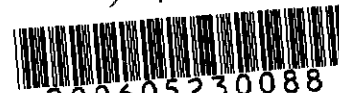


When recorded, return document to:

Amelia Adair  
Quadrant Homes  
14725 SE 36<sup>th</sup> Street, Suite 320  
Bellevue, Washington 98006

File No. 102.041



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Skagit County Auditor

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LAND TITLE OF SKAGIT COUNTY

121232-SE

DOCUMENT TITLE:	Amended and Restated Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Skagit Highlands Residential Property to Add Additional Real Property - Skagit Highlands Division II
REFERENCE NUMBER(S):	200508170114, 200604060049
GRANTOR(S):	Skagit Highlands, LLC, a Washington limited liability company; Hansell/Mitzel, LLC, a Washington limited liability company; The Quadrant Corporation, a Washington corporation
GRANTEE(S):	Skagit Highlands, LLC, a Washington limited liability company; The Quadrant Corporation, a Washington corporation; Skagit Highlands Homeowners Association; the Public
LEGAL DESCRIPTION:	Lots 1-6 and 18-73, and Tracts 900 through 908 and 911, Plat of Skagit Highlands Division II, according to the plat recorded at Auditor's File No. 200604040052 (aka Lot 5, Amended Boundary Line Adjustment Survey, AFN 200506080122, ptn of Section 15 and Section 22, Township 34 North, Range 4 East, W.M.)
ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER	P124253 - P124280 P124286 - P124293

**AMENDED AND RESTATED  
AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS,  
CONDITIONS & RESTRICTIONS OF SKAGIT HIGHLANDS RESIDENTIAL  
PROPERTY TO ADD ADDITIONAL REAL PROPERTY -  
SKAGIT HIGHLANDS DIVISION II**

**A. RECITALS**

1. Real Property - Skagit Highlands Division 1. Skagit Highlands, LLC, a Washington limited liability company (hereafter "Declarant") is the Declarant of the Declaration of Protective Covenants, Conditions and Restrictions of Skagit Highlands Residential Property, recorded at Skagit County Auditor's No. 200508170114 (hereafter referred to as the "Declaration"), and Declarant was at the time of the recording of the Declaration an owner in fee

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITIONAL REAL PROPERTY - 1

simple of all the following real property (the "Real Property" as defined in the Declaration):

LOTS 1 THROUGH 45, AND TRACTS 900 THROUGH 909 OF SKAGIT HIGHLANDS DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO. 200508160182, RECORDS OF SKAGIT COUNTY, WASHINGTON

which Real Property is platted and recorded as Skagit Highlands Division 1. Declarant is also the declarant of a related agreement affecting the Real Property, the Declaration of Easements and Covenant To Share Costs for Skagit Highlands, recorded at Skagit County Auditor's No. 200508170113 ("Covenant"). The Quadrant Corporation, a Washington corporation ("Quadrant"), is the successor in interest to Declarant in the Real Property, and joins in the execution of this Amended and Restated Amendment.

2. Prior Amendment. Declarant and Quadrant previously amended the Declaration and the Covenant by instrument recorded at Skagit County Auditor's Number 200604060049, to add Skagit Highlands Division II to the Properties subject to the Declaration and Covenant ("Prior Amendment"). Contemporaneously with recordation of the Prior Amendment, certain Lots in Skagit Highlands Division II were acquired by Hansell/Mitzel, LLC, a Washington limited liability company ("Hansell/Mitzel"). The parties now wish to amend and restate the Prior Amendment, to correctly identify the lots and tracts comprising Division II as set forth in Section 3 below.

3. Additional Real Property. At the time the Prior Amendment was recorded, Declarant was the owner in fee simple of the following real property (hereafter referred to herein as the "Additional Real Property" and as "Skagit Highlands Division II"):

LOTS 1 THROUGH 6, AND LOTS 18 THROUGH 73 AND TRACTS 900 THROUGH 908 AND TRACT 911 OF SKAGIT HIGHLANDS DIVISION II, ACCORDING TO THE PLAT THEREOF RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO. 200604040052, RECORDS OF SKAGIT COUNTY, WASHINGTON.

(which is a plat of Lot 5 of that certain Amended Boundary Line Adjustment Survey Approved June 8, 2005 and recorded June 8, 2005, under Auditor's File Number 200506080122, and being a portion of Section 15 and Section 22, Township 34 North, Range 5 East, W.M.).

