



201608010237

Skagit County Auditor

\$77.00

8/1/2016 Page

1 of

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AFTER RECORDING RETURN TO:
HUGH LEWIS, ATTORNEY AT LAW, P.C.
2200 RIMLAND DRIVE, SUITE 115
BELLINGHAM, WA 98226
360-892-2880

6-10-16

TITLE OF DOCUMENT:	THIRD AMENDMENT TO DECLARATION OF COVENANTS FOR TWIN BROOKS
AF# OF AFFECTED DOCUMENT:	201503180027
GRANTOR:	PW CREEK, INC.
GRANTEE:	THE GENERAL PUBLIC
ABBREV. LEGAL DESCRIPTION:	TWIN BROOKS, PHASE 3, AF# <u>201608010235</u>
FULL LEGAL APPEARS:	P. 2

THIRD AMENDMENT TO DECLARATION OF COVENANTS FOR TWIN BROOKS

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT TO ADD AN ADDITIONAL PHASE OF DEVELOPMENT KNOWN AS PHASE 4, TO CONFIRM BINDING EFFECT OF COVENANTS ON PHASE 4 PROPERTY

THIS AMENDMENT is made this 1 day of August, 2016, by PW CREEK, INC., a Washington corporation ("Declarant").

WITNESSETH THAT:

A. WHEREAS, the Community's Declarant platted Twin Brooks in Mount Vernon, Skagit County, Washington and caused a Declaration of Covenants, Conditions, Restrictions and Reservations to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 201503180027, to accompany the Plat Map for Twin Brooks Phase 2 which was contemporaneously recorded at Auditor's File No. 201503180026. Subsequently, the Declarant caused a Plat Map for Twin Brooks Phase 1 to be recorded at Auditor's File No. 201510120064, Records of Skagit County, Washington, along with a First Amendment to Declaration of Covenants, which was contemporaneously recorded at Auditor's File No. 201510120065. Further, Declarant caused a Plat Map for Twin Brooks Phase 3 to be recorded at Auditor's File No. 201604150158, along with a Second Amendment to Declaration of Covenants, which was contemporaneously recorded at Auditor's File No. 201604150159. Said Plat Map for Twin Brooks Phase 3 was subsequently re-

recorded at Auditor's File Number 201604210098, to correct description for Easements and add Easement File Numbers to the Map.

B. WHEREAS, pursuant to Sections 3.3.2 and 17.6 of the Declaration of Covenants, the Declarant may unilaterally amend the Community's Governing Documents from time to time;

C. WHEREAS, in Section 3.3.1 of the Declaration of Covenants, the Declarant reserved Development Rights to develop the Community in up to 8 "Phases" by adding improvements to the Community and creating additional Lots, Common Areas, or Limited Common Areas within real property which could be added to the Community;

D. WHEREAS, the Declarant now wishes to exercise Development Rights and has created additional improvements, Lots and Common Areas as more particularly described below, all for the purpose of creating a Phase of Development known as "Phase 4", consisting of nineteen (19) additional Lots, along with additional common amenities, as described in Section 3.3.1(a) of the Declaration of Covenants.

NOW, THEREFORE, pursuant to and in compliance with Sections 3.3.2 and 17.6 of the Declaration of Covenants, the Declarant hereby amends the following Sections of the Declaration of Covenants, as follows:

1.2.1 Reference to Platting Documents for New Phase.

Concurrently herewith, the Declarant has recorded with the Auditor of Skagit County, Washington, at the Auditor's File Number referenced in Section 1.2.2 below, the "Plat of Twin Brooks, Phase 4," which shows the location and dimensions of the new Lots and Common Areas within the new Phase, together with other necessary information. This Plat Map, along with the initial map and any similar maps recorded to bring other phases of this Community into existence are hereinafter referred to as the "Platting Documents."

