

When recorded, return document to:

Amelia Adair
Quadrant Homes
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Bellevue, Washington 98006



200806040066

Skagit County Auditor

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LAND TITLE OF SKAGIT COUNTY

M-17449

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|---|---|
| DOCUMENT TITLE: | Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Skagit Highlands Residential Property to Add Additional Real Property - Skagit Highlands Division V (Phase 2) |
| REFERENCE NUMBER(S): | 200508170113, 200508170114, 200508170115 |
| GRANTOR(S): | The Quadrant Corporation |
| GRANTEE(S): | The Quadrant Corporation; Skagit Highlands Homeowners Association; the Public |
| LEGAL DESCRIPTION: | Lots 3 through 52, 57 through 166, 334 through 365, 370 through 404, and Tracts T-2, P-3, P-4, OS-3, OS-4, OS-5, OS-6, OS-7, L-1, RD-1 and SL-1, Skagit Highlands Division V (Phase 2), according to the plat thereof recorded at Skagit County Auditor's File No. 200801170047 |
| ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER | See <u>Exhibit A</u> attached. 4948-000-003 |

AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS OF SKAGIT HIGHLANDS RESIDENTIAL PROPERTY TO ADD ADDITIONAL REAL PROPERTY - SKAGIT HIGHLANDS DIVISION V (PHASE 2)

A. RECITALS

1. Real Property - Skagit Highlands Division 1. Skagit Highlands, LLC, a Washington limited liability company ("Skagit") was the Declarant of the Declaration of

Protective Covenants, Conditions, and Restrictions for Skagit Highlands Residential Property recorded at Skagit County Auditor's No. 200508170114 ("Declaration"), and was at the time of the recording of the Declaration the owner in fee simple of all the following real property:

LOTS 1 THROUGH 45, AND TRACTS 900 THROUGH 909 OF SKAGIT HIGHLANDS DIVISION 1, ACCORDING TO THE PLAT THEREOF RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO. 200508160182, RECORDS OF SKAGIT COUNTY, WASHINGTON

which real property is platted and recorded as Skagit Highlands Division 1. Skagit is also the declarant of certain related agreements affecting such real property: (i) the Declaration of Easements and Covenant To Share Costs for Skagit Highlands, recorded at Skagit County Auditor's No. 200508170113 ("Covenant"), and (ii) the Supplemental Declaration of Covenants, Conditions, and Restrictions for Skagit Highlands Residential Property recorded at Skagit County Auditor's Number 200508170115 ("Neighborhood Declaration"). Skagit assigned its all of it rights as Declarant of the Declaration, the Neighborhood Declaration and the Covenant to The Quadrant Corporation, a Washington corporation, by instrument recorded at Skagit County Auditor's Number 200608100126. The Quadrant Corporation, also known as Quadrant Homes ("Declarant"), is the successor in interest to Skagit and holder of all Declarant's rights under the Declaration, the Neighborhood Declaration and the Covenant, including the sole right to amend the Declaration, the Neighborhood Declaration and the Covenant.

2. Prior Amendments. Skagit and Declarant previously amended the Declaration and the Covenant by instruments recorded at Skagit County Auditor's Numbers 200605250083, 200605230088, 200605260150, 200607250099, 200608250117 and 200612210068 to add Skagit Highlands Divisions 3 and 4, and portions of Division 2 and Division V to the Properties subject to the Declaration and Covenant, and to make corrections to such amendments. The Neighborhood Declaration was imposed upon all Skagit Highlands property when recorded, and has not been amended.

3. Additional Real Property. Declarant is the owner in fee simple of the following real property (hereafter referred to herein as the "Additional Real Property"):

LOTS 3 THROUGH 52, 57 THROUGH 166, 334 THROUGH 365, 370 THROUGH 404, AND TRACTS T-2, P-3, P-4, OS-3, OS-4, OS-5, OS-6, OS-7, L-1, RD-1 AND SL-1 OF SKAGIT HIGHLANDS DIVISION V (PHASE 2), ACCORDING TO THE PLAT THEREOF RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO. 200801170047, RECORDS OF SKAGIT COUNTY, WASHINGTON.

4. Purpose of Amendment. The purpose of this Amendment is (a) to add the Additional Real Property described herein to the Properties subject to the Declaration, (b) to confirm the application of the Neighborhood Declaration to the Additional Real Property, (c) to subject the Additional Real Property to the terms of the Covenant, and (d) to confirm the title to



certain common areas located in Skagit Highlands Division 1, 2, 3, 4 and V in the Skagit Highlands Homeowners Association ("Association").

B. AMENDMENT OF THE DECLARATION AND COVENANT TO ADD ADDITIONAL REAL PROPERTY

The Additional Real Property qualifies under Section 9.1 of the Declaration to be added to the definition of the "Properties" contained in Section 2.33 of the Declaration. Therefore, the Declarant, which owns title to such Additional Real Property, elects to subject the Additional Real Property to the terms of the Declaration as permitted by Article IX, including the Additional Real Property in the "Properties" subject to the terms of the Declaration, and granting to the Owners of Units located on such Additional Real Property all the rights and benefits to which Members of the Association are entitled. By such addition to the Declaration, the Additional Real Property is also made a part of the Residential Property described in Section 1.19 of the Covenant and subject to the terms thereof.