Hansell/Mitzel is now the owner in fee simple of a portion of Skagit Highlands Division II.

4. Purpose of Amended and Restated Amendment. The purpose of this Amended and Restated Amendment is to correct the identification of and confirm the addition of the Additional Real Property described herein to the Properties subject to the Declaration, subject the Additional Real Property to the terms of the Covenant, and to confirm the title to all

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITIONAL REAL PROPERTY - 2



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common areas located in Skagit Highlands Divisions 1 and 2 in the Skagit Highlands Homeowners Association, by agreement of The Quadrant Corporation and the Declarant.

**B. AMENDED AND RESTATED  
AMENDMENT OF THE DECLARATION AND COVENANT  
TO ADD ADDITIONAL REAL PROPERTY**

The Additional Real Property qualifies under Article IX, Section 9.1 of the Declaration to be added to the definition of the "Properties" contained in the Declaration in Article II, definition number 2.33. Therefore, the Declarant and Hansell/Mitzel, LLC, which owns a portion of such Additional Real Property, elects to subject the Additional Real Property to the terms of the Declaration as permitted by Article IX, making the Additional Real Property and the Real Property collectively the "Properties" subject to the terms of the Declaration, and granting to the Owners of Lots located on such Additional Real Property all the rights and benefits to which Members of the Association are entitled. By such addition to the Declaration, the Additional Real Property is also made a part of the Residential Property described in the Covenant, definition number 1.19, and subject to the terms thereof.

The undersigned Declarant, along with The Quadrant Corporation, hereby covenants, agrees and declares that all of the Additional Real Property and Housing Units constructed on the Additional Real Property are and will be held, sold and conveyed subject to the Declaration and the Covenant, which are made for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Property and the Additional Real Property for the benefit of all of the Real Property, the Additional Real Property and the owners thereof. The covenants, restrictions, reservations and conditions contained in the Declaration and the Covenant shall run with the Additional Real Property as easements and equitable servitudes, and shall be binding upon the Additional Real Property and each portion thereof and all persons owning, purchasing, leasing, subleasing or occupying any Lot on the Additional Real Property, and upon their respective heirs, successors and assigns.

**C. COMMON AREAS CONFIRMED OWNED BY HOMEOWNERS ASSOCIATION**

The land located in the plat of Skagit Highlands Division II, legally described as:

TRACTS 900 THROUGH 908 AND TRACT 911 OF SKAGIT  
HIGHLANDS DIVISION II, ACCORDING TO THE PLAT THEREOF  
RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO.  
200604040052, RECORDS OF SKAGIT COUNTY, WASHINGTON.

is hereby confirmed as the property of the Skagit Highlands Homeowners Association, as conveyed to the Association by recordation of the plat of Skagit Highlands Division II, and is hereby added to the Common Area, as defined in the Declaration in Article II, definition number 2.9. The Association shall henceforth administer such Common Areas located in Skagit Highlands Division II, along with the Common Areas delineated on the plat of Skagit

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITIONAL REAL PROPERTY - 3



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Highlands Division 1.

**D. EFFECTIVE DATE**

This Amended and Restated Amendment shall be effective on the date it is recorded in the Skagit County Recorder's Office.

DECLARANT:  
SKAGIT HIGHLANDS, LLC  
a Washington limited liability company

ACCEPTANCE OF COMMON AREAS:  
Skagit Highlands Homeowners Association  
a Washington non-profit corporation

SEE ATTACHED DUPLICATE OF PAGE 4 & 5  
By FOR SIGNATURE & NOTARY JURAT  
James Tosti, Managing Member

By *Skip Holman*, President

CONSENT AND JOINDER IN  
AMENDMENT:  
THE QUADRANT CORPORATION  
a Washington corporation

HANSELL/MITZEL, LLC,  
a Washington limited liability company

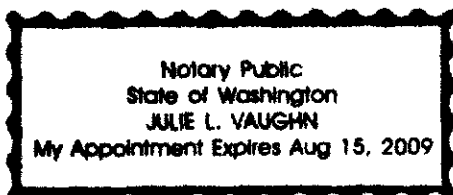
By *Skip Holman*  
SKIP HOLMAN (Printed Name)  
Its VICE PRESIDENT (Title)

By *Jeff Hansell*  
JEFF HANSELL (Printed Name)  
Its CO-MANAGING MEMBER (Title)

STATE OF WASHINGTON )  
 )  
COUNTY OF KING ) SS.

