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Condominium Law Group, PLLC
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Seattle, Washington 98133
(206) 633-1520

**AMENDED AND RESTATED MILL CREEK
DECLARATION OF RESTRICTIVE COVENANTS**

GRANTOR: MILL CREEK COMMUNITY ASSOCIATION

GRANTEE: MILL CREEK COMMUNITY ASSOCIATION

LEGAL DESCRIPTION: ALL THAT CERTAIN REAL PROPERTY KNOWN AS MILL CREEK-1, SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON, BEING A PORTION OF THE WEST HALF OF SECTION 5 AND THE EAST HALF OF SECTION 6, BOTH IN TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, AND ALL OTHER PROPERTY JOINED TO THE COMMUNITY.

REFERENCE #: 2362420

**AMENDED AND RESTATED MILL CREEK
DECLARATION OF RESTRICTIVE COVENANTS**

This Amended and Restated Declaration for the MILL CREEK COMMUNITY ASSOCIATION is made as of the date of its recording.

RECITALS

A declaration submitting real estate to restrictive covenants, entitled Mill Creek Declaration of Restrictive Covenants, was recorded on April 21, 1975, under Recording No. 2362420 in Snohomish County, Washington (the "Original Declaration"). The initial Plat Maps (Mill Creek-1) were recorded on April 23, 1975, in Snohomish County, Washington under Recording No. 2382696.

The Original Declaration has been previously amended by instruments recorded with Snohomish County. The Original Plat has been joined by multiple additional Plats over the years, each subjecting additional property to the Original Declaration. Exhibit A references a map of the community as of the time of recording this Declaration. Exhibit B includes a list of properties within the jurisdiction of the Mill Creek Community Association at the time of recording of this Declaration.

The Property and the Association are subject to the provisions of the Homeowners Association Act, RCW 64.38.

Pursuant to Section 12.1.3 of the Original Declaration, this Amended and Restated Declaration was approved by a majority of the Board of Directors.

Pursuant to Section 12.1.3 of the Original Declaration, at least fifty percent (50%) of the Voting Power in the Association approved this Amended and Restated Declaration, and not more than thirty-three and one-third percent (33 1/3%) objected to the Amended and Restated Declaration.

To accomplish the foregoing purpose, the undersigned President and Secretary, respectively, of the Mill Creek Community Association, the Association duly authorized to govern the Mill Creek Community, do hereby certify that the requirements of the Declaration have been complied with and the Association adopts the following Amended and Restated Declaration:

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“Leased Living Unit” shall mean an apartment consisting of one or more rooms intended for use and occupancy by a tenant of the Owner.

“Living Unit” or **“ Dwelling Unit”** shall mean any structure or portion of a structure situated upon the Properties designed and intended for use, occupancy and Ownership as a residence by a single family. It includes townhouses, condominium units and apartments, but does not include Lots or Single Family Lots.

“Lot” or **“Single Family Lot”** means a physical portion of the real property located within the Association's jurisdiction designated for separate ownership for the construction of a single detached home.

“Member” means the Owner of a Lot or Living Unit, as further provided in the Bylaws under Section 3.1.

“Owner” shall mean the record Owner, whether one or more persons or entities, of fee simple title to any Building Site, Lot or Living Unit situated upon the Properties, but shall not mean a mortgagee nor a condominium Association owning record title to a tract of land on which is located a condominium development.

"Organizational Documents" means the instruments filed with the Secretary of State to create an entity and the instruments governing the internal affairs of the entity including, but not limited to, any articles of incorporation, certificate of formation, and Bylaws (which need not be filed or recorded).

“Original Declaration” means the Mill Creek Declaration of Covenants recorded on April 21, 1975, under Recording No. 2362420 in Snohomish County.

“Parking Bay” means a space designed for parking a car or similar vehicle that may be within or adjacent to a Single Family Lot. It is a paved parking area or driveway.

“Person” means a natural person, corporation, partnership, limited partnership, trust, governmental subdivision or agency, or other legal entity.

