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PIERCE COUNTY, WASHINGTON

Foster Pepper & Shefelman PLLC
Attention: Gary N. Ackerman
1111 Third Avenue, Suite 3400
Seattle, Washington 98101-3299

AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS, AND RESERVATIONS FOR
VILLAGE GREEN

Grantor/Declarant: CAPSTONE HOMES, INC., a Washington corporation
Additional names on pg. N/A

Grantee: VILLAGE GREEN, DIVISIONS 2, 3, AND 5
Additional names on pg. N/A

Abbreviated
Legal Description: Sections 24 and 25, Township 19 North, Range 4 East, W.M.
Sections 19 and 30, Township 19 North, Range 5 East, W.M.
Official legal description on Exhibit 1 pg 4 - 6

Assessor's Tax Parcel ID#: 602327-001 through 602327-073
602328-001 through 602328-023
700147-001 through 700147-084

Reference # (if applicable): 200105170130, 200201180854
Additional numbers on pg. N/A

For reference only, not for re-sale.

AMENDMENT TO
DECLARATION OF COVENANTS,
CONDITIONS, RESTRICTIONS, AND RESERVATIONS FOR
VILLAGE GREEN

The undersigned, as Declarant, recorded a Declaration of Covenants, Conditions, Restrictions, and Reservations (the "Declaration") for Village Green (the "Subdivision"), under Pierce County Auditor's No. 200105170130 as amended by Supplemental Declaration for Village Green, Division III recorded under Pierce County Auditor's No. 200201180854. Declarant desires to amend the Declaration as follows:

1. Legal Description of the Additional Property. Declarant desires to correct the legal description of the Additional Property of the Subdivision. Accordingly, Exhibit 3 of the Declaration is amended in its entirety as attached hereto as Exhibit A.
2. Additional Property. Declarant desires to subject additional property within the Subdivision to the Declaration. Exhibit 1 to the Declaration is amended to read in full as attached hereto as Exhibit B in order to describe the Additional Property subjected to the Declaration.
3. Maintenance of Structures and Landscaping. Section 6.1 of the Declaration is hereby replaced in its entirety with the following:

Section 6.1 Maintenance of Structures and Landscaping. The Structures and Lots shall be maintained in a good, clean, attractive, safe and sanitary condition consistent with the Structures, improvements and landscaping on the other Lots and in full compliance with all applicable laws and the provisions of this Section.

(a) Except as provided in (b) and (c) below, each Owner, at the Owner's cost and expense, shall promptly and continuously maintain, repair, replace and restore the Structures, other improvements and the landscaping on the Owner's Lot in a good, clean, attractive, safe and sanitary condition consistent with the Structures, improvements and landscaping on the other Lots and in full compliance with all applicable laws, the provisions of this Declaration, and any rules and regulations of the Association. Each Owner shall also maintain the lawn and landscaping of each Lot in a good, clean, attractive, safe, and sanitary condition, including cutting the grass, weeding the beds, and pruning and replacing trees and shrubs. The ACC may require, at the Owner's expense, the removal or pruning of any tree on the Owner's Lot which the ACC determines is hazardous to person or property within or adjacent to Property. If any Owner has failed to maintain, repair, replace or restore the Owner's Structures, improvements and landscaping on the Owner's Lot, after written request from the Board and a reasonable

