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Skagit County Auditor

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AFTER RECORDING RETURN TO:
HUGH LEWIS, ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 115
BELLINGHAM, WA 98226
360-392-2880
Draft Date 7-8-14

TITLE OF DOCUMENT: FIRST AMENDMENT TO DECLARATION FOR
PADILLA HEIGHTS SUITES, A CONDOMINIUM
AF# OF AFFECTED DOCUMENT: 200805090149
GRANTOR: PADILLA HEIGHTS SUITES ASSOCIATION,
Z&D II, LLC and Z&D III, LLC
GRANTEE: THE GENERAL PUBLIC

**FIRST AMENDMENT TO DECLARATION
FOR PADILLA HEIGHTS SUITES, A CONDOMINIUM**

PURPOSE: TO MODIFY DEVELOPMENT RIGHTS and
SPECIAL DECLARANT RIGHTS

THIS AMENDMENT is made this 25 day of September, 2014, by
PADILLA HEIGHTS SUITES ASSOCIATION, (the "Association") and Z&D II, LLC, a
Washington limited liability company and Z&D III, LLC, a Washington limited liability company,
(collectively referred to together as "Declarant").

WITNESSETH THAT:

WHEREAS, a certain Condominium Declaration establishing Padilla Heights Suites, a
Condominium ("the Condominium") in the City of Anacortes, Washington, was recorded by its
Declarant at Auditor's File No. 200805090149, among the land records of Skagit County,
Washington, along with a Survey Map and Plans, which were contemporaneously recorded at
Auditor's File No. 200805090148;

WHEREAS, pursuant to RCW 64.34.264(4) and Article XVII of the Declaration, the
Declaration of this Condominium may be amended to increase special declarant rights by the vote
or agreement of unit owners if all Owners have been duly notified and Owners holding not less than
ninety percent (90%) of the votes in the Association vote or consent in writing to such amendment

WHEREAS, the Association has determined that it is necessary or desirable to amend
Sections 3.3.3 and 16.5 of the Declaration, dealing with Development Rights and Special Declarant
Rights, in the manner hereinafter specified, and the Association has obtained the necessary consent

of the requisite percentage of Unit Owners prior to the date of this Amendment.

NOW, THEREFORE, pursuant to and in compliance with Section 17.1 of the Declaration and RCW 64.34.264, the Association hereby amends Sections 3.3.1 and 16.5 of the Declaration as follows:

3.3.3 Time Limits on Development Rights.

The Declarant may exercise the Development Rights described above in Section 3.3.1 hereof within seven (7) years from the date of the recordation of this Amendment to Declaration. Declarant may commence construction of any improvements relating to such Development Rights at any time prior thereto, under the Easement Rights and Special Declarant Rights reserved in Sections 16.3 and 16.5 of the Declaration.

16.5 Special Declarant Rights.

Pursuant to RCW 64.34.020(29), the Declarant has reserved the following Special Declarant Rights for the purpose of furthering and completing the development of the Condominium: To complete any improvements indicated on the Survey Map and Plans filed with the Declaration; to exercise any Development Right under Section 3.3 hereof, to maintain sales offices, management offices, signs advertising the Condominium, and models on the Condominium Property; to use easements through the Common Elements for the purpose of making improvements within the Condominium, and to appoint or remove any officer of the Association or any member of the Board of Directors, or to veto or approve a proposed action of the Board or Association during the Declarant Control Period described in Section 5.1 of the Bylaws. A failure by the Declarant to veto or approve any such proposed action within thirty (30) days after receipt of written notice of the proposed action shall be deemed to constitute approval thereof by the Declarant. Except with respect to the right to exercise Development Rights, which is governed by Section 3.3.3 hereof, or as limited in Section 5.1 of the Bylaws, Special Declarant Rights shall terminate upon the sale of the last Unit in the Condominium, or fifteen (15) years from the date of conveyance of a Unit to a purchaser other than the Declarant, whichever is earlier.

EXCEPT as modified by this Amendment, all of the terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Association and Declarant have caused this Amendment to be executed as of the date first written above, by its President and authorized members.

[SIGNATURE PAGES TO FOLLOW]



APPROVED BY ASSOCIATION:

PADILLA HEIGHTS SUITES ASSOCIATION
a Washington Non-profit Miscellaneous
and Mutual Corporation

By: _____

Tony Pechthalt
_____, Its: President

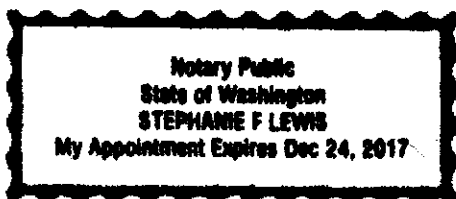
STATE OF WASHINGTON)

) ss.

COUNTY OF WHATCOM)

I certify that I know or have satisfactory evidence that Tony Pechthalt is the person who appeared before me and said person acknowledged that (s)he signed this **FIRST AMENDMENT TO DECLARATION FOR PADILLA HEIGHTS SUITES, A CONDOMINIUM**, on oath stated that (s)he was authorized to execute the instrument and acknowledged it as the President of the Unit Owners Association of the Condominium, to be free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: October 14, 2, 2014.



Stephanie Lewis
Notary Public in and for the State
of Washington, residing at Bellingham
My Commission expires: Dec, 24, 2017

CONSENT OF DECLARANT

Declarant AND Successor Declarant consent to the modification of Section 3.3.1 and 16.5 contained in the foregoing Amendment to Declaration, intending to be bound by such provisions on behalf of itself and its any successors.

DECLARANT:

Z & D II, LLC

By: _____

Zwi Anthony Pechthalt
_____, Its Manager



SUCCESSOR DECLARANT:

Z & D III, LLC

By

Zwi Anthony Pechthalt, Its Manager

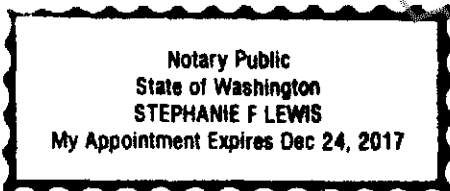
STATE OF WASHINGTON)

) ss.

COUNTY OF Whatcom)

I hereby certify that I know or have satisfactory evidence that Zwi Anthony Pechthalt is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of the Declarant, Z & D II, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: 10/14, 2014.



Stephanie Lewis
NOTARY PUBLIC for the State of
Washington. My Commission
expires 12/24/17

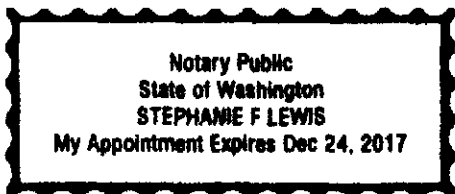
STATE OF WASHINGTON)

) ss.

COUNTY OF Whatcom)

I hereby certify that I know or have satisfactory evidence that Zwi Anthony Pechthalt is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the Manager of the Successor Declarant, Z & D III, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: October 14, 2014.



Stephanie Lewis
NOTARY PUBLIC for the State of
Washington. My Commission
expires 12/24/17

