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Skagit County Auditor  
8/10/2017 Page

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1 of 6 9:12AM

TITLE OF DOCUMENT: AMENDMENT TO DECLARATION OF COVENANTS FOR SKAGIT HIGHLANDS  
AF#s OF AFFECTED DOCUMENTS: 200508170114, 200508170113, 200508170115  
GRANTOR: LANDED GENTRY DEVELOPMENT, INC.  
GRANTEE: THE GENERAL PUBLIC  
ABBREV. LEGAL DESCRIPTION: TRACT Z2, PLAT SKAGIT HIGHLANDS, DIV. 5, PHASE 2, AF# 200801170047 / LOTS 1-4, TRACTS 998,999, 1000 & 1001, Pod E S.P. AF# 201708100002  
TAX PARCEL NO.: P127358 / 4948-000-999-1800  
FULL LEGAL APPEARS: P. 4

**AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS & RESTRICTIONS OF SKAGIT HIGHLANDS RESIDENTIAL PROPERTY**

PURPOSE: TO ADD ADDITIONAL REAL PROPERTY TO SKAGIT HIGHLANDS, DIV. 2, PHASE 2, AND TO IMPOSE COVENANTS IN THE NATURE OF A SUPPLEMENTAL DECLARATION BENEFITTING AND BURDENING SUCH ADDITIONAL REAL PROPERTY

THIS AMENDMENT is made this 26<sup>TH</sup> day of July, 2017, by LANDED GENTRY DEVELOPMENT, INC., a Washington corporation ("Landed Gentry" or "Successor Declarant").

**A. RECITALS:**

A1. WHEREAS, the Community's original declarant, Skagit Highlands, LLC ("S.H."), platted Skagit Highlands in Mount Vernon, Skagit County, Washington and caused a Declaration of Covenants, Conditions, and Restrictions for Skagit Highlands Residential Property ["Declaration"] to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 200508170114, to accompany the Plat Map for Skagit Highlands Phase 1 which was recorded at Auditor's File No. 200508160182. Subsequently, the Declaration was amended by instruments recorded at Auditor's File Nos. 200511020084, 200604060049, 200605230087, 200605250083 (re-recorded at 200605250088), 200605260149, 200605260150, 200608070191, 200608100126,

200608250117, 200612210068, 200806040066, 200810160044, 200902050087, 201510210021, 201510210022, 201510260101, 201510260102, and 201512160015. As a result of the Amendments to the Declaration, the provisions of the Declaration previously have been imposed as a covenant and equitable servitude upon the following real property (the "Properties") as defined in Section 2.33 of the Declaration:

Division 1:

Lots 1 through 45 and Tracts 900 through 909 of Skagit Highlands, Division 1, according to the plat thereof recorded at Skagit County Recording Number 200508160182, records of Skagit County, Washington.

Division 2:

Lots 1 through 6 and Lots 18 through 73 and Tracts 900 through 908 and Tract 911 of Skagit Highlands, Division 2, according to the plat thereof recorded at Skagit County Recording Number 200604040052, records of Skagit County, Washington.

Division 2A:

Lots 7 through 17 and Tracts 900 through 903 of Skagit Highlands, Division 2A, according to the plat thereof recorded at Skagit County Recording Number 101512160014, records of Skagit County, Washington.

Division 3:

Lots 1 through 62 and Tracts 900 through 907 of Skagit Highlands, Division 3, according to the plat thereof recorded at the Skagit County Recording Number 200605150163, records of Skagit County, Washington.

Division 4:

Lots 1 through 69 and Tracts 900 through 911 of Skagit Highlands, Division 4, according to the plat thereof recorded at Skagit County Recording Number 200608230062, records of Skagit County, Washington.

Division 5, Phase 1:

Lots 1 and 2, 53 through 56, 167 through 333, 366 through 369, 405 through 423, and Tracts T-1, P-1, P-2, AU-1, OS-1 and OS-2 of Skagit Highlands, Division 5, Phase 1, according to the plat thereof recorded at Skagit County Recording Number 200612210067, records of Skagit County, Washington.

Division 5, Phase 2:

Lots 3 through 52, 57 through 166, 334 through 365, 370 through 404 and Tracts T-2, P-3, P-4, OS-3, OS-4, OS-5, OS-6, OS-7, L-1, RD-1 and SL-1 of Skagit Highlands, Division 5, Phase 2, according to the plat thereof recorded at Skagit County Recording Number 200801170047, records of Skagit County, Washington.

