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PIERCE COUNTY, WASHINGTON

**Return Address**

Gordon, Thomas, Honeywell, Malanca,  
Peterson & Daheim, P.L.L.C.  
P.O. Box 1157  
Tacoma, WA 98401-1157  
Attn: William T. Lynn

Please print or type information.

**Document Title(s)** (or transactions contained therein):

1. Second Amendment to Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sky Island
- 2.
- 3.

**Grantor(s)** (Last name first, then first name and initials)

1. Sky Island, L.L.C. and Lookout, LLC
- 2.
- 3.
4.  Additional Names on Page \_\_\_\_\_ of Document.

**Grantee(s)** (Last name first, then first name and initials)

1. Sky Island Homeowner's Association
- 2.
- 3.
4.  Additional Names on Page \_\_\_\_\_ of Document.

**Legal Description** (abbreviated: i.e., lot, block, plat or section, township, range)

A portion of NW quarter of NW quarter of Section 4 and Government Lot 1 of Section 5, Township 19N, Range SE, W.M.

Full Legal Description on Page 5 of Document.

**Reference Number(s)** of Documents Assigned or Released:

9803130060

Additional Reference Numbers on Page \_\_\_\_\_ of Document.

**Assessor's Property Tax Parcel/Account Number**

The Auditor/Recorder will rely on the information provided on this cover sheet. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.

**SECOND AMENDMENT TO THE  
SECOND AMENDED AND RESTATED DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR SKY ISLAND**

THIS SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR SKY ISLAND is made on the 22nd day of March, 2001, by Sky Island, LLC, a Washington limited liability company ("Developer") and by LOOKOUT, LLC., a Washington limited liability company ("Lookout").

**BACKGROUND**

A. Developer owns certain real property in Pierce County, Washington, on which it is developing the residential community of "Sky Island." Developer has subjected portions of the property to the Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sky Island, which was recorded with the Pierce County Auditor under file number 9803130060 (the "Second Amended CC&Rs"). Division III of Sky Island was made subject to the Second Amended CC&Rs by the First Amendment to Second Amended and Restated Declaration of Covenants, Conditions and Restrictions for Sky Island recorded under Pierce County Auditor's No. 9901270433.

B. Developer has conveyed the property known as Sky Island Division II to the Lookout, LLC, for the purpose of developing a residential community.

C. Under Article II, Section 2.2, of the Second Amended CC&Rs, the Developer may unilaterally subject to the provisions of those CC&Rs additional real property and may assign the Developer's rights during the period of Class B membership. In addition, under Article II, Section 2.4, Developer may subject property to additional covenants and easements.

D. Developer and Lookout now desire to subject Sky Island Division II to the provisions of the Second Amended CC&Rs, with certain exceptions. In addition,

Developer now desires to confirm its approval of certain covenants, conditions and restrictions imposed by Lookout on Division II.

E. Now, therefore, in light of this background, the Developer and Lookout make the following declaration:

### DECLARATION

1. Addition of Division II. Developer and Lookout hereby declare that the property described on Exhibit "A" is and shall be held, transferred, sold, conveyed, and occupied subject to the following Articles of the Second Amended CC&Rs: Article II - Property; Article II - Common Areas, Article IV - Association; Article V - Easement, Article VI - Assessments, Article VII - Maintenance, Article XI - Insurance Requirements, Article XII - Damage or Destruction, Article XIII - Condemnation, Article XIV - Mortgagee's Protection, Article XV - General Provisions, and Article I - Definitions, to the extent those definitions are applicable to the provisions cited above. The property on Exhibit "A" is specifically not made subject to Article VIII - Architectural Control Committee, Article IX - Architectural Landscape Control, and Article X - Permitted and Prohibited Uses.

2. Assignment of Developer's Rights. Developer hereby confirms that it assigned to Lookout the right to subject the property described on Exhibit "A" to additional covenants and easements in accordance with Article II, Section 2.2 and Section 2.4 of the Second Amended CC&Rs. Developer further ratifies and approves that certain Declaration of Easements, Conditions and Restrictions of Sky Island, Division II recorded by Pierce County Auditor's No. 200101240495.

