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4663626
Page: 1 of 14
12/07/2001 04:46P
Spokane Co WA

WHEN RECORDED RETURN TO:

TRUNKENBOLZ | ROHR | DRISKELL PLLC
12704 EAST NORA AVENUE
SPOKANE, WA 99216

120701.9-14

**AMENDMENT #2
TO
DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
OVERLOOK AT QUALCHAN
AND
OVERLOOK VILLAGE**

BETWEEN: OVERLOOK HOMEOWNERS ASSOCIATION aka QUALCHAN L.I.D.
INLAND ASPHALT, INC.
POS DEVELOPMENT
CLS MORTGAGE, INC.
LEXINGTON HOMES, INC.
HRH HOLDINGS, INC.

ABBREVIATED LEGAL: LOTS 1-9, BLOCK 2 OF QUALCHAN HILLS FIRST
ADDITION (SEE EXHIBIT "A" FOR FULL LEGAL DESCRIPTION). PORTION OF
GOVERNMENT L11 AND L12, LOCATED IN THE N1/2 OF S6, T24N, R43E, W.M. (SEE
EXHIBIT "B" FOR FULL LEGAL DESCRIPTION).

4624270

TAX PARCEL NO'S.: 34062.0066, 34062.0060, 34061.0059, 34061.1209, 1210,
34062.1201-1208, 34061.0154, 34062.0418, 34062.0406-0412, 34062.0245, 0244,
0214, 0418, 0141, 0129,



4663626
Page: 2 of 14
12/07/2001 04:46P
Spokane Co WA

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**AMENDMENT #2
TO
DECLARATION
OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
OVERLOOK AT QUALCHAN
AND
OVERLOOK VILLAGE**

(Residential subdivisions in Spokane, Washington)

[This amends that certain Declaration of Covenants, Conditions and Restrictions for Overlook At Qualchan and Overlook Village filed under Spokane County Auditor's No. 4561863 on February 28, 2001 as was amended by that certain Amendment #1 To Declaration dated 7/30/01, recorded under Spokane County Auditor's No. 4624270 and re-recorded on 9/07/01 under No. 4629694]

FILED AT THE REQUEST OF:

TRUNKENBOLZ | ROHR | DRISKELL PLLC
Attorneys

12704 E. Nora Ave., Suite B
Spokane, Washington 99216
(509) 928.4100



AMENDMENT OF PRIOR COVENANTS

This Amendment #2 to Declaration of Covenants, Conditions and Restrictions (hereinafter the "CC&R's") shall amend that certain Document entitled Declaration of Covenants, Conditions and Restrictions For Overlook At Qualchan and Overlook Village, filed of record in Spokane County, Washington, under Auditor's No. 4561863 on February 28, 2001, as was amended by that certain Amendment #1 To Declaration dated 7/30/01, recorded under Spokane County Auditor's No. 4624270 and re-recorded on 9/07/01 under No. 4629694, which were applicable to the real property described on Exhibit "A" attached hereto.

ADDITIONAL PROVISIONS

A) **ANNEXATION OF ADDITIONAL PROPERTY:** In addition to all of the provisions contained in the CC&R's, as amended, which shall remain in full force and effect, the CC&R's referenced above shall also be applicable to the real property legally described on Exhibit "B" attached hereto and incorporated herein by this reference.

Said additional property has been released from the application of the prior covenants and Association obligations that were contained in that certain Declaration of Covenants, Conditions, Restrictions, Reservations and Easements for Qualchan Hills, A Planned Unit Development, recorded on November 19, 1991 under Spokane County Auditor's File No. 9111190353, by means of that certain Notice of Deletion of Territory At Qualchan Hills Subdivision, dated ~~October 19~~ ^{November}, 2001 and filed concurrently herewith.

B) **EFFECT OF ANNEXATION OF ADDITIONAL PROPERTIES:**

The additional described property on the attached Exhibit "B" shall be treated as having been a part of the original Declaration of Covenants, Conditions and Restrictions, and any amendments thereto, as referenced above, as though said additional property had been subjected to said documents when originally filed of record. The owners of said additional property hereby assume all benefits and obligations created by the existing recorded documents, and the owners of the properties signed below hereby agree to the annexation of the Exhibit "B" property to the prior CC&R's, as amended.