A2. WHEREAS, S.H. also caused that certain Declaration of Easements and Covenants to Share Costs for Skagit Highlands ("Covenant") to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 200508170113, together with that certain Supplemental Declaration of Covenants, Conditions and Restrictions for Skagit Highlands Residential Property, Skagit Highlands West Neighborhood at Auditor's File No. 200508170115. Subsequently, the Covenant was amended by instruments recorded at Auditor's File Nos. 200607250099, 200806040066, 200810160044, records of Skagit County, Washington.

A3. WHEREAS, Successor Declarant Landed Gentry is the assignee and successor in interest to S.H. by virtue of two (2) instruments recorded in the land records of Skagit County, Washington. The first such instrument was recorded at Auditor's File No. 200607250100 [the "Original Assignment"] in which The Quadrant Corporation was designated by S.H. as a Successor Declarant, such that Quadrant became the holder of S.H.'s rights under the Declaration and the Covenant, including the rights [a] to amend the Declaration and the Covenant with respect to future phases of the Skagit Highlands development, and [b] to further assign such rights with respect to parcels of real property not yet subject to the Declaration. In the second such instrument, recorded at Auditor's File No. 201703030035, The Quadrant Corporation designated Landed Gentry as a Successor Declarant with respect to a parcel of real property legally described below, but generally referred to herein as Tract Z2, Plat of Skagit Highlands, Division 5, Phase 2 ["Tract Z2"]. Such assignment and designation was authorized by Sections 2.14 and 10.7 of the Declaration.

A4. WHEREAS, Under Declaration Sections 2.33 and 9.1, Tract Z2 is considered a parcel of "Additional Real Property" that may be made subject to the Declaration at the discretion of a Successor Declarant such as Landed Gentry. Landed Gentry has received approval from the City of Mount Vernon to subdivide Tract Z2 and now desires to make Tract Z2 subject to the Declaration, and also desires to amend the Declaration and the Covenant with respect to Tract Z2, to confirm certain title issues and maintenance responsibilities associated with Common Areas located within Tract Z2, in consultation with the Skagit Highlands Homeowners Association.

NOW, THEREFORE, Successor Declarant Landed Gentry hereby adopts the following terms and conditions comprising a Supplemental Declaration with respect to Tract Z2:

**B. AMENDMENT OF THE DECLARATION AND COVENANT  
TO ADD ADDITIONAL REAL PROPERTY**

1. Legal Description of Land Affected.

The Additional Real Property that is the subject of this Supplemental Declaration, known herein as "Tract Z2" is legally described as follows:

Tract Z2, PLAT OF SKAGIT HIGHLANDS DIVISION V (PHASE 2), according to the plat thereof recorded on January 17, 2008 under Auditor's File No. 200801170047, records of Skagit County, Washington.

Concurrently with the recordation of this Supplemental Declaration, Successor Declarant has recorded a certain Short Subdivision Plat Map that subdivides Tract Z2 into Lots and Tracts included in the "Pod E Short Plat," together with other necessary information; this Plat Map for Pod E Short Plat was approved by the City of Mount Vernon and recorded at Auditor's File No. 20170810002, Records of Skagit County, Washington. Henceforth, when the term "Tract Z2" is used herein, such term shall include the Lots and Tracts legally described as follows:

Lots 1 through 4, inclusive, NGPA Tract 998, Common Tract 999, and Landscape Tracts 1000 and 1001, Pod E Short Plat, as per the Map thereof recorded at Auditor's File No. 20170810002, Records of Skagit County, Washington.

2. Tract Z2 Added as Additional Real Property.

The Additional Real Property in the Pod E Short Plat described above qualifies under Article IX, Section 9.1 of the Declaration to be added to the definition of the "Properties" contained in the Declaration in Article II, Section 2.33. Therefore, the Successor Declarant, which owns such Additional Real Property, elects to subject the Additional Real Property to the terms of the Declaration as permitted by Section 9.1 of the Declaration. Except as otherwise provided below in this Supplemental Declaration, the Additional Real Property is henceforth made subject to the terms of the Declaration, to the same extent as all other Real Property previously made subject to the Declaration, and the Owners of Lots located within such Additional Real Property are hereby granted all the rights and benefits to which Members of the Association are entitled; and the Owners of such Lots are also hereby made subject to all obligations of Lot ownership to which Members of the Association are bound. As a further consequence of subjecting the Additional Real Property to the Declaration, the Additional Real Property is also hereby made a part of the Residential Property described in the Covenant, at Section 1.19, such that the Additional Real Property is henceforth made subject to the terms of the Covenant, to the same extent as all other Real Property previously made subject to the Covenant, except as may be otherwise provided below.

