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DOCUMENT TITLE:

Tenth Amendment to Condominium  
Declaration for The Courtyard at Queen  
Anne Square, A Condominium and First  
Amendment to the Bylaws of The Courtyard  
at Queen Anne Square Owners Association

REFERENCE NUMBERS:

20000601000783, 20010919001640,  
20030811001681, 20040510002258  
20050131000498 20050705001473,  
20061002001806, 20110729000458,  
20110804001080, 20150528001315

GRANTOR(S):

The Courtyard at Queen Anne Square  
Owners Association

GRANTEE(S):

The Courtyard at Queen Anne Square  
Owners Association

SHORT LEGAL DESCRIPTION:

The Residential Unit of Queen Anne  
Square, A Condominium Per Condominium  
Declaration Recorded Under King County  
Recording No. 19990930002421.

ASSESSOR'S PROPERTY TAX  
PARCEL/ACCOUNT NUMBERS:

1792530010  
through 1792530750 inclusive

DEPARTMENT OF ASSESSMENTS  
Examined and approved this 14th day of June, 2016.  
John Wilson by Alan Wolfson  
Print Name: Alan Wolfson  
King County Assessor

**TENTH AMENDMENT TO CONDOMINIUM DECLARATION FOR THE  
COURTYARD AT QUEEN ANNE SQUARE, A CONDOMINIUM AND  
FIRST AMENDMENT TO THE BYLAWS OF THE COURTYARD AT QUEEN ANNE  
SQUARE OWNERS ASSOCIATION**

Pursuant to (a) RCW 64.34 et seq. (b) the Washington Condominium Act, and (c) Sections 26.2.1 and 26.2.5 of the Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, King County Recorder's Office file number 20000601000783 as amended ("Declaration"), and Article 8 of the Bylaws of The Courtyard at Queen Anne Square Owners Association ("Bylaws") and (i) the unanimous vote or consent of Owners (only the vote or consent of Owners holding at least 67% of the votes in The Courtyard at Queen Anne Square Owners Association ("Association") is required), and (ii) the consent of Eligible Mortgagees that have at least 51% of the votes of Units subject to Mortgages held by Eligible Mortgagees; the Declaration and Bylaws shall be amended as follows:

WHEREAS, the Declaration has previously been amended as follows:

a. by Amendment No. 1 to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20010919001640;

b. by Second Amendment to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 2003081100168;

c. by Amendment No. 3 to Condominium Declaration and Survey Map and Plans for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20040510002258;

d. by Amendment No. 4 to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20050131000498;

e. by Amendment No. 5 to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20050705001473;

f. by Amendment No. 6 to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20061002001806;

g. by Seventh Amendment to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20110729000458;

h. by Eighth Amendment to Condominium Declaration for The Courtyard at Queen

Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20110804001080;

i. by Amendment No. 9 to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20150528001315;

WHEREAS, the Bylaws have not previously been amended;

WHEREAS, the Survey Map and Plans have been filed in the King County Recorder's Office, file number 20000601000782, Volume 164 of Condominiums, Pages 48 through 55, as amended by file numbers 20010919001639, Volume 177 of Condominiums, pages 45 through 51, and 20050131000498;

WHEREAS, at a meeting duly called and held on 2/9, 2016, not less than a majority of the Board of Directors of the Association voted to submit this Tenth Amendment to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium and First Amendment to the Bylaws of The Courtyard at Queen Anne Square Owners Association ("Amendment") to the owners for their consideration and approval;

WHEREAS, pursuant to Section 26.2.1 of the Declaration, after proper notice to all Owners entitled to vote thereon duly given, the vote or consent of all Owners (even more than Owners holding at least 67% of the votes in the Association), have voted/agreed/consented to amend the Declaration and Bylaws as hereinafter set forth;

WHEREAS, pursuant to Section 26.2.1 and 26.2.5 of the Declaration, after proper notice to all Eligible Mortgagees entitled to vote thereon duly given, consent of Eligible Mortgagees that have at least 51% of the votes of Units subject to Mortgages held by Eligible Mortgagees have voted/agreed/consented to amend the Declaration and Bylaws as hereinafter set forth (such Eligible Mortgagee has responded with its approval thereof in writing, or such Eligible Mortgagee has failed to respond within thirty (30) days after it receives proper notice of the proposed amendment or action so long as the notice was delivered by certified or registered mail with return receipt requested);