1.2.2 Legal Description of Land Burdened by Covenants.

In addition to the real property burdened by the original Declaration of Covenants and the First Amendment thereto, the Declaration of Covenants, as amended hereby, thus benefits and burdens the additional real property described as follows:

Lots 11 through 16, inclusive, Lots 21 through 29, inclusive, Lots 49 through 52, inclusive, Plat of Twin Brooks, Phase 4, as per the Map thereof recorded at Auditor's File No. 2016 08 01 0235, records of Skagit County, Washington.

* * * * *

1.3.1 Covenants Applicable to Phase 4. [Modified]

The Declaration of Covenants recorded at Auditor's File No. 201503180027, as amended by the First Amendment thereto recorded at Auditor's File No. 201510120065 and by the Second Amendment thereto recorded at Auditor's File No. 201604150158, is declared to be and is hereby made perpetually binding on all the land included in the Plat of Phase 4, described in Section 1.2.1 hereof, to the same extent that said Declaration of Covenants applies to the real property included in all earlier Phases of this Community. All Lot Owners in the Plat of Phase 4 shall be members of Twin Brooks Community Association, having the same rights and responsibilities associated with such membership as apply to all other Lot Owners in the Community, including without limitation the rights to vote in said Community Association and the obligation to pay Common Expense Assessments to said Community Association. Twin Brooks Community Association shall be responsible for all Upkeep of the Common Areas situated in Phase 4.

5.1.3 [Modified] The Native Growth Protection Areas located within Tracts A, H, N, Q, and T and any trails or other facilities that are or may be constructed therein.

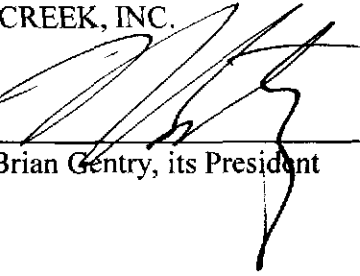
6.2.5. Upkeep of Other Common Facilities. [Modified]

The Association will provide necessary Upkeep for street trees, landscaping around the stormwater ponds in Tracts J, B and M, the rain gardens that are located in the middle of Twin Brooks Court and within the westerly portions of Lots 67 through 70, the fences in and/or around Tracts J, M, N, P & T, Tract S, the landscaping in Tract R, the Community Building and its parking and landscaped areas within Tract O, and any recreation facilities and/or other improvements constructed within the Common Areas. All the existing amenities are labeled on the Map attached hereto as Exhibit C-4, on the Map attached to the Declaration of Covenants as Exhibit C-1, on the Map attached to the First Amendment to the Declaration of Covenants as Exhibit C-2, and on the Map attached to the Second Amendment to the Declaration of Covenants as Exhibit C-3. Details of use of the Community Building and its parking area, and use of recreation areas, may be provided in Rules and Regulations adopted by the Board of Directors, or by a further amendment to this Declaration of Covenants, or by a combination thereof.

EXCEPT as modified by this Amendment, all of the terms and provisions of the Governing Documents 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:
PW CREEK, INC.

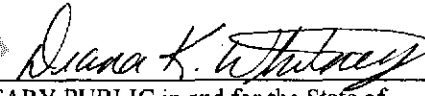
BY: 
Brian Gentry, its President

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT

I certify that I know or have satisfactory evidence that Brian Gentry is the person who appeared before me, and said person acknowledged that (s)he signed this instrument, on oath stated that (s)he was authorized to execute the instrument and that (s)he acknowledged it as the President of the Declarant, PW CREEK, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: 15th July 2016, 2016.




NOTARY PUBLIC in and for the State of
Washington. My commission expires:
15th MAY 2017

