Whatcom County, WA
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AMRC
Request of: GREGORY E. THULIN

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Filed for Record at Request of:
Gregory E. Thulin
2200 Rimland Drive, Suite 115
Bellingham, WA 98226-6643

Amending AF No: 2060301003
Document Title: First Amendment to Amended and Restated Declaration of Condominium Establishing Cabana Club, a Condominium
Grantor: Cabana Club, a Condominium
Transferee: General Public

FIRST AMENDMENT TO RESTATED AND AMENDED DECLARATION OF CONDOMINIUM ESTABLISHING CABANA CLUB, A CONDOMINIUM

Purpose: To remove Unit 202 from being designated a Timeshare Unit and convert it to a non-timeshare unit and to reallocate the percentage interest of Timeshare Units in the Time Share Budget.

THIS FIRST AMENDMENT is made this 1st day of July, 2017, by Cabana Club Condominium Owners' Association, a Washington non-profit association ("Association").

WITNESSETH:

WHEREAS, Cabana Club, a Condominium, was originally created with the execution and recording of an the Centre Pointe Condominium was established by the execution and recording of certain documents in the land records of Whatcom County, Washington; specifically, the Declaration of Condominium was executed and recorded at Auditor's File No. 1287136; the Declaration of Condominium has been previously amended by a First Amendment to Declaration recorded at Auditor's File No. 1320742 on April 17, 1979; by a Second Amendment to Declaration recorded at Auditor's File No. 1514802 on August 23, 1985; by a Third Amendment to Declaration recorded at Auditor's File No. 1580988 on August 18, 1987; by a Fourth Amendment to Declaration recorded at Auditor's File No. 1642298 on July 29, 1989; and by a Restated and Amended Declaration recorded at Auditor's File No. 2060301003 on March 7, 2006 (the original and all amendments are hereinafter referred to as the "Declaration").

WHEREAS, the Association has determined that it is in the best interests to convert Unit 202 from a Timeshare Unit to a Non-Timeshare Unit and the percentage interests on the timeshare budget adjusted accordingly. In order to accomplish this objective, the Declaration and specifically Exhibits "A" and "C" attached thereto must be amended.

WHEREAS, pursuant to RCW 64.34.264 and Sections 18.1 and 18.3 of the Declaration, the Declaration may be amended by a vote or agreement of the owners of units to which at least sixty percent (60%) of the votes in the Association are allocated, unless the amendment is a special restriction, in which case it may only be amended by a vote or agreement of the owners of units to which at least ninety percent (90%) of the votes in the Association are allocated.

WHEREAS, the removal of Unit 202 from being a Timeshare Unit and the reallocation of the percentage interests of the Timeshare Units in the Timeshare Budget is considered a special restriction amendment to the Declaration pursuant to Section 18.3 of the Declaration, requiring approval of at least ninety percent (90%) of the votes in the Association.

WHEREAS, the current owner of all timeshare interest in Unit 202 is the Association.

WHEREAS, this amendment meets with the agreement of the Owner of the Unit so affected, has received greater than ninety percent (90%) approval of the votes of the owners within the Association and has met the approval of the Board of Directors.

NOW, THEREFORE, pursuant to and in compliance with Section 18.1 and Section 18.3 of the Declaration, and RCW 64.34.264, the Association hereby amends Exhibit "A" and Exhibit "C" of the Declaration, as follows:

I. AMENDMENT OF EXHIBIT "A"

Unit 202, containing approximately nine hundred thirty (930) square feet of area and listed as a value of Fifty-One Thousand Five Hundred Dollars and 00/100s ($51,500.00), having a unit percentage of 5.921, a one-twelfth (1/12) unit percentage of .4934, will no longer have a one-forty eighth (1/48) fractional timeshare unit percentage and will be listed as a non-timeshare unit.

A true and correct copy of the amended Exhibit "A" is attached hereto as Exhibit "A" and incorporated herein.

II. AMENDMENT OF EXHIBIT "C"

Exhibit "C" to the Amended and Restated Declaration is amended such that reference to Unit 202 containing a unit value of $51,500.00 shall no longer have a timeshare budget percentage interest, a one-twelfth (1/12) fractional interest or a one-forty eighth (1/48) fractional interest and instead, shall be listed as an exempt non-timeshare unit.

A true and correct copy of the amended Exhibit "C" is attached hereto and listed as Exhibit "C" to this amendment and incorporated herein.

III. LIMITATION OF AMENDMENT

Except as expressly modified by this amendment, all other terms and provisions of the Declaration and the Condominium Instruments are hereby expressly ratified and confirmed and shall remain in full force and effect.

IV. EFFECTIVE DATE

This First Amendment to the Amended and Restated Declaration shall take effect upon recording.

IN WITNESS WHEREOF, the undersigned Unit Owner and the Association has caused this First Amendment to be executed as of the date first written above. The Association by its President, hereby certifies, pursuant to Section 18.1 and 18.3 of the Declaration, that this Amendment was properly adopted.

