



201004230093  
Skagit County Auditor

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**RETURN ADDRESS:**

Washington Federal  
Savings  
CML % Documentation  
Dept - KZ  
2211 Rimland Dr, Ste 230  
Bellingham, WA 98226

GUARDIAN NORTHWEST TITLE CO.

**MODIFICATION OF DEED OF TRUST**

96024

Reference # (if applicable): 200612080070 CMLG620

Additional on page \_\_\_\_

Grantor(s):

- 1. Overlook Crest, L.L.C.

Grantee(s)

- 1. Washington Federal Savings

Legal Description: ection 36, Township 34, Range 4; Ptn. Gov. Lots 6,7 and 8 and SE-NE; and Section 31, Township 34, Range 5; Ptn. Gov. Lots 2,3 and 4 and NE-SW and E-NW; and Section 30, Township 34, Range 5; NW-SE and NE-SW and SE-SW

Additional on page \_\_\_\_

Assessor's Tax Parcel ID#: 340531-0-003-0005 (P30527); 340531-0-004-0004 (P30528); 340531-0-004-0100 (P104391); 340531-0-003-0100 (P104392) as to Parcel A;

340436-1-004-0008 (P29999); 340436-0-012-0000 (P29855); 340436-0-020-0000 (P29883);

340436-0-010-0002 (P29854) as to Parcel B;

340531-3-001-0001 (P30544) as to Parcel C and 340531-0-002-0006 (P30526) as to Parcel D

340530 3 001 0002 (P30512); 340530 3 001 0200 (P104162); 340530 3 002 0001 (P30514);

340530 4 002 0009 (P30517); 340531 2 001 0003 (P30542); 340531 2 002 0002 (P30543) as to Parcels E through H

**THIS MODIFICATION OF DEED OF TRUST dated April 1, 2010, is made and executed between Overlook Crest, L.L.C.; A Washington Limited Liability Company ("Grantor") and Washington Federal Savings, whose address is Skagit Commercial Center, 2211 Rimland Drive, Suite 230, Bellingham, WA 98226 ("Lender").**

**MODIFICATION OF DEED OF TRUST  
(Continued)**

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**DEED OF TRUST.** Lender and Grantor have entered into a Deed of Trust dated December 6, 2006 (the "Deed of Trust") which has been recorded in Skagit County, State of Washington, as follows:

Recorded December 8, 2006 in Skagit County, Washington under Auditor's File No. 200612080070.

**REAL PROPERTY DESCRIPTION.** The Deed of Trust covers the following described real property located in Skagit County, State of Washington:

See See attached Schedule "C", which is attached to this Modification and made a part of this Modification as if fully set forth herein.

The Real Property or its address is commonly known as State Highway 9, Mount Vernon, WA 98273. The Real Property tax identification number is 340531-0-003-0005 (P30527); 340531-0-004-0004 (P30528); 340531-0-004-0100 (P104391); 340531-0-003-0100 (P104392) as to Parcel A;

340436-1-004-0008 (P29999); 340436-0-012-0000 (P29855); 340436-0-020-0000 (P29883); 340436-0-010-0002 (P29854) as to Parcel B;

340531-3-001-0001 (P30544) as to Parcel C and 340531-0-002-0006 (P30526) as to Parcel D

340530 3 001 0002 (P30512); 340530 3 001 0200 (P104162); 340530 3 002 0001 (P30514);

340530 4 002 0009 (P30517); 340531 2 001 0003 (P30542); 340531 2 002 0002 (P30543) as to Parcels E through H

**MODIFICATION.** Lender and Grantor hereby modify the Deed of Trust as follows:

Deed of Trust now secures Promissory Note dated April 1, 2010 in the amount of \$3,434,667.50. This Note is a renewal and replacement of Promissory Note dated December 30, 2008 in the original amount of \$4,036,500.00. All references in the loan documents to the old Note shall be deemed to be a reference to the new Note.

The Deed of Trust is amended to add the real property legally described herein as **Parcels "E" through "H"** to the definition of "Real Property" under the Deed of Trust. Grantor irrevocably grants, bargains, sells and conveys to the Trustee under the Deed of Trust and its successors and assigns in trust, with power of sale and with right of entry and possession as provided herein, all Grantor's estate, right, title, interest, claim and demand, now owned or hereafter acquired, in and to the New Parcels, and all "Property" as defined in the Deed of Trust, including all such Property associated with the New Parcels.