3. Covenants. The Sky Island Division II Homeowner's Association shall maintain a copy of the Declaration of Easements, Covenants, Conditions and Restrictions for Sky Island, Division II at all times with the Sky Island Homeowner's Association.

4. Common Areas. By virtue of the fact that the property described on Exhibit "A" has been made subject to certain provisions of the Second Amended CC&Rs as set forth above, the members of the Sky Island Division II Homeowner's Association shall be permitted to use the common areas and facilities associated with

the Sky Island Development to the same extent as other members of the Sky Island Homeowner's Association.

SKY ISLAND, L.L.C., a Washington limited liability company

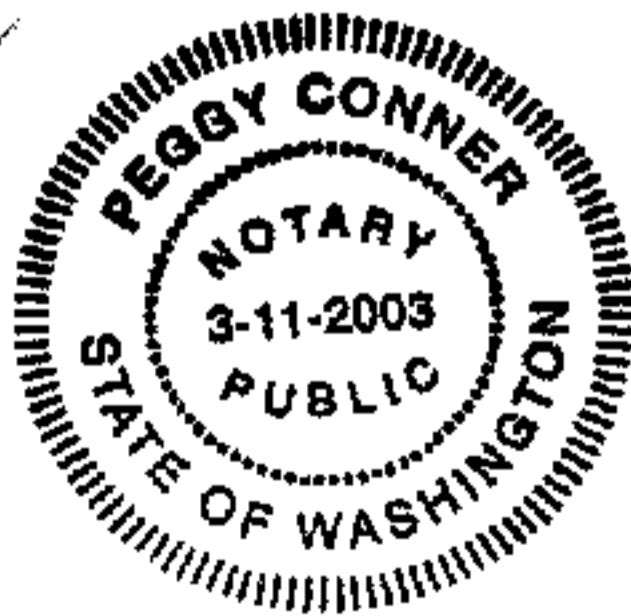
By: Peter J. Naccarato  
Peter J. Naccarato  
Its: Managing Member

STATE OF WASHINGTON)

County of Pierce

On this 22nd day of March, 2009, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared PETER J. NACCARATO, to me known to be the Managing Member of Sky Island, L.L.C., a limited liability company, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



Peggy Conner  
PEGGY CONNER  
(Type/Print Name above)  
Notary Public in and for the State of Washington,  
residing at Lakewood  
My appointment expires: 03/11/03

LOOKOUT, L.L.C., a Washington limited liability company

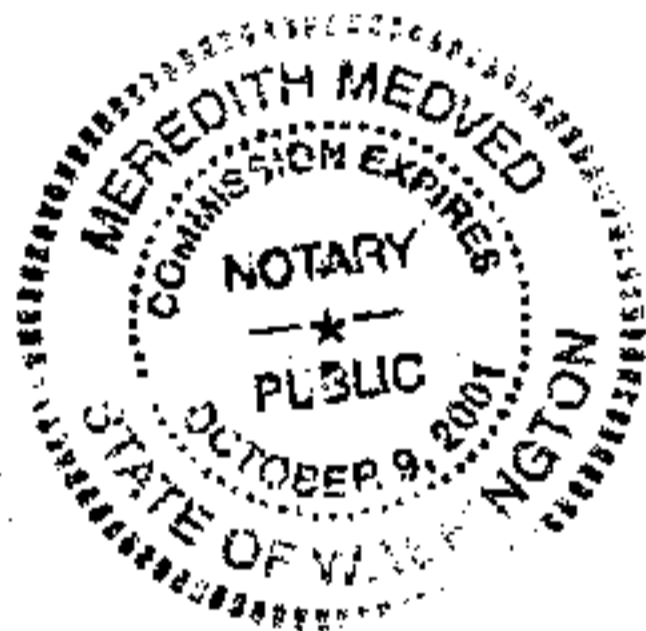
By: *[Signature]*  
STEVEN R. DORENBUSH  
Its: Managing Member

STATE OF WASHINGTON )

County of Pierce )

On this 22<sup>nd</sup> day of March, 2000, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Steven R. Dorenbush, to me known to be the Managing Member of Lookout, L.L.C., a limited liability company, that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said company, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument.

