

AFTER RECORDING RETURN TO:

Jon Sitkin
Chmelik Sitkin & Davis P.S.
1500 Railroad Avenue
Bellingham, WA 98225

DOCUMENT TITLE: **FOURTH AMENDMENT AND CLARIFICATION TO
DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS FOR BAY RIDGE
BUSINESS PARK**

GRANTORS: **BOUSLOG INVESTMENTS, LLC, a Washington limited
liability company; and JBK INVESTMENTS, LLC, a
Washington limited liability company**

GRANTEE: **The General Public**

ABBREVIATED LEGAL: **PTN Sec 34, T 35N, R 3E,**

TAX PARCEL NOS: **P118502; P118503; P118504; P118505; P118507;
P118509; P118511; P118517; P122068; P122070;
P122072; P122073; P122074; P122075; P122077;
P122078; P109661; P127820; P121434; P121435;
P122632; P125000; P125001; P127385; P127386;
P127387; P135227; P135224; P135228; P135225;
P135226**

REF. NOS. OF RELATED
DOCUMENT(S): **9712080099 (Declaration); 200506220163 (First
Amendment); 200510120152 (Second Amendment);
201802200054 (Third Amendment)**

**THIS FOURTH AMENDMENT AND CLARIFICATION TO DECLARATION OF
COVENANTS, CONDITIONS, RESTRICTIONS AND RESERVATIONS FOR BAY RIDGE
BUSINESS PARK ("Fourth Amendment") is made this 21st day of October, 2020, to
that certain Declaration of Covenants, Conditions, Restrictions and Reservations ("Declaration")
for Bay Ridge Business Park ("Business Park") dated November 7, 1997, and recorded**

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December 8, 1997, under Skagit County Auditor's File No. 9712080099, as subsequently amended by the First Amendment dated June 22, 2005, and recorded June 22, 2005, under Skagit County Auditor's File No., 200506220163, and as subsequently amended by the Second Amendment dated October 12, 2005, and recorded October 12, 2005, under Skagit County Auditor's File No. 200510120152, and as subsequently amended by the Third Amendment dated January 3, 2018 and recorded on February 20, 2018 under Skagit County Auditor's File No. 201802200054.

RECITALS

WHEREAS, the Declarants, **BOUSLOG INVESTMENTS, LLC**, and **JBK INVESTMENTS, LLC**, do hereby exercise their unilateral right to amend and clarify the Declaration as set forth in section 17.5.b of the Declaration by this Fourth Amendment ; and

WHEREAS, the Declarants continue to own lots within the Business Park, specifically lots 1E, 1F, 2F, 2G, and 2H, and Parcel # P122632; and

WHEREAS, pursuant to Section 17.5.b of the Declaration, and because the Declarant continues to be an Owner of a Lot in the Project, as defined in the Declaration, "The Declarant may unilaterally adopt and file amendments to the Declaration... .. in order to: ... correct any nonmaterial technical errors contained in the Project Documents or clarify provisions of the same."; and

WHEREAS, the Declarant has determined that it is necessary or desirable to adopt and file amendments to certain sections of the Declaration for the purposes of clarifying those sections as set forth below, and/or to correct nonmaterial technical errors as hereinafter specified; and

WHEREAS, Amended Exhibit B, attached hereto, clarifies the allocated voting power among the lots constituting the Business Park as of the date of this Fourth Amendment and has been adjusted to reflect the sale of a portion of Lot 5C to Skagit Transit System, the sale of Lot 2D to S/Properties LP and Sakuma Lands, LLC, and the sale of Lot 1G to 15809 On Preston Place, LLC.

NOW, THEREFORE, pursuant to and in compliance with Section 17.5.b of the Declaration, the Declarant hereby clarifies and amends the following sections of the Declaration to read as follows:

- I. **SECTION 3.3.1.** A technical correction is made as Section 3.3.1 refers to a Section 6.1.4 that does not exist. Section 3.3.1 shall read as follows:

3.3.1 Description. The Declarant has reserved the following Development Rights, which are personal to the Declarant and may be exercised, or not exercised, at the sole discretion of the Declarant: (1) to add improvements to the Business Park, described as follows: Declarant may install street lighting, stormwater and sanitary sewer service, and other utilities, as described in

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greater detail in Section 16.5 hereof; (2) to create additional Lots, Common Areas, or Limited Common Areas within the real property included in the Business Park or in any land which may be added to the Business Park, as described more particularly in Sections 4.1, 5.1, and 6.1.2 of this Declaration; (3) to subdivide unsold Lots or convert unsold Lots, or portions thereof, into Common Areas; (4) to dedicate portions of the Common Areas to public use; (5) to add additional, contiguous real property to the Business Park; and (6) to withdraw portions of the real property owned by Declarant from the Business Park.

