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Skagit County Auditor

AFTER RECORDING RETURN TO:

Mr. Dan R. Mitzel
Hansell/Mitzel, LLC
1111 Cleveland Avenue, Suite 201
P.O. Box 188
Mount Vernon, WA 98273

GUARDIAN NORTHWEST TITLE CO.

115502

Document Title: First Amendment to Declaration of Protective Covenants for Highland Greens

Grantor: Hansell/Mitzel, LLC, a Washington limited liability company, d/b/a Hansell Mitzel Homes

Grantee: Hansell/Mitzel, LLC, a Washington limited liability company, d/b/a Hansell Mitzel Homes

Abbreviated Legal Description: Section 9, Township 34, Range 4; Ptn. SW NE and NW SE

Full Legal Description: Lots "A", "B", "C", "D" and "E" of Mount Vernon BLA Survey #LU05-095, recorded December 14, 2005, under Auditor's File No. 200512140111, being a portion of the Southwest ¼ of the Northeast ¼ and the Northwest ¼ of the Southeast ¼ of Section 9, Township 34 North, Range 4 East, W.M.

Assessor's Tax Parcel Nos.: 340409-4-005-1000 (P124129), 340409-4-005-0900 (P124128), 340409-4-005-0800 (P124127), 340409-4-005-0700 (P124126), 340409-4-005-0600 (P124125)

Reference Nos. of Related Documents: 200612190064

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR
HIGHLAND GREENS**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS FOR HIGHLAND GREENS (this "*Amendment*") is made this 29th day of June, 2018 (the "*Effective Date*"), by Hansell/Mitzel, LLC, a Washington limited liability company ("*Declarant*").

RECITALS

A. Declarant caused the Declaration of Protective Covenants for Highland Greens to be recorded in the real property records of Skagit County under Recording No. 200612190064, (the "*Declaration*"), which, among other things, established the Highland Greens Homeowners Association (the "*HOA*"). Capitalized terms not otherwise defined herein shall have the meaning set forth in the Declaration.

B. LGI Homes -Washington, LLC, a Washington limited liability company, ("*LGI-Washington*"), is under contract to purchase from Declarant the sixty (60) Finished Lots described on Exhibit A ("*LGI Lots*").

C. Declarant desires to amend the Declaration to: (i) postpone the obligation to make the initial contribution provided for under Section 8.5; and (ii) postpone the annual assessment provided for under Section 8.6.1, for fifty-nine (59) of the LGI Lots until such Lots are improved and sold to future Owners of such Lots or rented or leased to occupants.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. Postponement of Initial Contribution. The following is added as a final sentence to Section 8.5 of the Declaration: "Notwithstanding the foregoing or other provisions of this Declaration to the contrary, the initial contribution shall not be imposed upon the fifty-nine (59) Lots described as Parcel "A" on Exhibit A to the Amendment until such Lots are developed and sold to future Residential Lot Owners or are rented or leased to occupants."

2. Postponement of Annual Assessment. The following is added as a final sentence to Section 8.6.1 of Declaration: "Notwithstanding the foregoing or other provisions of this Declaration to the contrary, the annual assessment shall not be imposed upon the fifty-nine (59) Lots described on as Parcel "A" on Exhibit A to the Amendment until such Lots are developed and sold to future Residential Lot Owners or are rented or leased to occupants."

3. Effect of Amendment. Except as amended herein, the Declaration shall remain unchanged and in full force and effect.

4. Conflict. In the event of a conflict between the terms of this Amendment and the terms of the Declaration, the terms and conditions of this Amendment shall control.

[Signature page follows]

Exhibit A

Legal Description of LGI Lots

Parcel "A":

Lots 20-78, inclusive, Plat of "HIGHLAND GREENS, DIVISION 1 PHASE B, A PLANNED UNIT DEVELOPMENT" as per plat recorded June 21, 2018 as Skagit County Auditor's File No. 201806210062, records of Skagit County, Washington.

Parcel "B":

Lot 109, HIGHLAND GREENS, DIVISION 1 PHASE A, according to the Plat thereof recorded on May 22, 2014 under Auditor's File No. 201405220062, records of Skagit County, Washington.