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Skagit County Auditor

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11/9/2016 Page

1 of

14

3:15PM

RETURN TO:

BRADFORD E. FURLONG
FURLONG ♦ BUTLER
ATTORNEYS
825 CLEVELAND AVENUE
MOUNT VERNON, WASHINGTON 98273
(360) 336-6508

Document Title: Second Amendment to Declaration of Covenants, Conditions & Restrictions for the Cottage Lane Homeowners' Association

Reference number of documents assigned or released: 200501140107
200704120108

Declarants: Donald M. Caldwell and Ann B. Caldwell, husband and wife

Grantee: General Public

Partial Legal Description: Ptn SW ¼, 14-34 N-1 E W.M

Assessor's Parcel/Tax I.D. Numbers: P19421
P19422
P19424
P115540
P111926
P119141
P19411
P122039
P122040
P122042
P127546
P127487
P125950
P127551
P127488
P127489

**SECOND AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS & RESTRICTIONS
FOR THE COTTAGE LANE HOMEOWNERS' ASSOCIATION**

On January 14, 2005, the Covenants, Conditions & Restrictions for the Cottage Lane Homeowners' Association were recorded under Skagit County Auditor's File No. 200501140107 and amended by a First Amendment thereto dated April 9, 2007 and recorded under Skagit County Auditor's No. 200704120108 ("CC&Rs").

This SECOND AMENDMENT TO COVENANTS, CONDITIONS & RESTRICTIONS FOR THE COTTAGE LANE HOMEOWNERS' ASSOCIATION ("Second Amendment") shall be effective when executed in accordance with Article IX, Section 3 and upon recordation with the Skagit County Auditor. All the property described in the CC&Rs shall be subject to this Second Amendment and such properties shall be held, sold, and conveyed subject to the CC&Rs as amended hereby. The CC&Rs as amended shall constitute covenants running with the land and shall be binding on all the parties having any right, title or interest in the described property or any part of that property, their heirs, successors and assigns and shall inure to the benefit of each Owner of the property.

The undersigned Owners hereby agree and direct that the CC&Rs be amended as follows:

- A. Article V, "General Restrictions Applicable to All Parcels," Section 2, is hereby deleted and replaced in its entirety with the following:

Section 2: All Parcels shall be Owner occupied and no part of the Property shall be used for any purpose other than for single-family residential purposes. No Owner shall rent or lease any portion of the Property for storage or for any commercial or industrial use whatsoever, *provided*, that residential structures on the Property may be rented/leased to third persons for residential occupancy for terms no less than one hundred eighty (180) days. No more than two (2) vehicles shall be garaged on any rental premises and all other provisions of these CC&Rs shall apply and be incorporated into the rental/lease agreement with the tenants. Any premises rented/leased shall include fully screened garbage collection/recycling containers and the grounds shall be kept clear of any debris, junk and garbage and the landscaping maintained on a regular basis.

- B. In recognition that the configuration of parcels within the legal description set forth in Exhibit No. 1 has changed in many respects, said Exhibit 1 shall be and is hereby replaced in its entirety with Exhibits 1a and 1b hereto. The legal description in Exhibit 1a includes the exact same totality of land as was included in Exhibit 1; Exhibit 1a describes the entire area affected by the CC&Rs. Exhibit 1b lists the

current parcels affected by the CC&Rs by Assessor's number, legal description and current owner.

C In all other respects, the balance of the provisions of the CC&Rs shall remain in full force and effect.

[Balance of page intentionally blank; signatures on following pages]

Owners:

P122042; P115540

Michele M. Fremont
MICHELE M. FREMONT

STATE OF WASHINGTON)

) SS

COUNTY OF SKAGIT)

On this day personally appeared before me MICHELE M. FREMONT, a single person, known to me to be the persons who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated this 6th day of September, 2016.

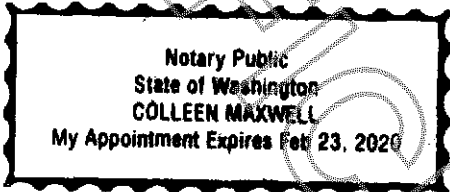


Sarah M. Hastings
Printed name: Sarah M. Hastings
Notary Public in and for the State of
Washington, residing at: Sedro Woolley
My commission expires: 9/19/18

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me ANN CALDWELL, known to me to be the person who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

Dated this 5 day of November, 2016.

