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Page: 1 of 3  
05/10/2005 02:15P

FIRST AMERICAN TITLE

AND

21.00 Clark County, WA

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

Mark A. Erikson  
Erikson & Hirokawa, PLLC  
1111 Main Street, Suite 402  
Vancouver, Washington 98660-2958

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## SECOND AMENDMENT TO DECLARATIONS OF COVENANTS, CONDITIONS & RESTRICTIONS

### WHIPPLE CREEK PLACE, PHASES D-1 & D-2

112525

Declarant:	Helmes, Inc.
Beneficiary:	The Owners of Lots within Whipple Creek Phases D-1 & D-2
Legal Description:	Lots 1 through <del>30</del> , Whipple Creek Place, Phase D-1, Book 311, p. 188 Lots 1 through 34, Whipple Creek Place, Phase D-2, Book 311, p. 192
Assessor's Tax Parcels:	
Related Documents:	3863618, 3874873, 3687678 & 3505343 at 45 through 64;

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This *Second Amendment*, dated as of May 5, 2005, amends that certain *Declaration of Covenants, Conditions and Restrictions* dated as of December 19, 2003, filed for record at Clark County Auditor's File No. 3863618 (the "Phase D-1 Declaration"); and that certain *Declaration of Covenants, Conditions and Restrictions* dated as of July 26, 2004, filed for record at Clark County Auditor's File No. 3874873 (the "Phase D-2 Declaration"); as each were previously amended by that certain *First Amendment* filed for record at Clark County Auditor's File No. 3687678; (the foregoing documents are referred to, collectively, as the "Revised Declarations").

WHEREAS, Helmes, Inc., a Washington corporation, dba New Tradition Homes, has succeeded to the status of "Declarant" under paragraph 4.3(b) of the Revised Declarations.

CLAR0227.CCR17.wpd

**SECOND AMENDMENT TO  
DECLARATIONS OF COVENANTS  
CONDITIONS AND RESTRICTIONS (D-1 & D-2) - 1**

ERIKSON & HIROKAWA, PLLC  
ATTORNEYS AT LAW  
Fourth Floor, Main Place  
1111 Main Street, Suite 402  
Vancouver, WA 98660-2958  
(360) 696-1012


**NOW THEREFORE**, the Declarant hereby amends Paragraphs 8.4 of the Revised Declarations so as to read, in their 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 not less than one thousand four hundred (1,400) square feet for single story residences; and not less than one thousand four hundred (1,400) square feet for two story residences. For the purposes of this paragraph, daylight basements shall be excluded from the computation of square footage.

Except as explicitly amended herein, all terms and provisions of the Revised Declarations are hereby reaffirmed and incorporated by reference.

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

**DECLARANT:**  
Helmes, Inc.

By:   
Chris Helmes, President

This document is recorded as an accommodation by First American Title Insurance and maintains no responsibility as to the affect or provisions of this document.



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Page: 3 of 3  
05/10/2005 02:13P

FIRST AMERICAN TITLE

AMD

21.00 Clark County, WA

STATE OF WASHINGTON )  
 ) ss.  
County of Clark )

On this 5<sup>th</sup> day of May, 2005, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Chris Helmes, to me known to be the President of Helmes, Inc., that executed the foregoing instrument, and acknowledged said instrument to be the free and voluntary act of said corporation, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute said instrument by the Board of Directors of said corporation.

Date: 5/5/05

By:

Laura L. Longee

Laura L. Longee

NOTARY PUBLIC in and for the State of  
Washington, residing in Vancouver.

My commission expires May 15, 2008



CLAR0227.CCR17.wpd

**SECOND AMENDMENT TO  
DECLARATIONS OF COVENANTS  
CONDITIONS AND RESTRICTIONS (D-1 & D-2) - 3**

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