

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
Mallard View Condominium Association
1410 Mallard View Drive
Mount Vernon, WA 98274



200707270127
Skagit County Auditor

7/27/2007 Page 1 of 7 1:46PM

AMENDMENT TO DECLARATION OF MALLARD VIEW CONDOMINIUM

Reference Documents: 9812090060, 9903170099, 200008300094
Grantor (s): MALLARD VIEW CONDOMINIUM
ASSOCIATION, a Washington non-profit corporation
Grantee (s): THE PUBLIC
Additional Grantor(s) on page(s)
Additional Grantee(s) on page(s)
Abbreviated Legal: Mallard View Condominium, Volume 17 of Plats,
pages 34-37, and Volume 17 of Plats, pages 51-55
for Phase II; being a portion of tracts 86 and 75 Maddox
Creek P.U.D., Phase I, Volume 16 of Plats, pages
121-180
Additional Legal on page(s):
Assessor's Tax Parcel Nos.:

The Mallard View Condominium Association, a Washington non-profit corporation, hereby amends that certain Declaration of Mallard View Condominium dated December 8, 1998 and recorded December 9, 1998, under Skagit County Auditor's File No. 9812090060, records of Skagit County, Washington, which Declaration was amended by a Supplemental Declaration of Mallard View Condominium, Phase II, dated March 3, 1999 and recorded March 17, 1999, under Skagit County Auditor's File No. 9903170099, records of Skagit County, Washington, and by a Second Supplemental Declaration dated August 29, 2000 and recorded August 30, 2000, under Skagit County Auditor's File No. 200008300094, records of Skagit County, Washington, (which documents are collectively referred to herein as the "Declaration").

Anything to the contrary contained in the provisions of the Declaration or any addendum, amendment or exhibit attached thereto notwithstanding the provisions of this amendment shall be controlling and shall supersede any provisions or addendums, amendments or exhibits in

the event of any conflict, interpretation or inconsistency.

The amendments contained in this document were the subject of a regular and properly noted meeting held by the Mallard View Condominium Association on 12-5, 2007. These amendments were put to a vote of the Mallard View Condominium Association members consisting of a quorum. These amendments passed by a vote of the Mallard View Condominium Association members, with more than sixty seven percent (67%) of the eligible votes cast in favor of the amendments. The meeting, vote and passage of the amendments were all conducted in compliance with the Articles of Incorporation, Bylaws, the Declaration and applicable law.

Now therefore, the Mallard View Condominium Association hereby amends the Declaration to add the following amendments:

ENFORCEMENT POWERS OF ASSOCIATION

1. Enforcement.

Each Owner shall comply strictly with the provisions of the Declaration, the Bylaws, the provisions of the Washington Condominium Act, RCW 64.34 et seq., and the rules and regulations adopted by the Board, as the same may be lawfully amended from time to time, and with all decisions and amendments thereto. Failure to comply shall be grounds for an action to recover sums due for damages, or injunctive relief, or both, maintainable by the Board, or by the aggrieved Owner on his/her/its own against the party failing to comply. The Board shall have the further right to assess a fine, after three (3) days notice to the Owner(s), for any violation, or a continuing series of fines for any continuing violation of the Declaration, the Bylaws, the provisions of the Washington Condominium Act, RCW 64.34 et seq., or the rules and regulations adopted by the Board. Any fine assessed shall be due and payable within seven (7) days of notice of the fine to the Owner(s) of the Unit against which the fine is assessed. The amount of each fine shall be set by the Board in the Board's sole and absolute discretion. However, in no event shall the fine(s) imposed be less than the following:

1 st violation -	\$150
2 nd violation -	\$250
3 rd violation -	\$350
4 th violation -	\$500

The Board shall have no obligation to act against any actual or alleged violation and may refuse to pursue one or more violations without waiving any right of the Board as to enforcement of other existing or future violations, whether or not similar in nature to the violation in question.



