



FIVE MILE CORPORATION

AMEND \$43.00

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08/10/2007 11:21A
Spokane Co. WA

After recording return to:

BRIAN C. BALCH
LAYMAN, LAYMAN & ROBINSON, PLLP
601 S. DIVISION STREET
SPOKANE, WA 99202-1335

Reference # (if applicable): 5006402, 5018096, 5253846, 5312668
Grantor(s): (1) Five Mile Corporation (2) _____
Grantee(s): (1) _____ (2) _____
Legal Description (abbreviated): NW ¼ S 23 T 26 R 42
Additional legal(s) on page 4
Assessor's Tax Parcel ID# _____

**FIFTH AMENDMENT TO DECLARATION ESTABLISHING
COVENANTS, CONDITIONS, AND RESTRICTIONS FOR
FALCON RIDGE**

FIVE MILE CORPORATION, a Washington corporation ("Declarant"), hereby amends that certain Declaration Establishing Covenants, Conditions, and Restrictions for Falcon Ridge recorded December 1, 2003 in the Office of the Spokane County, Washington Auditor under Recording No. 5006402 (the "Declaration"), which Declaration was amended by the First Amendment to Declaration Establishing Covenants, Conditions, and Restrictions for Falcon Ridge recorded December 30, 2003 in the Office of the Spokane County, Washington Auditor under Recording No. 5018096 (the "First Amendment"), and further amended by the Second Amendment to Declaration Establishing Covenants, Conditions, and Restrictions for Falcon Ridge recorded August 2, 2005 in the Office of the Spokane County, Washington Auditor under Recording No. 5253846 (the "Second Amendment"); and further amended by the Third Amendment to Declaration Establishing Covenants, Conditions, and Restrictions for Falcon Ridge recorded November 30, 2005 in the



Office of the Spokane County, Washington Auditor under Recording No. 5312668 (the "Third Amendment"); and further amended by the Fourth Amendment to Declaration Establishing Covenants, Conditions, and Restrictions for Falcon Ridge recorded 8/10/07 in the Office of the Spokane County, Washington Auditor under Recording No. 5373751 (the "Fourth Amendment"). This Declaration is further amended by this Fifth Amendment (this "Fifth Amendment"), pursuant to Section 10.1 of the Declaration, as follows:

1. Declarant, as Declarant and Developer of Falcon Ridge and as the owner of the real property legally described on Exhibit "A" attached hereto ("Annexed Property") hereby annexes the Annexed Property. Said Annexed Property shall hereafter be considered as part of the Property covered by the Declaration as though it was originally included therein. The Annexed Property is intended to be platted as Falcon Ridge Second Addition. Said Annexed Property is sometimes referred to below as Falcon Ridge Second Addition.

2. Certain Building Lots in Falcon Ridge Second Addition shall be required to conform to additional use and construction restrictions beyond those stated in Article 4 of the Declaration. The increased requirements and restrictions are as follows:

a. All dwellings constructed on Building Lots adjoining Dawn Avenue shall meet the following additional requirements:

(i) At least 500 square feet of stone or brick shall be incorporated into the exterior finish of the dwelling on its front side, with the front side being that side of the Building Lot from which primary access is obtained;

(ii) All such dwellings shall utilize double wall construction on all sides;

(iii) All roofs on all buildings shall utilize architectural composition shingles or shingles of comparable quality, with all shingles to be approved by the Architectural Committee in its sole discretion; and

(iv) Notwithstanding the provisions in Section 4.1 of the Declaration that may provide other minimum building size, no



dwelling on any of these lots shall have less than 1,200 square feet of finished living room and size above basement grade for a ranch-style dwelling, nor less than 1,000 feet in size on the ground floor living level with more than one level above grade (such as four-level, story and one-half dwelling above grade, or dwelling with two stories above grade). No "split level" style dwellings shall be permitted on any of these Lots.

b. All dwellings constructed on Building Lots adjoining "K" Circle shall also meet the following additional requirements:

(i) All such dwellings shall meet all requirements established for dwellings constructed on Building Lots adjoining Dawn Avenue including those stated in subsection 1.a., together with the added requirements in subsection 1.b.(ii) immediately below;

(ii) All such dwellings shall also meet minimum size requirements of not less than 1,500 square feet of finished living room and size above basement grade for a ranch-style dwelling, nor less than 1,250 feet in size on the ground floor living level with more than one level above grade (such as four-level, story and one-half dwelling above grade, or dwelling with two stories above grade). No "split level" style dwellings shall be permitted on any of these Lots.

To the extent the provisions imposed on the Annexed Property are more stringent than those provided for other property covered by the Declaration, the provisions hereof shall be interpreted and enforced as supplemental and additional covenants covering only the affected lots referred to above.

3. The Declaration, as originally recorded, and as modified by the First Amendment, Second Amendment, Third Amendment, Fourth Amendment, as well as this Fifth Amendment, shall remain in full force and effect.

4. This Amendment shall be effective upon its recordation with the Spokane County, Washington Auditor.

FIVE MILE CORPORATION

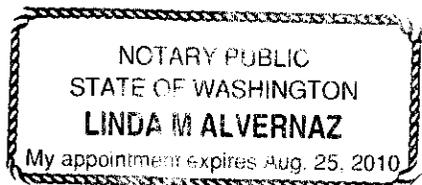


By: *Robert J. Frisch*
Robert J. Frisch, President

STATE OF WASHINGTON)
) ss.
COUNTY OF SPOKANE)

On this 10th day of August, 2007 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert J. Frisch to me known to be the President of Five Mile Corporation, a Washington corporation, the corporation that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Linda M. Alvernaz
NOTARY PUBLIC in and for the State of Washington, residing at Spokane.
My commission expires: 8/25/10.
Printed Name: Linda M. Alvernaz

Unofficial Document