



200211270215

Skagit County Auditor

11/27/2002 Page

1 of

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Filed for Record at Request of
Dale K. Roundy
P.O. Box 1500
Coupeville, WA 98239

**SECOND AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS FOR
ANKNEY HEIGHTS**

Grantor(s): LRDTD Johnson Partnership, a Washington general partnership;
Hugh Schmidt and Jean Schmidt, husband and wife;
Doyle S. Guffie and Mary Guffie, husband and wife;
Bresnan Family Limited Partnership;
Jeff W. Whitlock and Tonya M. Whitlock, husband and wife
Vance L. Ellington and Janis Ellington, husband and wife
Walter Nick Burroughs and Caryl Burroughs
Donald E. Winget and Constance F. Miller, husband and wife
Shirley M. Lemley, a single individual

Grantee(s): LRDTD Johnson Partnership, a Washington general partnership;
Hugh Schmidt and Jean Schmidt, husband and wife;
Doyle S. Guffie and Mary Guffie, husband and wife;
Bresnan Family Limited Partnership;
Jeff W. Whitlock and Tonya M. Whitlock, husband and wife
Vance L. Ellington and Janis Ellington, husband and wife
Walter Nick Burroughs and Caryl Burroughs
Donald E. Winget and Constance F. Miller, husband and wife
Shirley M. Lemley, a single individual

Legal Description: Lots 1 through 28, Plat of Ankney Heights

(Additional legal is on Pages 14 through 17 of document.)

Assessor's Tax Parcel Number: 4779-000-001-0000 R118246; 4779-000-002-0000
R118247; 4779-000-003-0000 R118248; 4779-000-004-0000 R118249;
4779-000-005-0000 R118250; 4779-000-006-0000 R118251; 4779-000-
007-0000 R118252; 4779-000-008-0000 R118253; 4779-000-009-0000
R118254; 4779-000-010-0000 R118255; 4779-000-011-0000 R118256;
4779-000-012-0000 R118257; 4779-000-013-0000 R118258; 4779-000-
014-0000 R118259; 4779-000-015-0000 R118260; 4779-000-016-0000
R118261; 4779-000-017-0000 R118262; 4779-000-018-0000 R118263;
4779-000-019-0000 R118264; 4779-000-020-0000 R118265; 4779-000-
021-0000 R118266; 4779-000-022-0000 R118267; 4779-000-023-0000
R118268; 4779-000-024-0000 R118269; 4779-000-025-0000 R118270;
4779-000-026-0000 R118271; 4779-000-027-0000 R118272; 4779-000-
028-0000 R118273

Reference Numbers of Documents Assigned or Released: [N/A] 200108100314

THIS SECOND AMENDMENT to Declaration of Covenants, Conditions and Restrictions for Ankney Heights is executed by the undersigned owners of record of the platted lots located within the Plat of Ankney Heights, recorded under Skagit County Auditor file number 200108230090, records of Skagit County, Washington (herein "the Plat").

RECITALS:

- A. LRDTD Johnson Partnership (herein "LRDTD") is the owner of Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28, more particularly described in Exhibit A attached hereto.
- B. LRDTD is also the Declarant named in the Covenants (defined below).
- C. Vance L. Ellington and Janis Ellington, husband and wife, are the owners of Lot 4, more particularly described in Exhibit A attached hereto.
- D. Walter Nick Burroughs and Caryl Burroughs, husband and wife, are the owners of Lot 5, more particularly described in Exhibit A attached hereto.
- E. Hugh Schmidt and Jean Schmidt, husband and wife, are the owners of Lot 7, more particularly described in Exhibit A attached hereto.
- F. Doyle S. Guffie and Mary Guffie, husband and wife, are the owners of Lots 12 and 13, more particularly described in Exhibit A attached hereto.
- G. The Bresnan Family Limited Partnership is the owner of Lot 14, more particularly described in Exhibit A hereto.
- H. Jeff W. Whitlock and Tonya M. Whitlock, husband and wife, are the owners of Lot 15, more particularly described in Exhibit A hereto.
- I. Donald E. Winget and Constance F. Miller, husband and wife, are the owners of Lot 19, more particularly described in Exhibit A attached hereto.
- J. Shirley M. Lemley, a single individual, is the owner of Lot 20, more particularly described in Exhibit A attached hereto.
- K. A Declaration of Covenants, Conditions and Restrictions for Ankney Heights dated August 10, 2001 was recorded on August 10, 2001 under Auditor's File No. 200108100314, records of Skagit County, Washington ("the Original Covenants").

