

AFTER RECORDING MAIL TO:

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200 Public Square, Suite 3500
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REVIEWED BY
SKAGIT COUNTY TREASURER
DEPUTY Lena Thompson
DATE 07/01/2022

Document Title(s): (or transactions contained herein)

1. First Amendment to Declaration of
Easements, Restrictive Covenants, and
Conditions

**Reference Number(s) of Documents assigned or
released:**

202108160044

**Grantor(s):** (Last name first, then first name and initials)

1. VWA – Mount Vernon, LLC

Grantee(s): (Last name first, then first name and initials)

1. VWA – Mount Vernon, LLC

Abbreviated Legal Description as follows: (i.e. lot/block/plat or
section/township/range/quarter/quarter)

Multiple portions of the SW ¼ of the SW ¼ of Section 20, Twp. 34N., R. 4E., W.M.

Assessor's Property Tax Parcel/Account Number(s):

P134969/8100-000-001-0000, P134970/8100-000-002-0000, P134971/8100-000-003-
0000, P134972/8100-000-004-0000, P134974/8100-000-006-0000, P134975/8100-
000-007-0000, P53379/3735-003-018-0000 & P53372/3735-001-004-0000

**FIRST AMENDMENT TO DECLARATION OF EASEMENTS,
RESTRICTIVE COVENANTS, AND CONDITIONS**

THIS FIRST AMENDMENT TO DECLARATION OF EASEMENTS, RESTRICTIVE COVENANTS, AND CONDITIONS (the "Amendment") is executed this day of JUNE 30, 2022 by VWA – MOUNT VERNON, LLC, an Ohio limited liability company ("Developer").

WITNESSETH THAT:

WHEREAS, on August 16, 2021 Developer recorded that certain Declaration of Easements, Restrictive Covenants and Conditions dated as of July 19, 2021 under Skagit County Auditor's File No. 202108160044 (the "Declaration"); and

WHEREAS, Developer desires to amend the Declaration in accordance with Section 2.6.2 of the Declaration.

Developer hereby amends the Declaration as follows:

1. Definitions. Capitalized terms used but not defined herein shall have the respective meanings set forth in the Declaration.

2. Amendment.

Pursuant to Section 5.2 of the Declaration, the Development is subject to the use restrictions set forth in Exhibit "C" of the Declaration. Developer hereby reaffirms that each of the use restrictions set forth in Exhibit "C" is binding upon the Development in accordance with the terms and conditions (including any limitations set forth therein) of Exhibit "C" to the Declaration. For the avoidance of doubt, the Owning Party of Tract D shall have the exclusive right within the Development to operate a business as described in the first paragraph under the heading of "Wendy's" in Exhibit C, subject to the qualification set forth in the second paragraph under the "Wendy's" heading.

3. Miscellaneous.

(a) Except as set forth herein, the Declaration shall remain in full force and effect and unmodified hereby.

(b) The terms and conditions of this First Amendment shall run with the land and create equitable servitudes in favor of the real property benefited and/or burdened thereby, and shall bind every person and entity having any fee, leasehold, or other interest therein, and shall inure to the benefit of each Owning Party and its respective successors, assigns, heirs, and/or personal representatives.

IN WITNESS WHEREOF, Developer has executed this Amendment as of the date first written above.

DEVELOPER:

VWA – MOUNT VERNON, LLC, an Ohio limited liability company

By: Dominic A. Visconsi, Jr.
 Name: Dominic A. Visconsi, Jr.
 Its: Manager

STATE OF OHIO)
)
 COUNTY OF CUYAHOGA)

I certify that I know or have the satisfactory evidence that Dominic A. Visconsi, Jr. the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Manager of VWA – MOUNT VERNON, LLC, an Ohio limited liability company, to be the free and voluntary act of such entity for the uses and purposes mentioned in the instrument.

Dated this 27th day of June, 2022.

Mary Ann Sekerak
 Notary Public

My Commission Expires: 5/17/2026



MARY ANN SEKERAK
 Notary Public
 State of Ohio
 My Comm. Expires
 May 17, 2026