D. MONTHLY ASSESSMENTS FOR MAINTENANCE AND OPERATION OF SPECIFIED IMPROVEMENTS IN QUALCHAN HILLS PLATS:

The lots to which this Amendment #2 are applicable shall, through the Association for the Plat, contribute their prorata share of maintenance and operation expenses (based on the total number of lots in this Plat, the Qualchan Hills Plat and other contributing Plats) for the improvements at the entry gate area and along Lincoln Blvd in the Qualchan Hills Plat, PROVIDED, HOWEVER, the cost per lot in the subject Plat shall be the sum of one dollar (\$1.00) per month for the first year after August 1, 2001, and thereafter the amount per month shall increase or decrease, depending on the actual costs of the maintenance and operation of the shared common area entry gate and the landscaping/street lighting on Lincoln Blvd. At least once per year the actual cost figures shall be made available and the cost per lot per month shall be adjusted upward or downward, based on said cost being shared by all of the lots in the final plats as stated above.

IN WITNESS WHEREOF, the undersigned, being the Declarant / Developer / Landowners, Secured Parties, or other parties having any interest in the real property described on Exhibits "A" and "B" attached hereto, hereby attest, agree and adopt this Amendment #2 to Covenants, Conditions and Restrictions, to apply to said parcels of real property identified in Exhibits "A" and "B" for the term stated herein.

**DECLARANT/LANDOWNERS:
OVERLOOK HOMEOWNERS ASSOCIATION, F/K/A QUALCHAN L.I.D.**

BY: H.E. Brazington
H.E. BRAZINGTON, PRESIDENT

DATE: 11-27-01

BY: Michael Murphy
MICHAEL MURPHY, SECRETARY

DATE: 12-7-01



INLAND ASPHALT, INC.

BY: *Michael Murphy*
MICHAEL MURPHY, PRESIDENT
DATE: 12-7-01

POS DEVELOPMENT

BY: *H.E. Brazington*
H.E. BRAZINGTON, PRESIDENT
DATE: 11-27-01

CLS MORTGAGE, INC.

BY: *H.E. Brazington*
H.E. BRAZINGTON, PRESIDENT
DATE: 11-27-01

H.E. Brazington
H.E. BRAZINGTON, as Individual
DATE: 11-27-01

LEXINGTON HOMES, INC.

BY: *Dave Nerren*
DAVE NERREN, PRES.
11-27-01
DATE

HRH HOLDINGS, INC.,

BY: *Harold R. Huber*
HAROLD R. HUBER, PRES.
November 19, 2001
DATE



4663626
Page: 7 of 14
12/07/2001 04:46P
Spokane Co WA

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me MICHAEL MURPHY to me known to be the PRESIDENT of INLAND ASPHALT, 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 he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 7th day of December, 2001.



Tracy M. Meachem
Notary Public in and for the State of Washington,
residing in Spokane
My Commission Expires: 7/16/03

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me H.E. BRAZINGTON, to me known to be the PRESIDENT of POS DEVELOPMENT, 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 he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 27th day of November, 2001.



Tracy M. Meachem
Notary Public in and for the State of Washington,
residing in Spokane
My Commission Expires: 7/16/03



4663626
Page: 8 of 14
12/07/2001 04:46P
Spokane Co WA

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me H.E. BRAZINGTON, to me known to be the PRESIDENT of CLS MORTGAGE, 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 he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 27th day of November, 2001.



Tracy M. Meachem
Notary Public in and for the State of Washington,
residing in Spokane
My Commission Expires: 7/16/03

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me H.E. BRAZINGTON, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 27th day of November, 2001.



Tracy M. Meachem
Notary Public for the State of
Washington, Residing in: Spokane
My commission expires: 7/16/03



4663626
Page: 9 of 14
12/07/2001 04:46P
Spokane Co WA

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this day personally appeared before me DAVE NERREN, to me known to be the PRESIDENT of LEXINGTON HOMES, 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 he was authorized to execute the said instrument.



GIVEN under my hand and official seal this 17th day of November, 2001.

Tracy M. Meachem
Notary Public in and for the State of Washington,
residing in Spokane
My Commission Expires: 7/16/03

PROVINCE)
PROVIDENCE OF ALBERTA)
City) ss.
County of Calgary)

On this day personally appeared before me HAROLD R. HUBER to me known to be the PRESIDENT of HRH HOLDINGS, INC., the Canadian 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 he was authorized to execute the said instrument.

GIVEN under my hand and official seal this 17 day of November, 2001.

Richard F. McHardy
Notary Public in and for the Province of Alberta,
residing in Calgary
My Commission Expires: 7/16/03
RICHARD F. McHARDY

C/WPR/JLT/REAL/QUALCHAN/AMENDMENT #2 TO CC&R'S -CLS-INLAND-HUBER 002C



4663626

Page: 10 of 14
12/07/2001 04:46P
Spokane Co WA

EXHIBIT "A"
LEGAL DESCRIPTION

Overlook at Qualchan and Overlook Village

Lots 1 through 9, inclusive, Block 2 of Qualchan Hills First Addition, Phase Two, P.U.D., according to the plat recorded in Book 22, Pages 56 and 57 and unplatted portions of Government Lots 10, 11, and 12 in the N1/2 of Section 6, Township 24 North, Range 43 East, W.M., City of Spokane, Spokane County, Washington, described as follows:

Beginning at the northwest corner of Government Lot 12 of Section 6, Township 24 North, Range 43 East, W.M.; also being the southwest corner of Qualchan Hills P.U.D., according to the plat recorded in Book 20, Pages 52, 53, and 54; thence along the boundary of said plat the following nine (9) courses: 1) N90°00'00"E 65.45 feet; 2) S79°47'42"E 72.69 feet to a point on the northeasterly right-of-line of Lincoln Way as conveyed to the City of Spokane by the Statutory Warranty Deed recorded April 1, 1999, as Recording No. 4350317, and the TRUE POINT OF BEGINNING; 3) N90°00'00"E 130.24 feet; 4) S73°08'35"E 70.00 feet; 5) S54°23'46"E 80.00 feet; 6) S64°41'38"E 80.00 feet; 7) S77°12'09"E 91.05 feet; 8) N88°05'22"E 551.53 feet; 9) N01°54'38"W 95.00 feet to a point on the southerly right-of-way line of Bolan Avenue in said plat of Qualchan Hills First Addition, Phase Two, P.U.D.; thence along said southerly right-of-way line the following five (5) calls: 1) N88°05'22"E 338.70 feet to the point of curve of a 1,518.89 foot radius curve to the right; 2) along the arc of said curve, through a central angle of 24°49'31", 658.11 feet to the point of compound curve of a 1970.00 foot radius curve to the right, the center of circle of which bears S22°54'53"W; 3) along the arc of said curve through a central angle of 14°28'02", 497.43 feet to the point of compound curve of a 1020.00 foot radius curve to the right, the center of circle of which bears S37°22'55"W; 4) along the arc of said curve through a central angle of 13°48'11", 245.72 feet to the point of compound curve of a 20.00 foot radius curve to the



