



200406250159

Skagit County Auditor

6/25/2004 Page

1 of 13 4:17PM

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

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

- Grantor(s):** LRDTD Johnson Partnership, a Washington general partnership;
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
David McMath and Annathea McMath, husband and wife
William D. Lambert and Rachel Ramsey, husband and wife
Rhonda M. Johnson, a single woman
Anthony K. Dickman and April C. Dickman, husband and wife
Lawrence E. Sandelin and Clara C. Sandelin, husband and wife
- Grantee(s):** LRDTD Johnson Partnership, a Washington general partnership;
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
David McMath and Annathea McMath, husband and wife
William D. Lambert and Rachel Ramsey, husband and wife
Rhonda M. Johnson, a single woman
Anthony K. Dickman and April C. Dickman, husband and wife
Lawrence E. Sandelin and Clara C. Sandelin, husband and wife
- Legal Description:** Lots 1 through 28, Plat of Ankney Heights, records of Skagit
County, Washington (Additional legal is on Pages 11 through 13 of
document.)
- Assessor's Tax Parcel Numbers:** 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:** 200108100314,
200201310042 and 200211270215

THIS THIRD AMENDMENT to Declaration of Covenants, Conditions and
Restrictions for Ankney Heights is executed by the undersigned owners of
record of 20 of the 28 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, 10, 11, 16, 17, 26, 27 and 28, as more particularly described in Exhibit A attached hereto.

B. LRDTD is also the Declarant named in the Covenants (defined below).

C. Vance L. Ellington^s and Janis Ellington^s, husband and wife, are the owners of Lot 4, as more particularly described in Exhibit A attached hereto.

D. Walter Nick Burroughs and Caryl Burroughs, husband and wife, are the owners of Lot 5, as more particularly described in Exhibit A attached hereto.

E. Doyle S. Guffie and Mary Guffie, husband and wife, are the owners of Lots 12 and 13, as more particularly described in Exhibit A attached hereto.

F. The Bresnan Family Limited Partnership is the owner of Lot 14, as more particularly described in Exhibit A hereto.

G. Jeff W. Whitlock and Tonya M. Whitlock, husband and wife, are the owners of Lot 15, as more particularly described in Exhibit A hereto.

H. David McMath and Annathea McMath, husband and wife, are the owners of Lot 7, as more particularly described in Exhibit A attached hereto.

I. William D. Lambert and Rachel Ramsey, husband and wife, are the owners of Lot 8, as more particularly described in Exhibit A attached hereto.

J. Rhonda M. Johnson, a single person, is the owner of Lot 9, as more particularly described in Exhibit A attached hereto.

K. Anthony K. Dickman and April C. Dickman, husband and wife, are the owners of Lot 21, as more particularly described in Exhibit A attached hereto.

L. Lawrence E. Sandelin and Clara C. Sandelin, husband and wife, are the owners of Lot 23, as more particularly described in Exhibit A attached hereto.

M. 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").

N. 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 First Amendment to Covenants").

O. An Second Amendment to the Covenants was recorded on November 27, 2002 under Auditor's File No. 200211270215, records of Skagit County, Washington ("the Second Amendment to Covenants").

P. The Original Covenants, the First Amendment to Covenants and the Second Amendment to Covenants are collectively referred to hereinafter as "the Covenants."

Q. 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.

R. The undersigned owners of 20 of the platted lots in the Plat constitute at least two-thirds of the owners of the 28 lots in the Plat and wish to amend the Covenants to increase the height limit, as initially established in the



Original Covenants, of any dwelling constructed on Lot 21 of the Plat from 14 to 17.5 feet.

THIRD AMENDMENT TO RESTRICTIONS AND COVENANTS OF PLAT

NOW, THEREFORE, the undersigned record owners of 20 of the 28 lots located within the Plat hereby agree to amend the Covenants as follows:

Section 1. Subsection 2.3.4.1 of the Covenants shall be amended in its entirety and as amended shall read as follows:

2.3.4.1. Maximum roof ridge height shall not exceed a height to be measured from a pre-determined location for each of the following Lots: Lots 16 through 20 shall not exceed a height of fourteen (14) feet and Lot 21 shall not exceed a height of seventeen and one-half feet (17.5) as measured, for each of said Lots, from the highest surface of the sidewalk located at the northwest corner of each of the Lots, respectively. Plans showing proposed building heights must be reviewed and approved before commencement of any construction activity on the affected Lot

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 the 28 lots located within the Plat, which is a minimum of 19 lots, and upon the execution by the Declarant confirming its Consent to the Amendment.

