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Skagit County Auditor

AFTER RECORDING RETURN TO:
MARCIE O'BRIEN
BYK CONSTRUCTION, INC.
702 METCALF ST., STE. A
SEDRO WOOLLEY, WA 98284

Document Title: First Amendment to Declaration of Covenants, Conditions, Reservations and
Restrictions for Brickyard Park
Grantor: Brickyard Park, LLC, a Washington limited liability corporation
Grantee: The General Public
Abbrev. Legal: Ptn. E 1/2 SW 1/4, 1835-5
Tax Parcel No.: P39374
Affected Document AF#: 202104270117

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS,
RESERVATIONS AND RESTRICTIONS FOR BRICKYARD PARK**

GENERAL PURPOSE: CORRECT SCRIVENER'S ERROR TO CLARIFY RESTRICTIONS

THIS AMENDMENT is made this 23rd day of June, 2021, by Brickyard Park, LLC, a Washington limited liability corporation ("Amendment").

WITNESSETH THAT:

WHEREAS, the Declaration of Covenants, Conditions, Reservations and Restrictions for Brickyard Park (the "Declaration") was recorded at Auditor's File No. 202104270117 along with the plat map for Brickyard Park, which was contemporaneously recorded at Auditor's File No. 202104270116.

WHEREAS, pursuant to RCW 64.90.285(10), the Declarant may unilaterally amend the Declaration to correct a scrivener's error.

WHEREAS, the Declaration, at section 11.2.2 contains a scrivener's error and references the wrong section of Title 42 U.S.C.

WHEREAS, the Declarant desires to correct the scrivener's error to clarify the age restrictions contained within the Declaration.

NOW, THEREFORE, pursuant to and in compliance with RCW 64.90.285(10), the Declarant hereby amends as follows:

Section 11.2.2 of the Declaration is hereby replaced in its entirety as follows:

11.2.2 Housing for Older Persons Requirements. This Community has been generally designed as housing for older persons. The Community shall be operated generally for occupancy by persons fifty-five (55) years of age or older, in accordance with the provisions of Title 42 U.S.C. § 3607(b)(2)(C), and with regulations later promulgated by the Secretary of HUD thereunder at Title 24 CFR Section 100.300 *et seq.* The Association shall maintain a list of all Occupants and their respective birth dates to assure compliance with the subsection and shall take the steps identified in subpart (iii) hereof to continually verify the ages of residents. Owners and Occupants shall be subject to the following requirements:

- (i) Except as provided below, the Lots in this Community are intended for the use and occupancy by older persons. At least 80 percent of the Lots in the housing shall be occupied by at least one person who is at least fifty-five (55) years of age or older. No person under the age of 21 years of age is permitted to be an Occupant of a Lot. Visitors under the age of 21 years (hereinafter, "Young Visitors") shall be allowed to visit Owners or Occupants of Lots, but only for periods of time not to exceed thirty (30) nights out of any six (6)-month period as to each visitor. The Board may adopt additional rules regarding such visitations and may require that any visitor found to be unreasonably disturbing other Owners leave the premises, and may exercise its authority for specific visitors even though other visitors are permitted to remain.
- (ii) No Lot shall be sold, rented or leased to any person or persons unless the standards established in this paragraph are complied with. Without limiting the generality of the Board described in the Bylaws, the Association shall have the specific legal right to seek injunctive relief from the Superior Court of the State of Washington for Skagit County with respect to any Owner or Occupancy found not to be in compliance with Section 11.2.2. Noncomplying Occupants may be evicted. The prevailing party in such an action shall be entitled to reasonable attorneys' fees and costs of suit.
- (iii) The Association shall maintain permanent records substantiating its continuing compliance with the policies and limitations herein described and shall regularly update such records, through surveys or other means. Such updates must take place at least once every two years. A survey may include information regarding whether any Lots are occupied by person who are (a) employees of the Association who perform substantial management or maintenance functions for the Community, (b) persons who are necessary to provide a reasonable accommodation to disabled residents, or (c) family members residing in Lots with their older relatives. Any of the following documents are considered reliable documentation of the age of the Occupants of the Community: Driver's License; Birth Certificate; Passport; Immigration Card; Military Identification; Any other state, local, national, or international official documents containing a birth date of the comparable reliability; a certification in a lease, application, affidavit or other document signed by any member of the household age

