

FILED FOR RECORD AT THE
REQUEST OF/RETURN TO:
Michael J. Spink
16070 Bradshaw Road
Mount Vernon, WA 98273



201207190059
Skagit County Auditor

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AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND
RESTRICTIONS OF MARINE POINTE ESTATES a/k/a MARINE POINTE
DEVELOPMENT

Reference Document: 200612180221 (Declaration of Covenants,
Conditions and Restrictions)
Grantor (s): MARINE POINTE ESTATE HOMEOWNERS
ASSOCIATION, a Washington non-profit corporation
Grantee (s): THE PUBLIC
Additional Grantor(s) on page(s):
Additional Grantee(s) on page(s):
Abbreviated Legal: Lots 4, 5, and 6, BLA Survey AF # 201001200001
Lots 2 and 3, BLA Survey AF #200708080107
Lot 1, BLA Survey AF #200612200173
Lots A and B, Survey AF #200612200173
Lots A, B, C, 1, 2, 3, & 4, Survey AF #200610160102
Additional Legal on page(s):
Assessor's Tax Parcel Nos.: P61870 / 3858-000-068-0100
P121952 / 3858-000-068-0300
P121953 / 3858-000-068-0400
P130148 / 3858-000-069-0400
P130147 / 3858-000-069-0300
P123273 / 3858-000-069-0200
P61871 / 3858-000-068-0006
P125346 / 3858-000-068-0500
P119973 / 3858-000-068-0200

The MARINE POINTE ESTATES HOMEOWNERS ASSOCIATION, a Washington
non-profit corporation, hereby amends that certain Declaration of Covenants, Conditions, and

Restrictions ("Declaration"), dated December 4, 2006, under Skagit County Auditor's File No. 200612180221, records of Skagit County, Washington (the "Declaration").

Anything to the contrary contained in the provisions of the Declaration or any addendum, amendment or exhibit attached thereto notwithstanding the provisions of this amendment shall be controlling and shall supersede any provisions or addendums, amendments or exhibits in the event of any conflict, interpretation or inconsistency.

The amendments contained in this document were the subject of a regular and properly noted meeting held by the Marine Pointe Estates Homeowners Association on July 19, 2012. These amendments were put to a vote of the Marine Pointe Estates Homeowners Association members consisting of a quorum. These amendments passed by a vote of the Marine Pointe Estates Homeowners Association members, with more than sixty seven percent (67%) of the eligible votes cast in favor of the amendments. The meeting, vote and passage of the amendments were all conducted in compliance with the Articles of Incorporation, Bylaws, the Declaration and applicable law.

NOW THEREFORE, the Marine Point Estates Homeowners Association hereby amends the Declaration as follows:

A. Section 1.4 of Section I. "DEFINITIONS" shall be deleted and the following inserted in its place:

1.4 *"Declarants" shall mean and refer to PADILLA HEIGHTS PROPERTIES, LLC, a Washington Limited Liability Company, and its successors and assigns.*

B. Section 5.0, 5.1 and 5.1.3 of Section V. "BUILDING RESTRICTIONS" shall be deleted and the following inserted in its place:

5.0 *Construction Requirements. Any single-family private dwelling house erected upon any Lot in the Subject Property, with the exception of Lots 4, 5, and 6, of Marine Point Short Plat ANA 08-001 as recorded under Skagit County Auditor's File No. 201001200001, shall contain at least 1,800 square feet of floor area for single-story residences and 2,200 square feet for two-story residences (excluding garages, covered walks, and open porches).*

5.1 *Intentionally Left Blank.*

5.1.3 *Driveways. All driveways shall be surfaced with a finish other than a gravel surface, which finish shall be approved by the ACC, and shall be*



completed within the same time frame applicable to building construction; there will be no exceptions unless authorized by the ACC. No carports are permitted.

