



201003050069

Skagit County Auditor

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ACCOMMODATION RECORDING

m-18284
LAND TITLE OF SKAGIT COUNTY

**MODIFICATION OF DEED OF TRUST
(SPREADER AGREEMENT)**

Reference No: Skagit County Auditor's File No. 200612290183, RE-RECORDED UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 200704040005

Grantor(s): VICTOR L. BENSON AND LINDA C. BENSON AND VICTOR L. BENSON,
SUCCESSOR TRUSTEE OF THE BENSON FAMILY TRUST DATED JUNE 5, 2000

Grantee(s): SUMMIT BANK

Legal Desc: PORTIONS OF SECTIONS 4,8,9 AND 10 IN TOWNSHIP 33, RANGE 4 (NOW A
PORTION OF THE PLAT OF SARATOGA PASSAGE VIEW)

Assessor's Tax Parcel #: 330409-2-009-0104, 330409-1-002-0012, 330404-3-010-0401, 330409-2-002-0101, 330409-2-002-0200, 330409-2-004-0000, 330409-2-002-0002, 330409-2-006-0008, 330409-2-007-0007, 330409-2-008-0006 AND 330409-2-005-0009

P16593, P16579, P99837, P16313, P16316, P16587, P16585, P99591, P16588, P16584, P16589, P16590 and P16591

THIS MODIFICATION OF DEED OF TRUST dated 03/01/10, is made and executed between, VICTOR L. BENSON AND LINDA C. BENSON AND VICTOR L. BENSON, SUCCESSOR TRUSTEE OF THE BENSON FAMILY TRUST DATED JUNE 5, 2000 whose address is (Grantor/Borrower) and, SUMMIT BANK, whose address is 723 HAGGEN DRIVE, BURLINGTON, WASHINGTON 98233 (Lender/Grantee).

DEED OF TRUST. Lender and Grantor have entered into a Deed of Trust dated December 27, 2006 (the "Deed of Trust") which has been recorded in Skagit County, State of Washington on December 29, 2006, under Skagit County Auditor's File No. 200612290183, RE-RECORDED on April 4, 2007 UNDER SKAGIT COUNTY AUDITOR'S FILE NO. 200704040005

ORIGINAL REAL PROPERTY LEGAL DESCRIPTION:

The Real Property tax identification number is 330409-2-009-0104, 330409-1-002-0012, 330404-3-010-0401, 330409-2-002-0101, 330409-2-002-0200, 330409-2-004-0000, 330409-2-002-0002, 330409-2-006-0008, 330409-2-007-0007, 330409-2-008-0006 AND 330409-2-005-0009

MODIFICATION: Lender and Grantor hereby modify the Deed of Trust as follows:

THIS MODIFICATION OF DEED OF TRUST AMENDS THE DEED OF TRUST IDENTIFIED WITH THE FOLLOWING AMENDMENTS:

SPREAD TO ADDITIONAL PROPERTY. The Deed of Trust is hereby modified to add property as described below. For this purpose Grantor/Borrower hereby grants, transfers, conveys and assigns to Trustee, in trust, with power of sale and right of entry and possession, a security interest in all estate, right, title and interest that borrower now has or may later acquire in the additional property, subject to and in accordance with all of the other terms set forth in the Deed of Trust.

ADDITIONAL PROPERTY LEGAL DESCRIPTION:

Those portions of Lots 8, 9, 10, 11, 12, 13, 18 and 19 "Plat of Saratoga Passage View C.A.R.D. PL 06-0107" as per plat recorded on June 10, 2009 as Skagit County Auditor's file No. 200906100089 lying within the following described Parcel "O"

Parcel "O":

The Northwest ¼ of the Northeast ¼ of Section 9, Township 33 North, Range 4 East, W.M.

NEW LEGAL DESCRIPTION. By the execution of this document Grantor and Grantee agree that the property now encumbered with the lien of the Deed of Trust identified above will now be against the following described tract:

SEE ATTACHED SCHEDULE "C"

CONTINUING VALIDITY. Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to the Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all person(s) signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provision of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED

GRANTOR(S):

Victor L. Benson
VICTOR L BENSON

Linda C Benson
LINDA C BENSON

Victor L. Benson
VICTOR L. BENSON, SUCCESSOR TRUSTEE

LENDER:

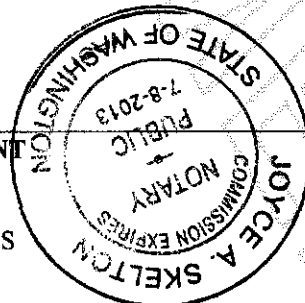
[Signature]
Authorized Officer

INDIVIDUAL ACKNOWLEDGMENT

STATE OF: WA

COUNTY OF: SKAGIT

On this day before me, the undersigned Notary Public, personally appeared VICTOR L BENSON and LINDA C BENSON, husband and wife, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals described in and who executed the Modification of Deed of Trust (Spreader Agreement), and acknowledged that they signed the Modification of Deed of Trust



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(Spreader Agreement) as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Given under my hand official seal this 3rd day of MARCH, 2010.

