

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

U.S. BANK NATIONAL ASSOCIATION  
Washington Commercial Banking  
1420 Fifth Avenue, Suite 1100  
Seattle, Washington 98101  
Attention: Matthew O'Connell

**THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF  
TRUST, ASSIGNMENT OF RENTS AND LEASES AND SECURITY  
AGREEMENT AND FIXTURE FILING**

**Coversheet Recording Information:**

REFERENCE NUMBER OF DOCUMENT AMENDED:  
201207020066

GRANTOR: **MJB PROPERTIES LLC, a Washington limited  
liability company**

GRANTEE(S): (1) **U.S. BANK NATIONAL ASSOCIATION**  
(2) **U.S. BANK TRUST COMPANY, NATIONAL  
ASSOCIATION**

**Legal description**  
(abbreviated: i.e. lot,  
block, plat or section,  
township, range)

PTN 19-35-02

☐ Full legal description is on \_\_\_\_\_ of document

**Assessor's Property  
Tax Parcel/Account  
Number**

Parcel 1: P131153 (4198-000-036-0002), P77998 (4198-000-028-0002)  
Parcel 2: P78006 (4198-000-044-0101)  
Parcel 3: P32794 (350219-0-065-0008), P32975 (350219-0-066-0007),  
P32976 (350219-0-067-0006)  
Parcel 4: P78002 (4198-000-043-00), P32972 (350219-0-062-0001)  
Parcel 5: P131158 (4198-000-047-0100)  
Parcel 6: P32977 (350219-0-068-0005), P32979 (350219-0-069-0012),  
P32981 (350219-0-070-0019)

620015533  
INSURED BY  
CHICAGO TITLE

**THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST,  
ASSIGNMENT OF RENTS AND LEASES AND SECURITY  
AGREEMENT AND FIXTURE FILING**

THIS THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST, ASSIGNMENT OF RENTS AND LEASES AND SECURITY AGREEMENT AND FIXTURE FILING (this "Amendment"), dated as of April 21, 2022, is made with respect to that certain Fee and Leasehold Deed of Trust, Assignment of Rents and Leases, Security Agreement and Fixture Filing made on or about June 25, 2012, and recorded July 2, 2012, under Skagit County Recording No. 201207020066 (as amended from time to time, the "Deed of Trust"), granted by MJB PROPERTIES LLC, a Washington limited liability company, as Grantor, to U.S. BANK TRUST COMPANY, NATIONAL ASSOCIATION, as Trustee for the benefit of U.S. BANK NATIONAL ASSOCIATION, a national banking association, as Beneficiary.

**AGREEMENT**

**IT IS HEREBY AGREED AS FOLLOWS:**

1. The Deed of Trust is hereby amended to reflect that the Note is being amended and restated pursuant to that certain Amended and Restated Promissory Note of even date herewith in the principal amount of \$10,000,000.00, which shall be the "Note" for all purposes of the Deed of Trust and shall be deemed a Secured Obligation under the Deed of Trust.
2. The Deed of Trust is hereby amended to reflect that the Loan Agreement is being amended and restated pursuant to that certain Amended and Restated Loan Agreement of even date herewith, which shall be the "Loan Agreement" for all purposes of the Deed of Trust and shall be deemed a Secured Obligation under the Deed of Trust.
3. Except as set forth herein, all of the terms and conditions of the Deed of Trust, as amended, shall remain in full force and effect and are hereby ratified and affirmed.
4. This Amendment may be executed in one or more counterparts, each of which shall constitute an original agreement, but all of which together shall constitute one and the same agreement.

*[Signature Page Follows]*

IN WITNESS WHEREOF, Grantor and Beneficiary have executed this Amendment  
as of the date first above written.

"Grantor"

MJB PROPERTIES LLC

By   
Gary M. Merline, Manager

By   
John R. Jones, Manager

"Beneficiary"

U.S. BANK NATIONAL ASSOCIATION

By \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

IN WITNESS WHEREOF, Grantor and Beneficiary have executed this Amendment  
as of the date first above written.

“Grantor”


MJB PROPERTIES LLC

By \_\_\_\_\_  
Gary M. Merlino, Manager

By \_\_\_\_\_  
John R. Jones, Manager

“Beneficiary”

U.S. BANK NATIONAL ASSOCIATION

By  \_\_\_\_\_  
Name: Phil J. Davis  
Title: Vice President

[SIGNATURE PAGE TO THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST]

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 11<sup>th</sup> day of May, 2022, before me personally appeared Gary M. Merlino, to me known to be the Manager of MJB PROPERTIES LLC, that executed the within and foregoing instrument, and acknowledged 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 he was authorized to execute said instrument.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



(Use this space for notarial stamp/seal)

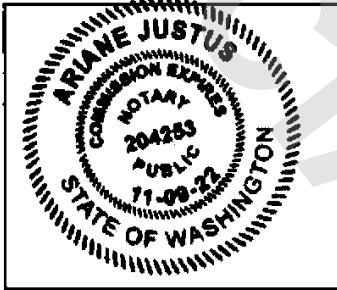
Ariane Justus  
(Signature of officer)  
Notary Public in and for the State of  
Washington, residing at Seattle WA  
My commission expires: 11/9/2022

[SIGNATURE PAGE TO THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST]

STATE OF WASHINGTON )  
COUNTY OF King ) ss.

On this 11<sup>th</sup> day of May, 2022, before me personally appeared John R. Jones, to me known to be the Manager of MJB PROPERTIES LLC, that executed the within and foregoing instrument, and acknowledged 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 he was authorized to execute said instrument.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day and year first above written.



(Use this space for notarial stamp/seal)

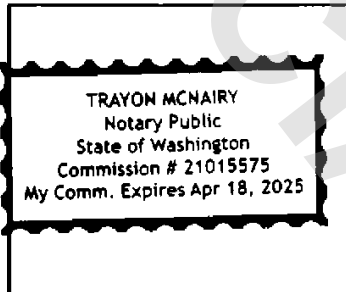
Ariane Justus  
(Signature of officer)  
Notary Public in and for the State of  
Washington, residing at Seattle, WA  
My commission expires: 11/9/2022

[SIGNATURE PAGE TO THIRD AMENDMENT TO FEE AND LEASEHOLD DEED OF TRUST]

STATE OF WASHINGTON )  
COUNTY OF King ) ss.

On this 16 day of May, 2022, before me personally appeared Philip Davis,  
to me known to be the Comptroller of U.S. Bank National Association, that executed the  
within and foregoing instrument, and acknowledged said instrument to be the free and  
voluntary act and deed of said entity, for the uses and purposes therein mentioned, and on  
oath stated that he was authorized to execute said instrument.

In Witness Whereof I have hereunto set my hand and affixed my official seal the day  
and year first above written.



(Use this space for notarial stamp/seal)

[Signature]  
(Signature of officer)  
Notary Public in and for the State of  
Washington, residing at 4112 1st Ave  
My commission expires: Apr 18, 2025