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**Document Title** Sixth Amendment to Declaration For North Hill Townhomes, A Condominium

**Reference No. of Affected Docs.:** 200706260089, 200812220036, 200901050117, 201312300088, 201507280086, 201803020016

**Grantor:** Hansell/Mitzel, LLC

**Grantee:** General Public

**SIXTH AMENDMENT TO DECLARATION  
FOR NORTH HILL TOWNHOMES, A CONDOMINIUM**

PURPOSE: TO EXERCISE DEVELOPMENT RIGHT TO CONVERT DEVELOPMENT  
UNITS INTO RESIDENTIAL UNITS (PHASE 3A) AND TO CORRECT  
TECHNICAL ERRORS RE: LIMITED COMMON ELEMENTS

THIS AMENDMENT is made this 28<sup>th</sup> day of August, 2019, by HANSELL/MITZEL, LLC, a Washington Limited Liability Company ("Declarant").

WITNESSETH THAT:

WHEREAS, the Declarant executed certain Condominium Instruments establishing NORTH HILL TOWNHOMES, A CONDOMINIUM in Mount Vernon, Washington and caused the Declaration to be recorded in the land records of Skagit County, Washington, at Auditor's File No. 200706260089, along with a Survey Map and Plans, which were contemporaneously recorded at Auditor's File No. 200706260088; the Declaration has been previously amended by instruments recorded at Auditor's File No's. 200812220036, 200901050117, 201312300088, 201507280086 and 201803020016 the Survey Map has been previously amended by instruments recorded at Auditor's File No. 200812220037, 200812310105 and 201507280085.

WHEREAS, pursuant to RCW 64.34.236 and Sections 23.2.2, 23.2.7 and Article 21 of the Declaration, the Declarant may unilaterally amend the Condominium Declaration and Survey Map and Plans from time to time to exercise Development Rights; and

WHEREAS, in Section 23.2.2 of the Declaration, the Declarant reserved Development Rights to convert Development Units into Residential Units in the Condominium; and

WHEREAS, the Declarant now wishes to exercise one or more Development Rights in order to convert two (2) Development Units into two (2) Residential Units, with additional supporting Common Elements and Limited Common Elements, using the process described in Section 23.2.2 of the Declaration; and

WHEREAS, through inadvertence, certain technical errors existed in the Declaration and Amendments thereto. Specifically, the references listed on Exhibit B wherein garages, crawl spaces and storage space were represented to be "limited common elements" is incorrect and should have not been listed as "limited common elements" because all garages, crawl spaces and storage are considered part of the unit to which they are adjacent and attached to.

NOW, THEREFORE, pursuant to and in compliance with Section 23.2.2 of the Declaration and RCW 64.34.236, the Declarant hereby amends the following Sections of the Declaration, as follows:

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2.1 Land and Street Addresses.

The land on which the buildings and improvements of this Condominium are located is situated on River Vista Lane, River Vista Place and River Vista Court, Mount Vernon, Skagit County, Washington, as is described with more particularity in the Fourth Amendment to Exhibit "A" to the Declaration, attached hereto.

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4.1.1 Number of Units Following Amendment. The Condominium contains Twenty-Six (26) Units, Nineteen (19) of which contain dwelling space which is substantially completed, and Seven (7) of which are Development Units which have boundaries described in Declaration Section 4.1, and which contain substantially-completed foundations. The locations and dimensions of existing Units are shown on the Condominium Survey Map and Plans, as amended. The Amended and Restated Fourth Amendment to Exhibit "B" to the Declaration attached hereto contains a list of all Units, their identifying numbers, location, style, the Allocated Interests appurtenant to each Unit, and other useful information. The Allocated Interests have been reallocated among all Units in accordance with Section 23.2.2(e) of the Declaration and with RCW 64.34.236(l).

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22.7 Reference to Fifth Amendment to Survey Map.

Contemporaneously with the recordation of this Amendment, the Declarant has recorded with the Auditor of Skagit County, Washington a Fifth Amendment to the Survey Map and Condominium plans, showing the location and dimensions of the new Units and other improvements constructed or contemplated to be constructed for Phase 3A of this Condominium, together with

other information required by the Condominium Act; this Fifth Amendment to the Survey Map and Plans is recorded at Auditor's File No. 201908280030 among the land records of Skagit County, Washington.

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23.2.2 Development Rights.

(e) Allocated Interests - Differential Assessment of Development Units.