**CONTINUING VALIDITY.** Except as expressly modified above, the terms of the original Deed of Trust shall remain unchanged and in full force and effect. Consent by Lender to this Modification does not waive Lender's right to require strict performance of the Deed of Trust as changed above nor obligate Lender to make any future modifications. Nothing in this Modification shall constitute a satisfaction of the promissory note or other credit agreement secured by the Deed of Trust (the "Note"). It is the intention of Lender to retain as liable all parties to the Deed of Trust and all parties, makers and endorsers to the Note, including accommodation parties, unless a party is expressly released by Lender in writing. Any maker or endorser, including accommodation makers, shall not be released by virtue of this Modification. If any person who signed the original Deed of Trust does not sign this Modification, then all persons signing below acknowledge that this Modification is given conditionally, based on the representation to Lender that the non-signing person consents to the changes and provisions of this Modification or otherwise will not be released by it. This waiver applies not only to any initial extension or modification, but also to all such subsequent actions.

**COUNTERPARTS.** This Agreement may be executed in a number of identical counterparts and by each party on a separate counterpart. If so executed, all of such counterparts shall collectively constitute one agreement.

**GRANTOR ACKNOWLEDGES HAVING READ ALL THE PROVISIONS OF THIS MODIFICATION OF DEED OF TRUST AND GRANTOR AGREES TO ITS TERMS. THIS MODIFICATION OF DEED OF TRUST IS DATED APRIL 1, 2010.**

**GRANTOR:**

OVERLOOK CBEST, L.L.C.

By: 

Robert W. Janicki, Member of Overlook Crest, L.L.C.



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MODIFICATION OF DEED OF TRUST  
(Continued)

LENDER:

WASHINGTON FEDERAL SAVINGS

X [Signature]  
Authorized Officer

LIMITED LIABILITY COMPANY ACKNOWLEDGMENT

STATE OF WASHINGTON )  
 ) SS  
COUNTY OF SKAGIT )

MARY DOUGLAS  
NOTARY PUBLIC  
STATE OF WASHINGTON  
COMMISSION EXPIRES  
MAY 9, 2011

On this 15<sup>th</sup> day of APRIL, 20 10, before me, the undersigned Notary Public, personally appeared Robert W. Janicki, Member of Overlook Crest, L.L.C., and personally known to me or proved to me on the basis of satisfactory evidence to be a member or designated agent of the limited liability company that executed the Modification of Deed of Trust and acknowledged the Modification to be the free and voluntary act and deed of the limited liability company, by authority of statute, its articles of organization or its operating agreement, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this Modification and in fact executed the Modification on behalf of the limited liability company.

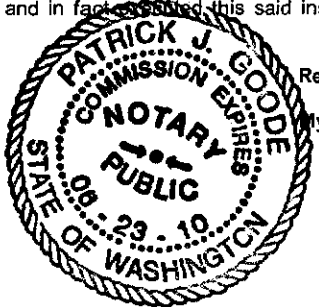
By Mary Douglas Residing at SKAGIT County  
Notary Public in and for the State of WASHINGTON My commission expires May 9, 2011

LENDER ACKNOWLEDGMENT

STATE OF Washington )  
 ) SS  
COUNTY OF SKAGIT )

On this 16<sup>th</sup> day of APRIL, 20 10, before me, the undersigned Notary Public, personally appeared John Voth and personally known to me or proved to me on the basis of satisfactory evidence to be the vice president, authorized agent for Washington Federal Savings that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of Washington Federal Savings, duly authorized by Washington Federal Savings through its board of directors or otherwise, for the uses and purposes therein mentioned, and on oath stated that he or she is authorized to execute this said instrument and in fact executed this said instrument on behalf of Washington Federal Savings.

By Patr J. G Residing at Bellingham  
Notary Public in and for the State of WA My commission expires 06/23/2010



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**Schedule "C"**  
**Legal Description**

The land referred to in this report/policy is situated in the State of Washington, County of Skagit, and is described as follows:

**PARCEL "A":**

Government Lots 3 and 4 of Section 31, Township 34 North, Range 5 East, W.M.;

EXCEPT the South 300 feet (20 rods) of said Lot 4.

