

Filed at the request of:  
Law Office of Paul W. Taylor, Inc., P.S.  
20388 Eric Street  
Mount Vernon, WA 98274  
(360) 416-6900



201107220084  
Skagit County Auditor

7/22/2011 Page 1 of 3 4:08PM

**DECLARANT'S NOTICE OF ORIGINAL CC&Rs CONTROL OVER  
AMENDMENT AND RESTATEMENT OF DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
OF FIDALGO BAY**

Reference Nos.: 9104220048 (Declaration of CC&Rs)  
9109120049  
9208270046  
9311190025  
9504280099  
9510240136  
9607120100  
9704030052  
200206200414  
200406250107  
201012100104 (Amendment and Restatement of Declarations of  
Covenants, Conditions and Restrictions)

Grantor (s) FIDALGO BAY COMMUNITY ASSOCIATION

Grantee (s) THE PUBLIC

Additional Grantor(s) on page(s)

Additional Grantee(s) on page(s)

Abbreviated Legal: Lots 1-20, Block 9; Lots 1-40, Block 10;  
Lots 1-40, Block 11; Lots 1-40, Block 12; Lots 6-10, Block 14;  
Lots 1-20, Block 15; Lots 1-40, Block 16; Lots 1-17, 19-25, 29-33,  
38-40, Block 17; Lots 1-38, Block 18; Lots 1-40, Block 19; Lots 1-  
20, Block 20; Lots 1-11, 13-20, Block 21; Lots 1-40, Block 22;  
Lots 1-18, 21-38, Block 23; Lots 1-40, Block 24; Lots 1-6, 8-40,  
Block 25; Lots 1-20, Block 26; Lots 1-20, Block 27; Lots 1-40,  
Block 28; Lots 1-40, Block 29; Lots 1-40, Block 30; Lots 1-40,  
Block 31; Lots 1-20, Block 32, Plat of Fidalgo Bay Addition to  
Anacortes.

Additional legal on page(s) 2-4

Assessor's Tax Parcel Nos.: P60701, P60704, P60712, P60717, P60722, P60723, P60728,  
P60729, P60731, P60733, P60734, P60735, P60737, P60738, P60739, P60740, P60741,

AMENDMENT AND RESTATEMENT  
OF CC&RS OF FIDALGO BAY - 1

P60742, P60743, P60744, P101511, P101512, P101513, P101514, P101515, P101516, P101517, P101518, P101519, P101520, P101521, P101522, P60674, P60684, P60685, P60686, P60687, P60688, P60698, P606700, P60702, P60708, P60720, P60726, P101690, P104006, P107868, P113109, and P113110.

**The Declarant in the Declaration of Covenants, Conditions, and Restrictions of Fidalgo Bay recorded April 22, 1991, under Skagit County Auditor's File No. 9104220048, hereby declares that:**

1. Regarding that certain AMENDMENT AND RESTATEMENT OF DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS OF FIDALGO BAY, dated December 10, 2010, and recorded under Skagit County Auditor #201012100104 (Amended CC&Rs), in which the Declarants' reserved rights originally contained in the Original DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF FIDALGO BAY, dated April 22, 1991, and recorded under Skagit County Auditor #9104220048 (Original CC&Rs), have been deleted, the "rights reserved to the declarant" in the Original CC&Rs are contrary to the Amended CC&Rs where deleted therefrom. The Amended CC&Rs, Section 3. Termination of Prior Documents states that "The Original CC&Rs are hereby deleted in their entirety and shall be superseded and replaced by this Amendment and Restatement..."
2. The Declarants' Original CC&R reserved rights, including easement rights, which under RCW 64.04.175 "cannot be extinguished or altered without the approval of the easement owner", are personal reserved rights which cannot be unilaterally extinguished by the Association.
3. Based upon the "anything to the contrary" clause in the Amended CC&Rs, the following "rights reserved to the declarant" in the Original CC&Rs, which were intentionally deleted from the Amended CC&Rs, are contrary to those deleted provisions not included in the Amended CC&Rs, and therefore said "rights reserved to the declarant" provisions in the Original CC&Rs "shall be controlling".
4. The following clauses in the Original CC&Rs, which are contrary to the Amended CC&Rs, "shall be controlling" over the Amended CC&Rs per Original CC&R Paragraph 14.5.  
  
1.4; 1.12; 4.3; 4.5.3; 5.11.3; 7.9; 9.1.1; 10.2; 11.1; 11.2; 11.3; 11.4; Section XII; 12.1; 12.2; 12.3; 12.3.1; 12.3.2; 12.3.3; 12.4; 12.5; 13.2.2.
5. EFFECTIVE DATE. This Declaration shall take effect upon recording with the Skagit County Auditor.

DATED THIS 22<sup>nd</sup> day of July, 2011.

AMENDMENT AND RESTATEMENT  
OF CC&RS OF FIDALGO BAY - 2



201107220084  
Skagit County Auditor

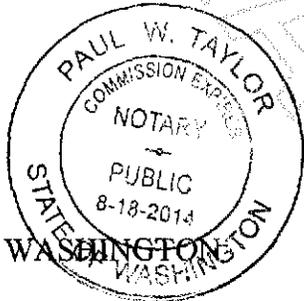
*John Miller*  
\_\_\_\_\_  
JOHN MILLER

*Margaret Miller*  
\_\_\_\_\_  
MARGARET MILLER

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that JOHN MILLER appeared personally before me, signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 22<sup>ND</sup> day of July, 2011.

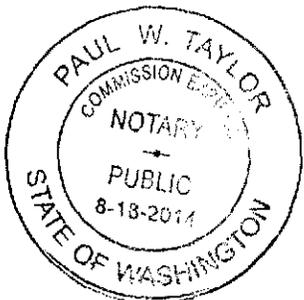


*Paul W. Taylor*  
\_\_\_\_\_  
Paul W. Taylor, Notary Public  
My Commission expires: 8/18/14

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that MARGARET MILLER appeared personally before me, signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 22<sup>ND</sup> day of July, 2011.



*Paul W. Taylor*  
\_\_\_\_\_  
Paul W. Taylor, Notary Public  
My Commission expires: 8/18/14

AMENDMENT AND RESTATEMENT  
OF CC&RS OF FIDALGO BAY - 3

