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Skagit County Auditor, WA

Filed for Record at Request of: Law Offices of Gregory E. Thulin, PS 2200 Rimland Drive, Suite 115 Bellingham, WA 98226

FIRST AMENDMENT TO JOINT USE, MAINTENANCE & **Document Title:**

COST SHARING COVENANT

Grantors: Michael D. & Mary P. Reynolds;

John F. & Betty J. Wozniak:

Kathleen A. Ehman & Charles A. Dignum;

James A. & Shendelle T. Polk; Gregory T. & Andrea E. Insley;

Denise M. Gechas:

Roy T. & Laura M. Chen;

Derek S. Philliber;

Barry W. & Carol A. Matthews;

Frank & Mary F. Bavaro, TTEE Bavaro Living Trust

Robert S. Miller & Brenda K. Reimnitz;

Jonathan & Melanie Ross, TTEE Ross Living Trust,

John T. Lewis, TTEE Lewis Trust

Michael D. & Mary P. Reynolds; John F. & Betty J. Wozniak;

Kathleen A. Ehman & Charles A. Dignum;

James A. & Shendelle T. Polk; Gregory T. & Andrea E. Insley;

Denise M. Gechas;

Roy T. & Laura M. Chen;

Derek S. Philliber;

Barry W. & Carol A. Matthews;

Frank & Mary F. Bavaro, TTEE Bavaro Living Trust

Robert S. Miller & Brenda K. Reimnitz:

Jonathan & Melanie Ross, TTEE Ross Living Trust;

John T. Lewis, TTEE Lewis Trust;

48 North HOA; and

General Public

Ref. No. Related Doc.

Grantees:

201706020017 & 201705020029

Abbreviated legal: Lots 2, 3, 4, 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30, 48 North Plat

& PUD AF# 201705020028

Tax Parcel Nos: P133660, P133661, P133662, P133675, P133676, P133677,

P133678, P133679, P133684, P133685, P133686, P133687 &

P133688

FIRST AMENDMENT TO JOINT USE, MAINTENANCE & COST SHARING COVENANT

THIS FIRST AMENDMENT TO JOINT USE, MAINTENANCE & COST SHARING COVENANT, is effective this 15th day of October, 2021, and is by and between Michael D. Reynolds and Mary P. Reynolds, husband and wife ("Reynolds"); John F. Wozniak and Betty J. Wozniak, husband and wife ("Wozniak"); Kathleen A. Ehman & Charles A. Dignum, both single individuals ("Ehman"); James A. Polk, Jr. and Shendelle T. Polk, husband and wife ("Polk"); Gregory T. Insley and Andrea E. Insley, husband and wife ("Insley"); Denise M. Gechas, a single individual ("Gechas"); Roy T. Chen and Laura M. Chen, husband and wife ("Chen"); Derek S. Philliber, a single individual ("Philliber"); Barry W. Matthews and Carol A. Matthews, husband and wife ("Matthews"); Frank Bavaro and Mary F. Bavaro, Trustees of the Bavaro Living Trust ("Bavaro"); Robert S. Miller and Brenda K. Reimnitz, husband and wife ("Miller"); Jonathan Ross and Melanie Ross, Trustees of the Ross Living Trust; John T. Lewis, Trustee of the Lewis Trust; and 48 North Association, a Washington nonprofit corporation ("48 North") [collectively "Lot Owners" or "Parties"].

RECITALS

- A. A Joint Use, Maintenance & Cost Sharing Covenant was executed on May 31, 2017, and filed under Skagit County Auditor's File No. 201706020017 (hereinafter "Covenant").
- B. The Covenant failed to include two (2) lots within the definition of the "Benefitted Lots"; specifically the following lots:

Lots 17 and 26, "48 North Plat & PUD", recorded May 2, 2017, under Skagit County Auditor's File No. 201705020028, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington

- C. The failure to include the two (2) lots affects the use, maintenance and cost sharing provisions of the Covenant.
- D. With this Amendment, the Benefitted Lots that were defined on page 1 of the Covenant, are now defined as follows:

Lots 2, 3, 4, 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30, "48 North Plat & PUD, recorded May 2, 2017, under Skagit County Auditor's File No. 201705020028, records of Skagit County, Washington.

Situate in the City of Anacortes, County of Skagit, State of Washington

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Hereinafter collectively referred to as the "Benefitted Lots".

