

Filed for Record at Request of:

RECORD AT REQUEST
OF VALLEY TITLE

AFTER RECORDING MAIL TO:
BENJAMIN D & EARLENE F. BUCHANAN
915 S. MAIN
COLVILLE, WA 99114

FEB 12 1 53 PM '97

9701123

D. GRAY
STEVENS COUNTY
DEPUTY D. GRAY
\$12.00

COVENANTS, CONDITIONS AND RESTRICTIONS

13479

13460

WHEREAS the undersigned BENJAMIN D. BUCHANAN and EARLENE F. BUCHANAN, husband and wife, are the owners of the following described real property which is hereinafter referred to as the "covered property":

Tax Parcel No. 2166200 2168100

Lot 1, 2 and 3 lying South of the county road in the NE 1/4 of the NE 1/4 of Section 33, Township 33 North, Range 39 E.W.M., in Stevens County, Washington; AND

The SW 1/4 of the NW 1/4 of Section 34, Township 33 North, Range 39 E.W.M., Stevens County, Washington; AND

LOT SP 62-96-1: A parcel of land located in the SE 1/4 of the NE 1/4 of Section 33, Township 33 North, Range 39 E.W.M., in Stevens County Washington, being more particularly described as follows:

Beginning at the intersection of the North line of said SE 1/4 of the NE 1/4 and the centerline of Change in Addy-Gifford County Road No. 2008, CRP No. 48; thence North 88 degrees 38' 24" East a distance of 324.92 feet along said North line to the center of Stensgar Creek; thence upstream by the following fourteen courses; thence South 28 degrees 47' 36" West a distance of 23.88 feet; thence South 2 degrees 16' 46" East a distance of 103.03 feet; thence South 26 degrees 51' 43" West a distance of 29.38 feet; thence South 59 degrees 49' 34" West a distance of 53.90 feet; thence South 41 degrees 47' 41" West a distance of 129.62 feet; thence South 37 degrees 20' 17" West a distance of 30.93 feet; thence South 34 degrees 18' 20" West a distance of 75.49 feet; thence South 0 degrees 22' 43" East a distance of 31.66 feet; thence South 25 degrees 36' 49" East a distance of 98.74 feet; thence South 50 degrees 33' 47" East a distance of 50.74 feet; thence South 34 degrees 17' 12" West a distance of 40.67 feet; thence South 40 degrees 38' 47" West a distance of 38.39 feet; thence South 58 degrees 25' 55" West a distance of 23.23 feet; thence South 8 degrees 13' 57" West a distance of 34.68



feet to the center of a Road; thence leaving said Creek South 37 degrees 08' 56" West a distance 466.74 feet to the West line of said SE 1/4 of the NE 1/4; thence North 2 degrees 08' 46" West a distance of 610.60 feet along said West line to the center Change in Addy-Gifford County Road No. 2008, CRP No. 48; thence North 26 degrees 11' 31" East a distance of 420.19 feet along said centerline to the Point of Beginning.

Designated as Lot 1 of Record of Survey recorded January 7, 1997, in Book 17 of Surveys, page 3 through 6, in Official Volume 206, page 602, under Auditor's File No. 9700089; AND

Lot SP 62-96-2: A parcel of land located in the SE 1/4 of the NE 1/4 of Section 33, Township 33 North, Range 39 E.W.M., in Stevens County, Washington, being more particularly described as follows:

Beginning at the Northeast corner of said SE 1/4 of the said NE 1/4; thence South 2 degrees 42' 31" East a distance of 658.47 feet along the East line of said SE 1/4 of the NE 1/4; thence North 89 degrees 06' 12" West a distance of 1026.76 feet to the center of a bridge and the center of Stensgar Creek; thence downstream by the following fourteen courses: thence North 8 degrees 13' 57" East a distance of 34.68 feet; thence North 58 degrees 25' 55" East a distance of 23.23 feet; thence North 40 degrees 38' 47" East a distance of 38.39 feet; thence North 34 degrees 17' 12" East a distance of 40.67 feet; thence North 50 degrees 33' 47" West a distance of 50.74 feet; thence North 25 degrees 36' 49" West a distance of 98.74 feet; thence North 0 degrees 22' 43" West a distance of 31.66 feet; thence North 34 degrees 18' 20" East a distance of 75.49 feet; thence North 37 degrees 20' 17" East a distance of 30.93 feet; thence North 41 degrees 47' 41" East a distance of 129.62 feet; thence North 59 degrees 49' 34" East a distance of 53.90 feet; thence North 26 degrees 51' 43" East a distance of 29.38 feet; thence North 2 degrees 16' 46" West a distance of 103.03 feet; thence North 28 degrees 47' 36" East a distance of 23.88 feet to the North line of said SE 1/4 of the NE 1/4; thence North 88 degrees 38' 24" East a distance of 790.17 feet along said North line to the Point of Beginning.

