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**FIRST AMENDMENT TO THE
DECLARATION OF COVENANTS
AND RESTRICTIONS
FOR BROADMOOR ESTATES PHASE IV**

DATE OF DOCUMENT: July 28, 2009

GRANTOR: Helmes Development, Inc., a Washington Corporation

GRANTEE: Helmes Development, Inc., a Washington Corporation

RELATED DOCUMENTS: 1729449

LEGAL: Broadmoor Estates Phase IV
Volume D of Plats, at Page 353
City of Pasco, Franklin County, Washington

TAX PARCELS: 115-382-105, 115-382-106, 115-382-107, 115-382-108,
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115-382-145, 115-382-146, 115-382-147, 115-382-148,
115-382-149, 115-382-150

THIS IS THE FIRST AMENDMENT to the Declaration of Covenants and Restrictions for Broadmoor Estates Phase IV, recorded under Franklin County Auditor's file number 1729449 on January 27, 2009 ("Declaration") by Helmes Development, Inc., a Washington corporation ("Helmes"). This First Amendment to the Declaration of

Covenants and Restrictions for Broadmoor Estates Phase IV ("First Amendment") is made by Helmes, which is duly authorized to transact business in the state of Washington, and the owner of a majority of lots within the development known as Broadmoor Estates Phase IV.

RECITALS

1. Helmes has the unilateral right to make this Third Amendment because Helmes owns a majority of lots within Broadmoor Estates Phase IV.

2. This First Amendment applies to all real property within Broadmoor Estates Phase IV, Volume D of Plats, at Page 353, City of Pasco, Franklin County, Washington, recorded under Franklin County Auditor's No. [ENTER RECORDING NUMBER], on [ENTER DATE].

3. The terms of this First Amendment constitute covenants, conditions and restrictions that run with the land and that burden and benefit the applicable properties within Broadmoor Estates Phase IV, as described herein, and shall inure to the benefit and be binding upon the successors and assigns of Grantor and Grantee.

4. In the event of any conflict between the terms of the Declaration and this First Amendment, the terms of this First Amendment shall control.

AMENDMENT

Now, therefore, the undersigned does hereby amend section 2 of the Declaration to read as follows:

2. BUILDING TYPE: No building shall be erected, altered, placed, or permitted to remain on any lot other than one detached single family dwelling together with a private garage for not less than two cars. However, the foregoing provisions shall not be interpreted to exclude a private swimming pool, or a shelter for the protection of said pool, or for a garden shed or garage/workshop not to exceed 24' x 24' foundation dimensions (or some other foundation dimensions not to exceed 576 square feet) and not to exceed 10' wall height, provided the location of such structure is in conformity with the applicable municipal regulations and the structure is compatible in design and decoration with the residence constructed on such lot.

Now, therefore, the undersigned does hereby amend section 8 of the Declaration to read as follows:

8. FENCE: No fence or hedge on any lot boundary line shall exceed six (6) feet in height above the grade on which it is situated, and no fence shall be situated forward of the front yard set-back line as determined by the then current applicable municipal set-back regulations, except that a privacy entry court screening may extend into the set-back

area a minimum distance of three (3) feet from the set-back line. All fences are to be cedar with cedar top cap and steel post (see drawing attached); all fencing shall be concurrent; and all fences shall have at least one coat of oil stain (i.e., Olympic #909 or equivalent) applied before or at the time of installation. Notwithstanding the foregoing requirements, the Declarant shall have the unqualified right to install fences of any type within or along the boundary lines of Broadmoor Estates Phase III, including, but not limited to, metal, cyclone or chain link fencing.

Now, therefore, the undersigned does hereby add a new section, section 22, to the Declaration to read as follows:

22. DECLARANT. "Declarant" shall mean and refer to Helmes Development, Inc., a Washington Corporation, or its successors, successors-in-title or assigns who take title to any portion of the real property within Broadmoor Estates Phase IV for the purpose of development and/or sale and are designated as the Declarant hereunder in a recorded instrument executed by the immediately preceding Declarant. The designation of Declarant and the Declarant's authority shall terminate when the Declarant no longer owns any lots within Broadmoor Estates Phase IV.

Now, therefore, the undersigned does hereby add a new section, section 23, to the Declaration to read as follows:

23. AMENDMENT. Except as otherwise provided in this section, the Declaration of Covenants and Restrictions of Broadmoor Estates Phase IV, and any subsequent amendment thereto, may be amended, at any time, by a written and recorded instrument signed by the Declarant or by the owners who own a majority of lots within Broadmoor Estates Phase IV. However, so long as the Declarant exists, the Declarant shall have the unilateral right to amend the Declaration of Covenants and Restrictions of Broadmoor Estates Phase IV, and any amendments thereto; and no amendment proposed by owners who own a majority of lots within Broadmoor Estates Phase IV shall be effective unless approved, in writing, by the Declarant.

Now, therefore, the undersigned does hereby add a new section, section 24, to the Declaration to read as follows:

24. OPTIONAL HOMEOWNERS ASSOCIATION. Except as otherwise provided in this section, the Declarant or the owners of a majority of lots within Broadmoor Estates Phase IV may, but are in no way required to, establish a homeowners association, Broadmoor Estates Phase IV Homeowners Association (or similar name), as a nonprofit corporation, organized under the laws of the State of Washington, to engage in any activity allowed by Revised Code of Washington Chapter 64.38, Homeowners' Associations, and as specified in the homeowners association's articles of incorporation, bylaws or in a subsequent amendment to the Declaration of Covenants and Restrictions for Broadmoor Estates Phase IV. All lots subject to the Declaration of Covenants and Restrictions for Broadmoor Estates Phase IV, and any amendment thereto, shall also be