2. Owner Liability.

Each fine shall be the joint and several obligation of the Owner or Owners of the Unit as of the time the fine is assessed. Following a voluntary conveyance of a Unit the grantee thereof shall be jointly and severally liable with the grantor for all unpaid fines against the latter up to the time of the grantor's conveyance, without prejudice to the grantee's right to recover from the grantor the amounts paid by the grantee therefor. Suit to recover a personal judgment for any delinquent fines shall be maintainable in any court of competent jurisdiction without foreclosing or waiving the lien securing such sums.

3. Mortgagee Liability.

The holder of a mortgage shall not be liable for fines. Foreclosure of a mortgage does not relieve the prior Owner of personal liability for fines accruing against the Unit prior to the date of foreclosure.

4. Lien for Fines.

The Association shall have a lien on a Unit for any unpaid fines levied against that Unit from the time the fine is due.

5. General Priority.

The Association's lien for unpaid fines shall be prior to all other liens and encumbrances on a Unit except (a) liens and encumbrances recorded before the recording of the Declaration, (b) except as herein provided, a mortgage on the Unit recorded before the date on which the Association records a notice of claim of lien for the unpaid fines, and (c) liens for real property taxes and other governmental fines or charges against the Unit.

6. Recording as Notice.

The Association may record a notice of claim of lien for unpaid, delinquent fines in the real property records of Skagit County.

7. Judicial Foreclosure.

The Association's lien may be enforced judicially by the Association or its authorized representative in the manner set forth in chapter 61.12 RCW. The Association or its authorized representative shall have the power to purchase the Unit at the foreclosure sale and to acquire, hold, lease, mortgage, or convey the same. Upon an express waiver in the complaint of any right to a deficiency judgment in a judicial foreclosure action, the period of redemption shall be eight (8) months. Nothing in this section shall prohibit the Association from taking a deed in lieu of foreclosure.

8. Non-judicial Foreclosure.

The Association shall have the right to foreclose its lien non-judicially in the manner provided for trustees' sales under the Washington Deed of Trust Act, RCW Ch. 61.24. The Association or its authorized representative shall have the power to purchase the Unit at the trustee's sale



and to acquire, hold, lease, mortgage, or convey the same.

9. Lien Survives Sale.

The Association's lien for unpaid fines shall not be affected by the sale or transfer of a Unit except in the event of sale by foreclosure, trustee's sale, contract forfeiture or deed in lieu thereof. Such foreclosure, trustee's sale or contract forfeiture shall extinguish the Association's lien for all fines due and payable prior to the date of such foreclosure, trustee's sale or forfeiture or the delivery of a deed in lieu thereof except to the extent of the priority of the Association's lien for unpaid fines, but in doing so shall not relieve subsequent Unit Owners of the foreclosed Unit from paying fines levied thereafter.

10. Late Charges.

The Association may from time to time establish reasonable late charges and a rate of interest to be charged on all subsequent delinquent fines or installments thereof. In the absence of another established nonusurious rate, delinquent fines shall bear interest from the date of delinquency at the maximum rate permitted under RCW 19.52.020 on the date on which the fines became delinquent.

11. Attorneys' Fees.

The Association shall be entitled to recover any costs and reasonable attorneys' fees incurred in connection with the enforcement of the Declaration, the Bylaws, the provisions of the Washington Condominium Act, RCW 64.34 et seq., or the rules and regulations adopted by the Board, including the collection of delinquent fines, whether or not such collection activities result in suit being commenced or prosecuted to judgment. In addition, the Association shall be entitled to recover costs and reasonable attorneys' fees incurred, in the enforcement of a judgment, on an appeal or in bankruptcy. The Board shall be entitled to recover and shall have the right to assess fines and liens against such Owner(s) and Unit(s) as the Board determines in its sole and absolute discretion, for attorneys fees, costs and other professional fees for investigation, consulting, counsel, enforcement and other such activities relating to any violation or alleged violation of the Declaration, the Bylaws, the provisions of the Washington Condominium Act, RCW 64.34 et seq., or the rules and regulations adopted by the Board, whether or not the Board acts or refuses to act with respect to such violation.