L. An Amendment to the Covenants dated January 28, 2002 was recorded on August 10, 2001 under Auditor's File No. 200201310042, records of Skagit County, Washington ("the Amendment to Covenants").

M. The original Covenants and the Amendment to Covenants are collectively referred to hereinafter as "the Covenants."

N. The Covenants authorize amendment upon the affirmative vote or written consent of at least two-thirds of the owners and the consent of the Declarant until such time as the Declarant has sold all of the Lots.

O. The undersigned owners of platted lots in the Plat constitute at least two-thirds of the owners of all lots in the Plat and wish to amend the Covenants to increase the minimum size of dwellings constructed on each lot from 1,500 to 1,800 square feet, as initially established in the Original Covenants.

SECOND AMENDMENT TO RESTRICTIONS AND COVENANTS OF PLAT

NOW, THEREFORE, the undersigned record owners of the lots located within the Plat hereby agree to amend the Covenants as follows:

Section 1. Subsection 2.3.2 of the Covenants shall be amended in its entirety and as amended shall read as follows:

2.3.2. Minimum Area. Unless a variance is granted, residential units, all of which are single family dwellings, shall not be less than 1,800 square feet without specific approval of the ACC for good cause.

Section 2. It is understood and agreed by each of the undersigned owners of lots within the Plat that the amendment contemplated by this instrument shall be effective only upon its execution by at least two-thirds of the owners of all lots located within the Plat and the signed Consent of the Declarant.

Section 3. This Amendment shall not cause any other provision of the Covenants to be modified.

Section 4. By executing this Amendment to Declaration, LRDTD hereby evidences its consent as the Declarant to this Amendment.



This instrument has been executed on the date shown opposite the signatures of the undersigned owners of record of the Plat.

**Owners of Lots 1, 2, 3, 6, 8, 9, 10, 11, 16, 17, 18, and
21 through 28 of Plat**

Date: 11-22-02

LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership

By: William L Johnson
Partner

By: Gita J Johnson
Partner

By: Janey L Johnson
Partner

By: David E Johnson
Partner

By: Ty Johnson
Partner

Owners of Lot 4 of Plat

Date: _____

Vance L. Ellingson

Janis Ellingson



Owners of Lot 15 of Plat

Date: _____

Jeff W. Whitlock

Tonya M. Whitlock

Owners of Lot 19 of Plat

Date: _____

Donald E. Winget

Constance F. Miller

Owners of Lot 20 of Plat

Date: _____

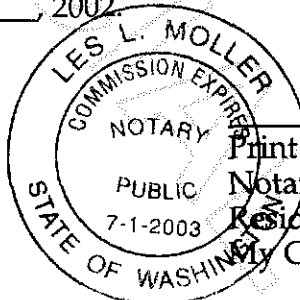
Shirley M. Lemley, a single individual



STATE OF WASHINGTON)
SS:
COUNTY OF SKAGIT)

On this day personally appeared before me William L. Johnson
to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership, the partnership who executed the foregoing
instrument and acknowledged to me that the partnership is the record owner of
Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28 of the Plat described in
the foregoing instrument, and acknowledged that he/she signed the same as the
free and voluntary act and deed of the partnership, for the uses and purposes
therein mentioned.

