

When Recorded Return To:

Gary Blanc
Sierra Pacific Industries
19794 Riverside Ave
Anderson, CA 96007



200912290047

Skagit County Auditor

12/29/2009 Page 1 of 3 10:56AM

DOCUMENT TITLE: Amendment to Easement

REFERENCE NUMBER OF RELATED DOCUMENT: 200912210102

GRANTOR(S): Sierra Pacific Industries

GRANTEE(S): Sierra Pacific Industries

ABBREVIATED LEGAL DESCRIPTION: 09 34N 03E, a portion of the Northwest quarter of the northeast quarter

ADDITIONAL LEGAL DESCRIPTION ON PAGE 2 OF DOCUMENT.

ASSESSOR'S TAX/PARCEL NUMBER(S): P117070

AMENDMENT TO STORM WATER EASEMENT

The Grantor, Sierra Pacific Industries and the Grantee Sierra Pacific Industries having an interest in the property hereinafter described:

Parcel A

Assessor's Property Tax Parcel P 117970

(the "**Benefited Property**")

For and in consideration of mutual benefits, which are hereby acknowledged, hereby amend that Storm Water Easement recorded December 21, 2009, under Skagit County Auditor's File No. 200912210102 ("**Easement**") as follows:

1 Except as otherwise provided in paragraph 2 hereof, The Grantor is responsible to maintain the Storm Water System and to ensure that the owner and/or occupier of the Benefited Property has the continuing right to use and operate the Storm Water System for the Benefited Property, including the right of discharge of storm water from the Benefited Property into the public drainage facility beyond the detention and treatment facility and the Grantor hereby indemnifies and will hold harmless the Grantee (and including the owner and occupier from time to time of the Benefited Property) for: (i) breach of this provision; and (ii) the loss of the right of the owner and/or occupier from time to time of the Benefited Property to use and operate the Storm Water System.

2 If, after all of the lots created on the face of the Binding Site Plan recorded under AF number 200911160068 (the "**New Lots**") have been fully developed and constructed, capital

improvements to the Storm Water System are required by any government agency having jurisdiction over the Storm Water System, Grantor, Grantee (and including the owner from time to time of the Benefiting Property) and all other properties benefiting from the Storm Water System as provided in the Binding Site Plan shall each bear a fair share of such costs based upon relative impervious areas of the parcels. Notwithstanding the foregoing, the owner and/or occupier from time to time of the Benefited Property shall never be required to pay more than 18% of such costs and shall have no responsibility for any capital improvements or operating costs whatsoever until completion of development, construction and final inspection by the County of all the New Lots.

3. Lands Burdened by the Easement are as follows:

Pond Tract F of "Sierra Pacific Binding Site Plan" No. PL08-0315 approved October 26, 2009 and recorded November 16, 2009 as Skagit County Auditor's File No. 200911160068, as established, delineated and described thereon,

That portion of the "county road and utility easements" conveyed to Skagit County by instrument recorded Auditor's File No. 200107270007 lying Southerly of the Westerly extension of the North line of the property delineated as Parcel "A" on that certain boundary line adjustment recorded as Auditor's File No. 200803040059 and lying Northerly of the Easterly extension of the South line of "Pond Tract F" as delineated on said "Sierra Pacific Binding Site Plan" recorded as Auditor's File No. 200911160068;

4. Terms with initial capitalization not otherwise defined herein shall have the meanings set forth in the Easement.

5. The Easement (as amended herein) shall be a covenant running with the Land and shall be binding on the Grantors' heirs, successors and assigns.

DATED this 29th day of December, 2009.

GRANTOR:

Sierra Pacific Industries,
a California Corporation

[Signature]
BY: DERK S. JOHNSON
ITS: DIVISION ACCOUNTANT

GRANTEE:

Sierra Pacific Industries,
a California Corporation

[Signature]
BY: DERK S. JOHNSON
ITS: DIVISION ACCOUNTANT

Easement
SKAGIT COUNTY WASHINGTON
REAL ESTATE EXCISE TAX

DEC 29 2009

Amount Paid \$0
Skagit Co. Treasurer
By [Signature] Deputy



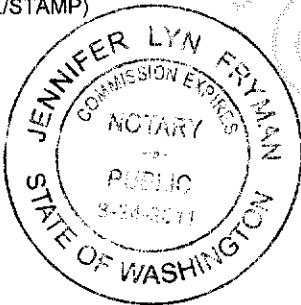
200912290047
Skagit County Auditor

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Dak Johnson is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the Accountant [title] of **Sierra Pacific Industries** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 29th day of December, 2009.

(SEAL/STAMP)



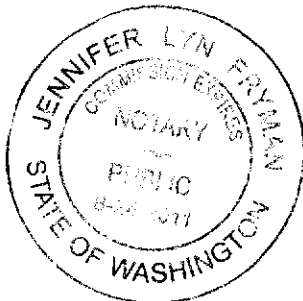
Jennifer Lyn Fryman
NOTARY PUBLIC
Printed Name: Jennifer Lyn Fryman
My Commission Expires: 8/24/11

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Dak Johnson is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument, and acknowledged it as the Accountant [title] of **Sierra Pacific Industries** to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED this 29th day of December, 2009.

(SEAL/STAMP)



Jennifer Lyn Fryman
NOTARY PUBLIC
Printed Name: Jennifer Lyn Fryman
My Commission Expires: 8/24/11



200912290047

Skagit County Auditor