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STEVENS COUNTY AUDITOR

At request of  
Stevens County Planning  
and Community Development  
WILLIAM E. PROVOST  
COUNTY AUDITOR

AFTER RECORDING RETURN TO:

MONTGOMERY LAW FIRM  
Attorneys at Law  
344 East Birch Street  
Colville, Washington 99114-0269

*Debra Leach*  
Deputy  
Mail to: *PLM*  
\$8.00

DECLARATION OF PROTECTIVE COVENANTS

The undersigned JAMES W. HARBERD and FUMIKO T. HARBERD, Owners of the real property hereinafter described, located in Stevens County, Washington, and having been duly platted into Tracts and Streets to be known as ASAHI TERRACE, records of Stevens County, Washington, hereby make the following declarations as to limitations, restrictions, and uses to which the lots or tracts constituting such sub-division may be put, and hereby specify that such declarations shall constitute covenants to run with all the land, as provided by law, and shall be binding on all parties and all persons claiming under them, and for the benefit of and limitations on all future owners in such sub-division, this declaration of restrictions being designed for the purpose of keeping said sub-division desirable, uniform and suitable in architectural design and use as specified herein:

I. DESCRIPTION OF PROPERTY

The property which is the subject of these Restrictive Covenants is described as follows:

Lots 1 through 30, inclusive, of ASAHI TERRACE, as per Plat thereof recorded in Stevens County, Washington.

II. DURATION

The Covenants and Restrictions herein contained shall be perpetual, unless modified or terminated as hereinafter set forth.

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APPL # \_\_\_\_\_  
REAL ESTATE EXCISE TAX  
AMT PD. *None*  
DATE *2-28-89*  
STEVENS COUNTY TREASURER  
BY *Steve Provost*

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### III. RESTRICTION ON FURTHER SUB-DIVISION

No lot within the Plat herein described shall be further sub-divided, except that any lot may be sub-divided if all portions thereof are, by said sub-division, made an integral part of and attached to an adjacent lot.

### IV. GENERAL RESIDENCE RESTRICTION

No building whatever except a private, single family dwelling house with the necessary outbuildings, including a private garage, shall be erected, placed or permitted on the above-described property or any part thereof, and such dwelling house permitted on the property shall be used as a private residence only.

### V. BUSINESS ACTIVITY

No commercial or industrial business nor any noxious or offensive trade or activity shall be conducted upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to, or attract from the neighborhood; provided, however, this restriction shall not prevent the rental or lease of the residence thereon as a single family dwelling.

### VI. CONSTRUCTION

All buildings placed on the property shall be of new construction. All buildings shall be constructed in accordance with the provisions of the Uniform Building Code in effect at the date of construction. Any structure shall be completed within one (1) year of construction. There shall be no more than two (2) buildings detached from the dwelling on any lot.

### VII. MOBILE HOMES, MODULAR HOMES AND TRAILERS PROHIBITED

No mobile homes, modular homes or trailer houses shall be placed on the property. No structures of a temporary character, recreation vehicle, tent, shack, garage, basement or other outbuildings shall be used as a residence.

### VIII. FENCES

Property line fences or screens must be of reasonable height and may not unduly obscure the view or detract materially from the use and enjoyment of adjacent property.

### IX. TRASH REMOVAL

No trash, garbage, refuse, ruins or other remains of any kind, including disabled vehicles, shall be thrown, dumped, placed, disposed of or permitted to remain on any portion of the land within the plat, whether vacant or

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COVENANTS - Page 2

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occupied, nor shall the premises be used as a storage area for any purpose other than the storage of materials used in connection with the operation of a household. The owners and person or persons in possession or control of any lot shall be responsible for the prompt removal therefrom of all trash, garbage, refuse, ruins or other remains. All trash, garbage and other refuse shall be kept in containers which shall be maintained in a clean and sanitary condition and shall be kept hidden from street view.

#### X. ANIMALS

No domestic animal, fowl, or livestock of any kind shall be kept, quartered or maintained on any lot, except that dogs, cats or other common household pets may be kept on a non-commercial basis; provided, however, no animal or fowl of any kind shall be kept, quartered or maintained on any lot if its presence constitutes a nuisance.

#### XI. SET-BACK RESTRICTIONS

No buildings shall be located on any lot nearer than twenty-five (25) feet from the front lot line nor nearer than ten (10) feet to any side or rear lot line.


#### XII. MODIFICATION

The covenants, agreements, conditions, reservations and restrictions created and established herein may be waived, terminated or modified as to the whole of the above-described property constituting the plat or any portion thereof with the written consent of the owners of seventy-five per cent (75%) of the lots in the plat.

#### XIII. ENFORCEMENT

It is expressly understood and agreed that the restrictive covenants contained herein shall attach to and run with the land, and it shall be lawful not only for the Grantors, their heirs and assigns, but also for the owner or owners of any lot within the plat deriving title from or through Grantors to institute or prosecute any proceedings at law or in equity against the person or persons violating or threatening to violate the same.

DATED this 7<sup>th</sup> day of November, 1988.

  
 \_\_\_\_\_  
 JAMES W. HARBERD

  
 \_\_\_\_\_  
 FUMIKO T. HARBERD

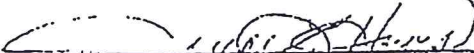
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STATE OF WASHINGTON }  
COUNTY OF STEVENS } ss.

On this day personally appeared before me JAMES W. HARBERD and FUMIKO T. HARBERD, husband and wife, to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 7th day of November, 1988.

  
NOTARY PUBLIC in and for the State of Washington, residing at Colville, WA.  
My Commission Expires: 1-31-90



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STEVENS COUNTY  
STATEMENT OF VARIANCE  
MODIFICATION OF  
PLAT RESTRICTIONS

APPLICATION NO. V 38-90  
ASAHI TERRACE  
S. 13/14, T. 36, R. 37

A PETITION has been submitted requesting a modification of the following plat restriction as shown on the Plat of ASAHI TERRACE recorded February 28, 1989, in Book E of Plats, page 38, under Auditor's File #8901476.

1) The Grantee reserves the following easements in the plat: An easement 10 feet wide and lying adjacent to all front, rear, and side lots lines of each lot for the purpose of installing, operation, and maintaining public utilities, road grading and drainage, together with other easements more specifically shown on the face of the plat.

SAID PETITION has been reviewed in the context of evidence presented by the applicant, applicable state and local statutes and all other relevant information. The petition was heard before the Stevens County Planning Commission on November 8, 1990, and before the Stevens County Board of Commissioners on November 19, 1990.

THEREFORE, THE CORRECTED PLAT RESTRICTION IS AS FOLLOWS:

1) The Grantor reserves an easement 10 feet wide and lying adjacent to Fumi Circle, along the front lot lines for the purposes of installation, operation and maintenance of public utilities. The Grantor further reserves other easements as specified on the Plat of ASAHI TERRACE, recorded February 28, 1989, in Book E of Plats, page 38, under Auditor's File #8901476.

THE UNDERSIGNED GRANTORS, do hereby acknowledge that this restriction modification as described hereon, has been made with their consent and in accordance with their desires.

DATED THIS 29th day of November, 1990.

James W. Harberd  
James W. Harberd Husband

Fumiko T. Harberd  
Fumiko T. Harberd Wife

Continued on page 2 of 2 pages

At Request of  
Stevens County Planning Office  
WILLIAM E. PROVOST  
COUNTY AUDITOR

Michelle R. Widdowson  
Deputy  
Mail to FILED.  
CS \$2.00 \$6.00

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STEVENS COUNTY AUDITOR

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