“Properties” or **“Property”** shall mean all the Property herein above described and all Property included in subsequent plats or conveyances by specific reference and additions thereto subject to this Declaration or any supplemental Declaration under the provisions of Article III hereof. “Property” includes Single Family Lots (including any common areas within a Plat which is subject to the Declaration), Townhouses, Condominiums (including their common areas and Living Units), apartments (including their common areas and Living Units), and all common areas of the Mill Creek Community.

"Record," when used as a noun, means information inscribed on a tangible medium or contained in an electronic transmission, as further defined in Section 4.7.

“Related Party” means a person who has been certified in a written document filed by a Property Owner with the Association to be (a) the Owner's spouse, domestic partner, parent, parent-in-law, sibling, sibling-in-law, step parent, step sibling, parent's sibling, or lineal descendant or ancestor of any of the foregoing persons; (b) an officer or director of any Property Owner that is a corporation; (c) a member of any Property Owner that is a limited liability company; (d) the trustee or beneficiary of any Property Owner that is a trust; or (e) a partner of any Property Owner that is a partnership.

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**CORRECTED AMENDED AND RESTATED MILL CREEK
DECLARATION OF RESTRICTIVE COVENANTS**

GRANTOR: MILL CREEK COMMUNITY ASSOCIATION

GRANTEE: MILL CREEK COMMUNITY ASSOCIATION

LEGAL DESCRIPTION: ALL THAT CERTAIN REAL PROPERTY KNOWN AS MILL CREEK-1, SITUATE IN THE COUNTY OF SNOHOMISH, STATE OF WASHINGTON, BEING A PORTION OF THE WEST HALF OF SECTION 5 AND THE EAST HALF OF SECTION 6, BOTH IN TOWNSHIP 27 NORTH, RANGE 5 EAST, WILLAMETTE MERIDIAN, AND ALL OTHER PROPERTY JOINED TO THE COMMUNITY.

REFERENCE #: 2382420, 202206220325

**CORRECTED AMENDED AND RESTATED MILL CREEK
DECLARATION OF RESTRICTIVE COVENANTS**

This Corrected Amended and Restated Declaration for the MILL CREEK COMMUNITY ASSOCIATION is made as of the date of its recording.

RECITALS

A declaration submitting real estate to restrictive covenants, entitled Mill Creek Declaration of Restrictive Covenants, was recorded on April 21, 1975, under Recording No. 2382420 in Snohomish County, Washington (the “Original Declaration”). The initial Plat Maps (Mill Creek-1) were recorded on April 23, 1975, in Snohomish County, Washington under Recording No. 2382696. The Original Declaration has been previously amended by instruments recorded with Snohomish County. The Original Plat has been joined by multiple additional Plats over the years, each subjecting additional property to the Original Declaration. Exhibit A references a map of the community as of the time of recording this Declaration. Exhibit B includes a list of properties within the jurisdiction of the Mill Creek Community Association at the time of recording of this Declaration.

The Original Declaration was replaced by the Amended and Restated Mill Creek Declaration of Restrictive Covenants, recorded on June 6, 2022, under Recording No. 202206220325 in Snohomish County, Washington (the “Amended and Restated Declaration”). The Property and the Association are subject to the provisions of the Homeowners Association Act, RCW 64.38.

The Amended and Restated Declaration incorrectly states the Recording Number of the Original Declaration. This Corrected Amended and Restated Mill Creek Declaration of Restrictive Covenants corrects that error. Pursuant to Section 12.7 of the Amended and Restated Declaration, the Association may correct scrivener’s error by providing thirty (30) days advance notice to Lot Owners and approval by two-thirds (2/3) of the members of the Board, without a vote of the Lot Owners.

To accomplish the foregoing purpose, the undersigned President and Secretary, respectively, of the Mill Creek Community Association, do hereby certify that the requirements of the Declaration have been complied with and the Association adopts the following Corrected Amended and Restated Declaration:

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“Owner” shall mean the record Owner, whether one or more persons or entities, of fee simple title to any Building Site, Lot or Living Unit situated upon the Properties, but shall not mean a mortgagee nor a condominium Association owning record title to a tract of land on which is located a condominium development.

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