SUBSCRIBED AND SWORN to before me on this 22ND day of
November, 2002

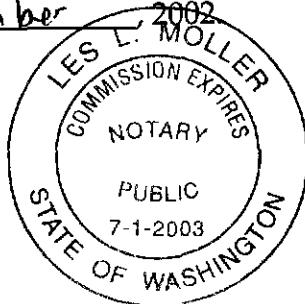


Les L. Moller
Print Name: LES L. Moller
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 7/1/03

STATE OF WASHINGTON)
SS:
COUNTY OF SKAGIT)

On this day personally appeared before me Rita J. Johnson
to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership, the partnership who executed the foregoing
instrument and acknowledged to me that the partnership is the record owner of
Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28 of the Plat described in
the foregoing instrument, and acknowledged that he/she signed the same as the
free and voluntary act and deed of the partnership, for the uses and purposes
therein mentioned.

SUBSCRIBED AND SWORN to before me on this 22ND day of
November, 2002



Les L. Moller
Print Name: LES L. Moller
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 7/1/03

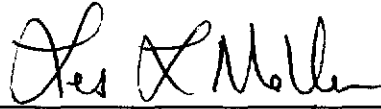


STATE OF WASHINGTON)

COUNTY OF SKEASTON

On this day personally appeared before me DANNY N. JOHNSON to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a Washington general partnership, the partnership who executed the foregoing instrument and acknowledged to me that the partnership is the record owner of Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28 of the Plat described in the foregoing instrument, and acknowledged that he/she signed the same as the free and voluntary act and deed of the partnership, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this 22ND day of November, 2002.



Print Name: LES C. Moller
Notary Public for the State of Washington
Residing at: BURLINGTON
My Commission Expires: 7/1/03

STATE OF WASHINGTON

COUNTY OF SKAGIT

On this day personally appeared before me David E. Johnson to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a Washington general partnership, the partnership who executed the foregoing instrument and acknowledged to me that the partnership is the record owner of Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28 of the Plat described in the foregoing instrument, and acknowledged that he/she signed the same as the free and voluntary act and deed of the partnership, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this 22nd day of November 2002.

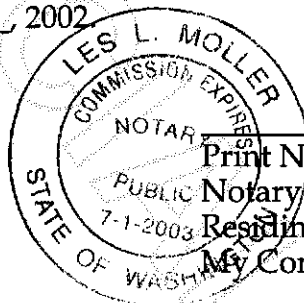


Print Name: LES L Moller
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 2/1/03

STATE OF WASHINGTON)
)
) SS:
COUNTY OF SKAGIT)

On this day personally appeared before me Terry L. Johnson
to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership, the partnership who executed the foregoing
instrument and acknowledged to me that the partnership is the record owner of
Lots 1, 2, 3, 6, 8 through 11, 16, 17, 18, and 20 through 28 of the Plat described in
the foregoing instrument, and acknowledged that he/she signed the same as the
free and voluntary act and deed of the partnership, for the uses and purposes
therein mentioned.

SUBSCRIBED AND SWORN to before me on this 22nd day of
November, 2002



Les L. Moller

Print Name: LES L. Moller
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 7/1/03

STATE OF WASHINGTON)
)
) SS:
COUNTY OF _____)

On this day personally appeared before me VANCE L. ELLINGSON and
JANIS ELLINGSON, to me known to be the individuals described in and who
executed the foregoing instrument and acknowledged to me that they are the
record owners of Lot 4 of the Plat described in the foregoing instrument, and
they signed the same as their free and voluntary act and deed, for the uses and
purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of
_____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____



STATE OF WASHINGTON)
)
) ss:
COUNTY OF _____)

On this day personally appeared before me WALTER NICK BURTROUGHS and CARYL BURROUGHS, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lot 5 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____

STATE OF WASHINGTON)
)
) ss:
COUNTY OF _____)

On this day personally appeared before me HUGH SCHMIDT and JEAN SCHMIDT, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lot 7 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____