By: Jeffrey A. Skelton Residing at MT Vernon

Notary Public in and for the State of WA My commission expires 7/8/13

ACKNOWLEDGMENT REPRESENTATIVE CAPACITY

STATE OF: WA

COUNTY OF: SKAGIT

I certify that I know or have satisfactory evidence that VICTOR L. BENSON 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 Successor Trustee of the Benson Family Trust dated June 5, 2000 to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Given under my hand and official seal the day and year last above written.

By: Jeffrey A. Skelton Residing at MT Vernon

Notary Public in and for the State of WA My commission expires 7/8/13

CORPORATE ACKNOWLEDGMENT

STATE OF WA)

COUNTY OF SKAGIT) SS

On this 3rd day of MARCH, 2010, before me, the undersigned Notary Public, personally appeared James E. Bishop II, President and Chief Credit Officer of Summit Bank and personally known to me or proved to me on the basis of satisfactory evidence to be authorized agent of the corporation that executed the Modification of Deed of Trust (Spreader Agreement) and acknowledged the Modification of Deed of Trust (Spreader Agreement) to be the free and voluntary act and deed of the corporation, by authority of its Bylaws or by resolution of its board of directors, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the Modification of Deed of Trust (Spreader Agreement) and in fact executed the Modification of Deed of Trust (Spreader Agreement) on behalf of the corporation.

By: Jeffrey A. Skelton Residing at MT Vernon

Notary Public in and for the State of WA My commission expires 7/8/13



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Schedule "C"
Legal Description

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

PARCEL "G":

The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ all in Section 9, Township 33 North, Range 4 East, W.M.,

EXCEPT mineral rights reserved in deed executed by English Lumber Company, recorded February 8, 1938 under Auditor's File No. 299010, in Volume 174 of Deeds, page 60,

ALSO EXCEPT the following described portion of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$:

Beginning at the Northwest corner of said Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M.; thence running Easterly along the North line of the described Section, 400 feet to a point; thence running Southerly parallel to the West line of said Section, a distance of 100 feet, said point being the point of beginning; thence Easterly, 208 feet; thence Southerly, 208 feet; thence Westerly, 208 feet; thence Northerly to the point of beginning,

ALSO EXCEPT the rights of Skagit County as established by documents recorded July 14, 1939 and August 4, 1939 as Auditor's File Nos. 315059 and 315687, respectively.

PARCEL "I":

Tract 2, Skagit County Short Plat No. 151-79, approved November 18, 1980, recorded November 18, 1980 in Volume 5 of Short Plats, page 2, under Auditor's File No. 8011180061, and being a portion of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 4, Township 33 North, Range 4 East, W.M.,

TOGETHER WITH that certain non-exclusive easement for ingress, egress and utilities over, across and under a 30 foot wide strip of land as established by document recorded as Auditor's File No. 200107160009,

ALSO TOGETHER WITH those certain non-exclusive easements for ingress, egress and utilities over, across and under those certain strips of land as established by document recorded as Auditor's File No. 200107160010 as modified by documents recorded as Auditor's File Nos. 200207120068 and 200210290135,

ALSO TOGETHER WITH that certain non-exclusive easement for ingress, egress and utilities over, across and under that certain strip of land as established by document recorded as Auditor's File No. 200210290136.

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PARCEL "K":

The Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M.,

EXCEPT county road and ditch rights-of-way; and

EXCEPT the rights of Skagit County established by documents recorded July 14, 1939 and August 4, 1939 as Auditor's File Nos. 315059 and 315687, respectively,

ALSO EXCEPTING that part thereof described as follows:

Beginning at the Southeast corner of said Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$; thence West 636 feet; thence North 280.5 feet; thence East 5 rods; thence North 40 feet; thence East 553.5 feet; thence South to the point of beginning;

ALSO EXCEPT the North 40 feet of the West 980 feet thereof sold on contract to Diking District No. 3 of Skagit County by contract dated July 21, 1950, recorded September 5, 1950, under Auditor's File No. 450482;

ALSO EXCEPT that portion thereof conveyed to Robert H. Benson, by deed recorded February 7, 2005 as Auditor's File No. 200502070149.

PARCEL "L":

That portion of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M., described as follows:

Begin at a point on the East line of said subdivision at a point lying 420.5 feet North of the Southeast corner of said subdivision; thence continue North along said East line a distance of 208.7 feet; thence West at a right angle to said East line a distance of 208.7 feet; thence South parallel with said East line a distance of 208.7 feet; thence East at right angles to said East line a distance of 208.7 feet to the point of beginning;

TOGETHER WITH a non-exclusive 20 foot wide easement for ingress and egress centered upon an existing driveway running North from the above described main tract to the Southerly end of that certain strip of land conveyed to the Pacific Nickel Company by deed dated January 31, 1939 and recorded August 1, 1939 in Volume 177 of Deeds, page 466 as Auditor's File No. 315564.

PARCEL "M":

The North $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M., EXCEPT rights-of-way, if any, of Diking District No. 3 and Skagit County.

PARCEL "N":

The South $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M., EXCEPT rights-of-way, if any, of Diking District No. 3 and Skagit County; ALSO EXCEPT the following described portion thereof:

Beginning at the Southeast corner of said subdivision; thence North 100 feet; thence West 28 rods; thence South 83.5 feet; thence West to the right-of-way of the dike of the grantee; thence South one rod; thence East to the place of beginning.

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Parcel "O":

The Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 9, Township 33 North, Range 4 East, W.M.

End of Schedule "C"



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