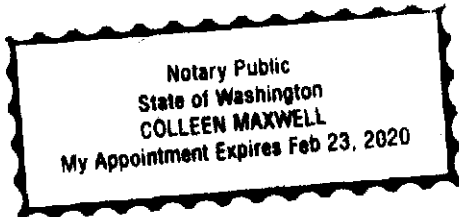


Colleen Maxwell
Printed name: Colleen Maxwell
Notary Public in and for the State of WA
Washington, residing at: Anacortes
My commission expires: 2/23/20

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 5 day of November 2016 before me, the undersigned, a Notary Public in and for the state of Washington, duly commissioned and sworn, personally appeared DONALD CALDWELL, to me known to be the Manager of CALDWELL FAMILY SKY ISLAND, LLC, a Washington limited liability company, the company that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



Colleen Maxwell
Printed name: Colleen Maxwell
Notary Public in and for the State of WA
Washington, residing at: Anacortes
My commission expires: 2/23/20

EXHIBIT 1a
Legal Description of all Property Affected by CC&Rs

That portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., described as follows:

BEGINNING at the Southwest corner of said Southwest 1/4 (Southwest Section corner);
thence North 0°21'13" East along the West line of said Southwest 1/4 for a distance of 2,694.01 feet, more or less, to the Southerly right-of-way margin of Ginnett Road;
thence South 88°40'52" East along said Southerly right-of-way margin for a distance of 40.00 feet, more or less, to the Northeast corner of Lot 1 of that certain Record of Survey map recorded under Skagit County Auditor's File No. 840303;
thence South 0°21'23" West along the West line of Lot 1 and Lot 5 of said Record of Survey map recorded under Auditor's File No. 840303 for a distance of 1,331.48 feet, more or less, to the Southwest corner of said Lot 5, also being a point on the North line of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of said Section 14;
thence South 89°26'35" East along said North line, also being the South line of Lots 5 – 9 said Record of Survey map recorded under Auditor's File No. 840303, for a distance of 1,367.84 feet, more or less, to the Northwest corner of that certain parcel conveyed to Randall and Cyndi Walters, husband and wife, by Quit Claim Deed recorded under Skagit County Auditor's File No. 8710190012;
thence South 0°09'45" East along the West line of said Walters parcel for a distance of 161.67 feet, more or less, to the Southwest corner thereof;
thence South 89°26'35" East along the South line of said Walters parcel for a distance of 267.43 feet, more or less, to the Southeast corner thereof;
thence North 0°33'26" East along the East line of said Walters parcel for a distance of 161.66 feet, more or less, to the Northeast corner thereof, also being the Southeast corner of Lot 9 said Record of Survey recorded under Auditor's File No. 840303;
thence North 0°17'40" West along the East line of said Lot 9, also being the West line of Lot 10 said Record of Survey map recorded under Auditor's File No. 840303 for a distance of 314.62 feet, more or less, to the Northwest corner of said Lot 10;
thence North 76°28'01" East along the North line of said Lot 10 for a distance of 473.90 feet, more or less, to the Northerly most corner of said Lot 10;
thence South 38°42'10" East along the Northeasterly line of said Lot 10 for a distance of 555.29 feet, more or less, to the Easterly most corner of said Lot 10 at a point on the North line of the South 1/2 of said Southwest 1/4 of Section 14,
thence South 89°26'35" East along said North line, also being the South line of Lot 11, said Record of Survey map recorded under Auditor's File No. 840303, for a distance of 200.00 feet, more or less, to the Northeast corner of said South 1/2

of the Southwest 1/4;
thence South 0°41'43" East along the East line of said South 1/2 of the Southwest 1/4 for a distance of 1,326.96 feet, more or less, to the Southeast corner of said Southwest 1/4 (South 1/4 corner) at a point bearing North 89°48'31" East from the POINT OF BEGINNING;
thence South 89°48'31" West along the South line of said Southwest 1/4 for a distance of 2,708.13 feet, more or less, to the POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record

Situate in the County of Skagit, State of Washington.

EXHIBIT 1b
Individual Parcels Affected by CC&Rs

Property No. 1

Richard and Kelley Hungerford

Skagit County Assessor's Parcel Numbers P19421, P19422 and P122039

Parcel "A"

The West 40.00 feet of the Northwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M.;

EXCEPT any portion thereof lying within the County Road known as Burrows Bay or Ginnett Road.

Parcel "B"

That portion of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., being more particularly described as follows:

Commencing at the Northwest corner (West 1/4 corner) of the Southwest 1/4 of said Section 14, Township 34 North, Range 1 East, W.M.;

thence South 0°21'23" West along the West line of said Southwest 1/4 for a distance of 1,362.02 feet, more or less, to the Northwest corner of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 and being the TRUE POINT OF BEGINNING;

thence South 89°26'35" East along the North line of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 for a distance of 812.96 feet;

thence South 25°46'08" West for a distance of 638.27 feet;

thence North 89°49'08" West parallel with the South line of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 for a distance of 359.06 feet;

thence North 0°21'23" East parallel with the West line of said subdivision for a distance of 50.00 feet;

thence North 89°49'08" West for a distance of 180.00 feet, more or less, to the West line of said subdivision at a point bearing South 0°21'23" West from the TRUE POINT OF BEGINNING;

thence North 0°21'23" East along said West line for a distance of 531.01 feet to the TRUE POINT OF BEGINNING.