Designated as Lot 2 of Record of Survey recorded January 7, 1997, in Book 17 of Surveys, pages 3 through 6, in Official Volume 206, page 602, under Auditor's File No. 9700089.

Lot SP 62-96-3: A parcel of land located in the SE 1/4 of the NE 1/4 of Section 33, Township 33 North Range 39 E.W.M., in Stevens County, Washington, being more particularly described as follows:

Beginning at the Southeast corner of said SE 1/4 of the NE 1/4; thence South 88 degrees 27' 41" West a distance 680.61 feet along the South line of said SE 1/4 of the NE 1/4 to the center of Stensgar Creek; thence downstream along the center of Stensgar Creek by the following sixteen courses; thence North 59 degrees 32' 28" East a distance of 50.48 feet; thence North 16 degrees 49' 50" West a distance of 23.13 feet; thence North 28 degrees 53' 38" West a distance of 57.31 feet; thence North 24 degrees 38' 20" West a distance of 27.88 feet; thence North 11 degrees 56' 33" West a distance of 53.86 feet; thence North 1 degrees 10' 11" West a distance of 47.15 feet; thence North 54 degrees 11' 36" West a distance of 79.45 feet; thence North 55 degrees 47' 42" West a distance of 157.18 feet; thence North 5 degrees 47' 25" West a distance of 45.14 feet;

thence North 16 degrees 56' 05" East a distance of 49.25 feet; thence North 15 degrees 31' 03" East a distance of 59.63 feet; thence North 43 degrees 19' 45" West a distance of 105.56 feet; thence North 40 degrees 19' 55" West a distance of 47.78 feet; thence North 52 degrees 43' 21" West a distance of 39.76 feet; thence North 57 degrees 22' 32" West a distance of 39.07 feet; thence North 46 degrees 33' 03" West a distance of 27.18 feet; thence South 89 degrees 06' 12" East a distance of 1026.76 feet to a point in the East line of said SE 1/4 of the NE 1/4; thence South 2 degrees 42' 31" East a distance of 658.46 feet along said East line to the Point of Beginning.

Designated as Lot 3 of Record of Survey recorded January 7, 1997 in Book 17 of Surveys, pages 3 through 6, in Official Volume 206, page 602, under Auditor's File No. 9700089.

Lot SP 62-96-4: A parcel of land located in the SE 1/4 of the NE 1/4 of Section 33, Township 33 North, Range 39 E.W.M., Stevens County, Washington, being more particularly described as follows:

Beginning at the Southwest corner of the said SE 1/4 of the NE 1/4; thence North 2 degrees 08' 47" West a distance 337.65 feet along the West line of said SE 1/4 of the NE 1/4; thence North 37 degrees 08' 56" East a distance of 466.74 feet to the center of a bridge and center of Stensgar Creek; thence upstream along the center of Stensgar Creek by the following sixteen courses; thence South 46 degrees 33' 03" East a distance of 27.18 feet; thence South 57 degrees 22' 32" East a distance of 39.07 feet; thence South 52 degrees 43' 21" East a distance of 39.76 feet; thence South 40 degrees 19' 55" East a distance of 57.78 feet; thence South 43 degrees 19' 45" East a distance of 105.56 feet; thence South 15 degrees 31' 03" West a distance of 59.63 feet; thence South 16 degrees 56' 05" West a distance of 49.25 feet; thence South 5 degrees 47' 25" East a distance of 45.14 feet; thence South 55 degrees 47' 42" East a distance of 157.18 feet; thence South 54 degrees 11' 36" East a distance of 79.45 feet; thence South 1 degree 10' 11" East a distance of 47.15 feet; thence South 11 degrees 56' 33" East a distance of 53.86 feet; thence South 24 degrees 38' 20" East a distance of 27.88 feet; thence South 28 degrees 53' 38" East a distance of 57.31 feet; thence South 16 degrees 49' 50" East a distance of 23.13 feet; thence South 59 degrees 32' 28" West a distance of 50.48 feet to the South line of said SE 1/4 of the NE 1/4; thence South 88 degrees 27' 41" West a distance of 646.83 feet along said South line to the Point of Beginning.

Designated as Lot 4 of Record of Survey recorded January 7, 1997 in Book 17 of Surveys, pages 3 through 6, in Official Volume 206, page 602, under Auditor's File No. 9700089.

WHEREAS the undersigned have reached agreement which they believe will enhance the value and enjoyment of said property;

THE UNDERSIGNED, their heirs, successors and assigns hereby covenant to comply with the following terms respecting the covered property. These covenants shall remain in full force and effect for a period of *thirty years* from the date of execution of this document unless otherwise specifically provided or previously voided, withdrawn, or modified in writing by 100% of the landowners of the covered property consenting in writing to such withdrawal, voiding, or modification and filing the same with the Stevens County Auditor.

