



201310070171

Skagit County Auditor \$76.00
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Document Title: Second Amendment to Declaration of Condominium for
The Gardens at Sunset Cove Condominium Association
Grantor: Double F Inc
Legal Description: Tract G, Plat of Sunset Cove Estates, according to Plat thereof under Auditor
No. 200011290070, records of Skagit County, Washington.
Grantee: Double F Inc

**SECOND AMENDMENT TO DECLARATION FOR
THE GARDENS AT SUNSET COVE CONDOMINIUM ASSOCIATION**

Purpose: Relinquish Development Control and Transfer Association to Unit Owners.

THIS AMENDMENT is made this 7 day of October 2013, by GT Sunset Gardens LLC, a Washington Limited Liability Company, ("Declarant")

WITNESSED THAT

WHEREAS, the Declarant executed certain condominium documents establishing The Gardens At Sunset Cove Condominium Association in Anacortes, Washington and caused the Declaration to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 200706010008 along with a Survey Map and Plans, which were contemporaneously recorded at Auditor's File No. 200706010007

WHEREAS, RCW 64.34.020(29) and RCW 64.34.308(4) authorize a declarant to reserve a Special Declarant Right in the Declaration where the declarant reserves a period of Declarant Control of the association. During this period of Declarant Control, the Declarant may appoint and remove the officers and members of the Board of Director or veto or approve a proposed action of the Board or Association.

WHEREAS, pursuant to section 10.2.2 of the Declaration, the Declarant, GT Sunset Gardens LLC reserved the Special Declarant Right to have a period of Declarant Control of the Association as described in the previous recital.

WHEREAS, RCW 64.34.308(4)(b) provides time periods for when the Declarant Control period automatically terminates. Further, this statute also authorizes a Declarant to voluntarily surrender the right to Declarant Control. Similarly, section 10.2.1.4 of the

Declaration, authorizes the Declarant to voluntarily surrender these rights. To effectuate this, the Declarant must record an Amendment to the Declaration and the date that this Amendment is recorded, is the date that Declarant Control terminates.

WHEREAS, the Declarant now wishes to relinquish the special declarant right reserved to control management of the property as described in Exhibit A and the Homeowner Association.

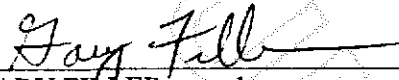
NOW, THEREFORE, pursuant to and in compliance with section 10 of the Declaration and RCW 64.34.308(4), the following Amendment to the Declaration is adopted.

1. Amendment. The Declarant hereby relinquishes any right to Declarant Control, which means the right of the Declarant or persons designated by the Declarant to appoint and remove officers and members of the Board of Directors, or to veto or approve a proposed action of the Board or Association, pursuant to RCW 64.34.308(4) or (5).
2. Transition Date. The Transition Date means the date on which Declarant Control of the Association terminates. Pursuant to the Declaration at section 10.2.1.4 the transition date is the date that this Amendment is recorded. RCW 64.34.308(6) requires that within 30 days after the termination of the period of Declarant Control, the Unit Owners shall elect of Board of Directors of at least three (3) members.
3. Other Provisions. Except as modified by this Amendment, all of the terms and provisions of the Declaration 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:

GT SUNSET GARDENS LLC



By: GARY FILLER, member



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EXHIBIT A
SECOND AMENDMENT TO DECLARATION FOR
THE GARDENS AT SUNSET COVE CONDOMINIUM ASSOCIATION

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PURPOSE: DESCRIPTION OF WITHDRAWABLE PROPERTY

WITHDRAWABLE PROPERTY

ALL OF THE PROPERTY DESCRIBED AS TRACT G, PLAT OF SUNSET COVE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 29, 2000, UNDER AUDITOR'S FILE NO 200011290070, RECORDS OF SKAGIT COUNTY, WASHINGTON EXCEPT PORTION 1 AND PORTION 2, HEREIN DESCRIBED.

PHASE 1 PORTION

THAT PORTION OF TRACT G, PLAT OF SUNSET COVE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 29, 2000, UNDER AUDITOR'S FILE No. 200011290070, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID PORTION LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT G; THENCE NORTH 89°40'16" EAST 163.66 FEET ALONG THE SOUTH LINE OF SAID TRACT G TO A POINT THAT IS 178.88 FEET FROM THE SOUTHEASTERLY CORNER OF SAID TRACT G, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE NORTH 00°47'04" WEST 140.88 TO THE SOUTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.

PHASE 2 PORTION

THAT PORTION OF TRACT G, PLAT OF SUNSET COVE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 29, 2000, UNDER AUDITOR'S FILE No. 200011290070, RECORDS OF SKAGIT COUNTY, WASHINGTON, SAID PORTION LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID TRACT G; THENCE NORTH 89°40'16" EAST 152.66 FEET ALONG THE NORTH LINE OF SAID TRACT G TO A POINT THAT IS 191.49 FEET FROM THE NORTHEASTERLY CORNER OF SAID TRACT G, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 00°09'00" 136.73 FEET TO THE NORTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.

PORTION RETAINED BY GT SUNSET GARDENS, LLC FOR SUBSEQUENT DEVELOPMENT

TRACT G, PLAT OF SUNSET COVE ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED NOVEMBER 29, 2000, UNDER AUDITOR'S FILE NO. 200011290070, RECORDS OF SKAGIT COUNTY, WASHINGTON,

EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWESTERLY CORNER OF SAID TRACT G; THENCE NORTH 89°40'16" EAST 163.66 FEET ALONG THE SOUTH LINE OF SAID TRACT G TO A POINT THAT IS 178.88 FEET FROM THE SOUTHEASTERLY CORNER OF SAID TRACT G, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE NORTH 00°47'04" 140.88 FEET TO THE SOUTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.



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**EXHIBIT A
FIRST AMENDMENT TO DECLARATION FOR
THE GARDENS AT SUNSET COVE CONDOMINIUM ASSOCIATION**

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ALSO EXCEPT THAT PORTION THEREOF LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID TRACT G; THENCE NORTH 89°40'16" EAST 152.66 FEET ALONG THE NORTH LINE OF SAID TRACT G TO A POINT THAT IS 191.49 FEET FROM THE NORTHEASTERLY CORNER OF SAID TRACT G, SAID POINT ALSO BEING THE TRUE POINT OF BEGINNING OF SAID LINE; THENCE SOUTH 00°90'00" EAST 136.73 FEET TO THE NORTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.



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Utah
STATE OF WASHINGTON)
Utah) ss.
COUNTY OF SKAGIT)

On this day personally appeared before me GARY FILLER, to me known to be a member of GT SUNSET GARDENS LLC, the limited liability company that executed the within and foregoing instrument, and acknowledged to me the said instrument was the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath stated that GARY FILLER was authorized to execute the said instrument for and on its behalf.

SUBSCRIBED AND SWORN TO before me by Gary Filler
on this 23rd day of August, 2013



Kelly W Palmer
PRINTED NAME: Kelly W Palmer
NOTARY PUBLIC
in and for the State of Utah.
My commission expires: 11-5-2013