- II. **SECTION 3.3.3.** A clarification is made by adding a section 3.3.3.b to Section 3.3.3 to establish the date of conveyance of the first Lot in the Business Park which in turn sets forth the last date that the Declarant may exercise its Development Rights described in Section 3.3.1. Accordingly, Section 3.3.3 is amended to read as follows:

3.3.3 Time Limits on Development Rights.

- (a) The Declarant may exercise the Development Rights described in Section 3.3.1 of this Declaration within twenty (20) years from the date of the conveyance by the Declarant of the first Lot in the Business Park to a person other than the Declarant.
- (b) For clarification, the date of the conveyance by the Declarant of the first Lot in the Business Park to a person other than the Declarant was November 21, 2001; this makes November 20, 2021 the end date for the period of Development Rights.

- III. **SECTION 9.1.1** A clarification is made to what is an allowed and prohibited Commercial Use under Section 9.1.1, and to provide a list of example commercial uses that are prohibited uses regardless of whether they are a primary or accessory use. Accordingly, Section 9.1.1 is amended to read as follows:

9.1.1 Commercial Use.

- (a) The Lots and Common Areas in this Business Park may be used only for: (i) office purposes; (ii) light manufacturing; (iii) warehouse and storage purposes; (iv) other light or "limited" industrial or commercial uses and purposes approved by the Board of Directors of this project for which appropriate liability insurance protecting the Association may be obtained pursuant to Section 11.5.1 hereof, so long as any and all such purposes are consistent with all applicable laws, ordinances and regulations of any governmental authority with jurisdiction; (v) retail food markets and convenience stores, including farmers markets, with a maximum building footprint of 15,000 square feet per Lot provided that such uses are only allowed when they abut Peterson Road; (vi) small retail businesses, including eating and drinking establishments, with a maximum building footprint of 5,000 square feet per Lot only when the uses abut Peterson Road.
- (b) The foregoing list of limited allowable commercial uses and activities (either temporary or permanent) specifically does not include, but without limitation, the following prohibited activities and/or uses: weddings or wedding venues; tasting rooms; concerts or concert venues; event centers; public or private event spaces; hosting of similar activities; or any primary or accessory use of the foregoing nature. Further, any of the foregoing prohibited uses would be considered deleterious to the

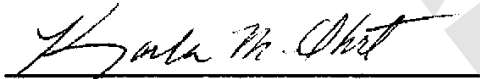
safety, aesthetic, or property values of Property under Section 9.2.1 if the uses prohibited in this section were allowed to occur. The uses prohibited in this section are considered incompatible uses with the permitted manufacturing and warehouse uses, and as such would be harmful to the property values of Property.

IV. SECTION 9.2.1. A clarification is made to clarify that the uses to be avoided are intended to include incompatible uses. Accordingly, Section 9.2.1 is amended to add the section in 9.2.1(ii) in parenthesis and to read as follows:

9.2.1 Composition of Covenants Committee. During the Declarant Control Period, the Declarant shall appoint members to the Covenants Committee. After the Declarant Control Period, the Board of Directors shall appoint at least three members to the Covenants Committee, each to serve for a term of from one (1) to three (3) years as may be determined by the Board of Directors, in order to assure that the Property shall continue to be maintained in a manner: (i) providing for visual harmony and soundness of repair; (ii) avoiding activities and uses (such as incompatible uses) deleterious to the safety, aesthetic or property values of the Property; and (iii) promoting the general welfare and safety of the Owners, tenants and their respective companies, guests, employees, customers, agents and invitees. If the Board of Directors fails to appoint members to the Covenants Committee, then the Board of Directors shall perform the duties of the Covenants Committee.

