



201706120173

Skagit County Auditor
6/12/2017 Page

1 of

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AFTER RECORDING RETURN TO:
Scot S. Swanson
900 DUPONT ST.
BELLINGHAM, WA 98225

Document Title: Fifth Amendment to Declaration for The Gardens at Sunset Cove Condominium
 Declarant: GT Investment Properties LLC
 Legal Description: The Gardens at Sunset Cove Condominium AF# 2007-06010008
 Tax Parcel ID#: P117861, P117862, P117863, P117864, P117865, P117866, P117867, P117868, P117869, P117870, P117871, P117872, P117873, P117874, P117875, P117876, P126165, P126166, P126167, P126168, P129862, P129863, P129864, and P129865
 Related Documents: AF Nos. 2007-06010008, 2009-08040050, 2013-10070171, and 2016-12200041

FIFTH AMENDMENT TO DECLARATION FOR THE GARDENS OF SUNSET COVE CONDOMINIUM

PURPOSE: TO WITHDRAW REAL PROPERTY FROM CONDOMINIUM

THIS AMENDMENT is made this 12th day of June, 2017 by GT Investment Properties LLC ("Successor Declarant").

WITNESSETH THAT:

WHEREAS, the Declarant, GT Sunset Gardens, LLC, executed certain Condominium documents establishing THE GARDENS AT SUNSET COVE CONDOMINIUM in the city of Anacortes, Washington and caused the Declaration to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 2007-06010008, said Declaration amended by First Amendment of Declaration recorded at Auditor's File No. 200908040050; Second Amendment of Declaration recorded at Auditor's File No. 201310070171; and Third Amendment of Declaration recorded at Auditor's File No. 201612200041. The Survey Map and Plans recorded under Auditor's File No. 200706010007 have been previously amended by a First Amendment to the Survey Map and Plans recorded at Auditor's File No. 200908040049.

Whereas, on June 1, 2017, the Declarant assigned all Special Declarant Rights and Development Rights reserved to GT Investment Properties LLC ("Successor Declarant") by recording an Assignment of Special Declarant Rights and Development Rights under AF# 201706010066, Records of Skagit County, Washington.

WHEREAS, pursuant to RCW 64.34.236 and Sections 2.6, 21.2, and 22.1.3 of the Declaration, the Successor Declarant may unilaterally amend the Condominium Declaration and Survey Map and Plans to exercise Special Declarant Rights from time to time.

WHEREAS, in Section 2.5 of the Declaration for the Condominium, the Declarant reserved a Development Right to withdraw all or a portion of the Subsequent Phase described in Exhibit "A" to

the Declaration and shown on the Amended Survey Map as "Subject to Development Rights", constituting real property which may be withdrawn from the Condominium;

WHEREAS, a Third Amendment to Declaration of The Gardens at Sunset Cove Condominium was recorded by the Owner in an effort to withdraw certain property from the Condominium. That Amendment did not meet statutory requirements and therefore is being extinguished.

WHEREAS, the Declarant wishes to amend the Declaration to contract the Condominium by withdrawing from it the real property described below.

NOW, THEREFORE, pursuant to and in compliance with Sections 2.6, 21.2, and 22.1.3 of the Declaration and RCW 64.34.236, the Declarant hereby amends the Declaration as follows:

1. Reference to Second Amendment to Survey Map.

Contemporaneously with the recordation of this Amendment, the Declarant has recorded with the Auditor of Skagit County, Washington a Second Amendment to the Survey Map and Plans, showing the land remaining in the Condominium following the withdrawal of real property accomplished through this Amendment, together with other information required by the Condominium Act; this Second Amendment to the Survey Map and Plans is recorded at Auditor's File No. 201706120172 among the land records of Skagit County, Washington.

2. Land and Street Address.

The following described real property, being a portion of the real property described as "land which may be withdrawn from the Condominium" described at Exhibit A to the original Declaration, is hereby withdrawn from this Condominium, together with and subject to all easements, rights and appurtenances thereunto belonging described in the Declaration:

LOT 3, GARDEN VILLAGE 3 LOT SHORT PLAT, RECORDED JUNE 9, 2017
UNDER SKAGIT COUNTY AUDITOR FILE NO. 201706090142, RECORDS OF
SKAGIT COUNTY, WASHINGTON.

SITUATED IN SKAGIT COUNTY, WASHINGTON

3. Amendment of Exhibit A of the Declaration.

Exhibit A to the Declaration is hereby amended and restated by Exhibit A hereto.

4. Number of Units Following Amendment.

The Condominium contains eight (8) Units. The location of existing Units within the buildings and their dimensions are shown on the Condominium Survey Map and Plans, as amended. The First Amendment to Exhibit B to the Declaration contains a list of all Units, their identifying numbers, location, style and the Allocated Interests appurtenant to each Unit. No more Units may be added to this Condominium by the Declarant.

4. Extinguishment.

The Third Amendment to Declaration of The Gardens at Sunset Cove Condominium recorded at Skagit County Auditor's File No. 201612200041 was recorded in error and is hereby extinguishment and shall have no force and effect.

5. Exhibits.

Attached hereto as Exhibit A is the amended and restated Exhibit A 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 and shall apply to the Condominium as contracted.

IN WITNESS WHEREOF, the Successor Declarant has caused this Amendment to be executed as of the date first set forth above.

SUCCESSOR DECLARANT:

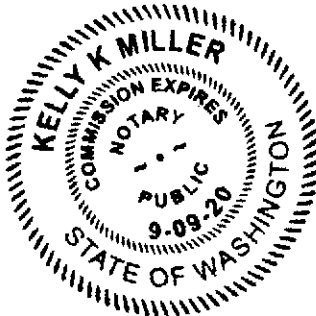
GT INVESTMENT PROPERTIES LLC

By Ted Filler
Ted Filler, Its Authorized Agent

STATE OF WASHINGTON)
) ss.
COUNTY OF SKAGIT)

On this 12th day of June, 2017 before me personally appeared Ted Filler, to me known to be the Authorized Agent of GT Investment Properties LLC, a limited liability company, who executed the within and foregoing instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he/she was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year first above written.



Kelly K Miller
PRINTED NAME: Kelly K Miller
Notary Public in and for the State of Washington,
residing at Marysville
My commission expires: 9-9-2020

Exhibit A

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

The legal description of the Real Property included in the Gardens at Sunset Cove Condominium is as follows:

1. LEGAL DESCRIPTION OF LAND WITHIN CONDOMINIUM

LOTS 1 AND 2, GARDEN VILLAGE 3 LOT SHORT PLAT, RECORDED JUNE 9,
2017 UNDER SKAGIT COUNTY AUDITOR FILE NO. 201706090142, RECORDS OF
SKAGIT COUNTY, WASHINGTON.

SITUATED IN SKAGIT COUNTY, WASHINGTON

Subject to covenants, conditions, restrictions, reservations, agreements, encumbrances,
and other matters of record.

**2. LEGAL DESCRIPTION OF REAL PROPERTY TO WHICH ANY SPECIAL DECLARANT
RIGHTS OR DEVELOPMENT RIGHTS APPLY**

All of the property in Paragraph 1 above.

3. LEGAL DESCRIPTION OF WITHDRAWABLE PROPERTY

None.

**4. LEGAL DESCRIPTION OF ANY REAL PROPERTY WHICH MAY BE ALLOCATED
SUBSEQUENTLY AS LIMITED COMMON ELEMENTS (OTHER THAN LIMITED COMMON
ELEMENTS SPECIFIED IN RCW 64.34.204(2) AND (4).**

All of the property in Paragraph 1 above.