WITNESS my hand and official seal hereto affixed the day and year first above written.



*Meredith Medved*  
Meredith medved  
(Type/Print Name above)  
Notary Public in and for the State of Washington,  
residing at Rayallup, WA  
My appointment expires: 10/09/01

**EXHIBIT "A"**  
to  
**SECOND AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF  
COVENANTS,  
CONDITIONS AND RESTRICTIONS FOR SKY ISLAND**

**LEGAL DESCRIPTION**

THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4 AND GOVERNMENT LOT 1 OF SECTION 5, ALL IN TOWNSHIP 19 NORTH, RANGE 5 EAST OF THE WILLAMETTE MERIDIAN, IN PIERCE COUNTY, WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER, ALSO BEING THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 1, AND ALSO BEING THE SOUTHEAST CORNER OF LOT 66 OF SKY ISLAND DIVISION 1, ACCORDING TO PLAT RECORDED FEBRUARY 3, 1997 UNDER RECORDING No. 9702030032; THENCE ALONG THE SOUTHEASTERLY BOUNDARY OF SAID SKY ISLAND DIVISION 1 THE FOLLOWING COURSES:

SOUTH 75°19'11" WEST 193.90 FEET;  
THENCE SOUTH 41°17'17" WEST 233.65 FEET;  
THENCE SOUTH 03°50'51" WEST 138.53 FEET;  
THENCE SOUTH 86°58'27" FEET TO A POINT ON THE NORTH RIGHT OF WAY OF 97<sup>TH</sup> STREET WEST, ALSO BEING ON THE NORTHEASTERLY BOUNDARY OF SKY ISLAND DIVISION 3, ACCORDING TO PLAT RECORDED JANUARY 27, 1999 UNDER RECORDING No. 9901275002;  
THENCE ALONG SAID NORTHEASTERLY BOUNDARY OF SKY ISLAND DIVISION 3 THE FOLLOWING COURSES:

SOUTH 36°22'19" EAST 159.65 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS IS 405.00 FEET;  
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 13°13'21" A DISTANCE OF 93.46 FEET;  
THENCE SOUTH 49°35'40" EAST 347.99 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHEAST WHOSE RADIUS IS 425.00 FEET;  
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02°15'44" A DISTANCE OF 16.78 FEET TO THE BEGINNING OF A COMPOUND CURVE WHOSE RADIUS IS 25.00 FEET;  
THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 51°57'25" A DISTANCE OF 22.67 FEET TO THE BEGINNING OF A REVERSE CURVE WHOSE RADIUS IS 50.00 FEET;  
THENCE EASTERLY, SOUTHERLY, AND SOUTHWEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 163°54'58" A DISTANCE OF 143.04 FEET;  
THENCE SOUTH 57°37'18" EAST 117.30 FEET;  
THENCE NORTH 40°21'02" EAST 199.66 FEET;  
THENCE NORTH 09°45'16" EAST 84.14 FEET;  
THENCE NORTH 40°50'05" EAST 54.34 FEET;  
THENCE NORTH 70°40'09" EAST 81.19 FEET;  
THENCE NORTH 30°00'43" EAST 96.09 FEET;

THENCE NORTH 32°09'46" EAST 702.46 FEET TO THE NORTH LINE OF SAID SECTION 4, SAID POINT ALSO BEING THE NORTHWEST CORNER OF TRACT B OF SAID SKY ISLAND DIVISION 3; THENCE LEAVING THE BOUNDARY OF SAID SKY ISLAND DIVISION 3, SOUTH 88°31'05" WEST 841.57 FEET ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING.