



5297266 5228260  
 Page: 1 of 5 Page: 1 of 4  
 10/20/2005 02:48PM/09/2005 11:55A  
 Spokane Co, WA Spokane Co, WA

Recording requested by  
 and, when recorded, mail to:

Genstar Land Company Northwest, LLC  
 c/o Newland Communities  
 16701 S.E. McGillivray Boulevard, Suite 150  
 Vancouver, Washington 98683

*This document is being re-recorded to correct the legal description and add Exhibit A.*

**FIFTH AMENDMENT TO DECLARATION  
 OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS  
 FOR  
 EAGLE RIDGE**

**Grantor (i.e., Declarant):** Genstar Land Company Northwest, LLC

**Grantee (i.e., Plat Name):** Eagle Ridge First Addition; Eagle Ridge Second Addition;  
 Eagle Ridge Third Addition; Eagle Ridge Fourth Addition; Eagle Ridge Fifth Addition; Eagle  
 Ridge Sixth Addition

**Legal Description (abbreviated):**

LOTS 4, 5, 6, 7, 8, 9 & 10, BLK 3, Eagle Ridge First Addition

**Full Legal Description:** Set forth below in Recitals. *in attached Exhibit A*

**Assessor's Tax Parcel No.(s):** 34071.1104, 34071.1105, 34071.1106, 34071.1107,  
 34071.1108, 34071.1109, 34071.1110

*Reference Numbers: Recording Nos. 960 2550371, 4844804,  
 4945063, 4977394, 4987567, 5063959, 5063958 and 5136103  
 Vol. 1823, Pg 9.*



GENSTAR LAND COMPANY

AMEND \$36.00

5297266

Page: 2 of 5

10/23/2005 02:46P

Spokane Co, WA

5228260

Page: 2 of 4

06/09/2005 11:55A

Spokane Co, WA

Reference Numbers of Related Documents: Recording Nos. 9602050371, 4844804, 4945063, 4977394, 4987567, 5063959, 5063958 and 5136103.

This Fifth Amendment ("Fifth Amendment") to Declaration of Protective Covenants, Conditions, and Restrictions for Eagle Ridge is made this 7th day of June, 2005, by Genstar Land Company Northwest, LLC, a Delaware limited liability company, successor by merger of Genstar Land Company Northwest, a California corporation (the "Declarant"). This Fifth Amendment is made with reference to the following recitals, and these recitals shall constitute an integral part hereof.

RECITALS

A. A Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge was recorded by Declarant on February 5, 1996, Recording No. 9602050371, Records of Spokane County, Washington, which was amended by the Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge recorded by Declarant on February 11, 2003, Recording No. 4844804, Records of Spokane County, Washington ("First Amendment"), further amended by the Second Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge recorded by Declarant on August 13, 2003, Recording No. 4945063, Records of Spokane County, Washington ("Second Amendment"), further amended by the Third Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge recorded by Declarant on October 24, 2003, Recording No. 4987567, Records of Spokane County, Washington ("Third Amendment"), and further amended by the Fourth Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge recorded by Declarant on October 18, 2004, Recording No. 5136103, Records of Spokane County, Washington ("Fourth Amendment"). The Declaration of Protective Covenants, Conditions and Restrictions for Eagle Ridge, the First Amendment, the Second Amendment, the Third Amendment and the Fourth Amendment described above are collectively referred to in this Fifth Amendment as the "Declaration." *The real property currently subject to the Declaration is described in Exhibit A attached hereto and by reference made a part hereof.*

B. Declarant caused to be recorded the plat of Eagle Ridge First Addition, a P.U.D., as per plat recorded in Volume 24 of Plats, page 87, Spokane County, Washington ("Eagle Ridge First Addition Plat"). Eagle Ridge First Addition Plat includes lots 4 through 10, Block 3 ("Lots 4-10"). Lots 4-10 have been determined to be non-buildable and should be held as "Common Open Space" in the same manner as the adjacent Tract F in Eagle Ridge First Addition Plat. The Eagle Ridge First Addition Plat restricts the use of the tracts shown as "Common Open Space" on the Plat and provides that these tracts shall be held in common ownership by the Eagle Ridge Homeowners Association ("Homeowners Association")

C. Declarant desires to amend the Declaration as provided herein, which amendment includes converting Lots 4-10 to "Common Open Space." Section 8.1(a) of the Declaration provides that the Declaration may be amended by Declarant alone for as long as



5297266

Page: 3 of 5

10/20/2005 02:46P  
Spokane Co, WA

5228260

Page: 3 of 4

06/09/2005 11:55A  
Spokane Co, WA

GENSTAR LAND COMPANY

AMEND \$36.00

Declarant owns at least ten (10%) percent of the total number of the Lots as defined therein. This Fifth Amendment is being made by Declarant alone pursuant to the foregoing provision of Section 8.1(a) of the Declaration.