UNOFFICIAL DOCUMENT

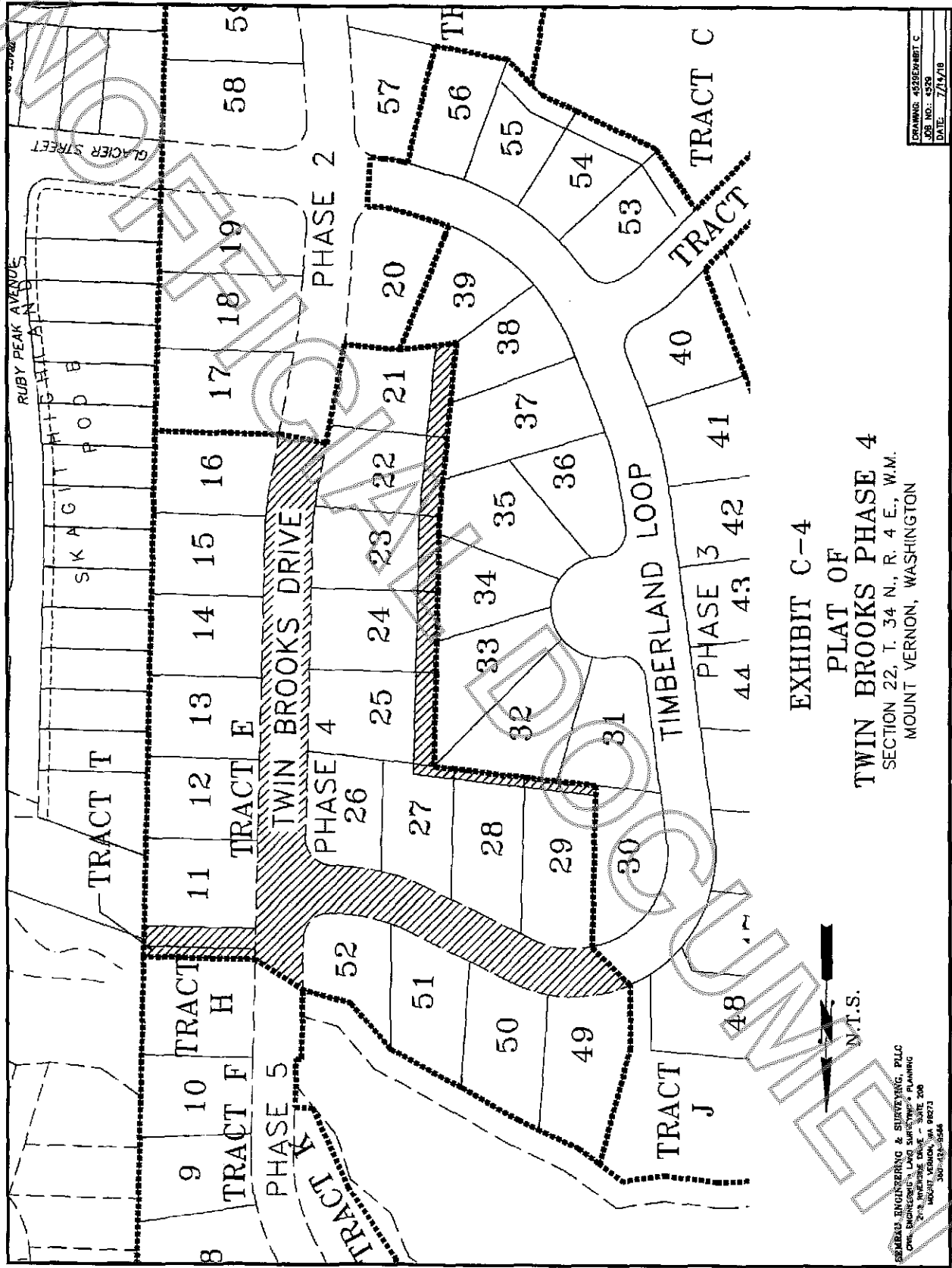


EXHIBIT C-4

PLAT OF
 TWIN BROOKS PHASE 4
 SECTION 22, T. 34 N., R. 4 E., W.M.
 MOUNT VERNON, WASHINGTON



GRUBBS ENGINEERING & SURVEYING, PLLC
 CIVIL ENGINEERING & LAND SURVEYING & PLANNING
 200 W. AVENUE DRIVE - SUITE 200
 MOUNT VERNON, WA 98273
 360-435-5544

DRAWING: 4935E/PHBT C
 JOB NO.: 4929
 DATE: 7/11/18