Skagit County Auditor, WA

AFTER RECORDING RETURN TO: Law Offices of Gregory E. Thulin, PS 2200 Rimland Dr. Suite 115 Bellingham, WA 98226

TITLE OF DOCUMENT:

AF# OF AFFECTED DOCUMENT:

GRANTEE:

GRANTOR:

THIRD AMENDMENT TO DECLARATION OF COVENANTS FOR 48 NORTH PUD

AF # 2017 05020029 48 NORTH ASSOCIATION

THE GENERAL PUBLIC

## THIRD AMENDMENT TO DECLARATION OF COVENANTS FOR 48 NORTH PUD

PURPOSE: To Correct Scrivener's Error and to allow for construction within Easement Areas.

THIS AMENDMENT is made this 15<sup>th</sup> day of October, 2021, by 48 North Association, a Washington nonprofit corporation ("Association"); James A. Polk, Jr. and Shendelle T. Polk, husband and wife (collectively "Polk"); and Barry W. Matthews and Carol A. Matthews, husband and wife (collectively "Matthews").

### WITNESSETH THAT:

- A. A certain Plat Map establishing 48 North PUD was recorded among the land records of Skagit County, Washington, at Auditor's File No. 201705020028 ("Plat Map"), along with a Declaration of Covenants (the Declaration) benefitting and burdening all the Lots in the 48 North PUD Community, which Declaration was recorded at Auditor's File No. 201705020029; the Declaration was amended by the recording of the First Amendment to Declaration of Covenants at Skagit County Auditor's File No. 201707140127 and amended a second time by the recording of the Second Amendment to Declaration of Covenants at Skagit County Auditor's File No. 201811300028.
- B. The Plat Map identified private drainage facilities and maintenance responsibilities between specific Lots in the Community. The Declaration at Sections 4.7 and 16.2.3, through a scrivener's error, failed to list Lot 17 and Lot 26 currently owned by Polk and Matthews, respectively, that benefit from the private drainage facilities and must share in the maintenance responsibilities. The Association, Polk and Matthews desire to correct that scrivener's error.

C. The Association further desires to allow for limited construction within certain private easement areas defined herein, subject to certain terms and conditions.

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

\* \* \* \* \* \* \* \* \*

# 4.3. <u>Limitation on Construction Within Easements</u>. [Modified]

No permanent (anything in place greater than 180 calendar days) building, deck, fence, retaining wall or other structure shall be constructed or placed within any private sanitary sewer easement areas and private storm drainage easement areas (collectively "Private Easement Areas") on the Lots depicted on the PUD Plat, without the prior written approval of the Board and Architectural Review Committee, and any applicable governmental authority. Any approval shall be subject to the requirement that any additional costs and expenses incurred by the Association as a result of improvements within the Private Easement Areas, shall constitute Specially Allocated Assessments against such Lots, as provided in Section 10.1.7 hereof. Further, the Owners of any such Lot with improvements in Private Easement Areas are obligated to properly perform Upkeep to such improvements. In the event that such Owners fail to properly perform such Upkeep, the Association is authorized to treat any such improvements as Limited Common Elements, and perform necessary Upkeep on behalf of such Owners; any and all costs so incurred by the Association shall constitute Specially Allocated Assessments against such Lots, as provided in Section 10.1.7. Note that the Avigation Easement described in Section 16.4 hereof also contains unique limitations on construction more fully described therein. The construction of any permanent building, deck, fence, retaining wall or other structure within any other easement areas on the Lots depicted on the PUD Plat, not otherwise addressed in this Section 4.3, is strictly prohibited.

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#### 4.7 Upkeep of Shared Private Drainage Facilities, [Modified]

Lots 2, 3, 4, 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30 are served by private drainage pipes located within the private storm drainage easements depicted on the Plat Map; Lots 17, 18, 19, 20, 21, 27, 28, 29 & 30 are served by private drainage pipes located within private sanitary sewer easements depicted on the Plat Map. Under a separate Covenant described in greater particularity in Section 16.2.3 hereof, the Owners of said Lots are obligated to perform periodic Upkeep to such drainage pipes. In the event that such Owners fail to properly perform such Upkeep, the Association is authorized to treat such pipes and the easement areas within which they are constructed as Limited Common Areas, and perform any necessary Upkeep on behalf of such Owners; any and all costs so incurred by the Association shall constitute Specially Allocated Assessments against such Lots, as provided in Section 10.1.7 hereof.