- E. The Benefitted Lots, along with Common Area Tracts A and B, are burdened with two separate private sanitary sewer (serving Lots 17, 18, 19, 20, 21, 26, 27, 28, 29 & 30) and three separate storm drainage easements (serving all the Benefitted Lots) appearing on the face of the PUD Plat; within such easement areas, private sanitary sewer and storm drain pipes or lines [collectively "Drainage Lines"] exist to serve the Benefitted Lots.
- F. With the addition of two (2) lots, the Parties desire to amend the Covenants and specifically Exhibit "A" to clarify the maintenance responsibilities and cost sharing of the Benefitted Lots.

NOW, THEREFORE, the Parties hereto amend the Covenant as follows:

Attached hereto is the First Amendment to Exhibit "A" to the Joint Use, Maintenance & Cost Sharing Covenant, amending and replacing Exhibit "A" in its entirety.

* * * * * * * *

EXCEPT as modified by this First Amendment, all of the terms and provisions of the Joint Use, Maintenance & Cost Sharing Covenant shall remain in full force and effect.

This Amendment may be executed in counterparts, each of which shall be deemed an original, and which together shall constitute a single, integrated contract.

IN WITNESS WHEREOF, the Parties hereto, as the owners of all real property described herein, have caused this agreement to be executed on the day, month, and year first above written.

[signatures on following pages]

Owners of Lot 2:
Machael Danvell Mary PRemoldo
Michael D. Reynolds Mary P. Reynolds
STATE OF WASHINGTON)
COUNTY OF SKAGIT) ss.
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:
Owners of Lot 3: John F. Wozniak Betty J. Wozniak STATE OF WASHINGTON)
Owners of Lot 3: John F. Wozniak Betty J. Wozniak
Owners of Lot 3: John F. Wozniak STATE OF WASHINGTON)) ss.
Owners of Lot 3: John F. Wozniak STATE OF WASHINGTON)
John F. Wozniak STATE OF WASHINGTON) ss. COUNTY OF SKAGIT 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.
Owners of Lot 3: John F. Wozniak STATE OF WASHINGTON)

Owners of Lot 2:	
Michael D. Reynolds	Mary P. Reynolds
STATE OF WASHINGTON) s	s.
COUNTY OF SKAGIT)	
me known to be the individuals	eared before me Michael D. Reynolds and Mary P. Reynolds, to described in and who executed the within and foregoing they signed the same as their free and voluntary act and deed, entioned.
Subscribed and Sworn to be	efore me this day of, 2021.
	Notary Public in and for the State of Washington
	Print name:
John F. Wozniak STATE OF WASHINGTON) SS COUNTY OF SKAGIT)	Betty Norniak Betty Norniak
known to be the individuals describ	ared before me John F. Wozniak and Betty J. Wozniak, to me bed 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 bef	Notary Public in and for the State of Washington Print name: Words Drake My commission expires: Sept. 1st, 2004
Man Santa	

Owners of Lot 4:	•
Koursen a. E	homen Charles to Digning
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	o before me this <u>(Q</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:	
James A. Polk, Jr.	Shendelle T. Polk
STATE OF WASHINGTON	
COUNTY OF SKAGIT) ss.)
known to be the individuals de	appeared before me James A. Polk, Jr. and Shendelle T. Polk, to me scribed in and who executed the within and foregoing instrument, and the same as their free and voluntary act and deed, for the uses
Subscribed and Sworn to	before me this day of, 2021.
	Notary Public in and for the State of Washington Print name: My commission expires:

Owners of Lot 4:	
Kathleen A. Ehman	Charles A. Dignum
STATE OF WASHINGTON COUNTY OF SKAGIT) ss.)
me known to be the individ instrument, and acknowledged for the uses and purposes therein	
Subscribed MMN Wyrn to GAIN EN 1911 AND SUBJECT OF WASHINGTON WASH	Notary Public in and for the State of Washington Print name: SMGDME My commission expires: 01 08 2025
Owners of Lot 17: James A. Polk, Jr.	Shendelle T. Polk
STATE OF WASHINGTON)
COUNTY OF SKAGIT) ss.)
known to be the individuals de-	ppeared before me James A. Polk, Jr. and Shendelle T. Polk, to me scribed in and who executed the within and foregoing instrument, ned the same as their free and voluntary act and deed, for the uses
Subscribed and Sworn to	before me this day of, 2021.
	Notary Public in and for the State of Washington Print name:
	My commission expires:

	Owners of Lot 18:		1		\mathcal{O}	
	Thanon I Au	1	audio	E.	. Xlea	
	Gregoryot. Insley	9	Andrea E. Insley	J		<u>-</u>
	STATE OF WASHINGTON)					
	COUNTY OF SKAGIT)	SS.				
	On this day personally app known to be the individuals descr and acknowledged that they signe and purposes therein mentioned.	ribed in and who	executed the within	and forego	ing instrument,	,
	Subscribed and Sworn to b	efore me this $\underline{\mathcal{Z}}$	7 day of SyL	, 2021		
Li	ATHRYN ESPINOZA Notary Public State of Washington cense Number 201454 y Commission Expires ONNELS (AT 2002)	Notary Publi Print name:	c in and for the State KATh YN L ion expires: 1 119	2) e of Washin	eton	
	Denise M. Gechas					
	REPUBLIC OF ITALY) PROVINCE OF SICILIY) s CITY OF)	s.				
	On this day personally ap individual described in and who ex that she signed the same as her frementioned.	xecuted the with	in and foregoing inst	rument, and	acknowledged	
	Subscribed and Sworn to be	efore me this	day of	, 2021.		
			in and for the Repu	ıblic of Italy		
		Print name:_ My commiss	ion expires:			
		•	-			

Owners of Lot 18:				
	:			
Gregory T. Insley		And	irea E. Insley	
STATE OF WASHINGTON)			
COUNTY OF SKAGIT) ss.)			
On this day personally known to be the individuals do and acknowledged that they sig and purposes therein mentioned	escribed in and gned the same	d who exect	uted the within	
Subscribed and Sworn t	o before me th	is d	ay of	, 2021.
	ı			
	Notary	Public in ar	nd for the State	of Washington
	Print na	ame:		
	My con	omission ex	pires:	
Owners of Lot 19: Owners of Lot 19: Denise M. Gechas)			
REPUBLIC OF ITALY PROVINCE OF SICILIY)) ss.			
CITY OF SIGNALICE) 55.			
On this day personally individual described in and who that she signed the same as her mentioned.	executed the	within and	foregoing instru	
Subscribed and Sworn to	o before me thi	is <u>IQ</u> da	ay of OCIOb	<u>yr</u> , 2021.
	M	enta	motere	
•	Notary :	Public in an	d for the Repub	
and the second s		me:M A}		1. 1 0.0
्र 🔊	iviy com	mission ex	pires: ~>	141 23

Marta Motyl, JAGC, U.S. Navy
Federal Notary, Under Authority of 10 U.S.C. § 1044a
Office of the Judge Advocate General of the Navy
Commission Expires: 2004 2

Owners of Lot 20:
Hoy The honer
Roy T. Chen Laura M. Chen
STATE OF WASHINGTON)
COUNTY OF SKAGIT)
On this day personally appeared before me Roy T. Chen and Laura M. Chen, 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 8th 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 21:
Derek S. Philliber
STATE OF WASHINGTON)
COUNTY OF SKAGIT)
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 this day of, 2021.
Notary Public in and for the State of Washington Print name: My commission expires:

Owners of Lot 20:	
DT. Cl	
Roy T. Chen	Laura M. Chen
STATE OF WASHINGTON)	
COUNTY OF SKAGIT) ss	·
to be the individuals described in	ared before me Roy T. Chen and Laura M. Chen, to me known and who executed the within and foregoing instrument, and same as their free and voluntary act and deed, for the uses and
Subscribed and Sworn to bef	fore me this day of, 2021.
	Notary Public in and for the State of Washington Print name: My commission expires:
Owners of Lot 21: Derek S. Philliber	
STATE OF WASHINGTON)) ss. COUNTY OF SKAGIT)	
individual described in and who exe	eared before me Derek S. Philliber, 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 7th day of () it to be 1, 2021.
OF WASHING	Notary Public in and for the State of Washington Print name: She My Owe us My commission expires: 05 24 2023

