

Auditor File #: 1999 0010781

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STEVENS COUNTY TITLE COMPANY

on 09/10/1999 at 14:21

AFTER RECORDING MAIL TO:

MONTGOMERY LAW FIRM  
344 East Birch Street  
P.O. Box 269  
Colville, Washington 99114-0269

Total of 3 page(s) Fee: \$ 10.00  
STEVENS COUNTY, WASHINGTON  
TIM GRAY, AUDITOR  
AGAGNON

Parcel No. 1701185 and a Portion of 1699400

79062 (5) File: 2519

### SECOND AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS

The undersigned, JAMES W. HARBERD and FUMIKO T. HARBERD, husband and wife, Owners of the real property hereinafter described, located in Stevens County, Washington, hereby make the following amendment of the legal description affected by all existing Declarations of Protective Covenants, and as to limitations, restrictions, and uses to which the property may be put, and hereby specify that such declarations shall constitute covenants to run with all the land described below, 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 of such property, this declaration of restrictions being designed for the purpose of keeping said property desirable, uniform and suitable in architectural design and use as specified in the original Declaration of Protective Covenants and all amendments thereto including this Second Amendment. The property which is the subject of this Second Amendment to Declaration of Protective Covenants is legally described as follows:

**PARCEL 1:**

The N 1/2 of the SE 1/4; and the SW 1/4 of the SE 1/4 of Section 13, Township 36 North, Range 37 East, lying North of State Highway 395 and South of the ownership of the United States of America, AND EXCEPTING THEREFROM a strip of land two hundred forty (240) feet in width, more or less, parallel to State Highway 395, EXCEPTING FURTHER any additional distances that may be required by the Stevens County Planning Department for the development of commercial lots with State Highway 395 frontage.

**PARCEL 2:**

That part of the NW 1/4 of the SE 1/4 and that part of the SW 1/4 of the NE 1/4 of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington, described as follows:

Commencing at the Southwest corner of the NW 1/4 of the SE 1/4 of said Section 13; thence North 3°37'37" West, along the West boundary of the NW 1/4 of the SE 1/4 of said Section 13, a distance of 500.00 feet; thence North 86°22'23" East, a distance of

SECOND AMENDMENT TO DECLARATION  
OF PROTECTIVE COVENANTS - Page 1

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36.69 feet to the True Point of Beginning of this description; thence continue North 86°22'23" East, a distance of 323.31 feet; thence North 3°37'37" West to a point on the U.S.B.R. Boundary as presently located; thence Northwesterly along said boundary to a point located North 2°28'30" West from the Point of Beginning; thence South 2°28'30" East to the True Point of Beginning.

The foregoing legal descriptions shall supersede and replace in their entirety all previous legal descriptions pursuant to Paragraph 12 of the Declaration of Protective Covenants recorded September 19, 1984 under Auditor's File No. 540331. Further, pursuant to the foregoing and that certain Declaration of Protective Covenants recorded April 17, 1990 under Auditor's File No. 9002441, and all other existing Declaration of Protective Covenants, the undersigned representing in excess of seventy-five percent (75%) of the ownership interest in the real property hereinabove described, make, the following amendments to all existing covenants:

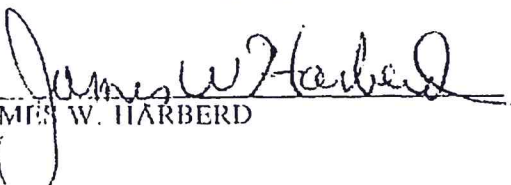
Paragraph 3: Restrictions on Further Subdivision: Paragraph 3 shall be amended as follows: No lot within the plat herein shall be further sub-divided; except that any lot may be sub-divided if all portions thereof are, by said sub-division, made an integral part of and attached to an adjacent lot.

Paragraph 4: General Residence Restrictions: Paragraph 4 shall be amended as follows: 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.

Paragraph 5: Business Activities: Paragraph 5 shall be amended as follows: 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 to the neighborhood; provided, however, this residence shall not prevent the rental or lease of the residence thereon as a single family dwelling.

FUTURE DEVELOPMENTS: All existing Declarations of Protective Covenants as now amended, shall apply to all existing residential platted parcels within the hereinabove described legal descriptions. Any other existing differences in all prior Declarations of Protective Covenants shall remain in full force and effect as to existing platted parcels only. All future non-commercial platted parcels shall be governed by all Declarations of Protective Covenants as now amended. Further, all existing Declarations of Protective Covenants, as amended hereby shall apply with like effect to all future non-commercial plats within said legal descriptions. All existing Declarations of Protective Covenants and this Second Amendment shall not apply to commercial plats hereinafter approved by the Stevens County Planning Department.