3. Benefits and Burdens of Declaration and Covenant are Binding.

All of Additional Real Property in the Pod E Short Plat, and any Housing Units constructed thereon, are and will be held, sold and conveyed subject to the Declaration and the Covenant, which are made for the purpose of enhancing and protecting the value, desirability and attractiveness of the Real Property and the Additional Real Property for the benefit of all of the Real Property, the Additional Real Property and the owners thereof. The covenants, restrictions,

reservations and conditions contained in the Declaration and the Covenants shall run with the Additional Real Property as easements and equitable servitudes, and shall be binding upon the Additional Real Property as each portion thereof, and all persons owning, leasing, subleasing or occupying any Lot on the Additional Real Property, and upon their respective heirs, successors and assigns.

4. Maximum Number of Lots.

The maximum number of Lots which may be created within the Additional Real Property shall be four (4); the locations and dimensions of such Lots are depicted on the Plat Map.

5. Certain Common Areas Dedicated to and Owned by Homeowners Association.

The following described parcels of real property shall be deemed conveyed to the Association by recordation of the Pod E Short Plat, and are hereby added to the Common Areas, as defined in the Declaration in Article II, definition number 2.9:

Native Growth Protection Area Tract 998 and Landscape Tracts 1000 and 10001, Pod E Short Plat, as per the Map thereof recorded at Auditor's File No. 201708100002, Records of Skagit County, Washington.

The Association shall henceforth administer such Common Areas in the same manner and to the same extent as the Association acts with respect to Common Areas delineated on the other recorded Plats of Skagit Highlands.

6. Certain Common Areas Not Dedicated to Homeowners Association.

The following described parcel of real property, known herein as "Tract 999 shall not be deemed conveyed to the Association by recordation of the Pod E Short Plat:

Common Tract 999, Pod E Short Plat, as per the Map thereof recorded at Auditor's File No. 201708100002, Records of Skagit County, Washington.

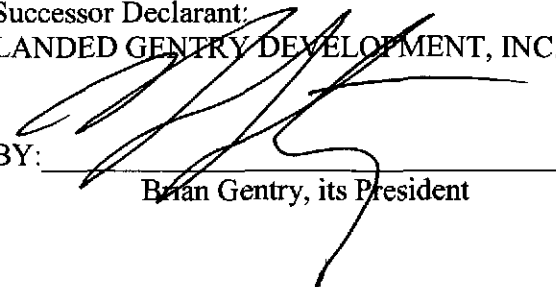
The purpose of Tract 999 is to serve as a private driveway serving Lots 1 - 4, inclusive, Pod E Short Plat. Provisions for joint maintenance of the driveway area, to assure its perpetual maintenance, repair and replacement at the sole cost of the owners of such Lots 1-4, inclusive, appear in an instrument recorded at Auditor's File No. 201708100004, Records of Skagit County, Washington (the "Joint Maintenance Agreement"). In the event that the owners of such Lots 1-4 fail to adhere to maintenance standards established in the Joint Maintenance Agreement, the Association may treat Tract 999 as an "Exclusive Common Area" as described in Section 2.16 of the Declaration, and provide any necessary maintenance, repair and replacement to the driveway at the sole expense of the all the owners of such Lots pursuant to Sections 2.23 and 12. 1 of the Declaration

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EXCEPT as modified by this Amendment, all of the terms and provisions of the Declaration and the Covenant are hereby expressly ratified and confirmed and shall remain in full force and effect.

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

Successor Declarant:  
LANDED GENTRY DEVELOPMENT, INC.

BY:   
Brian Gentry, its President

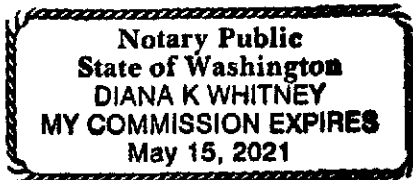
STATE OF WASHINGTON


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 he signed this instrument, on oath stated that he was authorized to execute the instrument and that he acknowledged it as the President of the Successor Declarant, LANDED GENTRY DEVELOPMENT, INC., to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: JULY 26<sup>th</sup>, 2017.



  
NOTARY PUBLIC in and for the State of Washington,  
residing at: Bainbridge  
My commission expires: 15 MAY 2021