2 0 0 4 1 2 2 7 0 0 5 2 Skagit County Auditor

IN ADDRESS:
rizon Bank
primercial Banking
penter
2211 Rimland Drive, Suite
230
Bellingham, WA 98226

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1 of

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110250-17

## Re-reload to add legal description MODIFICATION OF DEED OF TRUST

Reference # (if applicable): 200312310121 Grantor(s):

Additional on page \_\_\_\_

- 1. Ware, Levi
- 2. Ware, Jared L
- 3. Ware, Adam
- 4. Ware, Kathy

Grantee(s)

1. Horizon Bank

Legal Description: Lot 3, SP PL00-376 in 3-33-4- E W.M. Lots 1B & 2B SP PL02-368 in 3-33-4 E W.M. Additional on page 4-5

Assessor's Tax Parcel ID#: 330403-1-001-0500 P116939, 330403-1-001-0019 P16243, 330403-1-001-0900 P119686, 330403-1-001-0700 P116942, 330403-1-001-1000 P119687 & 330403-1-001-0800 P116943

THIS MODIFICATION OF DEED OF TRUST dated June 7, 2004, is made and executed between Levi Ware, as his separate property, as to Parcel 'A'; Jared Ware, as his separate property, as to Parcel 'B' Adam Ware and Kathy Ware, husband and wife, as to an undivided 1/3 interest; Jared Ware, a single man, as to an undivided 1/3 interest; and Levi Ware, a single man, as to an undivided 1/3 interest, as to Parcel 'C' ("Grantor") and Horizon Bank, Whatcom Commercial Center, 2211 Rimland Dr. Suite #230, Bellingham, WA 98226 ("Lender").

# MODIFICATION OF DEED OF TRUST (Continued)

Loan No: 1460013217

Page 2

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated December 22, 2003 (the "Deed of Trust") which has been recorded in Skagit County, State of Washington, as follows:

Recorded December 31, 2003 under recording #200312310121.

REAL PROPERTY DESCRIPTION. The Deed of Trust covers the following described real property located in Skagit County, State of Washington:

See Exhibit "A", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as 21467, 21572, 21590 Alderbrook Lane, Mount Vernon, WA 98274. The Real Property tax identification number is 330403-1-001-0500 P116939, 330403-1-001-0019 P16243, 330403-1-001-0900 P119686, 330403-1-001-0700 P116942, 330403-1-001-1000 P119687 & 330403-1-001-0800 P116943

MODIFICATION. Lender and Grantor hereby modify the Deed of Trust as follows:

Borrower as defined by this Deed of Trust has been changed to G. Paul Ware and A. Suzanne Ware. This deed of trust now secured Promissory Note #1460013217 dated June 7, 2004 in the amount of \$2,500,000.00 from Grantor to Lender, together with all renewals of, extensions of, modifications of, consolidations of and substitutions for the promissory note or agreement.

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED JUNE 7, 2004.

CANTOR:

X
Levi Ware

X
Adam Ware

X
Kathy Wake

LENDER:

HORIZON BANK

Muu

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# MODIFICATION OF DEED OF TRUST (Continued)

Loan No: 1460013217 Page 3 INDIVIDUAL ACKNOWLEDGMENT STATE OF WASHINGTON ) SS On this day before me, the undersigned Notary Public, personally appeared Levi Ware, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the Modification of Deed of Trust, and acknowledged that he or she signed the Modification as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this NOTARY Notary Public in and for the State of Mv commission expir PUBLIC INDIVIDUAL **ACKNOW**LEDGMENT STATE OF WASHINGTON ) ) SS COUNTY OF WHAT CAM ) On this day before me, the undersigned Notary Public, personally appeared **Jared L Ware**, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the Modification of Deed of Trust, and acknowledged that he or she signed the Modification as his or her free and voluntary act and deed, for the uses and purposes therein mentioned. Modification day of \_\_\_\_\_\_\_\_Residing at my hand and official seal this My commission expires PUBLIC INDIVIDUATA OKNOWY STATE OF WASTINGTON ) SS COUNTY OF WHATCOM ) On this day before me, the undersigned Notary Public, personally appeared Adam Ware, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the Modification of Deed of Trust, and acknowledged that he or she signed the Modification as his or her free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand and official seal this PUBLIC



### **MODIFICATION OF DEED OF TRUST** (Continued)

Loan No: 1460013217 Page 4 INDIVIDUAL ACKNOWLEDGMENT STATE OF WASHINGTON ) SS COUNTY OF WHATCOM ) On this day before me, the undersigned Notary Public, personally appeared Kathy Ware, personally known to me or proved to me on the basis of satisfactory evidence to be the individual described in and who executed the Modification of Deed of Trust, and acknowledged that he or she signed the Modification as his or her free and voluntary act and deed, for the uses and purposes therein mentioned. Given under my hand and official seal this Notary Public in and for the State of ∠ No commission expires LENDER ACKA STATE OF WAS HINGTON ) ) SS COUNTY OF WHATCOM before me, the undersigned On this Notary Public, personally appeared Michael BRUCE
or proved to me on the basis of satisfactory evidence to be the VICE
the Lender that executed the within and foregoing instrument and acknowled and personally known to me put a personally known to me authorized agent for dged said instrument to be the free and voluntary act and deed of the said Lender, duly authorized by the Lender through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or said is the object the said instrument and that the seal affixed is the object seal of said Lender.