The Allocated Interests in the Common Elements allocated to the Units in all the Units have been reallocated among the Units in the manner described in Exhibit B to the original Declaration. The Allocated Interests for Common Expense Liability and Voting have been reallocated as reflected on the Amendment to Exhibit B attached hereto. The differential assessment liability of Development Units reflected in said Amendment to Exhibit B is designed to reasonably reflect the actual costs to the Association of having undeveloped Units in the Condominium during the period of time that such Units are under construction. Votes in the Association allocated to Development Units are correspondingly lower as well. Development Units shall be assessed at the same rate as Residential Units and shall have the same voting interest as Residential Units following completion of dwelling improvements within the Development Units, and upon the recordation of a further Amendment to Declaration to confirm the conversion a Development Unit into a Residential Unit.

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\_\_\_ Exhibits.

Attached hereto are the Fourth Amendment to Exhibit "A" to the Declaration, along with the Amended and Restated Fourth Amendment to Exhibit "B" to the Declaration.

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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.

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

DECLARANT:  
HANSELL/MITZEL, LLC

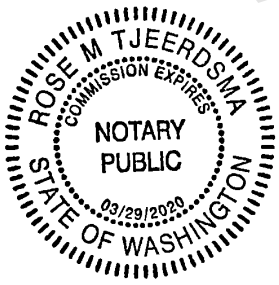
BY: *Don R Mitzel*  
*Don R. Mitzel*, Its *Managing Member*

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF SKAGIT )

I certify that I know or have satisfactory evidence that *Don 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 that he acknowledged it as the *Managing Member* of the Declarant, HANSELL/MITZEL, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED: *8-28-19*, 2019

*Rose M Tjeerdsma*  
NOTARY PUBLIC in and for the State of  
Washington. My commission expires:  
*3/29/20*



**FOURTH AMENDMENT TO EXHIBIT "A"  
TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM**

- 1. **Legal Description of Land Within the Condominium**  
No change.
  - 2. **Description of any Real Property which may be allocated subsequently by the Declarant as Limited Common Elements (other than Limited Common Elements specified in Sections 4.1.2 and 4.1.4):**  
None.
  - 3. **Description of the Real Property to which any Development Right or Special Declarant Right applies:**  
No change.
  - 4. **Moorage Slips:** None
  - 5. **Recreational Facilities:** None
  - 6. **Parking:**
    - a. Uncovered 39
    - b. Covered 0
    - c. Enclosed 39
- TOTAL            78**

**AMENDED AND RESTATED FOURTH AMENDMENT TO EXHIBIT "B"  
TO DECLARATION FOR NORTH HILL TOWNHOMES, A CONDOMINIUM**

| UNIT # | Unit Type v | Address                | Square Footage | Square Footage From Old Surveyst | Number of Bedrooms | Number of Bathrooms | Number of Fireplaces | Limited Common Elements**                              | Allocated Interest, Votes, & Assessment | Allocated Interest, C. E. * |
|--------|-------------|------------------------|----------------|----------------------------------|--------------------|---------------------|----------------------|--|---|-----------------------------|
| 31A    | Residential | 2610 River Vista Lane  | 1731           | 1612                             | 2                  | 3                   | 1                    | 1 deck, railing & stairs, patio, walkway and driveway  | 4.44444%                                | 3.84615%                    |
| 32A    | Residential | 2612 River Vista Lane  | 1731           | 1612                             | 2                  | 3                   | 1                    | 1 deck, railing & stairs, patio, walkway and driveway  | 4.44444%                                | 3.84615%                    |
| 33A    | Residential | 2616 River Vista Lane  | 2437           | 2195                             | 3                  | 3.5                 | 2                    | 1 deck, patio, porch, railings, walkway and driveway   | 4.44444%                                | 3.84615%                    |
| 33B    | Residential | 2616 River Vista Lane  | 2437           | 2195                             | 3                  | 3.5                 | 2                    | 1 deck, patio, porch, railings, walkway and driveway   | 4.44444%                                | 3.84615%                    |
| 34A    | Residential | 2614 River Vista Lane  | 2343           | 2239                             | 3                  | 2.5                 | 1                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 34B    | Residential | 2614 River Vista Lane  | 2343           | 2240                             | 3                  | 2.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 35A    | Residential | 2511 River Vista Place | 2343           | 2172                             | 3                  | 2.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 35B    | Residential | 2511 River Vista Place | 2343           | 2192                             | 3                  | 2.5                 | 1                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 36A    | Residential | 2507 River Vista Place | 2437           | 2474                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 36B    | Residential | 2507 River Vista Place | 2437           | 2473                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |
| 37A    | Residential | 2503 River Vista Place | 2437           | 2203                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway | 4.44444%                                | 3.84615%                    |

