

RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO:

U.S. BANK NATIONAL ASSOCIATION  
Commercial Banking  
1420 Fifth Avenue, 11th Floor  
Seattle, Washington 98101  
Attention: Matthew O'Connell

**FIRST AMENDMENT TO ASSIGNMENT OF AQUATIC LANDS  
LEASE**

**Coversheet Recording Information:**

GRANTOR /            MJB PROPERTIES LLC, a Washington limited  
ASSIGNOR:           liability company

GRANTEE /            U.S. BANK NATIONAL ASSOCIATION, a  
ASSIGNEE:           national banking association

ABBR. LEGAL        Section 19, Township 35 North, Range 2 East, W.M.  
DESCRIPTION:       The complete legal description is on Exhibit A.

ASSESSOR'S PROPERTY TAX PARCEL ACCOUNT NUMBER:  
P32977 and 350219-0-068-0005

Ref.: 201207020067

620015533  
**CHICAGO**

**FIRST AMENDMENT TO ASSIGNMENT OF AQUATIC LANDS  
LEASE**

THIS FIRST AMENDMENT TO AQUATIC LANDS LEASE (this "Amendment"), dated as of April 21, 2022, is made with respect to that certain Assignment of Aquatic Lands Lease made on or about June 25, 2012, and recorded July 2, 2012, under Skagit County Recording No. 201207020067 (as amended from time to time, the "Assignment"), granted by MJB PROPERTIES LLC, a Washington limited liability company, as Grantor, to U.S. BANK NATIONAL ASSOCIATION, a national banking association, as Grantee.

**AGREEMENT**

IT IS HEREBY AGREED AS FOLLOWS:

1. The Assignment 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 Assignment and shall be deemed a Secured Obligation under the Assignment.
2. The Assignment 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 Assignment and shall be deemed a Secured Obligation under the Assignment.
3. Except as set forth herein, all of the terms and conditions of the Assignment, 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 Grantee have executed this Amendment as of the date first above written.

“Grantor”

MJB PROPERTIES LLC

By   
Gary M. Merlino, Manager

By   
John K. Jones, Manager

“Grantee”

U.S. BANK NATIONAL ASSOCIATION

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

IN WITNESS WHEREOF, Grantor and Grantee 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

“Grantee”

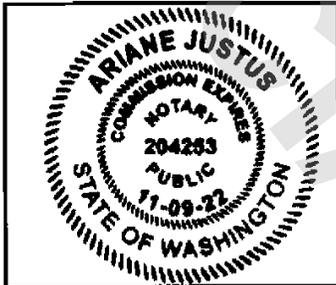
U.S. BANK NATIONAL ASSOCIATION

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

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 16<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.



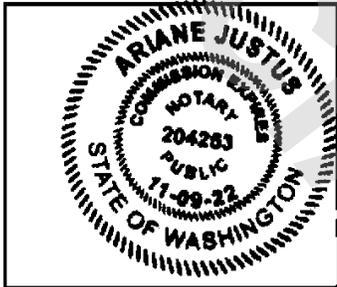
(Use this space for notarial stamp/seal)

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

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 16<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.



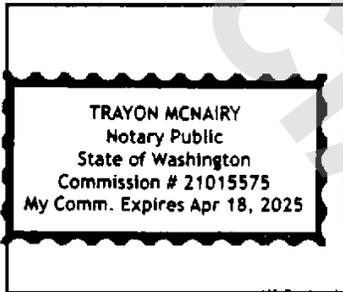
Ariane Justus  
(Signature of officer)  
Notary Public in and for the State of  
Washington, residing at Seattle WA  
My commission expires: 11/9/2022

(Use this space for notarial stamp/seal)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF King )

On this 16 day of May, 2022, before me personally appeared Philip Davis to me known to be the Authorized Representative 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 Kirkland  
My commission expires: Apr 18, 2025