

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

U.S. BANK NATIONAL ASSOCIATION
Washington Commercial Banking
1420 Fifth Avenue, Suite 1100
Seattle, Washington 98101
Attention: David Fimmell



201310300033

Skagit County Auditor
10/30/2013 Page

1 of

\$293.00

6 10:13AM

**FIRST AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST,
ASSIGNMENT OF RENTS AND LEASES AND SECURITY
AGREEMENT AND FIXTURE FILING**

Coversheet Recording Information:

REFERENCE NUMBER OF DOCUMENT AMENDED:
201207020066

GRANTOR: **MJB PROPERTIES LLC, a Washington limited
liability company**

GRANTEE(S): (1) **U.S. BANK NATIONAL ASSOCIATION**
(2) **U.S. BANK TRUST COMPANY, NATIONAL
ASSOCIATION**

Legal description PTN 19-35-02

(abbreviated: i.e. lot,
block, plat or section,
township, range)

☐ Full legal description is on _____ of document

**Assessor's Property
Tax Parcel/Account
Number**

P78000, 4198-000-041-0005, P78001, 4198-000-041-0104,
P77998, 4198-000-028-0002, P78006, 4198-000-044-0101,
P32974, 350219-0-065-0008, P32975, 350219-0-066-0007,
P32976, 350219-0-067-0006, P78002, 4198-000-043-0003,
P32972, 350219-0-062-0001, P78007, 4198-000-048-0008,
P32977, 350219-0-068-0005, P32979, 350219-0-069-0012,
P32981 and 350219-0-070-0019

**FIRST AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST,
ASSIGNMENT OF RENTS AND LEASES AND SECURITY
AGREEMENT AND FIXTURE FILING**

THIS FIRST AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES AND SECURITY AGREEMENT AND FIXTURE FILING (this "Amendment"), dated as of August 8, 2013, is made with respect to that certain Fee and Leasehold Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing made on or about June 25, 2012, and recorded July 2, 2012, under Skagit County Recording No. 201207020066 (as amended from time to time, the "Deed of Trust"), granted by MJB PROPERTIES LLC, a Washington limited liability company, as Grantor, to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as Trustee for the benefit of U.S. BANK NATIONAL ASSOCIATION, a national banking association, as Beneficiary.

AGREEMENT

IT IS HEREBY AGREED AS FOLLOWS:

1. The Deed of Trust is hereby amended to reflect that the Note is being amended and restated pursuant to that certain Renewal Promissory Note of even date herewith, whereby among other things, Beneficiary made an additional advance to Grantor under the Note in the amount \$2,000,000.00, and such additional advance shall be deemed a Secured Obligation under the Deed of Trust.
2. Except as set forth herein, all of the terms and conditions of the Deed of Trust, as amended, shall remain in full force and effect and are hereby ratified and affirmed.
3. This Amendment may be executed in one or more counterparts, each of which shall constitute an original agreement, but all of which together shall constitute one and the same agreement.

[SIGNATURE PAGE FOLLOWS]



201310300033

IN WITNESS WHEREOF, Grantor and Beneficiary have executed this Amendment as of the date first above written.

"Grantor"

MTB PROPERTIES LLC

By [Signature]
Gary M. Merlino, Manager

By [Signature]
John R. Jones, Manager

"Beneficiary"

U.S. BANK NATIONAL ASSOCIATION

By [Signature]
Name: David Finnell
Title: Assistant Vice President

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 14 day of AUGUST, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Gary M. Merlino, to me known to be the person who signed as Manager of MJB PROPERTIES LLC, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said Manager of the limited liability company and that he was authorized to execute said instrument.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



V.C. Trofin

(Signature of Notary)

Valerie Trofin

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at Summit
My appointment expires: 2.19.2014

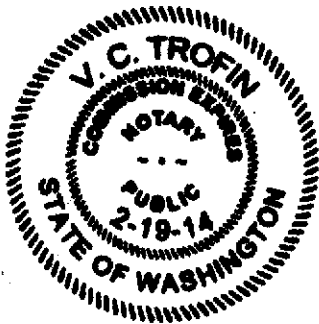


201310300033

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 14 day of AUGUST, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared John R. Jones, to me known to be the person who signed as Manager of MJB PROPERTIES LLC, the limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said Manager of the limited liability company and that he was authorized to execute said instrument.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.



V.C. Trofin
(Signature of Notary)

Valecia Trofin
(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State
of Washington, residing at SHAMMUSH
My appointment expires: 2. 19. 2014

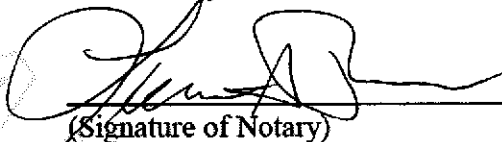


201310300033

STATE OF WASHINGTON)
) ss.
COUNTY OF _____)

On this 10 day of October, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared David Finnell, to me known to be the person who signed as AVP of U.S. BANK NATIONAL ASSOCIATION, the national banking association that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said national banking association for the uses and purposes therein mentioned, and on oath stated that he/she was duly elected, qualified and acting as said officer of the national banking association and that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.


(Signature of Notary)

Lauren A Roach
(Print or stamp name of Notary)



NOTARY PUBLIC in and for the State
of Washington, residing at Seattle
My appointment expires: 9/24/2016