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, 10, 11, 16, 17, 26, 27 and 28 of Plat

Date: 6-24-04

LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership

By: William A. Johnson
Partner

By: Pete J. Johnson
Partner

By: David E. Johnson
Partner

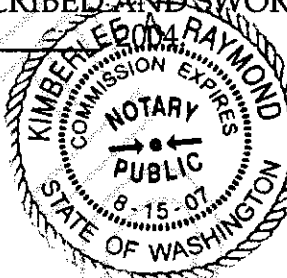
By: Tracy Johnson
Partner

By: Dan V. Johnson
Partner

STATE OF WASHINGTON)
COUNTY OF Skagit) ss:

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, 10, 11, 16, 17, 26, 27 and 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 24th day of June 1968

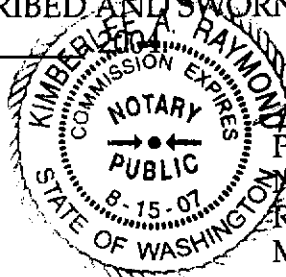


Print Name: Kimberlee A. Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-07

STATE OF WASHINGTON)
COUNTY OF Skagit)
SS:

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, 10, 11, 16, 17, 26, 27 and 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 24th day of June 2004



Print Name: Kimberlee A. Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-07

STATE OF WASHINGTON)
COUNTY OF Skaagit) SS:

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 9th day of June, 2004.



Cheryl L. Olson
 Print Name: Cheryl L. Olson
 Notary Public for the State of Washington
 Residing at: 2210 W. 1st Ave.
 My Commission Expires: 1-6-2006



Owners of Lot 4 of Plat

Date: 6/8/04

Vance L. Ellingson
Vance L. Ellingson

Janis Ellingson
Janis Ellingson

Owners of Lot 5 of Plat

Date: 6-6-04

Walter Nick Burroughs
Walter Nick Burroughs

Caryl Burroughs
Caryl Burroughs

Owners of Lot 7 of Plat

Date: May 15, 2004

David McMath
David McMath

Annatheia McMath
Annatheia McMath

Owners of Lot 8 of Plat

Date: 6/6/04

William D. Lambert
William D. Lambert

Rachel Ramsey
Rachel Ramsey

Owner of Lot 9 of Plat

Date: 5/28/04

Rhonda M. Johnson
Rhonda M. Johnson

Owners of Lots 12 and 13 of Plat

Date: 5/14/04

Doyle S. Guffie
Doyle S. Guffie

Mary Guffie
Mary Guffie



Owner of Lot 14 of Plat

BRESNAN FAMILY LIMITED
PARTNERSHIP

Date: 5-14-04

By: [Signature]
Its: _____

Owners of Lot 15 of Plat

Date: 5/14/04

[Signature]
Jeff W. Whitlock

[Signature]
Tonya M. Whitlock

Owners of Lot 21 of Plat

Date: 5/15/04

[Signature]
Anthony R. Dickman

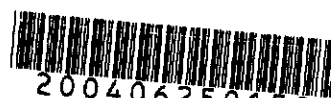
[Signature]
April C. Dickman

Owners of Lot 23 of Plat

Date: 5/15/04

[Signature]
Lawrence E. Sandelin

[Signature]
Clara C. Sandelin



200406250159
Skagit County Auditor

STATE OF WASHINGTON)

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, 10, 11, 16, 17, 26, 27 and 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 24th day of June, 2004.

Kimberlee A. Raymond
Print Name: Kimberlee A. Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-07

STATE OF WASHINGTON)

On this day personally appeared before me Terry 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, 10, 11, 16, 17, 26, 27 and 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 24th day of JUNE, 2004.

Kimberlee A. Raymond
Print Name: Kimberlee A. Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-07

STATE OF WASHINGTON)

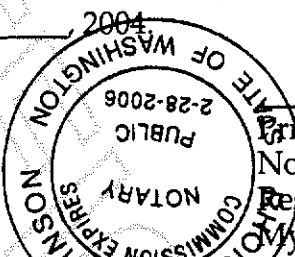
On this day personally appeared before me Danny Johnson
to me known to be a general partner of LRDTD JOHNSON PARTNERSHIP, a
Washington general partnership, the partnership who executed the foregoing
instrument and acknowledged to me that the partnership is the record owner of
Lots 1, 2, 10, 11, 16, 17, 26, 27 and 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 24th day of June, 2004, at Kenilworth, New Jersey

Print Name: Kimberlee A. Raymond
Notary Public for the State of Washington
Residing at: Sedro Woolley
My Commission Expires: 8-15-07

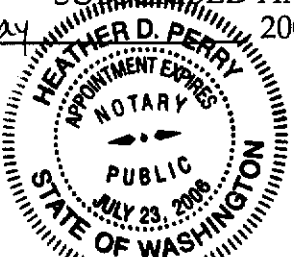
STATE OF WASHINGTON)
COUNTY OF SKAGIT) SS:

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 6th day of June, 2004.

Print Name: RHONDA M. JOHNSON
Notary Public for the State of Washington
Residing at: Sedro Woolley WA
My Commission Expires: 2/28/06

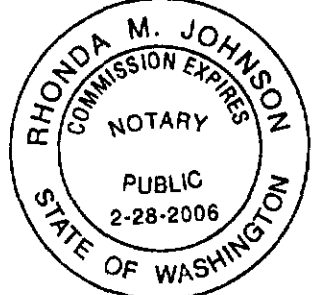
STATE OF WASHINGTON)
COUNTY OF Skagit) SS:

On this day personally appeared before me DAVID MCMATH and ANNATHEA MCMATH, 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 15th day of May, 2004.

