



3516489

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09/23/2002 04:30P

Clark County, WA

FILED FOR RECORD AT THE REQUEST OF,  
AND WHEN RECORDED RETURN TO:

Mark A. Erikson  
Attorney at Law, PLLC  
1111 Main Street, Suite 402  
Vancouver, Washington 98660-2958

Real Estate Excise Tax  
Ch. 11 Rev. Laws 1951  
EXEMPT  
Affd. # 0 Date 9.23.02  
For Details of tax paid see  
Affd. # \_\_\_\_\_  
Doug Lasher  
Clark County Treasurer  
By \_\_\_\_\_ Deputy

# FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS & RESTRICTIONS WHIPPLE CREEK PHASE A

Declarant:	Whipple Creek Properties, L.L.C.
Beneficiary:	The Owners of Lots within Whipple Creek Place
Legal Description:	TL's 31 & 141, NW¼, Sec 22, T3N, R1E, W.M. (portion)
Assessor's Tax Parcels:	185422 & 185541 (portion)
Related Documents:	3512046

This *First Amendment*, dated as of September 19, 2002, amends that certain *Declaration of Covenants, Conditions and Restrictions* dated as of September 5, 2002 (the "Phase A Declaration"), filed for record at Clark County Auditor's File No. 3512046 by Whipple Creek Properties, L.L.C., a Washington limited liability company (referred to herein as the "Declarant").

## RECITALS

WHEREAS, the Phase A Declaration provides a common plan and scheme for development of Whipple Creek Place Phase A, and further provides that property described therein shall be held, sold and conveyed subject to covenants, conditions and restrictions, which shall run therewith and bind all parties having or acquiring any right, title or interest in said property or any Lot or part thereof, and shall inure to the benefit of each Owner.

CLAR0227.CCR5.wpd

**FIRST AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS & RESTRICTIONS - 1**

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(360) 696-1012

**NOW THEREFORE**, the Declarant hereby amends the Declaration as follows:

**Paragraph 8.4** of the Phase A Declaration is hereby amended to read, in its entirety, as follows:

**8.4 Minimum Size of Residences.** The minimum living area of all residences constructed on the Property, exclusive of basements, open or screened porches and attached or detached garages, shall be:

(a) For Lots 1 through 13, not less than one thousand four hundred (1,400) square feet for single story residences; and not less than one thousand six hundred (1,600) square feet for two story residences.

(b) For Lots 14 through 73, not less than one thousand nine hundred (1,900) square feet for single story residences; and not less than two thousand one hundred (2,100) square feet for two story residences.

For the purposes of this Section 8.4, daylight basements shall be excluded from the computation of square footage. Each residence must include a fully enclosed garage capable of enclosing at least two (2) full-sized automobiles.

**Paragraph 8.11** of the Phase A Declaration shall be amended to read, in its entirety, as follows:

**8.11 Repetition of Plans.** No floor plan nor elevation design shall be approved nor constructed on any Lot, unless:

(a) For Lots 1 through 13, such elevation design is separated by one (1) or more Lots from any elevation design which is similar, in the sole discretion of the Architectural Control Committee, to the proposed elevation design; and, provided further, that no elevation design may not be approved nor constructed immediately across any street from the same elevation design.

(b) For Lots 14 through 73, such floor plan or elevation design is separated by three (3) or more Lots from any floor plan or elevation design which is similar, in the sole discretion of the Architectural Control Committee, to the proposed floor plan or elevation design.



MARK A ERIKSON



AMD



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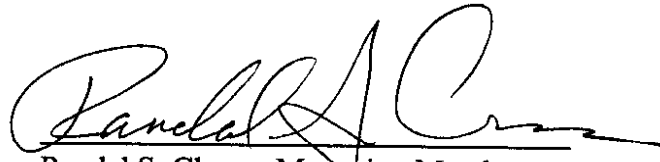
Except as explicitly amended herein, all terms and provisions of the Phase A Declaration are hereby reaffirmed and incorporated by reference.

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

**DECLARANT:**

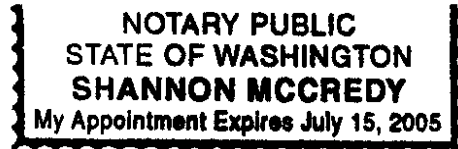
Whipple Creek Properties, L.L.C.

By:



Randal S. Clarno, Managing Member

STATE OF WASHINGTON )  
 ) ss.  
County of Clark )



On this 20 day of September, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Randal S. Clarno, known to me to be the Managing Member of Whipple Creek Properties, L.L.C., that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said limited liability company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument by the Operating Agreement of said limited liability company.

Date: September 20, 2002 By: Shannen McCredy

Notary Public in and for the State of Washington  
residing at Vancouver