Exhibit 3

VILLAGE GREEN

Legal Description of Additional Property

THOSE PORTIONS OF THE THOMAS HEADLY DONATION LAND CLAIM NO. 38 SITUATE IN THE NORTHEAST QUARTER OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 4 EAST, W.M., AND IN THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., AND IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., AND OF THE HENRY WHITESELL DONATION LAND CLAIM IN THE NORTHWEST QUARTER OF SECTION 30, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., AND OF GOVERNMENT LOT 7, SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 EAST, W.M., ALL IN THE CITY OF ORTING, PIERCE COUNTY, WASHINGTON, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A BRASS DISK MARKING THE NORTHWEST CORNER OF GOVERNMENT LOT 7, SECTION 19, TOWNSHIP 19 NORTH, RANGE 5 EAST W.M.; THENCE SOUTH 03° 11' 16" WEST, ALONG THE WEST LINE OF SAID GOVERNMENT LOT 7, A DISTANCE OF 263.14 FEET; THENCE NORTH 87° 56' 43" WEST TO A POINT WHICH IS 70.00 FEET NORMAL DISTANCE SOUTHWESTERLY FROM THE CENTERLINE OF STATE HIGHWAY NO 162 (PIONEER WAY), AS SAID CENTERLINE IS DEFINED BY THE PLAT OF VILLAGE GREEN DIVISION I, ACCORDING TO PLAT THEREOF RECORDED IN THE OFFICE OF THE PIERCE COUNTY AUDITOR UNDER FILE NO. 9507060091; THENCE SOUTH 30° 55' 51" EAST, ALONG A LINE WHICH LIES PARALLEL WITH SAID CENTERLINE AND BEING ALSO THE NORTHEASTERLY BOUNDARY OF SAID PLAT OF VILLAGE GREEN DIVISION I, A DISTANCE OF 477.98 FEET TO THE MOST EASTERLY CORNER OF TRACT A, VILLAGE GREEN DIVISION I, AND TRUE POINT OF BEGINNING; THENCE NORTH 75° 55' 51" WEST A DISTANCE OF 141.42 FEET TO THE MOST WESTERLY CORNER OF SAID TRACT A; THENCE SOUTH 59° 04' 09" WEST ALONG THE SOUTHEASTERLY MARGIN OF WILLIAMS BOULEVARD NORTHWEST RIGHT OF WAY, A DISTANCE OF 138.91 FEET; THENCE SOUTH 70° 56' 26" WEST, ALONG THE AFORESAID SOUTHEASTERLY MARGIN, A DISTANCE OF 8.51 FEET; THENCE SOUTH 02° 03' 17" WEST A DISTANCE OF 114.81 FEET; THENCE NORTH 87° 56' 43" WEST A DISTANCE OF 300.00 FEET; THENCE SOUTH 02° 03' 17" WEST A DISTANCE OF 35.00 FEET TO THE SOUTHEAST CORNER OF LOT 124, VILLAGE GREEN DIVISION I; THENCE SOUTH 02° 03' 17" WEST A DISTANCE OF 281.39 FEET; THENCE SOUTH 56° 22' 11" WEST A DISTANCE OF 88.65 FEET; THENCE NORTH 32° 07' 37" WEST A DISTANCE OF 60.00 FEET; THENCE SOUTH 58° 32' 00" WEST A DISTANCE OF 129.31 FEET; THENCE SOUTH 36° 47' 52" WEST A DISTANCE OF 64.59 FEET; THENCE SOUTH 58° 32' 00" WEST A DISTANCE OF 130.00 FEET TO A POINT ON THE NORTHEASTERLY MARGIN OF A STRIP OF LAND 60.00 FEET IN WIDTH CONVEYED TO PUGET SOUND POWER & LIGHT BY INSTRUMENT RECORDED JULY 11, 1903 IN BOOK 152 OF DEEDS, PAGE 68 UNDER FILE NUMBER 166448; THENCE NORTH 83° 12' 51" WEST A DISTANCE OF 76.48 FEET TO A POINT ON THE SOUTHWESTERLY MARGIN OF THE AFORESAID STRIP; THENCE SOUTH 28° 21' 25" WEST A DISTANCE OF 242.42 FEET; THENCE SOUTH 72° 44' 08" WEST A DISTANCE OF 190.00 FEET; THENCE SOUTH 69° 17' 58" WEST A DISTANCE OF 150.38 FEET; THENCE SOUTH 00° 04' 20" WEST A DISTANCE OF 557.89 FEET; THENCE SOUTH 26° 50' 26" WEST A DISTANCE OF 249.19 FEET; THENCE SOUTH 00° 05' 35" EAST A DISTANCE OF 211.14 FEET; THENCE SOUTH 36° 48' 13" EAST A DISTANCE OF 157.24 FEET; THENCE SOUTH 63° 09' 34" EAST A DISTANCE OF 400.33 FEET; THENCE SOUTH 70° 39' 11" EAST A DISTANCE OF 150.00 FEET; THENCE NORTH 70° 52' 48" EAST A DISTANCE OF 302.91 FEET; THENCE SOUTH 78° 13' 20" EAST A DISTANCE OF 100.00 FEET; THENCE SOUTH 49° 51' 49" EAST A DISTANCE OF 147.31 FEET; THENCE SOUTH 76° 08' 42" EAST A DISTANCE OF 194.36 FEET; THENCE SOUTH 67° 43' 06" EAST A DISTANCE OF 111.65 FEET; THENCE NORTH 73° 45' 13" EAST A DISTANCE OF 99.46 FEET; THENCE NORTH 53° 54' 11" EAST A DISTANCE OF 183 FEET MORE OR LESS, TO THE NORTHEASTERLY MARGIN OF A STRIP OF LAND 60.00 FEET IN WIDTH CONVEYED TO PUGET SOUND POWER AND LIGHT CO. BY INSTRUMENT