DATED this 10th of September, 1999.

  
JAMES W. HARBERD

  
FUMIKO T. HARBERD





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AFTER RECORDING RETURN TO:

MONTGOMERY LAW FIRM  
344 East Birch Street  
P.O. Box 269  
Colville, Washington 99114-0269

FEB 12 3 47 11 '93

DEPT. F. COWLEY  
CS \$2.00 \$7.00

**FIRST AMENDMENT TO DECLARATIONS OF PROTECTIVE COVENANTS**

The undersigned, JAMES W. HARBERD and FUMIKO T. HARBERD, husband and wife; and WASHI INC., a Washington corporation, representing in excess of seventy five percent (75%) of the ownership interest of the real property hereinafter described, located in Stevens County, Washington, hereby make the following amendment to all existing Declarations of Protective Covenants, including but not limited to the Declarations of Protective Covenants pertaining to those residential platted lots commonly known as Short Plat SP 82-83; Short Plat SP 55-85; Short Plat SP 62-87; and Short Plat SP 12-89, as to limitations, restrictions, and uses and hereby specify that this amendment to Declarations of Protective Covenants 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 of non-commercial platted portions of such real property, this declaration being designed for the purpose of keeping said real property desirable, uniform and suitable in architectural design and use as specified in the original Declarations of Protective Covenants and this amendment. The property which is the subject of this First Amendment to Declarations of Protective Covenants is legally described as follows:

The N 1/2 of the SE 1/4; and the SW 1/4 of the SE 1/4 of Section 13, Township 36, Range 37, lying North of State Highway 395 and South of the ownership of the United States of America. EXCEPTING therefrom a parcel of land within the NW 1/4 of the SE 1/4 of Section 13, Township 36 North, Range 37 East, W.M., Stevens County, Washington more particularly described as follows:

Commencing at the Southwest corner of the NW 1/4 of the SE 1/4 of said Section 13; thence North 3 degrees 3' 37" West, along the West boundary of the NW 1/4 of the SE 1/4 of said Section 13, a distance of 500.00 feet; thence North 86 degrees 22' 23" East, a distance of 36.69 feet, to the true point of beginning of this description; thence continue North 86 degrees 22' 23" East, a distance of 323.31 feet; thence North 3 degrees 37' 37" West; a distance of 400.00 feet; thence South 86 degrees 22' 23" West; a distance of 315.27 feet; thence South 2 degrees 28' 30" East, a distance of 400.08 feet, to the true point of beginning.

Pursuant to Paragraph 12 of the Declaration of Protective Covenants recorded September 19, 1984 under Stevens County Auditor's File No. 540331; and the Declaration of Protective Covenants recorded April 17, 1990 under Stevens County Auditor's File No. 9002441, and any other existing Declarations of Protective Covenants, the undersigned representing in excess a seventy five percent (75%) of the ownership interest in the real property hereinabove described, make, the following amendments to the existing covenants:

Paragraph 3: Restriction on Further Sub-Division: Paragraph 3 shall be amended as follows: 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.

Paragraph 4: General Residence Restrictions: Paragraph 4 shall be amended as follows: 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.

**FIRST AMENDMENT TO DECLARATIONS  
OF PROTECTIVE COVENANTS - Page 1**

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Paragraph 5: Business Activity: Paragraph 5 shall be amended as follows: 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 to the neighborhood; provided, however, this restriction shall not prevent the rental or lease of the residence thereon as a single family dwelling.

FUTURE DEVELOPMENTS: The existing Declarations of Protective Covenants as now amended, shall apply to all existing residential platted parcels within the hereinabove described legal description. Any other existing differences in the Declarations of Protective Covenants shall remain in full force and effect as to existing platted parcels only. All future non-commercial platted parcels shall be governed by the Declaration of Protective Covenants recorded September 19, 1984 under Stevens County Auditor's File No. 540331, as now amended. Further, the existing Declarations of Protective Covenants, as amended hereby shall apply with like effect to all future non-commercial plats within said legal description. The existing Declarations of Protective Covenants and this amendment shall not apply to commercial plats hereinafter approved by Stevens County.

DATED this 12<sup>th</sup> day of February, 1993.

