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Skagit County Auditor

12/20/2016 Page

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WHEN RECORDED RETURN TO:

Ted Filler
3308 Friday Creek Rd.
Burlington, WA 98233

Document Title: Third Amendment to Declaration of The Gardens at Sunset Cove Condominium
 Grantor/Declarant: GT Sunset Gardens LLC
 Grantee: General Public
 Legal Description: Tract G, Plat of Sunset Cove Estates, according to Plat thereof under Auditor no. 200011290070, records of Skagit County Washington.

Third Amendment to Declaration of The Gardens at Sunset Cove Condominium

This Second Amendment to Declaration of The Gardens at Sunset Cove Condominium (this "Amendment") is made this 20 day of December, 2016 by GT Sunset Gardens LLC ("Declarant"), for itself, and for its successors, grantees and assigns, pursuant to the provisions of the Washington Condominium Act Chapter 64.34 RCW (the "Act"), for the purpose of, among other things, withdrawing certain real estate from the Condominium described below.

RECITALS

Whereas, Declarant entered into that certain Declaration of The Gardens At Sunset Cove Condominium (the "Original Declaration") on June 1, 2007 for the purpose of establishing the condominium known as The Gardens At Sunset Cove Condominium (the "Condominium"). Declarant recorded the Original Declaration in the County of Skagit, State of Washington as recording 200706010008. Declarant simultaneously recorded a Survey Map and Plan for the Condominium in the County of Skagit, State of Washington as recording 200706010007 pursuant to the Act for the purpose of the real estate described therein and the Condominium created thereby to the provisions of the Act. On August 9, 2009, Declarant amended the Original Declaration by recording that certain First Amendment to the Declaration of The Gardens At Sunset Cove Condominium in the County of Skagit, State of Washington as recording 200908040050 (as amended, the "Declaration"). Declarant simultaneously recorded an updated Survey Map and Plan for the Condominium as recording 200908040049 pursuant to the Act for the purpose of the real estate described

UNRECORDED
therein and the Condominium created by the provisions of the Act. All capitalized terms not otherwise defined herein shall have those meanings attributed to same in the Declaration; and

Whereas, The Declarant desires to exercise certain Development Rights reserved specially to the Declarant under section 21 of the Declaration in order to withdraw from the Condominium Property certain real estate owned by Declarant; and

Whereas, Pursuant to Section 64.34.232 of the Act, a declarant of a condominium may exercise development rights reserved under Section 64.34.236 of the Act by preparing, executing and recording an amendment to the condominium declaration; and

Whereas, Section 2.5 of the Declaration provides that "The Declarant reserves the right to withdraw from the Condominium all or a portion of the Subsequent Phase Property. In that connection the Declarant reserves the right to execute, on behalf of the Unit Owners and the Association, any applications to governmental agencies or other documents or instruments necessary to establish the subsequent phase property, or portion thereof that the Declarant desires to withdraw as a legal lot."; and

Whereas, Pursuant to Section 64.34.232 of the Act and Article 2.6 of the Declaration, Declarant may amend the Declaration to withdraw real estate from the Condominium Property by preparing, executing and recording an amendment to the Declaration.

AGREEMENT

Now Therefore, in consideration of these recitals, the Act and the Declaration, Declarant does hereby amend the Declaration with this Amendment as follows:

1. Withdrawal of Real Estate From Condominium Property. The Declaration is hereby amended to withdraw from the Condominium Property that certain real estate described on Schedule 1 attached hereto and incorporated for all purposes (the Withdrawn Real Estate). From and after the date of this Amendment, the Condominium Property shall not include any of the Withdrawn Real Estate.

2. Amended and Restated Exhibit A of the Declaration. Exhibit A of the Declaration is hereby declared null and void and is deleted from the Declaration in its entirety, and an Amended and Restated Exhibit A of the Declaration is hereby substituted in lieu thereof, which Amended and Restated Exhibit A is

attached hereto and incorporated herein for all purposes. Said Amended and Restated Exhibit A describes the real estate comprising the Condominium Property, as amended in accordance with this Amendment.

3. Reservation by Declarant of Easements. Declarant does hereby establish and reserve for itself, and its successors and assigns, permanent, perpetual and non-exclusive access and utility easements over, across, through and upon the real estate described on Schedule II attached hereto and incorporated herein for all purposes (the "Easement Area"), for the purposes of exercising any Development Rights or Special Development Rights with respect to the Easement Area to benefit the Withdrawn Real Estate, and making and constructing improvements on the Withdrawn Real Estate, which easements are more particularly described in the Survey Map and Plan recorded as Skagit County, Washington State recording 200908040049.

4. Remainder of Declaration to Remain in Full Force and Effect. Except as hereinabove specifically modified by this Amendment, all of the terms, provisions and conditions of the Declaration shall remain in full force and effect.

[signature page to follow]

UNOFFICIAL DOCUMENT

IN WITNESS WHEREOF, Declarant has caused this Second Amendment to Declaration of The Gardens At Sunset Cove Condominium to be executed this 20 day of December, 2016.

DECLARANT:

GT SUNSET GARDENS LLC

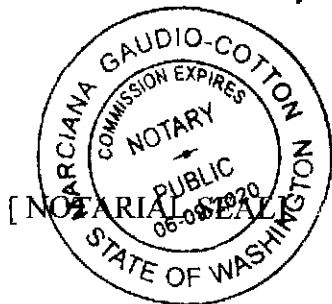
By: Ted Filler
Name: Ted Filler
Its: Member/Manager

State of Washington)

County of Skagit)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Ted Filler, whose name as Member/Manager of GT Sunset Gardens LLC, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he, as such Member/Manager of GT Sunset Gardens LLC, and with full authority, executed the same voluntarily for and as the act of said limited liability company.

Given under my hand and seal this 20 day of December, 2016



[Signature]
Notary Public

My Commission Expires:

06-09-2020

**SCHEDULE 1
TO AMENDMENT**

(Description of Real Estate Withdrawn From Condominium Property)

A parcel of land particularly described as follows:

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" WEST 140.88 FEET TO THE SOUTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.

ALSO EXCEPT THAT 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" EAST 136.73 FEET TO THE NORTHERLY MARGIN OF SUNDOWN COURT AND THE TERMINUS OF SAID LINE.

SITUATED IN SKAGIT COUNTY, WASHINGTON

**AMENDED AND RESTATED EXHIBIT A
TO DECLARATION**

(Description of Parcel)

A parcel of land particularly described as follows:

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, INCLUDING

PHASE 1

**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 FEET TO THE SOUTHERLY MARGIN OF
SUNDOWN COURT AND THE TERMINUS OF SAID LINE, AND,**

PHASE 2

**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" EAST 136.73 FEET TO THE NORTHERLY MARGIN OF
SUNDOWN COURT AND THE TERMINUS OF SAID LINE.**

SITUATED IN SKAGIT COUNTY, WASHINGTON