The undersigned Declarant hereby covenants, agrees and declares that all of the Additional Real Property and improvements constructed thereon are and will be held, sold and conveyed subject to the Declaration and the Covenant, which are made for the purpose of enhancing and protecting the value, desirability and attractiveness of the Properties for the benefit of all of the Properties and the owners thereof. The covenants, restrictions, reservations and conditions contained in the Declaration and the Covenant shall run with the Additional Real Property as easements and equitable servitudes, and shall be binding upon the Additional Real Property and each portion thereof and all persons owning, purchasing, leasing, subleasing or occupying any Unit on the Additional Real Property, and upon their respective heirs, successors and assigns.

The undersigned further confirms the application of the Neighborhood Declaration to all of the Additional Real Property.

Tracts Z-2 and Z-3 (reserved by Declarant for future development) and Tract P-5 (owned by the City of Mount Vernon) are excluded from the Additional Real Property subjected to the terms of the Declaration, the Neighborhood Declaration and the Covenant. Tracts SL-1 and RD-1 (owned by the City of Mount Vernon) are excluded from the Additional Real Property subjected to the terms of the Declaration, the Neighborhood Declaration and the Covenant, except that the soft surface trails within Tracts SL-1 and RD-1, and the hard surface trail within Tract SL-1 southeasterly of Tract P-5, are confirmed (i) as Areas of Common Responsibility as defined in Section 2.1 of the Declaration, and (ii) as Community Areas as defined in Section 1.2 of the Covenant, and the Association is accordingly responsible for the maintenance thereof pursuant to Section 7.2 of the Declaration, Section 7.1 of the Neighborhood Declaration, and Section 2.1 of the Covenant, respectively.



C. COMMON AREAS CONFIRMED OWNED BY HOMEOWNERS ASSOCIATION

The land located in the plat of Skagit Highlands Division V (Phase 2), legally described as:

TRACTS T-2, P-3, P-4, OS-3, OS-4, OS-5, OS-6, OS-7 AND L-1 OF SKAGIT HIGHLANDS DIVISION V (PHASE 2), ACCORDING TO THE PLAT THEREOF RECORDED AT SKAGIT COUNTY AUDITOR'S FILE NO. 200801170047, RECORDS OF SKAGIT COUNTY, WASHINGTON

is hereby confirmed as the property of the Skagit Highlands Homeowners Association, as conveyed to the Association by recordation of the plat of Skagit Highlands Division V (Phase 2), and is hereby added to the Common Area, as defined in Section 2.9 of the Declaration. The Common Areas shall also include any planter islands identified on the face of the plat. The Association shall henceforth administer such Common Areas located in Skagit Highlands Division V (Phase 2), along with the Common Areas delineated on the plats of Skagit Highlands Divisions 1, 2, 3, 4 and V (Phase 1), and along with the Areas of Common Responsibility identified in Article B above.

D. EFFECTIVE DATE

This Amendment shall be effective on the date it is recorded in the Skagit County Recorder's Office.

DECLARANT:

THE QUADRANT CORPORATION

By *George Sherwin*
Name George Sherwin
Its Jr. Vice President

ACCEPTANCE OF COMMON AREAS:

SKAGIT HIGHLANDS HOMEOWNERS ASSOCIATION

By *Amelia J. ADA 112*
Name AMELIA J. ADA 112
Its PRESIDENT



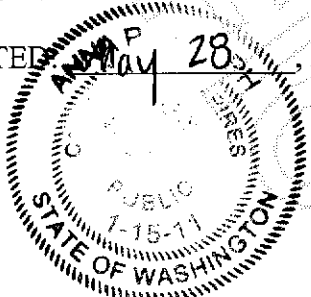
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STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that George F. Sherwin Jr. is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as a Sr. Vice President of The Quadrant Corporation, a Washington corporation to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: May 28, 2008



[Signature]
Anna Patricia Joseph (Print Name)
Notary Public - My Appointment Expires: 1-15-11

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I certify that I know or have satisfactory evidence that Amelwo Adair is the person who appeared before me, and said person acknowledged that he was authorized to execute the instrument and acknowledged it as President of Skagit Highlands Homeowners Association, a Washington non-profit corporation to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: May 28, 2008



[Signature]
Anna Patricia Joseph (Print Name)
Notary Public - My Appointment Expires: 1-15-11



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EXHIBIT A TO
AMENDMENT TO THE DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS, AND RESTRICTIONS OF SKAGIT HIGHLANDS RESIDENTIAL
PROPERTY TO ADD ADDITIONAL REAL PROPERTY –
SKAGIT HIGHLANDS DIVISION V (PHASE 2)

TAX PARCEL NUMBERS

4948-000-003 through 4948-000-052
4948-000-057 through 4948-000-166
4948-000-334 through 4948-000-365
4948-000-370 through 4948-000-404



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