Print Name: Heather D. Perry
Notary Public for the State of Washington
Residing at: Bellingham
My Commission Expires: 7/23/06

STATE OF WASHINGTON)
COUNTY OF _____) SS:

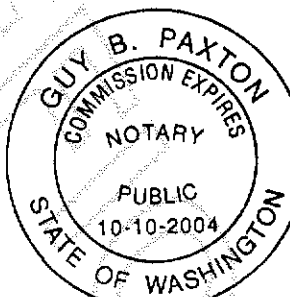
On this day personally appeared before me WILLIAM D. LAMBERT and RACHEL RAMSEY, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they are the record owners of Lot 8 of the Plat described in the foregoing instrument, and they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

SUBSCRIBED AND SWORN to before me on this 6th day of June, 2004.

Print Name: RHONDA M. JOHNSON
Notary Public for the State of Washington
Residing at: Sedro Woolley WA
My Commission Expires: 2/28/06

STATE OF WASHINGTON)
COUNTY OF SKAGIT) ss:

On this day personally appeared before me RHONDA M. JOHNSON, to me known to be the individual described in and who executed the foregoing instrument and acknowledged to me that she is the record owners of Lot 9 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 28th day of May, 2004.

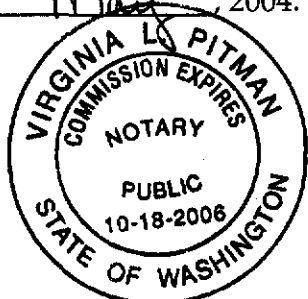


Guy B. Paxton
Print Name: Guy B. Paxton
Notary Public for the State of Washington
Residing at: Home
My Commission Expires: 10/10/14

STATE OF WASHINGTON)
COUNTY OF Skagit) 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 14th day of May, 2004.

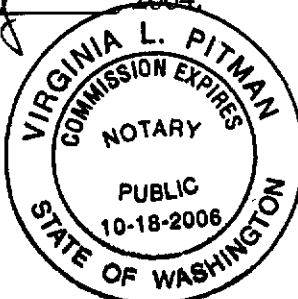


Virginia L. Pitman
Print Name: Virginia L. Pitman
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 10-18-06

STATE OF WASHINGTON)
COUNTY OF Skagit) ss:

On this day personally appeared before me Frank A. Bresnan, Sr. to me known to be a CEO of BRESNAN FAMILY LIMITED PARTNERSHIP, the partnership who executed the foregoing instrument, and acknowledged to me that they are the record owners of Lot 14 of the Plat described in the foregoing instrument and acknowledged that he/she/they 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 14th day of May, 2004.



Virginia L. Pitman
Print Name: Virginia L. Pitman
Notary Public for the State of Washington
Residing at: Burlington
My Commission Expires: 10-18-06

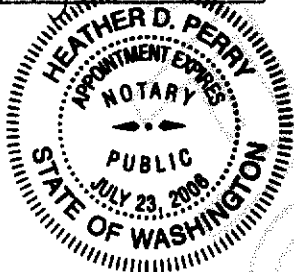


STATE OF WASHINGTON)
COUNTY OF Skagit) ss:
Whitlock

Jeff J.W.W

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 14th day of May, 2004.

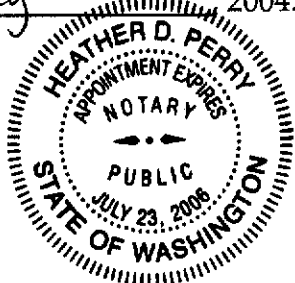


Heather Perry
Print Name: Heather Perry
Notary Public for the State of Washington
Residing at: Bellingham
My Commission Expires: 7/23/06

STATE OF WASHINGTON)
COUNTY OF Skagit) ss:
Whitlock

On this day personally appeared before me ANTHONY K. DICKMAN and APRIL C. DICKMAN, 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 21 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 15th day of May, 2004.

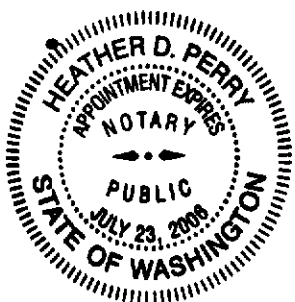


Heather Perry
Print Name: Heather Perry
Notary Public for the State of Washington
Residing at: Bellingham
My Commission Expires: 7/23/06

STATE OF WASHINGTON)
COUNTY OF Skagit) ss:
Whitlock

On this day personally appeared before me LAWRENCE E. SANDELIN and CLARA C. SANDELIN, 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 23 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 15th day of May, 2004.



Heather Perry
Print Name: Heather Perry
Notary Public for the State of Washington
Residing at: Bellingham
My Commission Expires: 7/23/06

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 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 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 McMaths:

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

Lot Owned by Lambert/Ramsey:

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 Owned by Rhonda Johnson:

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

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 Dickmans:

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. 4779-000-023-0000 P118266

Lot Owned by Sandelins:

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



200406250159

Skagit County Auditor