1. **NO COMMERCIAL USE; EXCEPTIONS.** All acreage within the covered property shall be residential. Any portion of the parcel may be cultivated for the production of pasture, hay, agricultural nursery, tree farming, or fruit raising. The covered property and/or any building erected thereon shall at no time be used for the purpose of any trade, business, or manufacture except growing flowers, agricultural produce, or livestock, or training of animals.
2. **ANIMALS.** An occupant or resident of any property within the covered property, may keep or maintain for his own personal enjoyment household pets and large domestic animals, for example, a horse, cow, etc., provided proper housing, fencing and control and care is maintained for any and all animals owned, and further provided that with exception to the SW 1/4 of the NW 1/4 of Section 34, Township 33 North, Range 30 E.W.M., there shall be no pigs, poultry, or livestock kept on the property for commercial purposes whatsoever.
3. **NO ANNOYANCE OR NUISANCE.** No activity shall be carried on upon any property or use made thereof which may be or may become an annoyance or nuisance to the area such as, but not limited to, (a) abandoned automobiles (b) accumulation of garbage and refuse (c) neglected or poorly cared for outbuildings, animals, or animal housing (d) illegal activity of any kind (e) dangerous or potentially dangerous conduct or activities.
4. **USE OF ROADS.** Use of the roads within the covered property by motorized vehicles shall be limited to the purpose of ingress and egress.
5. **FENCES.** No fence erected within 20 feet of any property line shall exceed a height of six (6) feet. All fences are to be maintained in good repair and appearance at all times by the owner of the parcel on which the fence is located.
6. **SIGNS.** No sign of any kind shall be displayed for public view on any parcel except one sign not more than eight (8) square feet advertising the property for sale. A small sign may be used to advertise the sale of flowers, produce or livestock or may be used by a builder to advertise the property for sale during or after construction.
7. **CONSTRUCTION AWAY FROM PROPERTY LINE.** No dwelling, house, outbuilding or any part thereof shall be erected on any site within 10 feet of any property line.
8. **STRUCTURE REQUIREMENTS.** All permanent structures constructed within the covered property shall be constructed and maintained so as to fit into the surroundings as naturally as possible. Any residence shall have a minimum, of 1,000 square feet of finished floor area, not including any garage, basement, covered patio or porches. A second, smaller guest house shall be permitted on any property after the construction of a primary residence. In no case shall there be more than two dwellings on any given property. All structures shall be of wood or masonry construction, provided however that mobile homes and manufactured homes no older than ten (10) years of age shall be permitted on the subject property. Pole barns and metal buildings shall be permitted on the property.
9. **CONSTRUCTION TIME.** Any structure erected on the property shall be completed as to external appearances, including finished painting and shall be connected to its septic tank within eighteen (18) months from date of commencement of construction.

10. NO NOXIOUS WEEDS. All open fields shall be kept free to noxious weeds or planted in-ground cover or crops by the party owning said property.

11. SUIT TO ENFORCE. If the parties hereto or any part of them, or their heirs or assigns, shall violate or attempt to violate any of the covenants herein, any other person or persons owning any real property within the covered property may prosecute any proceedings at law or in equity against the persons violating or attempting to violate any such covenants to restrain or prevent him or them from doing so, and/or to seek damages for such violation or attempted violation. If suit to enforce these covenants or suit for damages resulting from violation is commenced, the prevailing party shall be entitled to judgment against the non prevailing party for all reasonable costs and attorney's fees in addition to those allowed by statute, such cost shall include a sum up to a maximum of \$1,000.00 to compensate the prevailing party for his or her time expended in prosecuting the suit.

12. SEVERABILITY. Should any one or more of these covenants be invalidated by any court of law, the other provisions not affected thereby shall nevertheless remain in full force and effect.

13. RUN WITH THE LAND. These covenants shall be binding upon the parties hereto, their heirs, successors, and assigns, and shall be deemed to run with the land or any portion thereof.

DATED this 17th day of February, 1997.

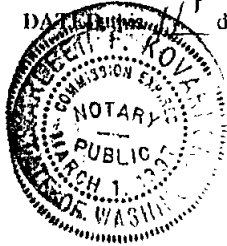
Benjamin D. Buchanan
BENJAMIN D. BUCHANAN

Earlene F. Buchanan
EARLENE F. BUCHANAN

STATE OF WASHINGTON }
 } ss
COUNTY OF STEVENS }

I certify that I know or have satisfactory evidence that BENJAMIN D. BUCHANAN and EARLENE F. BUCHANAN are the persons who appeared before me, and said persons acknowledged that they signed this instrument and acknowledged it to be their free and voluntary act for the uses and purposes mentioned in this instrument.

DATED this 17th day of February, 1997.



Benjamin D. Buchanan
NOTARY PUBLIC in and for the State of Washington, residing at Colville, WA.
My Appointment Expires: 3-1-99

OFF. 207 REC 0283