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**AFTER RECORDING MAIL TO:**

Name: Peter C. Cooper, President  
Marine Heights Homeowners Association, Inc.

Address: 4200 Marine Heights Way

City/State: Anacortes, WA 98221

**CHICAGO TITLE CO.** QB-2401

**Document Title(s):**

1. Second Amendment to Amended Declaration of Covenants, Conditions, and Easements for Marine Heights

**Reference No. of Documents assigned or released:**

199909130145

**Grantor(s):** (Last name first, then first name & initial)

1. Marine Heights Homeowners Association, Inc., a Washington corporation

**Grantee(s):** (last name first, then first name & initial)

1. The General Public

**Abbreviated Legal Description as follows:**

Lots 1-14 inclusive, and 21-49 inclusive, Plat of Marine Heights, recorded in Volume 16 of Plats, pages 173-175, under Auditor's File No. 9707220058; Lots 2 and 3 of Macy Short Plat, Auditor's File No. 200204180137; Lots 15E, 16D, 18C, 19b, 20A of Marine Heights per Boundary Line Adjustment, Auditor's File no. 200107110195

**Assessor's Property Tax Parcel/Account Number(s):**

4695-000-001-0000 through 4695-000-051-0000; 4695-000-900-0000; 4695-000-900-0100; 4695-000-900-0200; and 4695-000-900-0300.

**SECOND AMENDMENT TO AMENDED DECLARATION OF COVENANTS,  
CONDITIONS AND EASEMENTS FOR MARINE HEIGHTS**

This Second Amendment to the Amended Declaration of Covenants, Conditions and Easements for Marine Heights is made this 8<sup>th</sup> day of September, 2003 by the Marine Heights Homeowners Association, Inc., a Washington corporation, ("Association" herein).

**RECITALS**

A. At the annual meeting of the Association of September 8, 2003, in accordance with Article 9 of the Amended Declaration recorded under Skagit Auditor's Number 199909130145, more than seventy five (75%) percent of the total outstanding votes in the Association agreed to amend the Amended Declaration of Covenants, Conditions, and Easements for Marine Heights recorded under Skagit County Auditor's File Number 199909130145, and the signature of the president's secretary of the said Association hereto certifies that the Amendment process has been complied with and that the amendments are set forth accurately below.

NOW THEREFORE, the Association hereby covenants, agrees and declares that the Amended Declaration of Covenants, and Easements for Marine Heights under Skagit County Auditor's File Number 199909130145, shall be amended as set forth herein.

**AMENDMENTS**

1. Section 1.6 of the Amended Declaration shall be amended to read as follows:

**Section 1.6.** "Declaration" shall mean and refer to this instrument, as the same may be supplemented or amended from time to time, including the Master Plan for Marine Heights. ("**Master Plan**" herein).

2. Section 1.13 of the Amended Declaration shall be amended to read as follows:

**Section 1.13.** "Owner" shall mean and refer to the record owner (whether one or more persons or entities) of a fee interest in any Lot, including Participating Builders, but excluding Mortgagees or other persons or entities having such interest merely as security for the performance of an obligation. Purchasers or Assignees under recorded real estate contracts shall be deemed Owners as against their respective sellers or assignors.

3. Section 2.4 of the Amended Declaration shall be amended to read as follows:



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**Section 2.4 Votes Appurtenant to Lots.** Every Owner shall be entitled to cast one (1) vote in the Association for each Lot owned. For any unimproved Lot, a vote shall be appurtenant to and held and owned in the same manner as the beneficial fee interest in the Lot to which it relates. A vote shall not be separated from ownership of the lot to which it relates; provided, however, that when more than one entity holds the beneficial fee interest in any Lot, the vote therefore shall be cast as the Owners among themselves determine, but in no event shall more than one vote be cast with respect to any Lot. If the several Owners of a Lot are unable to agree as to the casting of their vote, such vote shall not be counted. When a single entity owns more than one Lot, each vote may be cast separately.

4. Section 3.14 of the Amended Declaration shall be amended to read as follows:

**Section 3.14. Division of Assessments.** All assessments to the Homeowners Association shall initially be prorated at 1/50<sup>th</sup> per lot Owner of record. Lot Owners shall include all Lot Owners, either by transfer of ownership to Purchaser or to the Declarant as Owner of untransferred Lots.

5. Section 5.12 of the Amended Declaration shall be amended to read as follows:

**Section 5.12. Antennae.** No external short-wave or citizens' band antennae, free-standing antennae towers or satellite reception dishes exceeding twenty (20) inches across the dish face, shall be permitted in Marine Heights. All television and/or radio antennae must be physically attached to a structure and must comply with applicable governmental standards and guidelines and the Master Plan for Marine Heights.

6. 21. The Definitions set forth in the Amended Declaration shall apply to the use of terms herein and, except as amended herein, all other provisions of the Amended Declaration shall remain in full force and effect.

IN WITNESS THEREOF, this second amendment to the amended declaration has been executed on the dates set forth below in order to certify the events of the meeting of September 8, 2003.

MARINE HEIGHTS HOMEOWNERS  
ASSOCIATION, INC., a Washington  
corporation

By:

PETER C. COOPER, President

By:

LINDA MACY, Secretary



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Skagit County Auditor

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF SKAGIT )

On this day personally appeared before me Peter C. Cooper, in his capacity as president of the Marine Heights Homeowners Association, Inc., a Washington corporation, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned, being thereunto duly authorized.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 3<sup>rd</sup> day December, 2003.

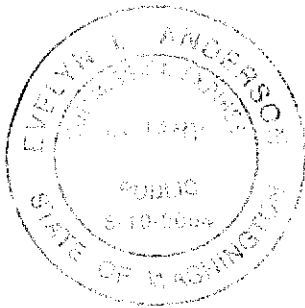


Kristy Dawn Nelson  
**NOTARY PUBLIC** for the State of  
Washington, residing at Anacortes  
My Commission Expires: 10-6-07


STATE OF WASHINGTON )  
 ) ss  
COUNTY OF SKAGIT )

On this day personally appeared before me Linda Macy, in her capacity as secretary of the Marine Heights Homeowners Association, Inc., a Washington corporation, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged to me that she signed the same as her free and voluntary act and deed for the uses and purposes therein mentioned, being thereunto duly authorized.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 2<sup>nd</sup> day December, 2003.



Evelyn L. Anderson  
**NOTARY PUBLIC** for the State of  
Washington, residing at Bow  
My Commission Expires: 8-10-2004

  
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