4663626

Page: 11 of 14
12/07/2001 04:46P
Spokane Co. WA

right, the center of circle of which bears S51°11'06"W; 5) along the arc of said curve through a central angle of 104°27'12", 36.46 feet to the point of compound curve of a 380.00 foot radius curve to the right in the northerly right-of-way line of Willapa Avenue, the center of circle of which bears N24°21'42"W; thence along the northerly, westerly, and southerly rights-of-way line of said Willapa Avenue the following four (4) calls: 1) along the arc of said curve, through a central angle of 2°21'35"; 15.65 feet; 2) S22°00'07"E 60.00 feet to a point on a 440.00 foot radius nontangent curve to the left, the center of circle of which bears N22°00'07"W; 3) along the arc of said curve, through a central angle of 04°25'39", 34.00 feet to the point of tangent; 4) N63°34'14"E 3.74 feet to the point of curve of a 20.00 foot radius curve to the right in said southwesterly right-of-way line of Bolan Avenue; thence along the southwesterly, southeasterly, and northeasterly rights-of-way line of Bolan Avenue the following four (4) calls: 1) along the arc of said curve, through central angle of 83°26'21", 29.13 feet to the point of compound curve of a 1,020.00 foot radius curve to the right, the center of circle of which bears S57°00'35"W; 2) along the arc of said curve, through a central angle of 1°21'04", 24.05 feet; 3) N58°21'39"E 60.00 feet to a point on a 1,080.00 foot radius nontangent curve to the left, the center of circle of which bears S58°21'39"W; 4) along the arc of said curve, through a central angle of 11°09'11", 210.23 feet to the most southerly corner of Persimmon Woods at Qualchan P.U.D., according to the plat recorded in Book 21, Pages 50 and 51; thence N63°34'14"E, along the southeasterly boundary of said plat of Persimmon Woods at Qualchan P.U.D., 624.63 feet to the most easterly corner of said plat of Persimmon Woods at Qualchan P.U.D., being a point on the southwesterly right-of-way line of State Route No. 195; thence along said southwesterly right-of-way line of State Route No. 195 the following four (4) courses: 1) S24°28'45"E 66.98 feet; 2) S38°29'45"E 213.38 feet; 3) S24°28'45"E 385.91 feet; 4) N66°31'15"E 78.40 feet to a point on the west line of that portion of Government Lot 10 described in Quit Claim Deed recorded July 16, 1970, as Auditor's File No. 499041C; thence S01°01'40"W, along said line, 417.22 feet to the south line of said Government Lot 10; thence S86°43'38"W, along said south line of Government Lot 10, a distance of 1,305.68 feet to the



1) along the arc of said curve through a central angle of 71°29'14", 411.74 feet to the point of tangent; 2) N88°05'22"E 232.76 feet to the point of curve of a 600.14 foot radius curve to the right; 3) along the arc of said curve through a central angle of 37°48'28", 398.01 feet to the point of tangent; 4) S54°06'10"E 293.68 feet to a point on the boundary of a parcel of land conveyed on the Statutory Warranty Deed recorded December 8, 1994, as Recording No. 9412080406; S40°00'00"W, along said parcel boundary, 264.75 feet to a point on the northerly boundary of that parcel conveyed to the City of Spokane for a tank access road and future private road, Anton Court, by the Statutory Warranty Deed recorded April 2, 1999, as Recording No. 4350315; thence along said northerly boundary the following five (5) calls: 1) N60°36'02"W 1.94 feet to the point of curve of a 215.00 foot radius curve to the left; 2) along the arc of said curve through a central angle of 21°44'57", 81.61 feet to the point of tangent; 3) N82°20'59"W 16.43 feet to the point of curve of a 20.00 foot radius curve to the right; 4) along the arc of said curve through a central angle of 57°25'16", 20.04 feet to the point of reverse curve of a 45.00 foot radius curve to the left, the center of circle of which bears S85°04'16"W; 5) along the arc of said curve through a central angle of 162°51'20", 127.91 feet to a point on the boundary of said parcel of land conveyed by the Statutory Warranty Deed recorded December 8, 1994, as Recording No. 9412080406; thence along said boundary the following two (2) courses: 1) S86°43'38"W 290.87; 2) S42°18'17"W 855.86 feet to the southwest corner of said Government Lot 12; thence N00°10'40"E, along the west line of said Government Lot 12, a distance of 813.72 feet to the southwest corner of that portion of said Government Lot 12 described in Statutory Warranty Deed recorded April 12, 1990, as Auditor's File No. 9004110134; thence along the boundary of said parcel the following three (3) courses: 1) S59°49'00"E 275.48 feet; 2) N30°11'00"E 297.00 feet; 3) N59°49'00"W 446.99 feet to a point on said west line of Government Lot 12; thence N00°10'40"E, along said west line of Government Lot 12, a distance of 173.06 to the point of beginning.