James W Harberd  
JAMES W. HARBERD

Fumiko T Harberd  
FUMIKO T. HARBERD

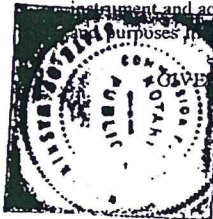
WASHI INC., a Washington corporation

Fumiko T Harberd  
FUMIKO T. HARBERD  
President

James W Harberd  
JAMES W. HARBERD  
Secretary

STATE OF WASHINGTON )  
                                  ) ss.  
COUNTY OF STEVENS )

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.



under my hand and official seal this 12<sup>th</sup> day of February, 1993.

James W. Harberd  
NOTARY PUBLIC in and for the State of Washington, residing at Colville, WA.  
My Appointment Expires: 2-19-94

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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF STEVENS )

On this day, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared FUMIKO T. HARBERD and JAMES W. HARBERD, to me known to be the President and Secretary, of WASHI INC., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.



GIVEN under my hand and official seal this 12<sup>th</sup> day of February, 1993.

Shirley Brown  
NOTARY PUBLIC in and for the State of  
Washington, residing at Colville, WA.  
My Appointment Expires: 8-4-94

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REC'D  
1989 APR 11 11 23 AM

DECLARATION OF PROTECTIVE COVENANTS

The undersigned, WASHI, INC., a Washington corporation, Owner of the real property hereinafter described, located in Stevens County, Washington, and having been duly platted as a short sub-division recorded May 17, 1984, in Book 87, Page 1715, records of Stevens County, Washington, under Auditor's File No. 536270, 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.

1. Description of Real Property:

The property which is the subject of these restrictive covenants is described as follows:

That portion of the SW 1/4 of the SE 1/4 of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington, described as follows:

Commencing at the Southeast corner of the SW 1/4 of the SE 1/4 of said Section 13; thence North 02 degrees 51'50" West, along the East line of the SW 1/4 of the SE 1/4 of said Section 13, 330.00 feet to the true point of beginning; thence continuing North 02 degrees 51'50" West, 657.00 feet; thence South 71 degrees 09'46" West, 188.74 feet; thence South 09 degrees 13'57" West, 258.53 feet; thence



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South 26 degrees 18'03" West, 203.38 feet; thence South 58 degrees 00'25" East, 318.85 feet; thence North 81 degrees 13'59" East, 73.49 feet, to the true point of beginning.

Designated as Lot 3 of Short Plat No. SP 62-87 recorded August 31, 1989 under Auditor's File No. 8905872.

2. Duration of Restrictions:

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

3. Restriction on Further Sub-Division:

No lot within the short 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.

4. General Residence Restriction:

No building whatever except a private dwelling house with the necessary buildings, 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.

5. Business Activity:

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

6. 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 two (2) years of the beginning of construction. There shall be no more than two (2) buildings detached from the dwelling on any lot.

7. 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.

8. 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.

9. 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 short plat, whether vacant or 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 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 clear and sanitary condition and shall be kept hidden from street view.

10. Animals:

No domestic animal, fowl, or livestock of any kind shall be kept, quartered or maintained on any lot, except

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that dogs, cats, no more than two (2) horses, 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.

11. 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 fifteen (15) feet to any side or rear lot line.

12. 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 short plat or any portion thereof with the written consent of the owners of seventy-five percent (75%) of the lots in the short plat.

13. Enforcement:

It is expressly understood and agreed that these several 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 short 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 13<sup>th</sup> day of April, 1990.

Fumiko T. Harberd  
Fumiko T. Harberd  
President

James W. Harberd  
James W. Harberd  
Vice President

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STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF STEVENS )

On this day personally appeared before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, FUMIKO T. HARBERD and JAMES W. HARBERD to me known to be the President and Vice President respectively, of WASHI, INC., the Washington corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they are authorized to execute the said instrument.

WITNESSED my hand and official seal hereto affixed this 04 day of April, 1990.

