

8406070229

**DECLARATION OF COVENANT REQUIRING PRIVATE CONSTRUCTION
AND MAINTENANCE OF AAKER ADDITION APPROVED PRIVATE ROAD.**

Declaration of Covenant

In consideration of the approval by Spokane County of Aaker Addition which said plat creates (34 lots) described as follows:

The Northeast quarter of the Northeast quarter of Section 8, Township 24 North, Range 43 East, W.M., lying easterly of Hatch Road, EXCEPT the North 400.00 feet thereof, in Spokane County, Washington, being more particularly described as follows:

Beginning at the Northeast corner of said Section 8; thence South $00^{\circ}41'55''$ West, along the East line of said Northeast quarter, 400.07 feet to a point on the South line of the North 400.00 feet of said Northeast quarter of the Northeast quarter, the True Point of Beginning; thence continuing South $00^{\circ}41'55''$ West, along said East line of the Northeast quarter, 963.94 feet to the Southeast corner of said Northeast quarter of the Northeast quarter; thence North $89^{\circ}41'58''$ West, along the South line of said Northeast quarter of the Northeast quarter, 890.16 feet to the Easterly right of way line of Hatch Road, a point on a non-tangent 939.22 foot radius curve to the left, the center of circle of which bears North $62^{\circ}46'59''$ West; thence Northeasterly, along said right of way line and along said curve through a central angle of $20^{\circ}14'50''$ and arc distance of 331.90 feet to the point of tangent; thence North $06^{\circ}58'11''$ East, along said right of way line 456.25 feet to the point of curve of a 1066.22 foot radius curve to the left; thence along said right of way line and along said curve, through a central angle of $10^{\circ}00'29''$, an arc distance of 186.24 feet to a point on the South line of the North 400.00 feet of said Northeast quarter of the Northeast quarter; thence North $89^{\circ}37'39''$ East, along said South line, 743.13 feet to the True Point of Beginning.

the undersigned covenants and agrees that:

1. The owner(s) of the aforescribed property or of any lot which has been or is subsequently created on said property shall be responsible for the financing for construction and maintenance of all private roads within said short plats.

2. The road shall be improved consistent with Spokane County standards for short plat private roads.

3. Maintenance methods, standards, and financing shall be in a manner determined by the owners of a majority of the square footage of buildable land within such aforescribed property.

4. In the event such private road is improved to Spokane County standards for public streets and the County is willing to accept the dedication of such road, each lot owner shall execute any documents necessary to accomplish such dedication.

5. Owners of lots within the above referenced short plat who are served by such road, may sue and recover from any owner of any lot within the short plat which is similarly served who refuses to participate in the road construction, financing, and maintenance. Such owners who refuse to share the costs under the percentage set forth above shall be liable for any attorneys fees.

6. **WARNING:** Spokane County has no responsibility to build, improve, or maintain or otherwise service the private roads contained within or providing service to the property described in this plat. By accepting this plat or subsequently by allowing a building permit to be issued on property on a private road, Spokane County assumes no obligation for said private road and the owners hereby acknowledge that the County has no obligation of any kind or nature whatsoever to establish, examine, survey, construct, alter, repair, improve, maintain, provide drainage or snow removal on a private road. This requirement

STATE OF WASHINGTON)
) ss.
County of Spokane)

On this 6 day of June, 1984, before me personally appeared KIMBERLY K. BEAUCHEMIN to me known to be the Asst. Vice Pres of LINCOLN MUTUAL SAVINGS BANK, the corporation that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument and that the seal affixed is the corporate seal of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

Bud Carter
NOTARY PUBLIC in and for the State
of Washington, residing at Spokane

STATE OF WASHINGTON)
) ss
County of SPOKANE)

On this day personally appeared before me DAN G. GARDNER, to me known to be a general partner of PINES PARTNERSHIP, who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument for and on behalf of said partnership.

GIVEN under my hand and official seal this 6th day of June, 1984.

Bud Carter
NOTARY PUBLIC in and for the State
of WASHINGTON, residing at Spokane

STATE OF WASHINGTON)
) ss
County of Spokane)

On this day personally appeared before me KENNETH V. MOLAND, to me known to be a general partner of PINES PARTNERSHIP, who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument for and on behalf of said partnership.

GIVEN under my hand and official seal this 6th day of June, 1984.

FILED OR RECORDED

REQUEST OF Pete Witherspoon

JUN 7 1 49 PM '84

Bud Carter
NOTARY PUBLIC in and for the State
of Washington, residing at Spokane

WILLIAM E. DONAHUE
AUDITOR
SPOKANE COUNTY, WASH.
DEPUTY

12th floor Wash Mut Bldg 99201

RECORDED

600

STATE OF WASHINGTON)
County of SPOKANE) ss

On this day personally appeared before me DEL BATCHELDER, to me known to be a general partner of PINES PARTNERSHIP, who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument for and on behalf of said partnership.

GIVEN under my hand and official seal this 6th day of June, 1984.

Del Batchelder
NOTARY PUBLIC in and for the State
of WASHINGTON, residing at Spokane

STATE OF WASHINGTON)
County of Spokane) ss

On this day personally appeared before me S. O. "BUD" AAKER, to me known to be a general partner of WHISPERING PINES, who executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said partnership for the uses and purposes therein mentioned and on oath stated that he was authorized to execute said instrument for and on behalf of said partnership.

GIVEN under my hand and official seal this 7 day of June, 1984.



Eileen M. Wells
NOTARY PUBLIC in and for the State
of Washington, residing at Spokane

STATE OF WASHINGTON)
County of Spokane) ss.

On this day personally appeared before me MAX J. KUNEY, III and SHELLY A. KUNEY, to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 5th day of June, 1984.

Del Batchelder
NOTARY PUBLIC in and for the State
of Washington, residing at Spokane