4663626
Page: 12 of 14
12/07/2001 04:46P
Spokane Co. WA

southeast corner of said Government Lot 11, and a point on the boundary of a parcel of land conveyed on the Statutory Warranty Deed recorded December 8, 1994, as Recording No. 94-12080406; thence along said parcel boundary the following three (3) calls: 1) N36°31'39"W 341.69 feet; 2) N70°00'00"W 200.00 feet; 3) S18°26'28"W 100.00 feet to a point on a 557.34 foot radius nontangent curve to the right on said northeasterly right-of-way line of Lincoln Way, the center of circle of said curve bears N18°26'28"E; thence along said northeasterly right-of-way line the following six (6) calls: 1) along the arc of said curve through a central angle of 32°22'20", 314.90 feet to the point of reverse curve of a 1249.26 foot radius curve to the left; the center of circle of which bears S50°48'48"W; 2) along the arc of said curve through a central angle of 14°54'58", 325.23 feet to the point of tangent; 3) N54°06'10"W 473.10 feet to the point of curve of a 660.14 foot radius curve to the left; 4) along the arc of said curve through a central angle of 37°48'28", 435.60 feet to the point of tangent; 5) S68°05'22"W 232.76 feet to the point of curve of a 270.00 foot radius curve to the right; 6) along the arc of said curve through a central angle of 63°36'12", 299.72 feet to the TRUE POINT OF BEGINNING;

TOGETHER WITH those portions of said of Government Lots 11, and 12 in the N1/2 of Section 6, described as follows:

Beginning at the northwest corner of Government Lot 12 of Section 6, Township 24 North, Range 43 East, W.M.; also being the southwest corner of Qualchan Hills P.U.D., according to the plat recorded in Book 20, Pages 52, 53, and 54; thence N90°00'00"E, along the boundary of said plat, 65.45 feet to a point on a 330.00 foot radius nontangent curve to the left on the southwesterly right-of-line of Lincoln Way as conveyed to the City of Spokane by the Statutory Warranty Deed recorded April 1, 1999, as Recording No. 4350317, the center of circle of said curve bears N69°34'36"E; thence along said southwesterly right-of-way line the following four (4) calls:



4663626
Page: 14 of 14
12/07/2001 04:46P
Spokane Co, WA

EXHIBIT "B"

Legal Description

Qualchan - HRH Holdings, Inc.

That portion of Government Lots 11 and 12, located in the N1/2 of Section 6, Township 24 North, Range 43 East, W.M., City of Spokane, Spokane County, Washington, described as follows:

Beginning at the southeast corner of said Government Lot 11; thence S86°46'38"W 2,331.02 feet to the southwest corner of said Government Lot 12; thence N42°18'17"E 855.66 feet; thence N86°43'38"E 427.88 feet; thence S50°00'00"E 60.00 feet; thence N40°00'00"E 284.99 feet to a point on the southwesterly right-of-way line of Lincoln Way as deeded to the City of Spokane by Statutory Warranty Deed recorded April 2, 1999, as Auditor's File No. 4350317; thence southeasterly along said southwesterly right-of-way line of Lincoln Way the following three (3) calls: 1) S54°06'10"E 179.42 feet to the point of curve of a 1,189.26 foot radius curve to the right; 2) along the arc of said curve, through a central angle of 14°54'58", 309.61 feet to the point of reverse curve of a 617.34 foot radius curve to the left, the center of circle of which bears N50°48'48"E; 3) along the arc of said curve, through a central angle of 32°22'20", 348.80 feet; thence N18°26'28"E 160.00 feet; thence S70°00'00"E 200.00 feet; thence S36°31'39"E 341.69 feet to the Point of Beginning.

EXCEPT those portions thereof deeded to the City of Spokane by Statutory Warranty Deeds recorded April 2, 1999, as Auditor's File No. 4350314 and 4350316.

Adams & Clark, Inc.
J. Ronald Dunsmore, P.L.S.