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EXHIBIT A-1

For reference only, not for re-sale.

RECORDED UNDER FEE NO. 166447 AND FEE NO. 167491; THENCE IN A SOUTHEASTERLY DIRECTION, ALONG THE NORTHEASTERLY MARGIN OF SAID STRIP OF LAND, A DISTANCE OF 920 FEET, MORE OR LESS, TO INTERSECT THAT LINE ESTABLISHED BY BOUNDARY LINE ADJUSTMENT RECORDED UNDER RECORDING NO. 2713024; THENCE IN A NORTHERLY DIRECTION FOLLOWING THE LINE ESTABLISHED BY BOUNDARY LINE ADJUSTMENT UNDER RECORDING NO. 2713024, AND THE NORTHERLY PRODUCTION THEREOF, A DISTANCE OF 1820 FEET, MORE OR LESS, TO A POINT WHICH LIES 70.00 FEET NORMAL DISTANCE SOUTHWESTERLY FROM THE CENTERLINE OF STATE HIGHWAY NO. 162; THENCE NORTH 30° 55' 51" WEST, PARALLEL WITH SAID CENTERLINE, A DISTANCE OF 1364.60 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH THE PLAT OF VILLAGE GREEN DIVISION 3, AS RECORDED UNDER AUDITOR'S FEE NO. 200201115005, RECORDS OF PIERCE COUNTY, WASHINGTON. ALSO

TOGETHER WITH THE PLAT OF VILLAGE GREEN DIVISION 4, AS RECORDED UNDER AUDITOR'S FEE NO. 200306135002, RECORDS OF PIERCE COUNTY, WASHINGTON.

EXCEPT THAT PORTION OF PIONEER WAY LYING SOUTHEASTERLY OF THE NORTHWESTERLY LINE OF A CUL-DE-SAC OF RADIUS 50 FEET TO THE CENTER OF WHICH IS ON THE CENTERLINE OF SAID OLD PIONEER WAY AT A POINT 95 FEET NORTHWESTERLY OF THE NORTHERLY EXTENSION OF THE WEST LINE OF LOT 1 OF PIERCE COUNTY SHORT PLAT NUMBER 77-121.

ALSO EXCEPT THE 60 FOOT RIGHT OF WAY CONVEYED TO PUGET SOUND POWER AND LIGHT COMPANY BY DEEDS RECORDED UNDER RECORDING NUMBERS 166447, 166448, AND 167491.

SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.

SITUATE IN THE CITY OF ORTING, COUNTY OF PIERCE, STATE OF WASHINGTON.

For reference only, not for re-sale.

Exhibit 1

VILLAGE GREEN

Legal Description of Declarant's Property

Parcel A

Lots 10 through 50, inclusive, of Village Green, Division II, according to the Plat thereof recorded under Auditor's No. 200006305007, in Pierce County, Washington.

Parcel B

Lots 1 through 23, inclusive, of Village Green, Division V, according to the Plat thereof recorded under Auditor's No. 200006305008, in Pierce County, Washington.

Division III

Lots 1 through 84, inclusive, and Tracts A and B of Village Green, Division III, according to the Plat thereof recorded under Auditor's No. 200201115005, in Pierce County, Washington.

Division IV

Lots 1 through 92, inclusive, and Tracts A, B, C, D, and E of Village Green, Division IV, according to the Plat thereof recorded under Auditor's No. 200306135002, in Pierce County, Washington.

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