*[Signature]*  
NOTARY PUBLIC in and for the State of Washington, residing at Colville, WA.  
My Appointment Expires: 5-14-92

At request of  
Stevens County Title Co.  
WILLIAM E. PROVOST  
COUNTY AUDITOR

*[Signature]*  
Deputy

Mail to  
CS \$2.00 \$9.00 →

Montgomery Law Firm  
Colville, WA 99114



540331

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 <sup>been</sup> duly platted as a short sub-division recorded May 17, 1984, in Book 87, page 1715, records of Stevens County, Washington, under Auditor's file No. 536270, 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:

1. Description of Real Property:

The property which is the subject of these restrictive covenants is described as follows:

Lot A:

Commencing at the South quarter corner of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington (the West line of the SE 1/4 of said Section 13 bears North 03°37'37" West); thence North 03°49'43" East a distance of 1496.01 feet, to the true point of beginning; thence North 72°09'50" East, a distance of 249.36 feet; thence North 40°00'00" East a distance of 93.72 feet; thence North 17°41'09" West a distance of 155.48 feet; thence South 40°00'00" West, a distance of 125.00 feet; thence South 80°38'51" West, a distance of 255.89 feet to the beginning of a curve to the left, the radius of which bears South 89°06'20" East a distance of 258.04 feet; thence along said curve to the left, through a central angle of 31°41'42" an arc distance of 142.75 feet to a point of tangency; thence South 30°48'02" East a distance of 32.22 feet to the true point of beginning.



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Lot B:

Commencing at the South quarter corner of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington (the West line of the SE 1/4 of said Section 13 bears North 03°37'37" West); thence North 03°49'43" East a distance of 1496.01 feet to the true point of beginning; thence North 72°09'50" East a distance of 249.36 feet; thence North 10°00'00" East a distance of 93.72 feet; thence South 17°41'09" East a distance of 121.48 feet; thence South 24°00'00" West a distance of 140.00 feet; thence South 69°10'45" West, a distance of 186.92 feet; thence North 38°08'52" West, a distance of 42.61 feet; thence North 30°48'02" West, a distance of 149.47 feet to the true point of beginning.

Lot C:

Commencing at the South quarter corner of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington (the West line of the SE 1/4 of said Section 13 bears North 03°37'37" West); thence North 03°49'43" East a distance of 1496.01 feet; thence South 30°48'02" East a distance of 149.47 feet; thence South 38°08'52" East a distance of 42.61 feet to the true point of beginning; thence continue South 38°08'52" East a distance of 71.32 feet to the beginning of a curve to the right, the radius of which bears South 51°51'08" West a distance of 253.43 feet; thence along said curve to the right, through a central angle of 18°34'58", an arc distance of 82.20 feet; thence North 69°26'45" East a distance of 322.43 feet; thence North 20°00'00" East a distance of 128.59 feet; thence North 66°00'00" West a distance of 216.50 feet; thence South 24°00'00" West a distance of 140.00 feet; thence South 69°10'45" West a distance of 186.92 feet to the true point of beginning.

Lot D:

Commencing at the South quarter corner of Section 13, Township 36 North, Range 37 East, W.M., in Stevens County, Washington (the West line of the SE 1/4 of said Section 13 bears North 03°37'37" West); thence North 03°49'43" East a distance of 1496.01 feet; thence South 30°48'02" East a distance of 149.47 feet; thence South 38°08'52" East a distance of 113.93 feet to the beginning of a curve

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to the right, the radius of which bears South 51°51'08" West a distance of 253.43 feet; thence along said curve to the right, through a central angles of 18°34'58", an arc distance of 82.20 feet to the true point of beginning; thence continue along said curve to the right, through a central angle of 11°22'20", an arc distance of 50.30 feet to a point of tangency; thence South 08°11'33" East a distance of 88.19 feet; thence North 85°48'55" East a distance of 334.33 feet; thence North 01°39'18" East a distance of 157.13 feet; thence North 41°50'18" West a distance of 90.98 feet; thence South 69°26'45" West a distance of 322.43 feet to the true point of beginning.

2. Duration of Restrictions: The covenants and restrictions herein contained shall be perpetual, unless modified or terminated as hereinafter set forth.

3. Restriction on Further Sub-Division: No lot within the short 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.

4. General Residence Restriction: No building whatever except a private dwelling house with the necessary buildings, 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 resident only.

5. Business Activity: No commercial business nor any noxious or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance to the neighborhood; provided, however, this restriction shall not prevent the rental or lease of the residence thereon as a single family dwelling.

6. 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 the beginning of construction. There shall be no more than two (2) buildings detached from the dwelling on any lot.

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7. 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.

8. 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.

9. 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 short plat, whether vacant or 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 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.

10. 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.

11. 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 fifteen (15) feet to any side or rear lot line.

12. 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 short plat or any portion thereof with the written consent of the owners of seventy-five per cent (75%) of the lots in the short plat.



