201806290169

06/29/2018 03:35 PM Pages: 1 of 5 Fees: \$103.00 Skapit 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 29 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. <u>Postponement of Initial Contribution</u>. 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. <u>Postponement of Annual Assessment</u>. 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. <u>Effect of Amendment</u>. Except as amended herein, the Declaration shall remain unchanged and in full force and effect.
- 4. <u>Conflict</u>. 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.

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[Signature page follows]

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IN WITNESS WHEREOF, Declarant has executed this Amendment as of the Effective Date indicated above.

DECLARANT:

HANSELL/MITZEL, LLC,

a Washington limited liability company d/b/a Mitzel

Homes

Name: Daniel R. Mitzel

Its: Managing Member

STATE OF WASHINGTON) ss.

COUNTY OF SKAGIT)

I certify that I know or have satisfactory evidence that DANIEL R. MITZEL 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 acknowledged it as the Managing Member of HANSELL/MITZEL LLC, a Washington limited liability company, to be the free and voluntary act and deed of said limited liability company, for the uses and purposes mentioned in the instrument.

WITNESS my hand and official seal hereto affixed this 20th day of JUW, 2018.

NOTARY PUBLIC COMM. EXPIRES

JUNE 23, 2021

JUNE 23, 2021

JUNE 23, 2021

(Signature of Notary)

Eleanor Romen

(Print or stamp name of Notary)

NOTARY PUBLIC in and for the State of Washington, residing at Washington,

My commission expires:

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.