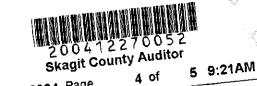
By

Residing at

THOUGHT Notary Public in and for the State of commission expir

LACEUMINGEN PLAGEOZ SC. TR-S69

PUBLIC



#### DESCRIPTION:

#### PARCEL "A":

Lot 3 of Short Plat No. PL00-376, recorded October 16, 2002, under Auditor's File No. 200210160141, records of Skagit County, Washington.

Similate in the County of Skagit, State of Washington.

#### PARCEL "C":

Lot 2B of Short Plat No. PL02-368, recorded October 16, 2002, under Auditor's File No. 200210160145, records of Skagit County, Washington.

Situate in the County of Skagit, State of Washington.

### PARCEL "D":

TOGETHER WITH a non-exclusive easement 60 feet wide for ingress, egress, and utilities over, under, and through the Southeast 1/4 of the Northwest 1/4, the Southwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Southeast 1/4, all in Section 3, Township 33 North, Range 4 East, W.M., the centerline of which is described

Beginning at the Southwest corner of the Southeast 1/4 of the Northwest 1/4 of said Section 3; thence North 01°57'53" West along the West line thereof, a distance of 433.25 feet to the centerline of Cascade Ridge Drive as shown on the Plat of "CASCADE RIDGE P.U.D.," as per plat recorded in Volume 14 of Plats, pages 112 through \$21, inclusive, records of Skagit County, Washington and the initial point of this centerline description;

thence North 78°54'55" East, a distance of 22.80 feet to the point of curvature of a curve to the left having a radius of 170.00 feet:

thence Easterly along said curve through a central angle of 15°19'30" and an arc length of 45.47 feet to the point of reverse curvature of a curve to the right having a radius of 115.00 feet;

thence Easterly along said curve through a central angle of 35°35'31" and an arc length of 71.44 feet; thence South 80°49'04" East, a distance of 56.12 feet to the point of curvature of a non-tangent curve to the right having a radius of 176.38 feet, from this point the center bears South 65'32"47" East;

thence Northerly along said curve through a central angle of 73°35'16" and an arc length of 226.54 feet; thence South 81°57'31" East, a distance of 155.47 feet to the point of curvature of a curve to the left having a radius of 169.81 feet;

thence Easterly along said curve through a central angle of 40°20'14" and an arc length of 119.55 feet to the point of reverse curvature of a curve to the right having a radius of 115.00 feet;

thence Easterly along said curve through a central angle of 90°51'48" and an arc length of 182.37 feet to the point of reverse curvature of a curve to the left having a radius of 274.51 feet: PARCEL "D" continued:

thence Easterly along said curve through a central angle of 27° 15° 57" and an arc length of 130.63 feet; thence South 58°41'55" East, a distance of 217.08 feet to the point of curvature of a curve to the left having a radius of 325.55 feet:

thence Easterly along said curve through a central angle of 25°03'59" and an arc length of 142.43 feet to the point of reverse curvature of a curve to the right having a radius of 115,00 feet;

thence Easterly along said curve through a central angle of 29°54'17" and an arc length of 60.02 feet to Point

thence continuing along said curve through a central angle of 31°14'36" and an arc length of 62.71 feet; thence South 22°36'59" East, a distance of 243.39 feet to the point of curvature of a curve to the right having a radius of 115.00 feet;

thence Southerly along said curve through a central angle of 15°19'19" and an arc length of 30.75 feet to the point of reverse curvature of a curve to the left having a radius of 115.00 feet;

thence Southerly and Easterly along said curve through a central angle of 134°33'57" and an arc length of 270.09 feet to the point of reverse curvature of a curve to the right having a radius of 150.00 feet;

thence Easterly along said curve through a central angle of 62°00'54" and an arc length of 162,35 feet to the point of curvature of a reverse curve to the left having a radius of 115.00 feet;

thence Easterly and Northerly along said curve through a central angle of 83°51'20" and an arc length of 168.31 feet;

thence North 16°17'57" East, a distance of 67.15 feet to a point on the East-West centerline of said Section 3 which lies North 87°15'24" East, a distance of 1,895.24 feet from the Southwest corner of the Southeast Worf the Northwest ¼ of said Section 3 and the terminus of this centerline description.

TOGETHER WITH an easement for ingress, egress, utilities, and cul-de-sac described as follows:

Beginning at Point "A" described above;

thence North 36°08'24" East, a distance of 45.00 feet to the center of a 45 foot radius cul-de-sac with 20 foot radius entrance and exit curves at the intersections with the Norths 60 foot easement.

Situate in the County of Skagit, State of Washington.

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