NOW THEREFORE, BE IT RESOLVED: The President and Secretary of the Association certify the Declaration and Bylaws to have been amended and duly adopted as follows:

I. **Bylaws – Electronic Notice and Voting.** The following new language shall be added to the Bylaws as new Section 2.13 as follows:

"Section 2.13. Electronic Notice and Voting. In addition to the notice and voting provisions above, at the sole and exclusive discretion of the Board, the Association may send a Membership Meeting Notice to a Consenting Member via e-mail. An e-mail Membership Meeting Notice may be sent to some Consenting Members. The Association may receive a Voting Document from a Member by mail and/or via e-mail.

A Member who's Voting Document has been received by the Association is present for all Membership vote counting purposes, including establishing a quorum and determining the percentage of total voting interest present. This is for meetings of members only.

(a) As used in this Section, these words have these meanings:

"Consent" means a written statement, substantially the same as the following statement, delivered by a member to the Association:

My name is \_\_\_\_\_.

I am an Owner of Unit \_\_\_\_\_.

My e-mail address ("e-mail Address") is \_\_\_\_\_.

I consent to receive, and waive objection to receiving Membership Meeting Notice(s) and Normal Attachments sent via e-mail to this e-mail address in this e-mail message format.

"Consenting Member" means a member who has given Consent and has not Revoked it.

"Governing Document Notice" means a notice given to comply with a notice requirement imposed by the Declaration, the Bylaws, or the rules or regulations, but does not include notice of (i) failure to pay an assessment, (ii) foreclosure of an Association lien, (iii) intent to enter a unit, or (iv) any enforcement or other action the Association may take against an Owner.

"Membership Meeting Notice" means any required notification by the Association to its members given to afford the members an opportunity to participate in making a decision or in taking an action that the Association membership is authorized to make or take. This includes any material that is required under the Washington Condominium Act and the Nonprofit Corporations Act (RCW 64.34 et seq. and RCW 24.03 et seq. respectively) to accompany said notice. For a Board director or officer, "Membership Meeting Notice" also includes any required notification by the Association to a Board director or officer given to afford the director or officer an opportunity to participate in making a decision or in taking an action that the Board is authorized to make or take. "Membership Meeting Notice" does not include any required notification by the Association to a specific member of its intent to take any enforcement or collection action against the member.

"Normal Attachments" include file formats with any of the following file extensions: .doc; .docx; .xls; .xlsx; .pdf; .txt; .jpeg; .jpg; and .html, or such file formats as are commonly used in business at the time.

"Revoked" means that a Consent is no longer valid due to (a) the Consenting Member, or a co-owner of the Consenting Member's Unit,

delivering notice to the Association that the Consent is revoked, or (b) the Association is unable to transmit two (2) consecutive Membership Meeting Notices to a Consenting Member in accordance with these Bylaws and the Statute, and this inability becomes known to the Board.

"Statute" means, and incorporates here, these sections of RCW 24.03.005(9), (12-15), and (18-21); .009; .080; and .085, as amended from time to time or their successor statutes.

"via e-mail" means electronic transmission of information from a sender to a receiver in a form that the sender and receiver can both store and print, but it does not include transmissions sent via text message, instant message, Twitter, a comment posted by a Member on a social networking website or blog, or other forms of electronic communication. For Membership Meeting Notice given by the Association to a Consenting Member, "via e-mail" also means the combination of (a) posting the notice on an electronic network by the Association, and (b) delivering clear instructions to the Member on how to access the notice posted on the network. For receiving a Voting Document from a Member, "via e-mail" includes the additional requirements that (a) the identity of the sending Member is either (i) stated in the information transmitted, or (ii) already known to the Association, and (b) the Voting Document is received at an e-mail address, location or system that the Association designated for receipt of the Voting Document.

