

RECORDED AT REQUEST OF:

Name \_\_\_\_\_

Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_



200608160154

Skagit County Auditor

8/16/2006 Page 1 of 7 3:32PM

LAND TITLE OF SKAGIT COUNTY

120801-se

Abbrev.Leg. Lots 1 and 2, Burlington Short Plat No. BURL-1-95, Vol. 11, pp. 194-195  
Ptn of Tract 50, PLAT OF BURLINGTON ACREAGE, Vol. 1, p. 49  
Tax Acct. Nos. 3867-000-050-2300; 3867-000-050-2400  
Grantor/Grantee Where the Heart is at Burlington, LLC/ Norris Place Limited Partnership  
Grantee/Grantor Where the Heart is at Burlington, LLC / Norris Place Limited Partnership  
Doc. Ref. No. 9903020075

**AMENDMENT TO  
DECLARATION OF EASEMENTS,  
AGREEMENT TO MODIFY EASEMENT,  
AND MAINTENANCE AGREEMENT**

This Agreement and Declaration is made by and between "Where the Heart Is" at Burlington, L.L.C., a Washington limited liability company and Norris Place Limited Partnership, a Washington limited partnership as follows:

**RECITALS**

A. "Where the Heart Is" at Burlington, L.L.C., a Washington limited liability company, hereafter referred to as "WHIB," is successor to Manor Properties II, LLC, and is current owner of property fully described on EXHIBIT A, which is attached hereto and by this reference incorporated herein, hereafter described as "the WHIB property."

B. Norris Place Limited Partnership, a Washington limited partnership, hereafter referred to as "Norris Place," is owner of property fully described on EXHIBIT B, which is attached hereto and by this reference incorporated herein, hereafter described as "the Norris Place property."

C. Manor Properties II, LLC, (previous owner of the WHIB property) and Norris Place Limited Partnership made a "Declaration of Easements, Agreement to Modify Easement, and Maintenance Agreement," which was recorded under Auditor's File Number 9903020075, records of Skagit County, Washington.

That earlier declaration was entered to modify provisions and covenants relating to a 55 foot easement for ingress, egress and utilities delineated on the face of Burlington Short Plat No. BURL-1-95, which easement affected portions of the Norris and Manor properties. The easement shown on the Short Plat was created to insure that the as constructed driveway shown on that certain unrecorded survey titled "Norris Place Apts. ALTA Survey," prepared by Richard L. Givens, Jr., P.L.S., dated December 30, 1996, would be fully included within a legal easement. The as built driveway was approximately 20 feet in width, running at an angle from Southwest to Northeast within the 55 foot easement, leaving portions of the easement area which were not used or needed for the driveway. Manor and Norris Place then made the declaration (AFN 9903020075) to modify the provisions and covenants governing said easement to maintain the existing rights of both parties to use the existing driveway area for access and utilities and to grant to Manor an exclusive parking easement in certain portions of the 55 foot wide easement area not used or needed for the driveway.

A subsequent ALTA survey clearly delineates the location of the parking spaces. A portion of the survey is attached hereto as the EXHIBIT C illustration. The purpose of this Agreement and Amendment is to clarify the location of the exclusive parking easement granted to Manor Properties (now the WHIB property) under that earlier declaration and to grant an additional easement for use of a dumpster. In that earlier declaration, reference was made to an unrecorded survey for location of the parking easement. The parties have agreed that the illustration attached hereto as EXHIBIT C accurately reflects the location of the parking easement and the dumpster pad.

THEREFORE, for the purpose of amending that declaration referenced above (AFN 9903020075), the undersigned parties hereby declare, convey, establish, and agree as follows:

1. **PARKING EASEMENT**

Present and future owners of the WHIB property, described on EXHIBIT A, shall have an exclusive easement for eleven parking spaces located on a portion of the Norris property, within the easement area on those portions of the easement area not occupied by the existing driveway, as shown on illustration attached hereto as EXHIBIT C. Norris Place Limited Partnership hereby conveys and quitclaims to "Where the Heart Is" at Burlington, L.L.C., an exclusive easement for parking within the areas just described and as shown on EXHIBIT C.

2. **DUMPSTER EASEMENT**

Present and future owners of the WHIB property, described on EXHIBIT A, shall have an exclusive easement for use of the dumpster and dumpster pad, as shown on illustration attached hereto as EXHIBIT C. Norris Place Limited Partnership hereby conveys and quitclaims to "Where the Heart Is" at Burlington, L.L.C., an exclusive easement for dumpster and



dumpster pad within the area just described and as shown on EXHIBIT C.