**PARCEL "B":**

That portion of Government Lots 7 and 8 lying East of Drainage Ditch and Pond in Section 36, Township 34 North, Range 4 East, W.M..

The Southeast  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  and that portion of Government Lot 6, lying East of the Northern Pacific Railway right-of-way, in Section 36, Township 34 North, Range 4 East, W.M.;

EXCEPT highway right-of-way;

AND EXCEPT that portion of said property described as follows:

Beginning at the Southeast corner of the Northeast  $\frac{1}{4}$  of said Section 36; thence South  $89^{\circ}25'43''$  West along the South line of said Northeast  $\frac{1}{4}$ , a distance of 1,208.46 feet to the true point of beginning of this description; thence North  $17^{\circ}05'32''$  West, a distance of 930.67 feet; thence South  $74^{\circ}16'52''$  West, a distance of 508.04 feet, more or less, to a point on the Easterly right-of-way line of State Highway 1-A; thence in a Southerly direction along the Easterly right-of-way line of State Highway 1-A on a curve to the right to a point on the South line of said Northeast  $\frac{1}{4}$  of said section; thence North  $89^{\circ}25'43''$  East along said South line of said Northeast  $\frac{1}{4}$ , a distance of 514.21 feet, more or less, to the true point of beginning.



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PARCEL "C":

The Northeast ¼ of the Southwest ¼ of Section 31, Township 34 North, Range 5 East, W.M.;

EXCEPT road rights-of-way;

AND EXCEPT a tract conveyed to Skagit County by deed dated December 8, 1936, and recorded March 9, 1937, in Volume 171 of Deeds, page 345, records of Skagit County, Washington, which is more particularly described as follows:

Beginning at a point being North 18°38'30" West a distance of 1,347.6 feet from the South ¼ corner of said Section 31; thence North 0°19' East a distance of 120.0 feet; thence North 63°27'30" West a distance of 255.9 feet; thence South 0°19' West a distance of 240.0 feet; thence North 88°38' East a distance of 230.0 feet, more or less, to a point of beginning; (bearings are referred to the South line of the Southwest ¼ of said Section 31 as bearing North 87°36'30" East).

ALSO EXCEPT the South ½ of the Southwest ¼ of the Northeast ¼ of the Southwest ¼,

AND ALSO EXCEPT that portion of the above described property lying Southwest of the County road commonly known as Walker Valley Road conveyed to Clay Imhof by deed dated April 4, 1984, and recorded April 30, 1984, in Volume 558 of Deeds, page 252, under Auditor's File No. 8404300071, records of Skagit County, Washington.

PARCEL "D":

Government Lot 2 in Section 31, Township 34 North, Range 5 East, W.M..

PARCEL "E":

The Northwest ¼ of the Southeast ¼ in Section 30, Township 34 North, Range 5 East, W.M.,

EXCEPT County Road right-of-way commonly known as the Gunderson Road,

ALSO EXCEPT that portion conveyed to Skagit County for Gunderson Road #0600 by deeds recorded November 18, 1986, under Auditor's File Nos. 8611180004 and 8611180005, records of Skagit County, Washington.

AND ALSO EXCEPT that portion of said premises lying Northerly of Gunderson Road as conveyed by deeds recorded on October 31, 1988, under Auditor's File Nos. 8810310090 and 8810310091, records of Skagit County, Washington.



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**PARCEL "F":**

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  in Section 30, Township 34 North, Range 5 East, W.M..

EXCEPT County road right-of-way commonly known as the Gunderson Road,

ALSO EXCEPT that portion conveyed to Skagit County for Gunderson Road #0600 by deeds recorded November 18, 1986, under Auditor's File Nos. 8611180004 and 8611180005, records of Skagit County, Washington,

AND ALSO EXCEPT that portion of said premises lying Northerly of Gunderson Road as conveyed by deed recorded on October 31, 1988, under Auditor's File Nos. 8810310090 and 8810310091, records of Skagit County, Washington.

**PARCEL "G":**

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of Section 31, Township 34 North, Range 5 East, W.M..

**PARCEL "H":**

The Southeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 30, Township 34 North, Range 5 East, W.M..



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