**AMENDMENT**

NOW, THEREFORE, Declarant hereby adopts the following amendment to the Declaration:

1. **Lot Conversion to Common Area.** Lots 4-10 shall be converted to the common area and shall be conveyed to the Homeowners Association by Declarant to be held as "Common Open Space" in the same manner as the adjacent Tract F in Eagle Ridge First Addition Plat. The defined term "Lot" in Section 1.10 of the Declaration is amended to exclude Lots 4-10 of Eagle Ridge First Addition. All references to "Lot" in the Declaration shall be exclusive of Lots 4-10, which shall no longer be considered Lots for purposes of the Declaration or the Bylaws of the Homeowners Association. Notwithstanding the platting of Lots 4-10, Lots 4-10 shall be considered as and treated as common areas under the Declaration and Bylaws. The Declaration (and the Bylaws to the extent applicable) shall be deemed amended to the extent necessary to conform to the terms, conditions and provisions of this paragraph 1.

2. **Plat Conditions.** Lots 4-10 shall be restricted and held in the same manner as the adjacent Tract F. Accordingly, no portion of Lots 4-10 may be used for any residential structure or transferred as a Lot to be used for any residential structure; Lots 4-10 must be left in open space for the common use and to be held in common ownership by the Homeowners Association; and the Homeowners Association will be responsible for maintenance of Lots 4-10 as open space to the same extent as the Homeowners Association is responsible for maintenance of other Common Open Space owned by the Homeowners Association.

3. **Authorizations.** The Declarant is authorized to execute and record a deed in favor of the Homeowners Association to accomplish the purposes of this Fifth Amendment. The Board of Directors of the Homeowners Association has accepted the conversion of Lots 4-10 to Common Open Space and has accepted the maintenance obligations in connection therewith.

4. **Effective Date.** The effective date hereof shall be the date of recording of this Fifth Amendment in the Records of Spokane County, Washington. Declarant hereby certifies that this Fifth Amendment has been adopted in the manner required by the Declaration.



5297266 5228260  
 Page: 4 of 5 Page: 4 of 4  
 10/20/2005 02:46P 06/09/2005 11:55A  
 Spokane Co, WA Spokane Co, WA

IN WITNESS WHEREOF, the undersigned Declarant has executed this Fifth Amendment as of the date first written above.

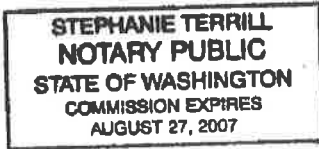
GENSTAR LAND COMPANY NORTHWEST, LLC,  
 a Delaware limited liability company

By: [Signature]  
 Davis Wood, Jr., Senior Vice President

STATE OF WASHINGTON )  
 ) ss.  
 County of Clark )

I certify that I know or have satisfactory evidence that Davis Wood, Jr., is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as Senior Vice President of GENSTAR LAND COMPANY NORTHWEST, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: June 6, 2005.



[Signature]  
 Notary Public in and for the State of Washington  
 Residing at: Wapoville, WA  
 My appointment expires: 8-27-07



GENSTAR LAND COMPANY

AMEND \$36.00

5297266

Page: 5 of 5

18/28/2005 02:46P  
Spokane Co, WA

### EXHIBIT A

- Eagle Ridge, a P.U.D., as per Plat recorded in Volume 23 of Plats, page 76, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge First Addition, a P.U.D., as per Plat recorded in Volume 24 of Plats, page 87, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge Second Addition, a P.U.D., as per Plat recorded in Volume 27 of Plats, page 47, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge Third Addition, a P.U.D., as per Plat recorded in Volume 27 of Plats, page 90, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge Fourth Addition, a P.U.D., as per Plat recorded in Volume 29 of Plats, pages 20 and 21, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge Fifth Addition, a P.U.D., as per Plat recorded April 28, 2004, in Volume 29 of Plats, pages 57, 58 and 59, Recording No. 5063959, situate in the City of Spokane, County of Spokane, State of Washington
- Eagle Ridge Sixth Addition, a P.U.D., as per Plat recorded April 28, 2004, in Volume 29 of Plats, pages 60 and 61, Recording No. 5063958, situate in the City of Spokane, County of Spokane, State of Washington

Exhibit A  
to Fifth Amendment to Declaration of Protective Covenants,  
Conditions and Restrictions for Eagle Ridge  
K:\11820\000048M58MS\_02310P