Owners of Lot 5 of Plat

Date: _____

Walter Nick Burroughs

Caryl Burroughs

Owners of Lot 7 of Plat

Date: _____

Hugh Schmidt

Jean Schmidt

Owners of Lots 12 and 13 of Plat

Date: Oct 7/02

Doyle S. Guffie
Doyle S. Guffie

Mary Guffie
Mary Guffie

Owner of Lot 14 of Plat

BRESNAN FAMILY LIMITED
PARTNERSHIP

Date: _____

By: _____

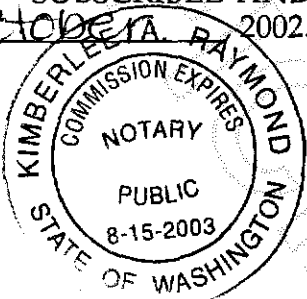
Its: _____



STATE OF WASHINGTON)
COUNTY OF Sagit) SS:

On this day personally appeared before me DOYLE S. GUFFIE and MARY GUFFIE, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lots 12 and 13 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this 7th day of OCTOBER, 2002.



Kimberlee A Raymond
Print Name: Kimberlee A Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-03

STATE OF WASHINGTON)
COUNTY OF _____) SS:

On this day personally appeared before me _____
to me known to be a _____ of BRESNAN FAMILY LIMITED
PARTNERSHIP, the partnership who executed the foregoing instrument, and
acknowledged that he/she signed the same as the free and voluntary act and
deed of the partnership, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____



STATE OF WASHINGTON)
)
) ss:
COUNTY OF _____)

On this day personally appeared before me TODD W. WHITLOCK and TONYA M. WHITLOCK, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lot 15 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____

STATE OF WASHINGTON)
)
) ss:
COUNTY OF _____)

On this day personally appeared before me DONALD E. WINGET and CONSTANCE F. MILLER, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lot 19 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____



STATE OF WASHINGTON)
)
) ss:
COUNTY OF _____)

On this day personally appeared before me SHIRLEY M. LEMLEY, a single individual, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that she is the record owner of Lot 20 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this _____ day of _____, 2002.

Print Name: _____
Notary Public for the State of Washington
Residing at: _____
My Commission Expires: _____



EXHIBIT A

Lots owned by LRDTD:

Lot 1, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-001-0000 P118246

Lot 2, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-002-0000 P118247

Lot 3, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-003-0000 P118248

Lot 6, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-006-0000 P118251

Lot 8, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-008-0000 P118253

Lot 9, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-009-0000 P118254

Lot 10, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-010-0000 P118255



Lot 11, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-011-0000 P118256

Lot 16, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-016-0000 P118261

Lot 17, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-017-0000 P118262

Lot 18, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-018-0000 P118263

Lot 21, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-021-0000 P118266

Lot 22, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-022-0000 P118267

Lot 23, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-023-0000 P118268

Lot 24, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-024-0000 P118269



Lot 25, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-025-0000 P118270

Lot 26, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-026-0000 P118271

Lot 27, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-027-0000 P118272

Lot 28, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-028-0000 P118273

Lot Owned by Ellingsons:

Lot 4, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-004-0000 P118249

Lot Owned by Burroughs:

Lot 5, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-005-0000 P118250

Lot Owned by Schmidts:

Lot 7, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-007-0000 P118252



Lots Owned by Guffies:

Lots 12 and 13, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account Nos. 4779-000-012-0000 P118257
4779-000-013-0000 P118258

Lot Owned by Bresnan Family Limited Partnership:

Lot 14, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-014-0000 P118259

Lot Owned by Whitlocks:

Lot 15, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-015-0000 P118260

Lot Owned by Winget & Miller:

Lot 19, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-019-0000 P118264

Lot Owned by Lemley:

Lot 20, PLAT OF ANKNEY HEIGHTS, according to the plat thereof, recorded under Auditor's File No. 200108230090, records of Skagit County, Washington.

Tax Account No. 4779-000-020-0000 P118265