall not exceed 4,000 square feet.

ARTICLE 4.1 Business Use is hereby deleted and a new paragraph added to read as follows:



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4.1 **Business Use.** No business of any kind shall be conducted on any Lot with the exception of (i) the business of Declaration in developing and selling all of the Lots; (ii) a builder may use a dwelling it owns as sales offices and models for sales of other Lots and/or home; and (iii) such home occupation for which a permit may be issued by the appropriate local government, provided the number of outside employees does not exceed two (2) and that the business is conducted Monday through Friday during normal business hours. Shipment and delivery of materials shall be handled by normal or express mails, or, if by the business owner or commercial carrier, shall be limited to one shipment and one delivery per week. Truck traffic associated with such a home occupation business shall be limited to single real-axle trucks and no semi-trailer type trucks shall be permitted.

Other than as hereinabove set forth, the original DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE STARBIRD HEIGHTS SUBDIVISION is hereby reaffirmed in its entirety as though fully set forth.

DATED this 8 day of December, 2001.

STARBIRD PROPERTIES, L.L.C.,
a Washington Limited Liability Company

By Colonel F. Betz
COLONEL F. BETZ

By James N. Scott
JAMES N. SCOTT

By Thomas L. Allen
THOMAS L. ALLEN

NORTHWEST FOOT CLINIC, INC., P.S.P., a
Washington Professional Service Corporation

By Thomas Crowther
THOMAS CROWTHER

Pamela J. Bartram
PAMELA J. BARTRAM

Barry S. Bartram
BARRY S. BARTRAM



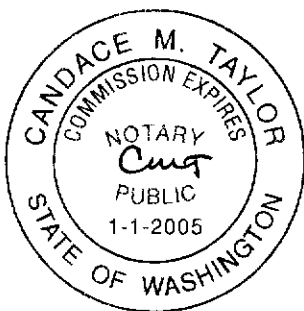
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STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence that Pamela J. Bartram and
Barry S. Bartram
are the person s who appeared before me, and said person s acknowledged that they
signed this instrument and acknowledge it to be their free and voluntary act for the uses and purposes
mentioned in this instrument.

Dated: December 8, 2001

Candace M. Taylor
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 01/01/05



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STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence that James N. Scott
signed this instrument, on oath stated that he is authorized to
execute the instrument and acknowledged it as the Member
of Starbird Properties, LLC to be the free and voluntary act of such
party for the uses and purposes mentioned in this instrument.

Dated: December 10, 2001



Candace M. Taylor
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 01/01/05



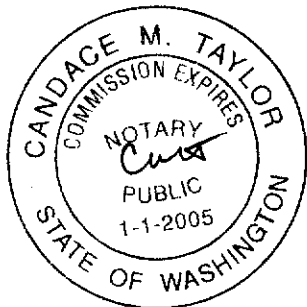
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Skagit County Auditor

STATE OF Washington }
County of Skagit } SS:

I certify that I know or have satisfactory evidence that Thomas W. Crowther
before me signed this instrument, on oath stated that he is authorized to
execute the instrument and acknowledged it as the President of Northwest Foot Clinic, Inc. PSP
~~88~~ Member of Starbird Properties, LLC to be the free and voluntary act of such
party for the uses and purposes mentioned in this instrument.

Dated: December 11, 2001

Candace M. Taylor



Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 01/01/05

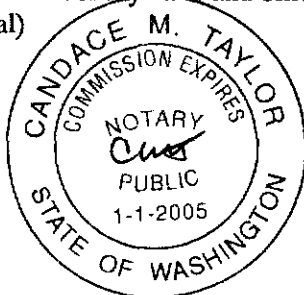


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STATE OF Washington }
County of Skagit } SS:

On this 15th day of December, 2001 before me personally appeared James N. Scott, who executed the within instrument as Attorney in Fact for Colonel F. Betz, Member of Starbird Properties, LLC and acknowledged to me that he signed and sealed the same as his free and voluntary act and deed as attorney in fact for Colonel F. Betz for the uses and purposes therein mentioned, and on oath stated that the Power of Attorney authorizing the execution of this instrument has not been revoked and that the said Colonel F. Betz is now living, and is not incompetent. Given under my hand and official seal the day and year last above written.

(Seal)



Candace M. Taylor
Notary Public in and for the State of Washington
Residing at Mount Vernon
My appointment expires: 01/01/05



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Skagit County Auditor