Owners of Lot 26:	
Lecteran.	Carel A. Matikus
Barry W. Matthews	Carol A. Matthews
STATE OF WASHINGTON)) ss.
COUNTY OF SKAGIT)
me known to be the indivi	appeared before me Barry W. Matthews and Carol A. Matthews, to duals 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 MELOCALINATION MOTARY	Notary Public in and for the State of Washington Print name: A Ch - CA Muche
Owners And Trust Bavaro Living Trust Frank Bavaro, Trustee	Mary F. Bavaro, Trustee
STATE OF WASHINGTON COUNTY OF SKAGIT) ss.)
o be the individuals describe	appeared before me Frank Bavaro and Mary F. Bavaro, 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
Subscribed and Sworn	to 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 th	and who execut	
Subscribed and Sworn t	o before me this _	15_day of	, 2021.
	•		tate of Washington
	Print name: My commis	sion expires:	
Owners of Lot 27: Bavaro Living Trust Frank Bavaro, Trustee	6	Mary F. Bavaro	Bavan o, Trustee
STATE OF WASHINGTON)) ss.		
COUNTY OF SKAGIT) 55.		
On this day personally at to be the individuals described acknowledged that they signed purposes therein mentioned.	in and who exec	cuted the within a	
Subscribed and Sworn to	before me this	5 day of 0	, 2021.
Notary Public State of Washington SCOTT S BURNETT COMM. # 184238 MY COMM. EXP. 04/25/24	Print name:		ate of Washington

Owners of Lot 28: Rovert S. Miller	Bronda K. Reimnitz
STATE OF WASHINGTON COUNTY OF SKAGIT)) ss.)
known to be the individuals de and acknowledged that they sig and purposes therein mentioned	
Submitted and Sworn to	Notary Public in and for the State of Washington Print name: Laurie Hodgsen My commission expires: 02 04 2624
Owners of Let 29!"" Ross Living Trust	
	Melanie Ross, Trustee
Ross Living Trust	Melanie Ross, Trustee)) ss.)
COUNTY OF SKAGIT On this day personally a to be the individuals described acknowledged that they signed ourposes therein mentioned.	

Owners of Lot 28:	
Robert S. Miller	Brenda K. Reimnitz
STATE OF WASHINGTON)	
COUNTY OF SKAGIT)	SS.
known to be the individuals descri	neared before me Robert S. Miller and Brenda K. Reimnitz, 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 b	efore me this day of, 2021.
	Notary Public in and for the State of Washington Print name: My commission expires:
Owners of Lot 29: Loss Living Trust Junthau Post Trustee	STEE Melanie Ross, Trustee) 32 tugt
TATE OF WASHINGTON) COUNTY OF SKAGIT)	is.
o be the individuals described in cknowledged that they signed the ourposes therein mentioned.	eared before me Jonathan Ross and Melanie Ross, to me known and who executed the within and foregoing instrument, and a same as their free and voluntary act and deed, for the uses and efore 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: Katyunu M. Hargett My commission expires: 121 DA 12 D2 1

Lot 30: Lewis Trust	
John T. Lewis	
STATE OF WASHINGTON) COUNTY OF SKAGIT)	SS.
described in and who executed signed the same as his free and vo	beared before me John T. Lewis, to me known to be the individual the within and foregoing instrument, and acknowledged that he duntary act and deed, for the uses and purposes therein mentioned.
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 Baker-Latta My commission expires: 04/21/2025
48 North Association:	
By:Robert S. Miller, Presiden	t
STATE OF WASHINGTON) COUNTY OF SKAGIT)	SS.
appeared before me, and said person was authorized to execute the instru	or have satisfactory evidence that Robert S. Miller is the person who nacknowledged that he signed this instrument, on oath stated that he ment and acknowledged it as the President of 48 North Association, ach 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	
STATE OF WASHINGTON)	
COUNTY OF SKAGIT) ss.	
On this day personally appeared before me John T. Lewis, to me described in and who executed the within and foregoing instrument, signed the same as his free and voluntary act and deed, for the uses and p	and acknowledged that he
Subscribed and Sworn to before me this day of	, 2021.
Notary Public in and for the State	of Washington
Print name:	<u></u>
By: Robert S. Miller, President	
STATE OF WASHINGTON)) ss. COUNTY OF SKAGIT)	
I hereby certify that I know or have satisfactory evidence that Robert appeared before me, and said person acknowledged that he signed this instruwas authorized to execute the instrument and acknowledged it as the Preside to be the free and voluntary act of such party for the uses and purposes mentions.	ment, on oath stated that he ent of 48 North Association,
DATED: Otober 6 , 2021. Notary Public in and for the State Print name: aurie call My commission expires: O2 (55M
WWW.	

FIRST AMENDMENT TO EXHIBIT "A"

Schedule of Maintenance Shares

Lots 2, 3 & 4:

33.3333% each

Lots 17, 18, 19, 20 & 21:

20% each

Lots 26, 27, 28, 29 & 30:

20% each