| UNIT # | Unit Type v | Address                | Square Footaget | Square Footage From Old Surveys† | Number of Bedrooms | Number of Bathrooms | Number of Fireplaces | Limited Common Elements**                               | Allocated Interest, Votes & Assessment | Allocated Interest, C. E. * |
|--------|-------------|------------------------|-----------------|----------------------------------|--------------------|---------------------|----------------------|---|--|-----------------------------|
| 37B    | Residential | 2503 River Vista Place | 2437            | 2203                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 38A    | Residential | 2521 River Vista Court | 2437            | n/a                              | 3                  | 3.5                 | 1                    | 1 deck, stairs, porches, railings, walkway and driveway | 4.44444%                               | 3.84615%                    |
| 38B    | Residential | 2521 River Vista Court | 2437            | n/a                              | 3                  | 3.5                 | 1                    | 1 deck, stairs, porches, railings, walkway and driveway | 4.44444%                               | 3.84615%                    |
| 39A    | Residential | 2519 River Vista Court | 2437            | 2280                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 39B    | Residential | 2519 River Vista Court | 2437            | 2157                             | 3                  | 3.5                 | 2                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 40A    | Residential | 2515 River Vista Court | 1980            | n/a                              | 2                  | 2.5                 | 1                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 40B    | Residential | 2515 River Vista Court | 1466            | n/a                              | 2                  | 2.5                 | 1                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 40C    | Residential | 2515 River Vista Court | 1980            | n/a                              | 3                  | 2.5                 | 1                    | 2 decks, stairs, porch, railings, walkway and driveway  | 4.44444%                               | 3.84615%                    |
| 41A    | Development | 2509 River Vista Court |                 |                                  |                    |                     |                      |   | 2.22222%                               | 3.84615%                    |
| 41B    | Development | 2509 River Vista Court |                 |                                  |                    |                     |                      |   | 2.22222%                               | 3.84615%                    |
| 41C    | Development | 2509 River Vista Court |                 |                                  |                    |                     |                      |   | 2.22222%                               | 3.84615%                    |
| 42A    | Development | 2505 River Vista Court |                 |                                  |                    |                     |                      |   | 2.22222%                               | 3.84615%                    |
| 42B    | Development | 2505 River Vista Court |                 |                                  |                    |                     |                      |   | 2.22222%                               | 3.84615%                    |

| UNIT #        | Unit Type v | Address                | Square Footage† | Square Footage From Old Surveys† | Number of Bedrooms | Number of Bathrooms | Number of Fireplaces | Limited Common Elements** | Allocated Interest, Votes & Assessment | Allocated Interest, C. E. * |
|---------------|-------------|------------------------|-----------------|----------------------------------|--------------------|---------------------|----------------------|---------------------------|--|-----------------------------|
| 43A           | Development | 2501 River Vista Court |                 |                                  |                    |                     |                      |                           | 2.222222%                              | 3.84615%                    |
| 43B           | Development | 2501 River Vista Court |                 |                                  |                    |                     |                      |                           | 2.222222%                              | 3.84615%                    |
| <b>Totals</b> |             |                        |                 |                                  |                    |                     |                      |                           | <b>100%</b>                            | <b>100%</b>                 |

\* Allocated interests are the percentages of undivided interests in the Common Elements, fractional liability for the Common Expenses of the Association, and portions of the votes in the Association, allocated to each Unit pursuant to RCW 64.34.224(1). Pursuant to Section 23.2.2(e) of the Declaration, as amended above, the Development Units are assessed at lower rates than Residential Units, and have correspondingly lower Votes in the Association as a result. Development Units may be converted to Residential Units under Development Rights described in Section 23.2.2(l), as amended above.

\*\* Items listed are Limited Common Elements permanently assigned to their respective Units as identified above, pursuant to Section 7.1 of the Declaration.

v Units with substantially completed dwelling improvements are "Residential" units which are suitable for sale to residential purchasers; Units lacking substantially completed dwelling structures are "Development" units which are subject to Development Rights described in Section 23.2.2(l) of the Declaration, as amended above.

† Proper Square Footages of Residential Units are calculated with reference to the provisions of Section 4.1 of the Declaration for the Condominium, in which the Unit Boundaries are defined to be "an envelope of space....[that] include all structures, improvements, and fixtures ...located within said space..." Stated square footages of the Units described in the original Survey Map and Plans for the Condominium, and in the First and Second Amendments thereto, were incorrect, having used interior dimensions of the completed improvements within the Units as the basis for such measurements. The "Proper Square Footages" described in this Amended Exhibit B are designed to harmonize all such size measurements by using measurements of the exterior walls of the dwelling structures within the Units as the predicate for square footage calculations, consistent with Section 4.1 of the Declaration.