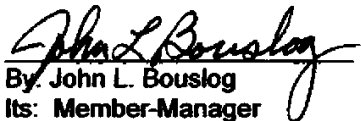
IN WITNESS WHEREOF, the Declarant(s) have caused this Amendment to be executed as of the date first written above.

DECLARANT - JBK INVESTMENTS, LLC

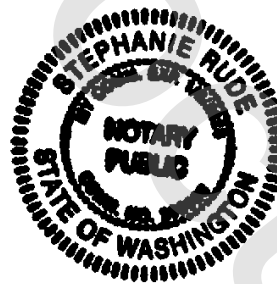


By: Karla M. Ohrt
Its: Member-Manager

DECLARANT - BOUSLOG INVESTMENTS, LLC



By: John L. Bouslog
Its: Member-Manager



STATE OF WASHINGTON)
) ss.
COUNTY OF Skagit)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, JOHN L. BOUSLOG, to me known to be the Manager of BOUSLOG INVESTMENTS, LLC and acknowledged the said

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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 authorized to execute the said instrument on behalf of the limited liability company.

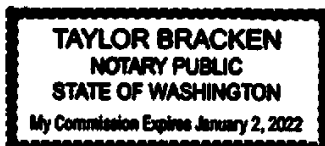
GIVEN under my hand and official seal this 16th day of October, 2020.

Stephanie Rude
 Print Name: Stephanie Rude
 NOTARY PUBLIC in and for the
 State of Washington, residing at Mt. Vernon
 My commission expires: 01/8/2023

STATE OF WASHINGTON)
) ss.
 COUNTY OF King)

On this day before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared, KARLA M. OHRT, to me known to be the Manager of JBK INVESTMENTS, LLC and acknowledged the 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 she was authorized to execute the said instrument on behalf of the limited liability company.

GIVEN under my hand and official seal this 29th day of September, 2020.



Taylor Bracken
 Print Name: Taylor Bracken
 NOTARY PUBLIC in and for the
 State of Washington, residing at Renton, WA
 My commission expires: 1/2/2022

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ATTACHED SPREADSHEET – AMENDED EXHIBIT B TO CC&Rs

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OWNERS AND INTERESTS IN BAY RIDGE BUSINESS PARK

4/1/2020

Parcel #	Lot #	Net Square Footage	Owner	Allocated Interest
P118502	1A	48,991	Marnick, LLC Joe Lubanski	0.00890
P118503	1B	56,675	Munson Properties, LLC	0.01029
P118504	1C	25,033	Munson Properties, LLC	0.00455
P118505	1D	79,417	Munson Properties, LLC	0.01442
P118507	1E	23,069	Bouslog Investments, LLC	0.00419
P118509	1F	60,982	Bouslog Investments, LLC	0.01128
P118511	1G	60,559	15809 on Preston Place, LLC	0.01100
P118517	1H	59,245	Still Bros, LLC	0.01076
P122068	2A	68,005	JRW Investments, LLC	0.01235
P122070	2B	94,677	Bayhill Ridge, LLC	0.01719
P122072	2C	67,780	Bayhill Ridge, LLC	0.01231
P122073	2D	87,797	Bouslog Properties Fisher BRBP	0.01594
P122074	2E	80,164	Properties, LLC	0.01456
P122075	2F	217,696	Bouslog Properties	0.03953
P122077	2G	427,195	Bouslog Properties	0.07758
P122078	2H****	409,331	Bouslog Properties Waste Management - Skagit	0.07434
P109661	3 SP 1+ Tract	217,800		0.03955
P135224/135227	A	289,186	ALFCO, LLC	0.05250
P135225/135228	2+ Tract B	201,911	ALFCO, LLC	0.03667
P135226	New Lot 3	162,273	ALFCO, LLC	0.29600
P121434/P121435	2 BLA	322,980	Skagit Transit System	0.05865
P122632	No Storm B BLA	982,278	Bouslog Properties Wallace Bay View Properties, LLC	0.17838
P125000	4A	245,320	Properties, LLC	0.04455
P125001	4B	435,663	AFLCO, LLC	0.07911
P127385	5A**	261,456	Wallace Bay View Properties, LLC	0.04748
P127386	5B***	261,339	Wallace Bay View Properties, LLC	0.04746
P127387	5C	<u>259,732</u>	Wallace Bay View Properties, LLC	<u>0.04717</u>
Total		5,506,554		100.0002%

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