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Recording Fee \$75.00 Page 1 of 4  
Declaration STEWART, TITLE OF SPOKANE  
Spokane County Washington



RECORDED AT THE REQUEST OF:

Summit Properties, Inc.  
12720 E. Nora Ave., Suite E  
Spokane Valley, WA 99216-1197

**DECLARATION OF ANNEXATION**

**MORNINGSIDE HEIGHTS 7<sup>TH</sup> ADDITION**

STND014-001

COURTESY RECORDING

**SPOKANE COUNTY, WASHINGTON**

091113.3.3

parcel No.: 55301.9016  
ptn NE $\frac{1}{4}$  30-25-45

**THIS DECLARATION OF ANNEXATION** is made, entered into and becomes effective on the date hereof as set forth below, by **SUMMIT PROPERTIES, INC.**, a Washington State Corporation (hereinafter referred to as "Grantor"), with reference to the following facts:

November 7, 2011 RJD

6042426  
RJD

A) Grantor is the sub-divider and developer of a certain tract of land, which land is located in Spokane County, Washington, commonly known as **MORNINGSIDE HEIGHTS 5<sup>th</sup> ADDITION** and **BRIGADOON ADDITION**; developments of numerous residential lots, which development is governed by that certain "Declaration of Covenants, Conditions and Restrictions, recorded ~~October 8, 2010~~ and bearing Spokane County Auditor's File No. 5941240 (hereinafter referred to as the "Declaration"), the definition and terms of which Declaration are incorporated herein by this reference.

B) Grantor is also the owner of a certain additional tract of land near and/or adjoining the property described on Exhibit "A", which will be platted by Grantor as **Morningside Heights 7<sup>th</sup> Addition**, but which has not previously been subjected to said Declaration. Said other land is legally described on Exhibit "A" attached hereto and incorporated herein by this reference. Said other land consists of numerous residential lots, along with the dedicated roadways, (**Morningside Heights 7<sup>th</sup> Addition**).

C) Grantor desires to annex said other land known as **Morningside Heights 7<sup>th</sup> Addition** to the original **Morningside Heights 5<sup>th</sup> Addition/Brigadoon Addition** land and subject it to the Declaration as provided in this Declaration of Annexation.

**NOW THEREFORE**, Grantor hereby declares and covenants as follows:

1. That, in accordance with the rights reserved to Grantor in the Declaration, **Morningside Heights 7<sup>th</sup> Addition** is hereby made subject to the Declaration and shall for all purposes be part of the **Morningside Heights 5<sup>th</sup> Addition** and **Brigadoon Addition** Subdivisions, effective upon the date that this document is recorded. **Morningside Heights 7<sup>th</sup> Addition** shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved, subject to and in accordance with all of the terms, covenants and provisions which have been set forth in the Declaration, all of which are for the purpose of enhancing and protecting the value and attractiveness of the **Morningside Heights 7<sup>th</sup> Addition**, as well as **Morningside Heights 5<sup>th</sup> Addition** and **Brigadoon Addition**, and to facilitate management and control of the common areas located in said developments. All of the limitations, covenants,

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NO LIABILITY FOR VALIDITY  
AND/OR ACCURACY ASSUMED  
BY STEWART TITLE

1 \*RERECORD TO CORRECT  
DECLARATION RECORDING  
DATE & RECORDING NUMBER

conditions, restrictions and easements set forth in this Declaration shall constitute limitations, covenants, conditions, restrictions and encumbrances which shall run with **Morningside Heights 7<sup>th</sup> Addition** and shall be perpetually binding upon Grantor and its respective successors-in-interest and assigns and all parties having or acquiring any right, title or interest in or to any part of **Morningside Heights 7<sup>th</sup> Addition**.

2. Grantor hereby grants to all Owners of Lots in **Morningside Heights 7<sup>th</sup> Addition** all rights and easements which were granted to Owners of Lots in **Morningside Heights 5th Addition** and **Brigadoon Addition**, which rights and easements are reserved to Grantor in the Declaration for the benefit of all said Lot Owners. Grantor also hereby reserves from all Owners of Lots in **Morningside Heights 7<sup>th</sup> Addition**, and grants to the Owners of Lots in **Morningside Heights 5th Addition** and **Brigadoon Addition**, all rights and easements which were reserved to Grantor under the Declaration and the Plat.

3. Without limiting the generosity of the foregoing, Grantor, for each Lot owned within **Morningside Heights 7<sup>th</sup> Addition**, hereby covenants and each Owner of any Lot within **Morningside Heights 5th Addition** and **Brigadoon Addition** by acceptances of a deed therefore, is hereby deemed to covenant and agree to pay to the Association regularly assessments or charges and special assessments for capital improvements and unexpected expenses or reconstruction assessments, all according to the Declaration.

4. All property and Lots within **Morningside Heights 5th Addition** and **Brigadoon Addition** and **Morningside Heights 7<sup>th</sup> Addition** shall hereafter have reciprocal non-exclusive easements and rights of use as to any of the roadways or streets and common areas, as may be depicted on the plats of **Morningside Heights 5th Addition** and **Brigadoon Addition** and **Morningside Heights 7th Addition**.

5. From the effective date hereof, **Morningside Heights 5th Addition** and **Brigadoon Addition** and **Morningside Heights 7<sup>th</sup> Addition** shall be considered as one development of property in all respects as to application of the Declaration.

The undersigned has executed this Declaration of Annexation as of Sept 6<sup>th</sup>, 2013.

SUMMIT PROPERTIES, INC. (Declarant)

**Richard T. Dahm, President**

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF SPOKANE )

On this 6<sup>th</sup> of September, 2013, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RICHARD T. DAHM, to me known to be the President of SUMMIT PROPERTIES, INC., the Washington State Corporation that executed the foregoing instrument, and acknowledged the said instrument to be his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Notary Public in and for the State of  
Washington, residing in Spokane  
My Commission Expires:



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**EXHIBIT "A"**

**LEGAL DESCRIPTION  
MORNINGSIDE HEIGHTS 7<sup>th</sup> ADDITION**

All that portion of the Southwest Quarter of the Northeast Quarter of Section 30, Township 25 North, Range 45 East, W.M., lying East of the Final Plat of Morningside Heights Fifth Addition, recorded in Book 33 of Plats, page 15, lying West and North of Chapman Road, as Deeded per Auditor's File No. 5712403, and lying South of the North 1116 line of said Section.

**TOGETHER WITH** that portion described as follows:

**COMMENCING** at the Southeast corner of Lot 1, Block 4 of said Final Plat of Morningside Heights Fifth Addition;

Thence South 01°14' 09" West, along the prolongation of the East line of said Lot 1, a distance of 28.50 feet to the North Right of Way line of Chapman Road per Right of Way Deed recorded in Auditor's File No. 5712403;

Thence North 89°46' 44" West, along said Right of Way, a distance of 138.12 feet to the North-South Quarter Section line;

Thence North 00°32'56" East, along the said North- South Quarter line, a distance of 28.50 feet to the South line of Tract A per said Final Plat of Morningside Heights Fifth Addition;

Thence South 89°46'44" East, along said South line of said Final Plat of Morningside Heights Fifth Addition, a distance of 138.46 feet to **THE TRUE POINT OF BEGINNING**

Situate in the County of Spokane, State of Washington.

Said parcel containing an approximate area of 7.65 acres or 333,092 square feet, more or less.