I certify that I know or have satisfactory evidence that Skip Holman is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as a Vice President of The **Quadrant Corporation, a Washington Corporation** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: May 18, 2006



*Julie L. Vaughn*  
JULIE L. VAUGHN (Printed Name)  
Notary Public - My Appointment Expires: 8-15-09

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITION



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Skagit County Auditor

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

ss.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as President of **Skagit Highlands Homeowners Association, a Washington non-profit corporation** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: May \_\_, 2006

\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

ss.

On this day personally appeared before me James Tosti to me known to be the Managing Member of **Skagit Highlands, LLC, a Washington limited liability company**, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.

DATED: May \_\_, 2006

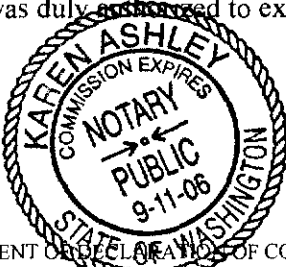
\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 )  
COUNTY OF SKAGIT )

ss.

JEFFREY D. HANSELL

On this day personally appeared before me \_\_\_\_\_, to me known to be the MANAGING MEMBER of **Hansell/Mitzel, LLC, a Washington limited liability company**, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.



DATED: May 19, 2006

Karen Ashley  
KAREN ASHLEY (Printed Name)  
Notary Public - My Appointment Expires: 9/11/06

AMENDMENT OF DEED OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD A"



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## Highlands Division 1.

#### D. EFFECTIVE DATE

This Amended and Restated Amendment shall be effective on the date it is recorded in the Skagit County Recorder's Office.

**DECLARANT:**  
**SKAGIT HIGHLANDS, LLC**  
a Washington limited liability company

**ACCEPTANCE OF COMMON AREAS:**  
**Skagit Highlands Homeowners Association**  
 a Washington non-profit corporation

By James Tosti  
James Tosti, Managing Member

By \_\_\_\_\_,  
\_\_\_\_\_, President

**CONSENT AND JOINDER IN  
AMENDMENT:  
THE QUADRANT CORPORATION**  
a Washington corporation

HANSELL/MITZEL, LLC,  
a Washington limited liability company

By \_\_\_\_\_  
 \_\_\_\_\_ (Printed Name)  
 Its \_\_\_\_\_  
 \_\_\_\_\_ (Title)

By \_\_\_\_\_ (Printed Name)  
Its \_\_\_\_\_ (Title)

STATE OF WASHINGTON )  
 )  
 ) ss.  
COUNTY OF KING )

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as a \_\_\_\_\_ of **The Quadrant Corporation, a Washington Corporation** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: May , 2006

\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: \_\_\_\_\_

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITIONAL REAL PROPERTY - 4



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Skagit County Auditor

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

ss.

I certify that I know or have satisfactory evidence that \_\_\_\_\_ is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as President of **Skagit Highlands Homeowners Association, a Washington non-profit corporation** to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

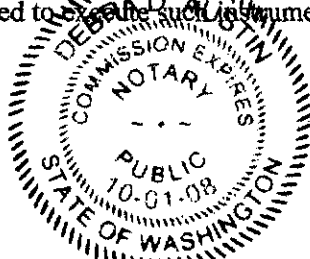
DATED: May \_\_, 2006

\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: \_\_\_\_\_

STATE OF WASHINGTON )  
 )  
COUNTY OF KING )

ss.

On this day personally appeared before me James Tosti to me known to be the Managing Member of **Skagit Highlands, LLC, a Washington limited liability company**, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.



DATED: May 22, 2006

*Deborah Austin*  
\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: 10-1-2008

STATE OF WASHINGTON )  
 )  
COUNTY OF \_\_\_\_\_ )

ss.

On this day personally appeared before me \_\_\_\_\_, to me known to be the \_\_\_\_\_ of **Hansell/Mitzel, LLC, a Washington limited liability company**, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such corporation, for the uses and purposes therein mentioned, and on oath stated that he/she was duly authorized to execute such instrument.

DATED: May \_\_, 2006

\_\_\_\_\_  
(Printed Name)  
Notary Public - My Appointment Expires: \_\_\_\_\_

AMENDMENT OF DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKAGIT HIGHLANDS RESIDENTIAL PROPERTY, TO ADD ADDITIONAL REAL PROPERTY - <

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