"Voting Document" means a proxy, ballot, vote, consent or other record by which a Member may exercise a right to participate in making a decision or taking an action that the Association membership is authorized to make or take. The Association's right to receive a Voting Document via e-mail specifically includes the right to conduct election of directors and to seek membership approval of a proposal via e-mail.

(b) In addition to the delivery methods set forth in this Article, any and all Membership Meeting Notices, and any and all Governing Document Notices, as here defined as defined in Section 2.13 of the Bylaws, may be delivered by electronic transmission, provided that such delivery is made pursuant to, and in compliance with, Section 2.13 of the Bylaws.

(c) At the discretion of the Board, any matter which might come before the Association at a meeting of the members, including election of directors, may be noticed and determined by e-mail as set forth above. Further, the notice and electronic vote shall comply with the Statute.

(d) A Board director or officer cannot be present at, or participate in, a Board meeting via e-mail. However, the Board may communicate via e-mail amongst themselves between meetings of the Board of Directors. Any decisions arrived at by

the Board during these non meeting communications shall automatically be ratified by the Board at the next Board meeting, without the need for further action by the Board."

**II. Ratification.** All previous amendments to the Declaration, including without limitation the Seventh Amendment to Condominium Declaration for The Courtyard at Queen Anne Square, A Condominium, filed in the King County Recorder's Office, file number 20110729000458, and all other amendments listed in the first recital above, are hereby unanimously approved, ratified and confirmed by Owners holding all of the votes in the Association.

**III.** If any provision of this Amendment, on its face or as applied to any person or circumstance, is or becomes unenforceable to any extent, the remainder of this Amendment and the application of that provision to other persons, circumstances, or extent, will not be impaired. Except as otherwise specifically indicated, all references to this Amendment include the Declaration and any subsequent amendments to the Declaration.

This Amendment shall become effective immediately upon the recording hereof. Except as amended by this instrument, the Declaration and Bylaws shall remain in full force and effect. The terms of this Amendment shall control over and implicitly amend any inconsistent provisions of the Declaration. Additionally, the terms of this Declaration Amendment shall control over any inconsistent provision of the Association's Bylaws or Articles of Incorporation.

In Witness whereof, the undersigned herein set their hands this 3 day of JUNE, 2016.

THE COURTYARD AT QUEEN ANNE SQUARE OWNERS ASSOCIATION

By: Kelly Marquardt  
Print Name: Kelly Marquardt  
Its: President

ATTEST AND CERTIFIED; Said Amendment has been properly adopted.

THE COURTYARD AT QUEEN ANNE SQUARE OWNERS ASSOCIATION

By: Robert Chang  
Print Name: ROBERT CHANG  
Its: Secretary



STATE OF WASHINGTON )

) ss CORPORATE ACKNOWLEDGMENT

COUNTY OF KING )

On this day personally appeared before me KEVIN MARQUARDT to me known to be the individual who executed the within and foregoing instrument as duly appointed President for The Courtyard at Queen Anne Square Owners Association, and acknowledges that he/she signed the same as his/her free and voluntary act and deed and on oath stating that his/her powers authorizing the execution of this instrument have not been revoked.

GIVEN under my hand and official seal the 3 day of JUNE 2016.



[Signature]  
SIGNATURE  
JOHN A. COE  
PRINTED NAME

Notary Public in and for the State of Washington  
Residing at ISSAQUAH, WA  
My Commission Expires: 5/9/20

STATE OF WASHINGTON )

) ss CORPORATE ACKNOWLEDGMENT

COUNTY OF KING )

On this day personally appeared before me ROBERT CHANG to me known to be the individual who executed the within and foregoing instrument as duly appointed Secretary for The Courtyard at Queen Anne Square Owners Association, and acknowledges that he/she signed the same as his/her free and voluntary act and deed and on oath stating that his/her powers authorizing the execution of this instrument have not been revoked.

GIVEN under my hand and official seal the 3 day of JUNE 2016.



[Signature]  
SIGNATURE  
JOHN A. COE  
PRINTED NAME

Notary Public in and for the State of Washington  
Residing at ISSAQUAH WA  
My Commission Expires: 5/9/20