APPROVED BY:

Unit 202 Condominium Owner

John Desjarden 7/1/17

By: John Desjarden, President
Cabana Club Owners' Association

CABANA CLUB OWNERS' ASSOCIATION,
a Washington non-profit corporation

By John Desjarden 7/1/17
John Desjarden, President

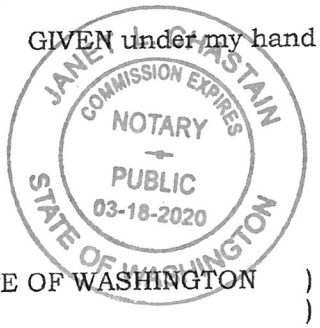
Attest:

By: Robin Barker
Robin Barker, Secretary

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this day, personally appeared before me, John Desjarden, to me known to be the President of the Cabana Club Owners' Association, the association that executed the foregoing instrument, acknowledged the said instrument to be the free and voluntary act and deed of said association, that the foregoing was properly adopted by the association for the uses and purposes therein mentioned, and all stated that he was authorized to execute the said instrument.

GIVEN under my hand and official seal this 1st day of July, 2017.

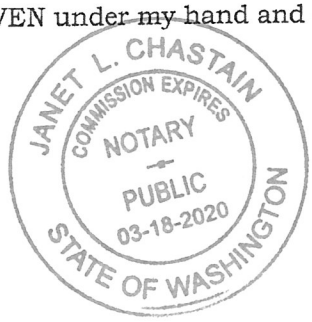


Janet L. Chastain
Notary Public in and for the State of Washington
Residing at Everett
My commission expires: 3/18/20

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this day, personally appeared before me, Robin Barker, to me known to be the Secretary of the Cabana Club Owners' Association, the association that executed the foregoing instrument, acknowledged the said instrument to be the free and voluntary act and deed of said association, that the foregoing was properly adopted by the association for the uses and purposes therein mentioned, and all stated that he was authorized to execute the said instrument.

GIVEN under my hand and official seal this 1st day of July, 2017.



Janet L. Chastain
Notary Public in and for the State of Washington
Residing at Everett
My commission expires: 3/18/20

EXHIBIT "A"

CABANA CLUB CONDOMINIUM

Non-Time-Share Unit Ownership

Bldg.	Unit	Approx. Area	Unit Value	Unit %	1/12 Fr. Unit TSU %	1/48 Fr. Unit TSU %
1	101	700	$41,900.00	4.421	.3684	.0921
	102	630	35,500.00	4.021	.3351	.0838
	103	630	35,500.00	4.021	.3351	.0838
	104	700	41,900.00	4.421	.3684	NTSU
	201	700	41,900.00	4.421	.3684	.0921
	202	930	51,500.00	5.921	.4934	NTSU
	203	930	51,500.00	5.921	.4934	.1234
	204	700	41,900.00	4.421	.3684	NTSU
2	105	700	$41,900.00	4.421	.3684	NTSU
	106	700	41,900.00	4.421	.3684	.0921
	107	700	41,900.00	4.421	.3684	.0921
	205	1060	55,000.00	6.721	.5601	.1400
	206	1060	55,000.00	6.721	.5601	NTSU
	207	1060	55,000.00	6.721	.5601	.1400
3	108	701	$41,900.00		---------- COMMON AREA	----------
	109	700	41,900.00	4.421	.6384	.0921
	110	700	41,900.00	4.421	.6384	NTSU
	208	1060	55,000.00	6.721	.5601	.1400
	209	1060	55,000.00	6.721	.5601	.1400
	210	1060	55,000.00	6.721	.5601	NTSU
TOTAL:		16,480	$923,000.00	100.00%	8.3332%	2.0833%

EXHIBIT "C"

TIME SHARE BUDGET

Percentage Of Interest

Bldg.	Unit	Unit Value	Percentage	1/12	1/48
1	101	$41,900.00	7.591	.6326	.15815
	102	35,500.00	6.431	.5359	.13398
	103	35,500.00	6.431	.5359	.13398
	104	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	201	41,900.00	7.591	.6326	.15815
	202	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	203	51,500.00	9.330	.7775	.19438
	204	EXEMPT ----------NON-TIMESHARE UNIT ----------			
2	105	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	106	$41,900.00	7.591	.6326	.15815
	107	41,900.00	7.591	.6326	.15815
	205	55,000.00	9.964	.8303	.20758
	206	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	207	55,000.00	9.964	.8303	.20758
3	108	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	109	$41,900.00	7.591	.6326	.15815
	110	EXEMPT ----------NON-TIMESHARE UNIT ----------			
	208	55,000.00	9.964	.8303	.20758
	209	55,000.00	9.964	.8303	.20758
	210	EXEMPT ----------NON-TIMESHARE UNIT ----------			
TOTAL		$552,500.00	100.00%	8.3333%	2.083%

LAW OFFICES OF GREGORY E. THULIN, P.S.

A Professional Service Corporation

2200 Rimland Drive, Suite 115
Bellingham, Washington 98226-6643

(360) 714-8599 / Fax (360) 714-1551
jenny@thulinlaw.com

July 12, 2017

John DesJarden
18830 Bagley Place, N.
Shoreline, WA 98133

Re: Cabana Club – First Amendment to Declaration

Dear John:

Enclosed for retention with the corporate records of Cabana Club Condominium Owners' Association is the original First Amendment to Restated and Amended Declaration of Condominium Establishing Cabana Club, a Condominium. It was recorded with the Whatcom County Auditor on July 11, 2017, under Auditor's File No. 2017-0700971.

Very truly yours,

Jenny

Jenny Brighton
Paralegal to Greg Thulin

Enclosure