\*\*\*\*

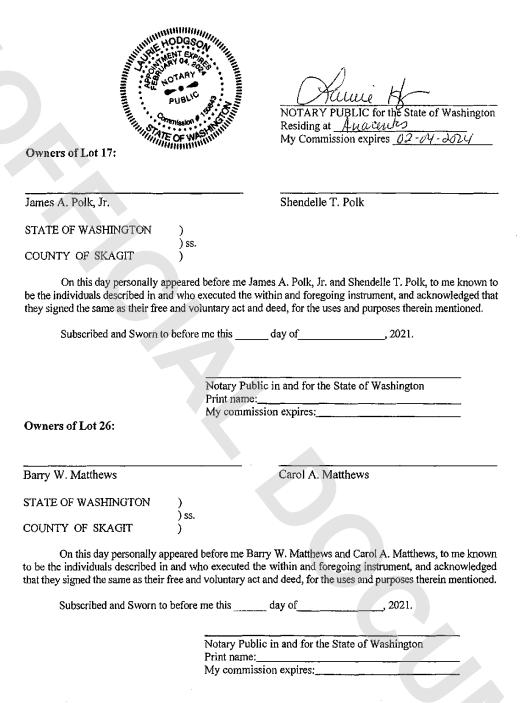
# 16.2.3 Covenant for Upkeep of Private Drainage Facilities. [Modified]

Covenant for oppeep of this according to the control of the contro
Lots 2, 3, 4, 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30, and Tracts A and B, respectively, are served by private drainage lines located within private storm drainage easements depicted on the Plat Map, and Lots 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30, are served by private drainage lines located within private sanitary sewer easements depicted on the Plat Map, all as described in Section 4.7 hereof. Provisions for joint use and joint maintenance of such private easement areas, to assure their perpetual maintenance, repair and replacement at the sole cost of such owners, appear in an instrument recorded at Auditor's File No. 201705020017, records of Skagit County, Washington, which was amended by instrument recorded at Auditor's File No
that the owners of such Lots fail to adhere to maintenance standards established in the Joint
Maintenance Covenant, or fail to properly perform such Upkeep, the Association is authorized to
treat such pipes and easement areas within which they are constructed as Limited Common Areas, and perform any necessary Upkeep on behalf of such Owners; any and all costs so incurred by the
Association shall constitute Specially Allocated Assessments against such Lots, as provided in
Section 10.1.7 hereof.
*****
EXCEPT as modified by this Amendment, all of the terms and provisions of the Declaration of Covenants are hereby expressly ratified and confirmed and shall remain in full force and effect so as to benefit, burden, bind and run with the land with respect to all of the Lots in the Subdivision.
IN WITNESS WHEREOF, the Association, Polk and Matthews have caused this Amendment to be executed as of the date first written above.
DATED this O() day of COOPER, 2021.
ASSOCIATION:

I hereby certify that I know or have satisfactory evidence that Robert S. Miller 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 President of 48 North Association, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: <u>October 6</u>, 2021.

3



	NOTARY PUBLIC for the State of Washington
	Residing at
	My Commission expires
Owners of Lot 17:	
Land felligh	
James A. Polk, Jr.	Shendelle T. Polk
STATE OF WASHINGTON ) ss.	
COUNTY OF SKAGIT )	
be the individuals described in and who they signed the same as the little and vo	d before me James A. Polk, Jr. and Shendelle T. Polk, to me known to executed the within and foregoing instrument, and acknowledged that oluntary act and deed, for the uses and purposes therein mentioned.  The me this day of the uses and purposes therein mentioned.  Notary Public in and for the State of Washington Print name:  My commission expires:  Ol DO
Barry W. Matthews	Carol A. Matthews
STATE OF WASHINGTON )	
COUNTY OF SKAGIT )	
to be the individuals described in and w	before me Barry W. Matthews and Carol A. Matthews, to me known tho executed the within and foregoing instrument, and acknowledged d voluntary act and deed, for the uses and purposes therein mentioned.
Subscribed and Sworn to before	e me this day of, 2021.
	Notary Public in and for the State of Washington Print name:
	My commission expires:

Owners of Lot 4:	•
Kourre a. E	have Charles to Dignim
Kathleen A. Ehman	Charles A. Dignum
STATE OF WASHINGTON	)
COUNTY OF SKAGIT	) ss. )
me known to be the individ	appeared before me Kathleen A. Ehman & Charles A. Dignum, to luals described in and who executed the within and foregoing that they signed the same as their free and voluntary act and deed, in mentioned.
Subscribed and Sworn t	to before me this <u>(0</u> day of <u>OO+.</u> , 2021.
Notary Public State of Washington KANDYCE BAKER-LATTA COMM. # 21016802 MY COMM. EXP. 04/21/2025	Notary Public in and for the State of Washington Print name: Kandyce Boxer Latta My commission expires: 04/21/2025
Owners of Lot 17:	
Owners of Lot 17:  James A. Polk, Jr.	Shendelle T. Polk
	)
James A. Polk, Jr.	
James A. Polk, Jr.  STATE OF WASHINGTON  COUNTY OF SKAGIT  On this day personally a known to be the individuals de and acknowledged that they sig	) ) ss. ) appeared before me James A. Polk, Jr. and Shendelle T. Polk, to me escribed in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses
James A. Polk, Jr.  STATE OF WASHINGTON  COUNTY OF SKAGIT  On this day personally a known to be the individuals de and acknowledged that they signed purposes therein mentioned	) ) ss. ) appeared before me James A. Polk, Jr. and Shendelle T. Polk, to me escribed in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses
James A. Polk, Jr.  STATE OF WASHINGTON  COUNTY OF SKAGIT  On this day personally a known to be the individuals de and acknowledged that they signed purposes therein mentioned	) ss. ) appeared before me James A. Polk, Jr. and Shendelle T. Polk, to me escribed in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses it.

Owners of Lot 2:
Michael D. Reynolds  Mary P. Reynolds
Waty 1. Reynords
STATE OF WASHINGTON ) ss.
COUNTY OF SKAGIT )
On this day personally appeared before me Michael D. Reynolds and Mary P. Reynolds, to me known to be the individuals described in and 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.
Subscribed and Sworn to before me this 12th day of october, 2021.
Notary Public State of Washington Gustavo Camacho Commission No. 163632 Commission Expires 02-06-2024  Notary Public in and for the State of Washington Print name: Gustavo Camacho My commission expires: 02/06/2024
Owners of Lot 3:
John F. Wozniak  Betty J. Wozniak
STATE OF WASHINGTON )
COUNTY OF SKAGIT ) ss.
On this day personally appeared before me John F. Wozniak and Betty J. Wozniak, to me known to be the individuals described in and 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.
Subscribed and Sworn to before me this day of, 2021.
Notary Public in and for the State of Washington
Print name:

Owners of Lot 2:	
Michael D. Reynolds	Mary P. Reynolds
STATE OF WASHINGTON )	
COUNTY OF SKAGIT )	SS.
me known to be the individua	peared before me Michael D. Reynolds and Mary P. Reynolds, to ils described in and who executed the within and foregoing at they signed the same as their free and voluntary act and deed, mentioned.
Subscribed and Sworn to b	before me this day of, 2021.
	Notary Public in and for the State of Washington
	Print name:My commission expires:
John F. Wozniak	Betty J. Wozniek  Betty J. Wozniek
	55.
COUNTY OF SKAGIT )	
known to be the individuals descri	beared before me John F. Wozniak and Betty J. Wozniak, to me ribed in and who executed the within and foregoing instrument, d the same as their free and voluntary act and deed, for the uses
Subscribed and Sworn to be with the subscribed and Sworn to be subscribed a	Notary Public in and for the State of Washington Print name: Liverdy Procke My commission expires: Sept. 1 324
Massas Children	

	Owners of Lot 18:		1	. (/	
	Gregory T. An	sly	Andrea E. Insley	E. Ju	leo
	STATE OF WASHINGTON COUNTY OF SKAGIT	) ) ss. )			·
	On this day personally known to be the individuals de and acknowledged that they sig and purposes therein mentioned	escribed in and who med the same as th	executed the within	and foregoing inst	rument,
	Subscribed and Sworn to	o before me this $Z$	7 day of Sept	, 2021.	
S Lic My	THRYN ESPINOZA  Notary Public tate of Washington ense Number 201454 Commission Expires ONUMBER 611, 2013	Notary Publi Print name:	in Sp. M. State c in and for the State KATh I VI La sion expires: Dug	of Washington	
	Denise M. Gechas				
]	REPUBLIC OF ITALY PROVINCE OF SICILIY CITY OF	) ) ss. )			
1	On this day personally individual described in and who that she signed the same as her mentioned.	executed the with	in and foregoing inst	rument, and acknow	vledged
	Subscribed and Sworn to	before me this	day of	, 2021.	
		Notary Publi Print name:	c in and for the Repu	blic of Italy	
		My commiss			

Owners of Lot 18:	Ÿ
	:
Gregory T. Insley	Andrea E. Insley
STATE OF WASHINGTON )	
COUNTY OF SKAGIT )	
known to be the individuals describ	ared before me Gregory T. Insley and Andrea E. Insley, to me ed in and who executed the within and foregoing instrument, the same as their free and voluntary act and deed, for the uses
Subscribed and Sworn to before	ore me this day of, 2021.
	Notary Public in and for the State of Washington Print name: My commission expires:
Owners of Lot 19:  Owners of Lot 19:  Denise M. Gechas  REPUBLIC OF ITALY  PROVINCE OF SICILIY  ) ss.	)
ndividual described in and who exec	ared before me Denise M. Gechas, to me known to be the cuted the within and foregoing instrument, and acknowledged and voluntary act and deed, for the uses and purposes therein
Subscribed and Sworn to before	ore me this 12 day of Clory, 2021.
\$\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	MOMO MOTELL  Notary Public in and for the Republic of Italy  Print name: MARTH MOTYL  My commission expires: 29 Jul 23
	11 Marta Motyl, JAGC, U.S. Navy deral Notary, Under Authority of 10 U.S.C. § 1044a

Marta Motyl, JAGC, U.S. Navy
Federal Notary, Under Authority of 10 U.S.C. § 1044:
Office of the Judge Advocate General of the Navy
Commission Expires: 20142

Owners of Lot 20:
Hoy The h Chen
Roy T. Chen Laura M. Chen
STATE OF WASHINGTON )
COUNTY OF SKAGIT ) ss.
On this day personally appeared before me Roy T. Chen and Laura M. Chen, to me know to be the individuals described in and 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.
Subscribed and Sworn to before me this 8th day of October, 2021.
Notary Public State of Washington Gustavo Carnacho Commission No. 163632 Commission Expires 02-06-2024  Notary Public in and for the State of Washington Print name: Gustavo Canacho My commission expires: 02/06/1024
Owners of Lot 21:
Derek S. Philliber
STATE OF WASHINGTON )
COUNTY OF SKAGIT ) ss.
On this day personally appeared before me Derek S. Philliber, to me known to be the individual described in and 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.
Subscribed and Sworn to before me thisday of, 2021.
Notary Public in and for the State of Washington Print name: My commission expires:
mij commoni expires.

Roy T. Chen		Laura M. Chen	
STATE OF WASHINGTON	)		
COUNTY OF SKAGIT (	) ss. )		
On this day personally ap to be the individuals described acknowledged that they signed the purposes therein mentioned.	in and who exec	cuted the within ar	nd foregoing instrume
Subscribed and Sworn to	before me this	day of	, 2021.
	Print name:	ic in and for the Sta	_
	My commiss	sion expires:	
Owners of Lot 21:			
5/100			•
Derek S. Philliber			
STATE OF WASHINGTON )			
COUNTY OF SKAGIT )	SS.		
On this day personally a ndividual described in and who hat he signed the same as his frenchioned.	executed the with	in and foregoing in	istrument, and acknow
Subscribed and Sworn to l	before me this <u>1</u>	day of 0 (tob)	<u>ve v</u> , 2021.
Subscribed and Sworn to I	Print name:_	ch and for the Sta Shelly Owen ion expires: 05/2	tte of Washington
NOTARY 28 NO PUBLIC NO PUB	wy commiss	- '	

Owners of Lot 26:	
Leceni.	Carol A. Matthews
Barry W. Matthews	Carol A. Matthews
STATE OF WASHINGTON	
COUNTY OF SKAGIT	) ss.
me known to be the individ- instrument, and acknowledged for the uses and purposes there	
Subscribed and Sworn	to before me this day of, 2021.
PUBLIC PUBLIC	Notary Public in and for the State of Washington Print name: + A Ch + A Moche My commission expires: 12227
Owners of Manianting Bavaro Living Trust	My commission expires: <u> </u>
Frank Bavaro, Trustee	Mary F. Bavaro, Trustee
STATE OF WASHINGTON	) ) ss.
COUNTY OF SKAGIT	)
to be the individuals described	appeared before me Frank Bavaro and Mary F. Bavaro, to me known in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses and
Subscribed and Sworn to	o before me this day of, 2021.
	Notary Public in and for the State of Washington Print name:
	My commission expires:

Owners of Lot 26:			
		·	
Barry W. Matthews		Carol A. Matth	ews
STATE OF WASHINGTON	) ) ss.		
COUNTY OF SKAGIT	)		
On this day personally a me known to be the individ instrument, and acknowledged for the uses and purposes therein	uals described in that they signed t	and who execute	
Subscribed and Sworn to	o before me this _	15 day of	, 2021.
	Notary Pub	lic in and for the St	rate of Washington
	Print name:	·	
	My commi	ssion expires:	
Owners of Lot 27: Bavaro Living Trust		Maf	-Barrans
Frank Bavaro, Trustee	<del></del>	Mary F. Bavaro	, Trustee
STATE OF WASHINGTON	) ) ss.		
COUNTY OF SKAGIT	)		
On this day personally at to be the individuals described acknowledged that they signed purposes therein mentioned.	in and who exe	cuted the within a	
Subscribed and Sworn to	before me this _	15 day of 07	大
Notary Public State of Washington SCOTT S BURNETT COMM. # 184238 MY COMM. EXP. 04/25/24	Print name:	lic in and for the St.	ate of Washington

Owners of Lot 28: Robert S. Miller	Brohda K. Reimnitz
STATE OF WASHINGTON COUNTY OF SKAGIT	) ) ss. )
known to be the individuals do and acknowledged that they sig and purposes therein mentioned	
Substituted and Sworn to the Control of the Control	Notary Public in and for the State of Washington Print name: Laurie Hadson My commission expires: 02 04 263 4
Jonathan Ross, Trustee	Melanie Ross, Trustee
STATE OF WASHINGTON COUNTY OF SKAGIT	) ) ss. )
to be the individuals described acknowledged that they signed purposes therein mentioned.	appeared before me Jonathan Ross and Melanie Ross, to me known in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses and to before me this day of, 2021.
	Notary Public in and for the State of Washington Print name:
	My commission expires:

Owners of Lot 28:	
Robert S. Miller	Brenda K. Reimnitz
STATE OF WASHINGTON COUNTY OF SKAGIT	) ) ss. )
known to be the individuals de	appeared before me Robert S. Miller and Brenda K. Reimnitz, to me escribed in and who executed the within and foregoing instrument, gned the same as their free and voluntary act and deed, for the uses d.
Subscribed and Sworn t	to before me this day of, 2021.
	Notary Public in and for the State of Washington Print name: My commission expires:
Owners of Lot 29: Ross Living Trust  Junthan Formathan Trustee	RUSTEE Melanie Ross, Trustee ) tust
STATE OF WASHINGTON COUNTY OF SKAGIT	) ) ss. )
to be the individuals described acknowledged that they signed purposes therein mentioned.	appeared before me Jonathan Ross and Melanie Ross, to me known d in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses and before me this
KATHERINE M HARGETT Notary Public State of Washington My Appointment Expires Dec 6, 2021	Notary Public in and for the State of Washington Print name: Latvuru M. Hargett My commission expires: 12 by 12021

Lot 30: Lewis Trust	
John T. Lewis	
STATE OF WASHINGTON )	
COUNTY OF SKAGIT )	· ·
described in and who executed th	ared before me John T. Lewis, to me known to be the individual e within and foregoing instrument, and acknowledged that he intary act and deed, for the uses and purposes therein mentioned.
Subscribed and Sworn to be	fore me this day of _October, 2021.
Notary Public State of Washington KANDYCE BAKER-LATTA COMM. # 21016802 MY COMM. EXP. 04/21/2025	Notar Public in and for the State of Washington Print name: Kandyce Baker-1 atta My commission expires: 04/21/2025
48 North Association:	
By:Robert S. Miller, President	
STATE OF WASHINGTON ) ) ss COUNTY OF SKAGIT )	
appeared before me, and said person was authorized to execute the instrum	r have satisfactory evidence that Robert S. Miller is the person who acknowledged that he signed this instrument, on oath stated that he nent and acknowledged it as the President of 48 North Association, h party for the uses and purposes mentioned in the instrument.
DATED:	, 2021.
	Notary Public in and for the State of Washington Print name:
	My commission expires:

Lot 30: Lewis Trust			
John T. Lewis		<u> </u>	
STATE OF WASHINGTON ) ss COUNTY OF SKAGIT )			
On this day personally appear described in and who executed the signed the same as his free and volume.	within and for	egoing instrument	
Subscribed and Sworn to bef	fore me this	day of	, 2021.
	Print name:_	in and for the Sta	
By: Robert S. Miller, President			
STATE OF WASHINGTON ) ) ss. COUNTY OF SKAGIT )			
I hereby certify that I know or appeared before me, and said person a was authorized to execute the instrumto be the free and voluntary act of such	icknowledged that ent and acknowle	t he signed this insteaded it as the Presi	trument, on oath stated that he ident of 48 North Association,
DATED: October Co	, 2021.  Notary Public Print name:	in and for the State Howon expires: Or	te of Washington