



Skagit County Auditor \$80.00
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AFTER RECORDING RETURN TO:
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Draft Date 7-22-15

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

FOURTH AMENDMENT TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT TO CONVERT DEVELOPMENT UNITS INTO RESIDENTIAL UNITS (PHASE 3A) AND TO CORRECT TECHNICAL ERRORS RE: SQUARE FOOTAGES OF UNITS

THIS AMENDMENT is made this 28th day of July, 2015, 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 instruments recorded at Auditor's File No. 200812220036, 200901050117 and 201312300088; the Survey Map has been previously amended by instruments recorded at Auditor's File No. 200812220037 and 200812310105.

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; and

WHEREAS, in Section 23.2.2 of the Declaration, the Declarant reserved Development Rights to convert Development Units into Residential Units in the Condominium; and

WHEREAS, the Declarant now wishes to exercise one or more Development Rights in order to convert three (3) Development Units into three (3) Residential Units, with additional supporting Common Elements and Limited Common Elements, using the process described in Section 23.2.2 of the Declaration; and

WHEREAS, through inadvertence, certain technical errors existed in the Declaration and Amendments thereto. Specifically, unit square footages listed on Exhibit B and subsequent Amendments thereto differed from the surveyed square footages listed on the Survey Map and Plans and Amendments thereto, and the Declarant now wishes to correct those references on Exhibit B.

NOW, THEREFORE, pursuant to and in compliance with Section 23.2.2 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 Third Amendment to Exhibit "A" to the Declaration, attached hereto.

4.1.1 Number of Units Following Amendment. The Condominium contains Twenty-Six (26) Units, Seventeen (17) of which contain dwelling space which is substantially completed, and Nine (9) 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 Third 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(l).

22.7 Reference to Third Amendment to Survey Map.

Contemporaneously with the recordation of this Amendment, the Declarant has recorded with the Auditor of Skagit County, Washington a Third 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 4 of this Condominium, together with other information required by the Condominium Act; this Third Amendment to the Survey Map and Plans is recorded at Auditor's File No. 201507280085 among the land records of Skagit County, Washington.

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 Amendment to Exhibit B attached hereto. The differential assessment liability of Development Units reflected in said 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.

___ Exhibits.

Attached hereto are the Third Amendment to Exhibit A to the Declaration, along with the Third 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 *[Signature]*, Its Managing Member

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that DAN MITZEL 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 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: July 28, 2015.

[Signature]
NOTARY PUBLIC in and for the State of Washington. My commission expires: 1/13/19



THIRD AMENDMENT TO EXHIBIT "A"
TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM

1. Legal Description of Land Within the Condominium

No change.

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:

No change.

4. Moorage Slips: None

5. Recreational Facilities: None

6. Parking:

a.	Uncovered	33
b.	Covered	0
c.	Enclosed	33
	TOTAL	<u>66</u>

THIRD AMENDMENT TO EXHIBIT "B"

TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM

Unit No.	Unit Type *	Address	Square Footage†	Square Footage From Old Surveys†	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	1612	2	3	1	Deck, patio, walkway, driveway, attached 2-car garage	4.16%	3.84615%
32A	Residential	2612 River Vista Lane	1731	1612	2	3	1	Deck, patio, walkway, driveway, attached 2-car garage	4.16%	3.84615%
33A	Residential	2608 River Vista Lane	2437	2195	3	3.5	2	Deck, patio, porch, walkway, driveway, crawl space, attached 2-car garage	4.16%	3.84615%
33B	Residential	2608 River Vista Lane	2437	2195	3	3.5	2	Deck, patio, porch, walkway, driveway, crawl space, attached 2-car garage	4.16%	3.84615%
34A	Residential	2614 River Vista Lane	2343	2239	3	2.5	1	Deck, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
34B	Residential	2614 River Vista Lane	2343	2240	3	2.5	1	Deck, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
35A	Residential	2511 River Vista Place	2343	2172	3	2.5	1	Deck, patio, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
35B	Residential	2511 River Vista Place	2343	2192	3	2.5	1	Deck, patio, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%

Unit No.	Unit Type	Address	Square Footage†	Square Footage From Old Survey†	Number of Bedrooms	Number of Bathrooms	Number of Fireplaces	Limited Common Elements**	Allocated Interest, Votes & Assessment	Allocated Interest, C. E. †
36A	Residential	2507 River Vista Place	2437	2474	3	3.5	2	Deck, patio, porch, walkway, driveway, storage, attached 2-car garage	4.16%	3.84615%
36B	Residential	2507 River Vista Place	2437	2473	3	3.5	2	Deck, patio, porch, walkway, driveway, storage, attached 2-car garage	4.16%	3.84615%
37A	Residential	2503 River Vista Place	2437	2203	3	3.5	2	Deck, patio, porch, walkway, driveway, crawl space, attached 2-car garage	4.16%	3.84615%
37B	Residential	2503 River Vista Place	2437	2203	3	3.5	2	Deck, patio, porch, walkway, driveway, crawl space, attached 2-car garage	4.16%	3.84615%
38A	Development	2521 River Vista Court							2.13%	3.84615%
38B	Development	2521 River Vista Court							2.13%	3.84615%
39A	Residential	2519 River Vista Court	2437	2280	3	3.5	2	2 Decks, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
39B	Residential	2519 River Vista Court	2437	2157	3	3.5	2	2 Decks, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%

Unit No.	Unit Type	Address	Square Footage†	Square Footage From Old Survey†	Number of Bedrooms	Number of Bathrooms	Number of Fireplaces	Limited Common Elements**	Allocated Interest, Votes & Assessment	Allocated Interest, C.E.*
40A	Residential	2515 River Vista Court	1980	n/a	2	2.5	1	Lower deck & stairs, Upper Deck, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
40B	Residential	2515 River Vista Court	1466	n/a	2	2.5	1	Lower deck & stairs, Upper Deck, porch, walkway, driveway, attached 1-car garage	4.16%	3.84615%
40C	Residential	2515 River Vista Court	1980	n/a	3	2.5	1	Lower deck & stairs, Upper Deck, porch, walkway, driveway, attached 2-car garage	4.16%	3.84615%
41A	Development	2509 River Vista Court							2.13%	3.84615%
41B	Development	2509 River Vista Court							2.13%	3.84615%
41C	Development	2509 River Vista Court							2.13%	3.84615%
42A	Development	2505 River Vista Court							2.13%	3.84615%
42B	Development	2505 River Vista Court							2.13%	3.84615%
43A	Development	2501 River Vista Court							2.13%	3.84615%
43B	Development	2501 River Vista Court							2.13%	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 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 7.1 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(1) of the Declaration, as amended above.

† Proper Square Footages of Residential Units are calculated with reference to the provisions of Section 4.1 of the Declaration for the Condominium, in which the Unit Boundaries are defined to be "an envelope of space....[that] include all structures, improvements, and fixtures ...located within said space..." Stated square footages of the Units described in the original Survey Map and Plans for the Condominium, and in the First and Second Amendments thereto, were incorrect, having used interior dimensions of the completed improvements within the Units as the basis for such measurements. The "Proper Square Footages" described in this Amended Exhibit A are designed to harmonize all such size measurements by using measurements of the exterior walls of the dwelling structures within the Units as the predicate for square footage calculations, consistent with Section 4.1 of the Declaration.