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Skagit County Auditor

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WHEN RECORDED RETURN TO:

Marion J. Larkin
19737 Trophy Lane
Mount Vernon, WA 98274

Document Title:	Amendment to Declaration of Agreement and Restrictive Covenants
Grantor/borrower:	MARION J. LARKIN
Grantee/assignee/beneficiary:	General Public
Legal Description:	
Assessor's Tax Parcel ID#:	P115737/330429-1-002-0200 and P17403/330428-2-004-0007

**AMENDMENT TO DECLARATION OF AGREEMENT
AND RESTRICTIVE COVENANTS**

THIS AMENDMENT (herein "Amendment") amends and modifies that Declaration of Agreement and Restrictive Covenants dated September 1, 2005 (referred to herein as the "Declaration") is made and entered into by the undersigned Declarant, as follows:

RECITALS

A. The Declaration was recorded in the Skagit County Auditor's Office under File No. 200509020065.

B. Declarant desires to amend the Declaration by the filing of this Amendment.

C. The purpose of this Amendment is to correct errors in the Declaration relating to flight operations which could potentially result in a hazardous situation.

NOW, THEREFORE, the Declarant hereby modifies and amends the Declaration as provided below:

1. Paragraph 3 of the Declaration is hereby deleted and a new Paragraph 3 substituted therefore which reads as follows:

3. **PROTECTION OF FLIGHT OPERATIONS.** The flight operations on the Airport Property are hereby protected by limitations on the Property, as follows:

a. **Property Restrictions.** No device, appurtenance, mechanism or system which interferes with safe operation of aircraft, or which interacts or affects in any manner with aircraft is allowed on the Property. This includes, but is not limited to, lighting, electronics or other electrical devices.

b. **Clear Fly Zone Limitations.**

(1) **Clear Fly Zone Defined.** The clear fly zone is designated as that portion of the Property lying southerly of a line established from a point on the west property line which is located 388.41 feet from the northwest corner of the Property, thence east on a line perpendicular to the west property line of the Property, to the intersection of the south property line of the Property. The clear fly zone is depicted on the attached Exhibit "C."

(2) Within the westerly 200 feet of the Clear Fly Zone, no buildings, structures or vegetation of any kind are permitted, except pasture grasses or similar types of vegetation. The ground surface shall be maintained for utilization by aircraft in the event of an emergency with no grading or excavation allowed which does not improve the ground surface for that purpose.

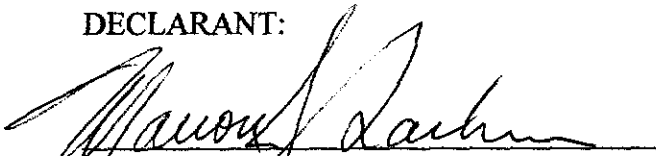
(3) In the Remainder of the Clear Fly Zone. In the clear fly zone beyond the westerly 200 feet, buildings, structures and vegetation are permitted provided they do not intersect or penetrate the air space above an inclined plane described as an angle of elevation, the easterly lowest edge of which is four (4) feet in height along the western edge of the Property, based on the elevation of the surface of Trophy Lane adjacent to the Property, and which then rises at six degrees (6 degrees) to the east over the Clear Fly Zone.

2. Exhibit "C" of the Declaration is hereby deleted and a new Exhibit "C" substituted therefore as provided on the attached Exhibit "A." The new Exhibit "C" is not drawn to scale and approximates the Easement Area only. Refer to the text of this amendment for a more precise description.

3. In all other respects, the Declaration, except as modified by this Amendment, shall remain in full force and effect.

DATED this 24th day of August, 2006.

DECLARANT:


MARION J. LARKIN



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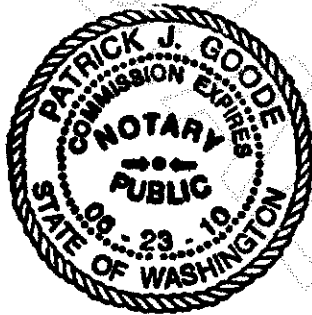
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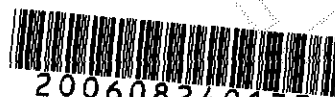
STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)
Skagit

I certify that I know or have satisfactory evidence that MARION J. LARKIN is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

SUBSCRIBED to before me this 24th day of August, 2006.



Patrick J. Goode
Notary Public in and for the State of
Washington, residing at Bellingham
My Commission Expires 06/23/2010



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Survey in the NE $\frac{1}{4}$ of Section 28, Twp. 33 N.



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