ALL OF THE ABOVE ALSO BEING SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Property No. 2

Steve Lloyd and Julie Drake

Skagit County Assessor's Parcel No. P122040

That portion of the North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M. and that portion of the West 66.00 feet of the North 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., being more particularly described as follows:

BEGINNING at the Northwest corner of said Southwest 1/4 (West 1/4 corner) of Section 14, Township 34 North, Range 1 East, W.M.;

thence South 0°21'23" West along the West line of said Southwest 1/4 for a distance of 1,362.06 feet, more or less, to the Northwest corner of said North 1/2 of the Southwest 1/4 of the Southwest 1/4;

thence South 89°26'35" East along the North line of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 for a distance of 812.96 feet, to the Northeast corner of that certain parcel conveyed to Kelley Hungerford and Richard S. Hungerford, wife and husband, by Statutory Warranty Deed recorded under Skagit County Auditor's File No. 200510110170 and being the TRUE POINT OF BEGINNING;

thence continue South 89°26'35" East along said North line for a distance of 554.87 feet, more or less, to a point bearing North 89°26'35" West and a distance of 40.00 feet from the Northeast corner of the West 66.00 feet of the Southeast 1/4 of the Southwest 1/4 of said Section 14;

thence South 25°46'08" West parallel with the Easterly line of said Hungerford parcel for a distance of 745.11 feet, more or less, to the South line of said North 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14;

thence North 89°49'08" West along said South line for a distance of 1,048.09 feet, more or less, to the Southwest corner thereof;

thence North 0°21'23" East along the West line of said Southwest 1/4 for a distance of 150.00 feet, more or less, to the Southwest corner of said Hungerford parcel;

thence along the South line of said Hungerford parcel as follows:

South 89°49'08" East for a distance of 180.00 feet;

thence South 0°21'23" West for a distance of 50.00 feet;

thence South 89°49'08" East for a distance of 359.06 feet, more or less, to the Southeast corner of said Hungerford parcel at a point bearing South 25°46'08" West from the TRUE POINT OF BEGINNING;

thence North 25°46'08" East along the East line of said Hungerford parcel for a distance of 638.27 feet, more or less, to the TRUE POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

2nd Amendment – Cottage Lane CC&Rs

Property No. 3

Michele M. Fremont

Skagit County Assessor's Parcel Numbers P115540 and P122042

That portion of the South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., lying Westerly of the following described line:

Commencing at the Southwest corner of said Southwest 1/4 (Southwest Section corner);

thence North 89°48'31" East for a distance of 659.37 feet along the South line of said Southwest 1/4 to the TRUE POINT OF BEGINNING of said line;

thence North 0°21'23" East parallel with the West line of said Southwest 1/4 for a distance of 676.72 feet, more or less, to the North line of said South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M. and being the terminus of said line.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Property No. 4

Donald and Ann Caldwell

Skagit County Assessor's Parcel Numbers P19424, P119141, P111926

That portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M., described as follows:

Commencing at the Southwest corner of said subdivision (Southwest Section corner);

thence North 89°48'31" East along the South line of said Southwest 1/4 for a distance of 2,237.86 feet to the TRUE POINT OF BEGINNING;

thence North 13°20'08" West for a distance of 685.44 feet, more or less, to a point on the Easterly projection of the South line of that certain Parcel No. 2 described on Quit Claim Deed (Boundary Line Adjustment) recorded under Skagit County Auditor's File No. 200606270206;

thence North 89°49'08" West along said projected line for a distance of 1,027.43 feet, more or less, to the Southeast corner of said Parcel No. 2 Auditor's File No. 200606270206;

thence continue North 89°49'08" West for a distance of 388.72 feet, more or less, to the Northeast corner of that certain parcel conveyed to Michelle F. Lehman, a single person, by Statutory Warranty Deed recorded under Skagit County Auditor's File No. 200503250115;

thence South 0°21'23" West along the East line of said Lehman parcel for a distance of 676.72 feet, more or less, to the Southwest corner thereof, also being a

point on the South line of said Southwest 1/4 that bears South 89°48'31" West from the TRUE POINT OF BEGINNING;
thence North 89°48'31" East along said South line for a distance of 1,578.47 feet, more or less, to the TRUE POINT OF BEGINNING.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Property No. 5

Caldwell Family Sky Island, LLC

Skagit County Assessor's Parcel Numbers P19411, P125950 and P127487

Lot A, Skagit County Short Plat No. PL-06-1045, approved March 20, 2008 and recorded March 20, 2008 under Skagit County Auditor's File No. 200803200111, being a portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Property No. 6

Caldwell Family Sky Island, LLC

Skagit County Assessor's Parcel Numbers P127488 and P127551

Lot B, Skagit County Short Plat No. PL-06-1045, approved March 20, 2008 and recorded March 20, 2008 under Skagit County Auditor's File No. 200803200111, being a portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.

Property No. 7

Caldwell Family Sky Island, LLC

Skagit County Assessor's Parcel Numbers P127489 and P127546

Lot C, Skagit County Short Plat No. PL-06-1045, approved March 20, 2008 and recorded March 20, 2008 under Skagit County Auditor's File No. 200803200111, being a portion of the Southwest 1/4 of Section 14, Township 34 North, Range 1 East, W.M.

SUBJECT TO and TOGETHER WITH easements, reservations, restrictions, covenants, liens, leases, court causes and other instruments of record.

Situate in the County of Skagit, State of Washington.