C. Section 6.2 of Section VI. "LAND USE RESTRICTIONS" shall be deleted and the following inserted in its place:

6.2 *Intentionally Left Blank.*

D. Section 6.8, and its subparagraphs #1 through #4, of Section VI. "LAND USE RESTRICTIONS" shall be deleted and the following inserted in its place:

6.8 *Roof and yard drainage shall be directed away from adjacent lots and toward the street or other specifically provided drainage systems whenever possible. Roof drainage shall be connected to the storm drain system via underground pipe. The storm systems have been designed to accommodate these flows.*

E. Sections 6.9 and 6.10 and their subsections of Section VI. "LAND USE RESTRICTIONS" shall be deleted and the following inserted in their place:

6.9 *Vegetation*

1. *Supplemental planting of vegetation is required, provided that appropriate species are selected. These include native or naturalized trees, shrubs, and groundcovers that naturally occur at the edge of forest clearing, such as vine maple, (Acer Circinatum), Pacific Dogwood (Cornus Nattillii), Red-flowering Currant (Ribes Sanguineum), Rhododendron species, etc. (Suggested reference: Gardening with Native Plants of the Pacific Northwest by Arthur R. Kruckberg. Seattle: University of Washington Press, 1982).*

2. *Any trees, shrubs or brush planted by the property owner or naturally occurring shall not exceed the height restrictions designated for each individual lot on the Exhibit "A" attached to the original recording of the Declaration of Covenants, Conditions and Restrictions recorded December 18, 2006 under Skagit County Auditor's File Number 200612180221.*

6.10 *Intentionally Left Blank.*

F. Section 6.14(6) through 6.14(11) of Section VI. "LAND USE RESTRICTIONS" shall be deleted and the following inserted in their place:

6.14(6) through 6.14(11) *Intentionally Left Blank.*



G. Section 8.2 of Section VIII. "DECLARANT'S RESERVED RIGHTS" shall be deleted and the following inserted in its place:

8.2 *Notwithstanding anything to the contrary, the Declarant shall have the right to unilaterally amend, supplement, terminate and otherwise modify this Declaration until such time as Declarant has sold all lots owned in whole or part by Declarant.*

H. Section 9.2 of Section IX, "COVERAGE/AMENDMENT" shall be deleted and the following inserted in its place:

9.2 *Amendment. Notwithstanding anything to the contrary, only Declarant shall have the right to amend, supplement, terminate and otherwise modify this Declaration until such time as Declarant has sold all lots owned in whole or part by Declarant. After Declarant has sold all lots owned in whole or part by Declarant, then this Declaration may be amended, by an instrument approved by a vote of fifty one percent (51%) of the eligible votes of the members.*

I. Section 9.2.3 of Section IX, "COVERAGE/AMENDMENT" shall be deleted and the following inserted in its place:

9.2.3 *Notwithstanding anything to the contrary, the Declarant shall have the right to unilaterally amend, supplement, terminate and otherwise modify this Declaration until such time as Declarant has sold all lots owned in whole or part by Declarant.*

J. Exhibit "A" attached to the Declaration shall have the attached Exhibit "A-1" appended to it.

DATE OF EXECUTION

7/13/12

7/13/12

LOT OWNERS:

Terry O'Reilly

TERRY O'REILLY
(Lot A)

Jeanie O'Reilly

JEANNIE O'REILLY
(Lot A)

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DATE OF EXECUTION

LOT OWNERS:

RYAN M. FREEMAN
(Lot B)

JEANNETTE FREEMAN
(Lot B)

7/19/12

PADILLA HEIGHTS PROPERTIES, LLC,
a Washington Limited Liability Company

By Michael J Spink
MICHAEL J. SPINK

Its: MEMBER
(Lot C, as to an undivided 25.0% interest)

7/18/12

Gayle Gildnes

GAYLE GILDNES, individually, and as
Personal Representative of the ESTATE OF
OLAF GILDNES, Deceased
(Lot C, as to an undivided 75.0% interest)

7/19/12

PADILLA HEIGHTS PROPERTIES, LLC,
a Washington Limited Liability Company

By Michael J Spink
MICHAEL J. SPINK

Its: MEMBER
(Lot C, as to an undivided 25.0% interest)