To the extent that any previous agreements, covenants or grants by or between the parties are inconsistent with the above, such inconsistent agreements, covenants or grants are hereby superseded and nullified.

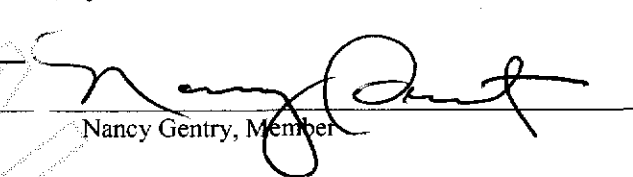
**COVENANTS TO RUN WITH THE LAND**

The covenants herein shall run with the land and shall be binding on the parties hereto, their heirs, successors or assigns, and all subsequent owners thereof.

Dated AUG 16, 2006

"Where the Heart Is" at Burlington, L.L.C., by:

  
Kendall Gentry, Member

  
Nancy Gentry, Member

Norris Place Limited Partnership, by:

  
Robert H. Ruby, General Partner

SKAGIT COUNTY WASHINGTON  
REAL ESTATE EXCISE TAX

AUG 16 2006

Amount Paid \$  
By Skagit Co. Treasurer Deputy



200608160154

Skagit County Auditor

STATE OF WASHINGTON )

ss.

COUNTY OF SKAGIT )

On this 16<sup>th</sup> day of August, 2006 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kendall D. Gentry and Nancy Gentry to me known to be the Managing Members, of "Where the Heart Is" at Burlington, L.L.C., a Washington limited liability company, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

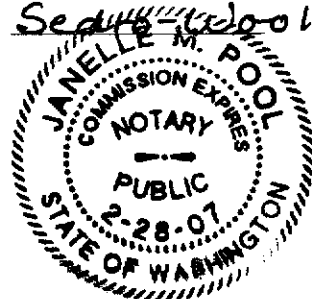
Witness my hand and official seal hereto affixed the day and year first above written.

Janelle M. Pool

Typed/Printed Notary Name: Janelle M. Pool

Notary Public in and for the State of Washington, residing at Seattle - Woolley

My appointment expires 02/28/07



STATE OF WASHINGTON )

ss.

COUNTY OF SKAGIT )

On this 16<sup>th</sup> day of August, 2006 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert H. Ruby, to me known to be the General Partner of Norris Place Limited Partnership, a Washington limited partners, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute the said instrument and that the seal affixed is the corporate seal of said corporation.

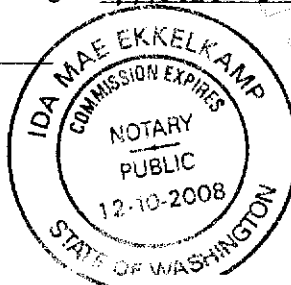
Witness my hand and official seal hereto affixed the day and year first above written.

Ida Mae Ekkelkamp

Typed/Printed Notary Name: Ida Mae Ekkelkamp

Notary Public in and for the State of Washington, residing at Mount Vernon

My appointment expires 12/10/2008



## EXHIBIT A

Lot 1, Burlington Short Plat No. BURL-1-95, as approved March 28, 1995, and recorded April 20, 1995, in Volume 11 of Short Plats, pages 194 and 195, under Auditor's File No. 9504200032, records of Skagit County, Washington, being a portion of the North Half of the West Half of Tract 50, PLAT OF THE BURLINGTON ACREAGE PROPERTY, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington;

TOGETHER WITH an easement for ingress, egress, utilities and parking as established by instrument recorded under Auditor's File No. 9903020075.

ALSO TOGETHER WITH an easement for landscaping and utilities as established by instrument recorded under Auditor's File No. 200005180001, records of Skagit County, Washington.

Situate in the City of Burlington, County of Skagit, State of Washington.

## **EXHIBIT B**

Lot 2, Burlington Short Plat No. BURL-1-95, as approved March 28, 1995, and recorded April 20, 1995, in Volume 11 of Short Plats, pages 194 and 195, under Auditor's File No. 9504200032, records of Skagit County, Washington, being a portion of the North Half of the West Half of Tract 50, PLAT OF THE BURLINGTON ACREAGE PROPERTY, according to the plat thereof recorded in Volume 1 of Plats, page 49, records of Skagit County, Washington.

Situate in Skagit County, Washington.