MALLARD VIEW CONDOMINIUM ASSOCIATION



ANNA MAE LUCIER
Its: President



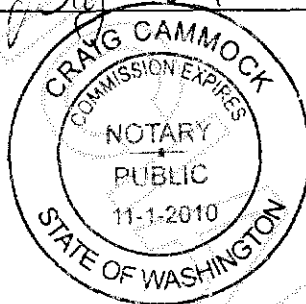
PAULA A. HOLMES
Its: Secretary



State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that ANNA MAE LUCIER is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **PRESIDENT** of the **MALLARD VIEW CONDOMINIUM ASSOCIATION**, a Washington non-profit corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: July 24, 2007



(Signature)

NOTARY PUBLIC

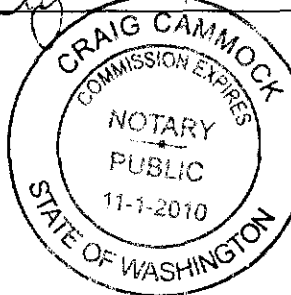
Print Name of Notary

My appointment expires: 11-1-2010

State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that PAULA A. HOLMES is the person who appeared before me, and said person acknowledged that she signed this instrument, on oath stated that she was authorized to execute the instrument and acknowledged it as the **SECRETARY** of the **MALLARD VIEW CONDOMINIUM ASSOCIATION**, a Washington non-profit corporation, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: July 24, 2007



(Signature)

NOTARY PUBLIC

Print Name of Notary

My appointment expires: 11-1-2010



CONSENT OF OWNER TO ACTION BY ASSOCIATION

Pursuant to the provisions of the Washington Condominium Act, RCW 64.34 et seq., the Washington Nonprofit Miscellaneous and Mutual Corporations Act, RCW 24.06 et seq. the undersigned, being an Owner of a unit that is part of the Mallard View Condominium Association (the "Association"), acting in his/her/their capacity as Owner, hereby give their approval for the following actions:

Approval and adoption of that certain amendment (attached hereto) to the Declaration of Mallard View Condominium dated December 8, 1998 and recorded December 9, 1998, under Skagit County Auditor's File No. 9812090060, records of Skagit County, Washington, which Declaration was amended by a Supplemental Declaration of Mallard View Condominium, Phase II, dated March 3, 1999 and recorded March 17, 1999, under Skagit County Auditor's File No. 9903170099, records of Skagit County, Washington, and by a Second Supplemental Declaration dated August 29, 2000 and recorded August 30, 2000, under Skagit County Auditor's File No. 200008300094, records of Skagit County, Washington, (which documents are collectively referred to herein as the "Declaration")

Execution of this Consent, which may be accomplished in counterparts, constitutes a waiver of any notice required under the Washington Condominium Act, RCW 64.34 et seq., the Washington Nonprofit Miscellaneous and Mutual Corporations Act, RCW 24.06 et seq. or the Articles of Incorporation or Bylaws of the Association.

I have read this document, understand its terms, consent to the action taken and waive any notice to which I was entitled with respect to this action:

DATE OF EXECUTION

OWNER SIGNATURE / UNIT #

7-5-07

Barbara Glavin 1405 #2

7-5-07

Claire Hagen 1405 #5

7-7-07

Dorothy F. Peterson 1415 #5

7-7-07

Anna Mae Lucier 1410-4

7-8-07

Caren Gallagher 1415 #3

7-8-07

Tim K. Smith 1415 #4



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I have read this document, understand its terms, consent to the action taken and waive any notice to which I was entitled with respect to this action:

DATE OF EXECUTION

OWNER SIGNATURE / UNIT #

7/5/07

Megan Strong 1405 #1

7/5/07

Paula Holmes 1410 #2

7-5-07

Leland E. Schnell 1400 #2

7/5/07

Dee E. Batley 1410 #1

7-5-07

Valara Forsey 1405 #1

7-5-07

Louise Andrews 1405 #4



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