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DOCUMENT TITLE(S):

Third Amendment to the Declaration and Covenants, Conditions, Restrictions and Reservations for Darby Estates Condominium

AUDITOR FILE NUMBER & VOL. & PG. NUMBERS OF DOCUMENT(S) BEING ASSIGNED OR RELEASED:

2060202464

Additional reference numbers can be found on page 2 of document.

GRANTOR(S):

Darby Estates Condominium Association

Additional grantor(s) can be found on page _____ of document.

GRANTEE(S):

Darby Estates Condominium Association

Additional grantee(s) can be found on page _____ of document.

ABBREVIATED LEGAL DESCRIPTION: (Lot, block, plat name OR; qtr/qtr, section, township and range OR; unit, building and condo name.)

Additional legal(s) can be found on page _____ of document.

ASSESSOR'S 16-DIGIT PARCEL NUMBER:

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Document Title:

THIRD AMENDMENT TO THE
DECLARATION AND COVENANTS,
CONDITIONS, RESTRICTIONS AND
RESERVATIONS FOR DARBY ESTATES
CONDOMINIUM

Reference Numbers of Related Documents:

2051100556 (Survey Map & Plans); 2051100556
(Declaration and Covenants, Conditions,
Restrictions and Reservations for Darby Estates
Condominium); 2060202464 (First Amendment to
Declaration and Covenants, Conditions,
Restrictions and Reservations for Darby Estates
Condominium)

Grantor(s):

Darby Estates Condominium Owners Association

Grantee(s):

N/A

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THIRD AMENDMENT TO THE DECLARATION AND COVENANTS, CONDITIONS,
RESTRICTIONS AND RESERVATIONS FOR DARBY ESTATES CONDOMINIUM

Whereas a certain Declaration and Covenants, Conditions, Restrictions and Reservations for Darby Estates Condominium ("Declaration") submitting real estate to the Washington Condominium Act, Laws of 1989, Chapter 43, (RCW 64.34, *et seq.*), as amended, was recorded on November 3, 2005 under Recorder's File No. 2051100557 records of Whatcom County, Washington, with a survey map and plans for the units created by this Declaration, recorded under Recorder's File No. 2051100556 records of Whatcom County, Washington and subsequently amended. And whereas under the provisions of Article 21 of the Declaration it may be amended, and

Whereas the procedures for such amendment have been followed; and

Whereas, at a meeting duly called and held by the Board of Directors of the Darby Estates Condominium Owners Association, not less than a majority of the Board of Directors of the Association voted to submit this Amendment to the Declaration to the owners for their approval; and

Whereas, pursuant to Section 21.1 of the Declaration, after notice duly given, the Owners to whom at least 67% of the votes in the Association are allocated have voted or agreed to approve this Amendment;

Now, therefore, the undersigned do hereby certify that the Declaration has been amended as follows:

A. Section 9.5.1 Adoption of Bylaws is hereby deleted and a new Section 9.5.1 inserted in its place as follows:

Bylaws (and amendments thereto) for the administration of the association and the property, and for other purposes not inconsistent with the Act or with the intent of this Declaration shall be adopted by the association upon concurrence of those voting owners holding a majority of the total voting power. The Bylaws may be amended at any annual meeting or any special meeting properly called for that purpose at which quorum is present and may be amended by the Board of Directors at any regular meeting by affirmative vote of a majority of the Directors present, subject to the power of the members to change or repeal such bylaws as set forth in this Declaration. An amendment to the Bylaws shall be effective upon adoption.

B. Section 10.2.2(c) is hereby deleted and a new Section 10.2.2(c) inserted in its place as follows:

The Owners shall elect a Board of at least three (3) and no more than seven (7) members, a majority of whom must be Unit Owners. The number of Board members and their terms of services shall be specified in the Bylaws. The Board shall elect officers in accordance with the procedures provided in the Bylaws. The members of the Board and officers shall take office upon election. Removal of Board members, and their terms of service shall be as provided in the Bylaws.

C. Section 10.4.1(d) is hereby deleted and a new Section 10.4(d) inserted in its place as follows:

Institute, defend, or intervene in litigation or administrative proceedings in its own name on behalf of itself or two or more Unit Owners on matters affecting the Condominium.

D. Section 10.10 Governmentally Required Maintenance, Etc. is hereby deleted and a new Section 10.10 inserted in its place as follows:

Any insurance, maintenance, repair, replacement, alteration or other work, or the monitoring of such work, which is required by any governmental entity (including without limitation federal, state or local government, public or private utility provider, local improvement district, or other governmental or quasi-governmental entity or agency), and regardless of whether such requirement is now or hereafter established, and whether imposed in connection with a building permit or other governmental approval or requirement, and whether involving land within public rights of way or subject to ownership or exclusive use of one owner, shall be the sole and exclusive responsibility of the Association and any cost incurred in connection therewith shall be a Common Expense. In furtherance of the generality of the foregoing, and not by way of limitation, such work shall include: maintenance of any grass-lined swales and proper disposal of clippings; maintenance of wetland plantings; replacement of wetland and landscape plantings that die during any required maintenance period; maintenance of public and private storm sewer and retention systems.

E. Section 10.11 Maintenance, Repair, Inspection and Warranty Procedure is hereby deleted in its entirety.

F. Section 10.12 Association Litigation is hereby deleted in its entirety.

G. Section 17.3. Indemnification of Board Members is hereby deleted and a new Section 17.3 inserted in its place as follows:

Each Board member, Association committee member, Association officer, shall be indemnified by the Association against all expenses and liabilities, including attorneys' fees, reasonably incurred by or imposed in connection with any proceeding to which such person may be a party, or in which such person may become involved, by reason of holding or having held such position, or any settlement thereof, whether or not such person holds such position at the time such expenses or liabilities are incurred, except to the extent such expenses and liabilities are covered by any type of insurance and except in such cases wherein such person is adjudged guilty of willful misfeasance in the performance of such person's duties; provided, that in the event of a settlement, the indemnification shall apply only when the Board approves such settlement and reimbursement as being for the best interests of the Association.

STATE OF WASHINGTON)
) ss
COUNTY OF Whatcom)

I certify that I know or have satisfactory evidence that Tom Walbrecht is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledge it as the Secretary of the Darby Estates Condominium Owners Association to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 10-10-2009

Anita Horton
(Signature)

Anita Horton
(Print Name)

My appointment expires: 4-8-2012

