

AFTER RECORDING RETURN TO:
HUGH LEWIS, ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 220
BELLINGHAM, WA 98226
360-392-2880



200812310101
Skagit County Auditor

12/31/2008 Page 1 of 9 2:13PM

TITLE OF DOCUMENT: SECOND AMENDMENT TO DECLARATION
FOR NORTH HILL TOWNHOMES, A
CONDOMINIUM
AF# OF AFFECTED DOCUMENT: 200706260089
GRANTOR: HANSELL/MITZEL, LLC
GRANTEE: THE GENERAL PUBLIC

**SECOND AMENDMENT TO DECLARATION
FOR NORTH HILL TOWNHOMES, A CONDOMINIUM**

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT
TO ADD ADDITIONAL PHASE

THIS AMENDMENT is made this 30th day of December, 2008, by
HANSELL/MITZEL, LLC, a Washington Limited Liability Company ("Declarant").

WITNESSETH THAT:

WHEREAS, the Declarant executed certain Condominium Instruments establishing NORTH HILL TOWNHOMES, A CONDOMINIUM in Mount Vernon, Washington and caused the Declaration to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 200706260089, along with a Survey Map and Plans, which were contemporaneously recorded at Auditor's File No. 200706260088; the Declaration has been previously amended by an instrument recorded at Auditor's File No. \diamond ; the Survey Map has been previously amended by an instrument recorded at Auditor's File No. \diamond .

WHEREAS, pursuant to RCW 64.34.236 and Sections 23.2.2, 23.2.7 and Article 21 of the Declaration, the Declarant may unilaterally amend the Condominium Declaration and Survey Map and Plans from time to time to exercise Development Rights; pursuant to RCW 64.34.264(4) and Declaration Section 21.4, an amendment which changes the Allocated Interests of Units may require the approval of Unit Owners.

WHEREAS, in Section 23.2.2 of the Declaration, the Declarant reserved Development Rights to develop the Condominium in several "Phases" by adding improvements to the Condominium and creating additional Units, Common Elements, or Limited Common Elements within real property which may be added to the Condominium [described as "subsequent phase land" in Section 23.2.2(b) of the Declaration]; and

WHEREAS, in the "PLAT OF NORTH HILL P.U.D.", [the "P.U.D. Plat Map"] recorded May 5, 2005 under Skagit County Auditor's File No. 200505050094, Records of Skagit County, Washington, the City of Mount Vernon approved a phasing plan for the land within the Condominium in which the project could be developed in three (3) discrete phases, with units positioned in locations generally specified in said P.U.D. Plat Map.

WHEREAS, the Declarant now wishes to exercise Development Rights and has created additional improvements, Units, Common Elements, and Limited Common Elements as more particularly described below, all for the purpose of creating an additional Phase of Development, known as "Phase 3", which is consistent with the location and dimensions of such Phase on the P.U.D. Plat Map, as amended. Phase 3 consists of fourteen (14) addition Units, two (2) of which are Residential Units containing dwelling improvements which are substantially completed, along with 12 Development Units which are subject to Development Rights hereinafter described; this new Phase 3 is being created on a parcel of "Subsequent Phase Land" described hereinafter, which is added to the Condominium by this Amendment.

NOW, THEREFORE, pursuant to and in compliance with Section 3.3.2 of the Declaration and RCW 64.34.236, the Declarant hereby amends the following Sections of the Declaration, as follows:

2.1 Land and Street Addresses.

The land on which the buildings and improvements of this Condominium are located is situated on River Vista Loop and River Vista Court, Mount Vernon, Skagit County, Washington, as is described with more particularity in the Second Amendment to Exhibit "A" to the Declaration, attached hereto.

4.1.1 Number of Units Following Amendment. The Condominium contains twenty (26) Units, twelve (12) of which contain dwelling space which is substantially completed, and twelve of which are Development Units which have boundaries described in Declaration Section 4.1, and which contain substantially-completed foundations. The locations and dimensions of existing Units are shown on the Condominium Survey Map and Plans, as amended. The Second Amendment to Exhibit B to the Declaration attached hereto contains a list of all Units, their identifying numbers, location, style, the Allocated Interests appurtenant to each Unit, and other useful information. The Allocated Interests have been reallocated among all Units in accordance with Section 23.2.2(e) of the Declaration and with RCW 64.34.236(1).

22.7 Reference to Second Amendment to Survey Map.

Contemporaneously with the recordation of this Amendment, the Declarant has recorded with the Auditor of Skagit County, Washington a Second Amendment to the Survey Map and Condominium plans, showing the location and dimensions of the new Units and other improvements constructed or contemplated to be constructed for Phase 3 of this Condominium, together with other information required by the Condominium Act; this Second Amendment to the Survey Map and Plans is recorded at Auditor's File No. 200812310105 among the land records of Skagit County, Washington.



200812310101
Skagit County Auditor

23.2.2 Development Rights.

(e) Allocated Interests - Differential Assessment of Development Units.

The Allocated Interests in the Common Elements allocated to the Units in all the Units have been reallocated among the Units in the manner described in Exhibit B to the original Declaration. The Allocated Interests for Common Expense Liability and Voting have been reallocated as reflected on the Second Amendment to Exhibit B attached hereto. The differential assessment liability of Development Units reflected in said Second Amendment to Exhibit B is designed to reasonably reflect the actual costs to the Association of having undeveloped Units in the Condominium during the period of time that such Units are under construction. Votes in the Association allocated to Development Units are correspondingly lower as well. Development Units shall be assessed at the same rate as Residential Units and shall have the same voting interest as Residential Units following completion of dwelling improvements within the Development Units, and upon the recordation of a further Amendment to Declaration to confirm the conversion a Development Unit into a Residential Unit.

(l) Development Rights Reserved in Phase 3 Land

Pursuant to Declaration Section 23.2.2(b) and RCW 64.34.236(2), the Declarant reserves the right to add improvements to the Condominium, consisting of buildings supporting living space within all the Development Units created in Phase 3. Upon substantial completion of the dwelling improvements in a Development Unit, the Declarant may amend this Declaration to complete relevant portions of Exhibit B attached hereto.

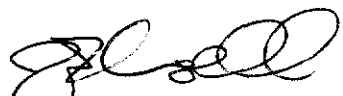
Exhibits.

Attached hereto are the Second Amendment to Exhibit A to the Declaration, along with the Second Amendment to Exhibit B to the Declaration.

EXCEPT as modified by this Amendment, all of the terms and provisions of the Condominium Instruments are hereby expressly ratified and confirmed and shall remain in full force and effect.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed as of the date first written above.

DECLARANT:
HANSELL/MITZEL, LLC

BY: 
JEFF HANSELL, Its CO-MANAGING
MEMBER

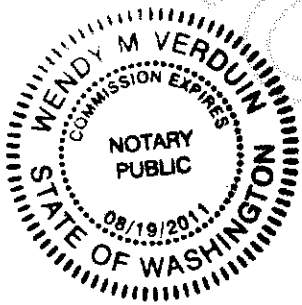


STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that Jeff Hansell is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and that he acknowledged it as the CO-managing member of the Declarant, HANSELL/MITZEL, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: 30th of Dec^{NEW}, 2008.

Wendy M Verduin
NOTARY PUBLIC in and for the State of
Washington. My commission expires:
8-19-2011



SECOND AMENDMENT TO EXHIBIT "A"

TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM

1. Legal Description of Land Within the Condominium

Parcel A - "Phase 1"

Lot 26 of the "Plat of North Hill P.U.D.", recorded May 5, 2005 under Skagit County Auditor's File No. 200505050094, Records of Skagit County, Washington.

Parcel B - "Phase 2"

Lot 27 of the "Plat of North Hill P.U.D.", recorded May 5, 2005 under Skagit County Auditor's File No. 200505050094, Records of Skagit County, Washington.

Parcel C - "Phase 3"

Lot 28 of the "Plat of North Hill P.U.D.", recorded May 5, 2005 under Skagit County Auditor's File No. 200505050094, Records of Skagit County, Washington, being a portion of the Southwest Quarter of Section 9, Township 34 North, Range 4 East, WM. TOGETHER WITH that portion of Tract A of said Plat described as follows: Beginning at the most northerly corner of said Lot 28, thence south 35° 56' 17" west, along the westerly line of said Lot 28 a distance of 304.12 feet to an angle point in said Lot 28, thence continuing along the westerly line of said Lot 28 the following courses: North 54° 03' 43" west 5.56 feet; thence south 35° 56' 17" west 77.92 feet; thence south 81° 25' 21" west 35.02 feet; thence leaving said westerly line north 40° 13' 58" east 407.73 feet to the point of beginning.

All Parcels Situate in Skagit County, Washington. Subject to covenants, conditions, restrictions, reservations, agreements, encumbrances and other matters of record.

2. Description of any Real Property which may be allocated subsequently by the Declarant as Limited Common Elements (other than Limited Common Elements specified in Sections 4.1.2 and 4.1.4): None

3. Description of the Real Property to which any Development Right or Special Declarant Right applies:

Development Rights to Add Improvements:

All Development Units described on the Second Amendment to Exhibit B, attached hereto, are subject to Development Rights to add improvements, as described in Section 23.2.2(I).

4. Moorage Slips: None

5. Recreational Facilities: None

6. Parking:

a.	Uncovered	28
b.	Covered	0
c.	Enclosed	28
	TOTAL	<u>56</u>



SECOND AMENDMENT TO EXHIBIT "B"

TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM

Unit No.	Unit Type ▼	Address	Square Footage †	Number of Bedrooms	Number of Bathrooms	Number of Fireplaces	Limited Common Elements**	Allocated Interest, Votes & Assessment	Allocated Interest, C. E. *
31A	Residential	2610 River Vista Lane	1731	2	3	1	Deck, patio, walkway, driveway	5.06%	3.84615%
32A	Residential	2612 River Vista Lane	1731	2	3	1	Deck, patio, walkway, driveway	5.06%	3.84615%
33A	Residential	2616 River Vista Lane	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
33B	Residential	2616 River Vista Lane	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
34A	Residential	2614 River Vista Lane	2343	3	2.5	1	Deck, porch, walkway, driveway	5.06%	3.84615%
34B	Residential	2614 River Vista Lane	2343	3	2.5	1	Deck, porch, walkway, driveway	5.06%	3.84615%
35A	Residential	2511 River Vista Place	2343	3	2.5	1	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
35B	Residential	2343 River Vista Place	2343	3	2.5	1	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
36A	Residential	2507 River Vista Place	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
36B	Residential	2507 River Vista Place	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
37A	Residential	2503 River Vista Place	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%



200812310101
Skagit County Auditor

Unit No.	Unit Type ▼	Address	Square Footage †	Number of Bedrooms	Number of Bathrooms	Number of Fireplaces	Limited Common Elements**	Allocated Interest, Votes & Assessment	Allocated Interest, C. E. *
37B	Residential	2503 River Vista Place	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
38A	Development	2521 River Vista Court						2.43%	3.84615%
38B	Development	2521 River Vista Court						2.43%	3.84615%
39A	Residential	2519 River Vista Court	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
39B	Residential	2519 River Vista Court	2437	3	3.5	2	Deck, patio, porch, walkway, driveway	5.06%	3.84615%
40A	Development	2515 River Vista Court						2.43%	3.84615%
40B	Development	2515 River Vista Court						2.43%	3.84615%
40C	Development	2515 River Vista Court						2.43%	3.84615%
41A	Development	2509 River Vista Court						2.43%	3.84615%
41B	Development	2509 River Vista Court						2.43%	3.84615%
41C	Development	2509 River Vista Court						2.43%	3.84615%
42A	Development	2505 River Vista Court						2.43%	3.84615%
42B	Development	2505 River Vista Court						2.43%	3.84615%
43A	Development	2501 River Vista Court						2.43%	3.84615%
43B	Development	2501 River Vista Court						2.43%	3.84615%
Totals								100%	100%

* Allocated interests are the percentages of undivided interests in the Common Elements, fractional liability for the Common Expenses of the Association, and portions of the votes in the Association, allocated to each Unit pursuant to RCW 64.34.224(1). Pursuant to Section 23.2.2(e) of the Declaration, as amended above, the Development Units are assessed



200812310101
Skagit County Auditor

at lower rates than Residential Units, and have correspondingly lower Votes in the Association as a result. Development Units may be converted to Residential Units under Development Rights described in Section 23.2.2(1), as amended above.

** Items listed are Limited Common Elements permanently assigned to their respective Units as identified above, pursuant to Section 6.1 of the Declaration. Parking spaces, if any, assigned or assignable as Limited Common Elements, are separately described on Exhibit C to this Declaration.

▼ Units with substantially completed dwelling improvements are "Residential" units which are suitable for sale to residential purchasers; Units lacking substantially completed dwelling structures are "Development" units which are subject to Development Rights described in Section 23.2.2(f) of the Declaration, as amended above.

† Square footages of Residential Units are calculated with reference to the interior dimensions of the completed improvements within the Units. The Declarant will amend this Exhibit upon the exercise of Development Rights to complete dwelling improvements within Development Units, to properly describe the square footages of the new Residential Units so created.



200812310101
Skagit County Auditor

**North Hill Condominiums
2009 ANNUAL BUDGET-EXPENSES**

A. COMMON OPERATING EXPENSES

Administrative Expenses:

		<u>Residential</u>	<u>Shared Expenses, Residential & Development</u>
Office Expenses, Supplies	\$200.00		\$200.00
Management Fee	\$2,060.00	\$2,060.00	
Annual Meeting Expense	\$100.00		\$100.00
Legal & Audit	\$650.00		\$650.00

Operating:

Water - Irrigation	\$1,000.00		\$1,000.00
Electricity for irrigation Controls	\$150.00		\$150.00
Testing & Inspections	\$2,800.00	\$2,800.00	

Repair & Maintenance:

Snow Removal	\$1,800.00		\$1,800.00
Gutter Cleaning	\$1,400.00	\$1,400.00	
Private Street Maintenance	\$500.00		\$500.00
Landscape Maintenance	\$16,500.00		\$16,500.00
Irrigation Repairs and Shrub Replacement	\$1,500.00		\$1,500.00
Common Area Structure Maintenance	\$250.00		\$250.00
Storm System Maintenance	\$500.00		\$500.00
Window Cleaning	\$1,300.00	\$1,300.00	

Other Costs:

Insurance	\$8,000.00		\$8,000.00
Licenses	\$50.00		\$50.00

TOTAL OPERATING EXPENSES: \$38,760.00

B. RESERVES (Residential Units)	<u>Useful Life (in years)</u>	<u>Replacement Cost</u>	<u>Annual Budget Amount</u>
--	-----------------------------------	-----------------------------	---------------------------------

General Assessment Items:

<u>Item:</u>			
Roof	25	\$49,000.00	\$1,960.00
Painting - Exterior Trim	4	\$14,000.00	\$3,500.00
Painting - Entire Structure	8	\$42,000.00	\$5,250.00
Subtotal			\$10,710.00

TOTAL RESERVE REQUIREMENTS, Residential Units \$10,710.00

TOTAL OPERATING EXPENSES, Residential Units Only \$7,560.00

TOTAL SHARED EXPENSES, Residential Units \$16,800.00

TOTAL ANNUAL ASSESSMENT, Residential Units \$35,070.00

TOTAL SHARED EXPENSES, Development Units \$14,400.00

TOTAL OPERATING EXPENSES AND RESERVES \$49,470.00

Total Annual Assessment, all Residential Units	\$35,070.00
Total Residential Units	14.00
Total Annual Assessment per Unit	\$2,505.00
Monthly Assessment per Unit	\$208.75

Total Development Units	12.00
Monthly Assessment per Unit	\$100.00
Total Annual Assessment per Unit	\$1,200.00
Total Annual Assessment, all Development Units	\$14,400.00



200812310101
Skagit County Auditor