DATE OF EXECUTION

7/19/12

LOT OWNERS:

PADILLA HEIGHTS PROPERTIES, LLC,
a Washington Limited Liability Company

By Michael J. Spink
MICHAEL J. SPINK

Its: MEMBER
(Lots 1, 2, 3, 4, 5, and 6)

MARINE POINTE ESTATES HOMEOWNERS ASSOCIATION

Michael J. Spink
Signature
MICHAEL J. SPINK
Its: President

Michael J. Spink
Signature
MICHAEL J. SPINK
Its: Secretary



State of Washington)
) ss
County of Skagit)
 King

I certify that I know or have satisfactory evidence that TERRY O'REILLY is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: July 13, 2012

Angela R. Brosius

(Signature)

NOTARY PUBLIC

Angela Brosius
Print Name of Notary

My appointment expires: June 30, 2015

ANGELA R. BROSIUS
Notary Public
State of Washington
My Commission Expires
June 30, 2015

State of Washington)
) ss
County of Skagit)
 King

I certify that I know or have satisfactory evidence that JEANNIE O'REILLY is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: July 13, 2012

Angela R. Brosius

(Signature)

NOTARY PUBLIC

Angela R. Brosius
Print Name of Notary

My appointment expires: June 30, 2015

ANGELA R. BROSIUS
Notary Public
State of Washington
My Commission Expires
June 30, 2015

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Skagit County Auditor

State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that RYAN M. FREEMAN is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)
NOTARY PUBLIC

Print Name of Notary
My appointment expires: _____

State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that JEANNETTE FREEMAN is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

Dated: _____

(Signature)
NOTARY PUBLIC

Print Name of Notary
My appointment expires: _____



State of Washington)
) ss
County of Skagit)

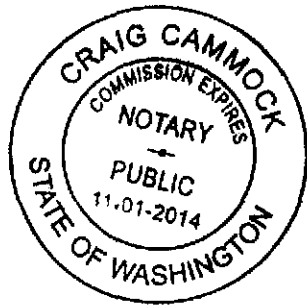
I certify that I know or have satisfactory evidence that GAYLE GILDNES is the person who appeared before me and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument and on oath stated that he/she was authorized to execute the instrument and acknowledged it as the PERSONAL REPRESENTATIVE of the ESTATE OF OLAF GILDNES to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Notary Public
State of Washington
M. KATHRYN SCHMIDT
MY COMMISSION EXPIRES
November 13, 2012

Dated: July 18, 2012
M Kathryn Schmidt
(Signature)
NOTARY PUBLIC
M Kathryn Schmidt
Print Name of Notary
My appointment expires: Nov 13, 2012

State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that MICHAEL SPINK is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the MEMBER and MANAGER of PADILLA HEIGHTS PROPERTIES, LLC, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

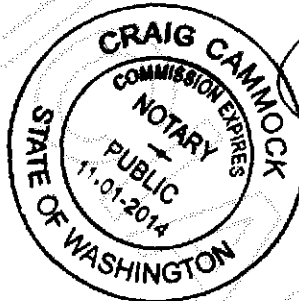


Dated: 7-19-2012
[Signature]
(Signature)
NOTARY PUBLIC
Craig Cammock
Print Name of Notary
My appointment expires: 11-1-2014



State of Washington)
) ss
County of Skagit)

I certify that I know or have satisfactory evidence that MICHAEL SPINK is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as the PRESIDENT and SECRETARY of THE MARINE POINTE ESTATES HOMEOWNERS ASSOCIATION to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.



Dated: 7-19-2012

(Signature)
Craig Cammock

Print Name of Notary

My appointment expires: 11-1-2014



Exhibit "A-1"

Lots A, B, C, 1, 2, 3, & 4, as shown on that certain survey recorded October 16, 2006 under Skagit County Auditor's File Number 200610160102.

TOGETHER WITH

Lots 4, 5, and 6, as shown on that certain survey recorded January 20, 2010, under Skagit County Auditor's File Number 201001200001

All situate in Skagit County, Washington.

