

When Recorded, Return to:



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06/16/2005 03:38P  
Spokane Co, WA

John M. Riley III  
Witherspoon, Kelley, Davenport & Toole, P.S.  
1100 U.S. Bank Bldg.  
422 W. Riverside  
Spokane, WA 99201  
(509) 624-5265

Grantor: The Lloyd Charles Estates  
Grantee: The Lloyd Charles Estates  
Full Legal description: See Exhibit "A" attached hereto  
Abr. Legal: Ptn SW ¼ SE ¼ Sec 12, Tsp 22N. R42 E  
Tax Parcel No(s): 26124.9036

**FIRST AMENDMENT TO DECLARATION  
OF  
COVENANTS, CONDITIONS AND RESTRICTIONS AND  
RESERVATION OF EASEMENTS  
FOR  
THE LLOYD CHARLES ESTATES**

WHEREAS, on February 23, 2005, the Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for The Lloyd Charles Estates ("Declaration"), covering real property described on Exhibit "A" attached hereto, was recorded with the Spokane County Auditor, under Auditor's File Nos. 5183298 and 5183299; and

WHEREAS, pursuant to Section 10.3 of the Declaration, the Owners having more than seventy-five percent (75%) of the total voting power of The Lloyd Charles Estates Homeowners Association have the right to amend the Declaration, and;

WHEREAS, the undersigned Declarant owns all lots and thus has one hundred percent (100%) of the total voting power of the members of the Association, and assents below in writing to this first amendment.

WHEREAS, Declarant desires to amend the Declaration as set forth below.

NOW, THEREFORE, the Declaration is hereby amended in the following particulars:

1. Article 10 is hereby amended to add the following:

10.11 Private Driveway and Utility Easements. Declarant anticipates that access from Roads to certain Lots in the Lloyd Charles Estates for ingress, egress and utilities may or will, due to terrain and other conditions, cross more than one Lot to provide ingress, egress

R. E. Excise Tax Exempt

Date 6-16 2005

Spokane County Treas.

By *me*

and utilities thereto. Therefore, Declarant may, by (1) amending this Declaration or by Supplemental Declaration, (2) by easement granted, reserved, or excepted by Declarant in any one or more Lot sales, or (3) by Declarant requiring a grant of easement by a purchaser in his/her purchase of a Lot or Lots from Declarant, create easements for private driveways and utilities across any of Lots 3, 4, 5 or 6, Block 2, and/or 1, 2, 7 or 8, Block 3, or Common Open Space Tract C, for the benefit of and to burden any one or more of said Lots. Declarant will have the absolute right, in its sole and absolute discretion, to choose the location and width of said private driveway and utility easements over, upon, under and across the above described Lot(s). The private driveway and utility easements will be for one or more of said Lots only. Creation of a private driveway and utility easement does not obligate Declarant or purchaser to construct a driveway or any similar improvement thereon or to install any utilities therein. The Owners of said Lots, except for Declarant, shall share equally in the maintenance of those portions of any private driveway(s) jointly or severally used by said Owners. Declarant and the Owners of said Lots shall also have the right to access said private driveway and utility easements through the "Sidewalk Easements" and "Utility Easements" as shown on the face of the plat of The Lloyd Charles Estates. This right of Declarant and obligation of a purchaser of said Lot(s) shall automatically terminate upon the conveyance by Declarant of the last of the above described Lots in the plat of The Lloyd Charles Estates.

3. All other terms and conditions of the Declaration, and any prior Amendments thereto, shall remain in full force and effect, except as modified and as added to by this Amendment.

DATED this 15<sup>TH</sup> day of June, 2005.

THE LLOYD CHARLES ESTATES HOMEOWNERS ASSOCIATION, A Washington nonprofit corporation

By:

*Gary L. Dinwoodie*  
Gary L. Dinwoodie  
Its: President

Unofficial Document

State of Washington )  
 )ss.  
County of Spokane )

I certify that I know or have satisfactory evidence that Gary L. Dinwoodie is the person who appeared before me, and said person acknowledged that he was authorized to sign this instrument as the President of The Lloyd Charles Estates Homeowners Association, a Washington nonprofit corporation, and acknowledged it to be the free and voluntary act of such entity, for the uses and purposes mentioned in the instrument.

DATED this 15 day of June, 2005.



*John M. Riley III*

Print Name: JOHN M. RILEY III  
Notary Public in and for the State of  
Washington, residing at Spokane  
My appointment expires: 4-8-07

WRITTEN ASSENT

LLOYD CHARLES ESTATES, INC.  
A Washington Corporation

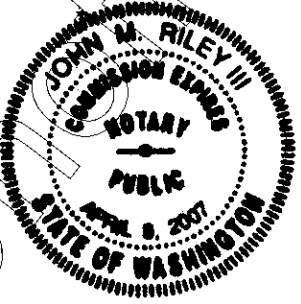
By: *Gary L. Dinwoodie*  
GARY L. DINWOODIE  
Its: President

Holder of one-hundred (100%) of the total voting power of The Lloyd Charles Estates H.A.

State of Washington )  
 )ss.  
County of Spokane )

I certify that I know or have satisfactory evidence that Gary L. Dinwoodie is the person who appeared before me, and said person acknowledged that he was authorized to sign this instrument as the President of Lloyd Charles Estates, Inc., a Washington corporation, and acknowledged it to be the free and voluntary act of such entity, for the uses and purposes mentioned in the instrument.

DATED this 15 day of June, 2005.



*John M. Riley III*

Print Name: JOHN M. RILEY III  
Notary Public in and for the State of  
Washington, residing at Spokane  
My appointment expires: 4-8-07

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### Legal Description

That portion of the Southwest Quarter of the Southeast Quarter of Section 12, Township 26 North, Range 42 East, W.M., Spokane County, Washington, described as follows:

Beginning at the southwest corner of said Southwest Quarter of the Southeast Quarter of Section 12; thence along the south line of said Southwest Quarter of the Southeast Quarter the following two (2) courses: 1) S88°57'46"E 329.91 feet to the TRUE POINT OF BEGINNING, being the southeast corner of Lot "D" of Short Plat No. SP-815-92, according to the short plat recorded in Book 10 of Short Plats, pages 19 and 20; 2) continuing S88°57'46"E 446.43 feet; thence leaving said south line, N02°55'15"W 202.32 feet; thence S88°47'10"E 383.13 feet; thence N00°30'26"W 1092.20 feet to a point on the southerly right-of-way line of Waikiki Road, as described on the Right-of-Way Deed recorded February 14, 1923, under recording number 701249 and as shown on sheets 1 through 3 of plans entitled, "Waikiki ULID Waikiki Road", prepared by the Office of the Spokane County Engineer, dated 07/11/2001; thence along said southerly right-of-way line the following two (2) calls: 1) S87°57'03"W 166.09 feet to the point of curve of a 220.94 foot radius curve to the right; 2) along the arc of said curve, through a central angle of 24°26'42", 94.26 feet to a point on the north line of said Southwest Quarter of the Southeast Quarter, thence N88°52'36"W, along said north line, 41.74 feet to an angle point on the right-of-way of Regina Road as described on the Right of Way Deed recorded August 11, 1955, under recording number 335534B, being the northeast corner of the north 30.00 feet of the west 840.00 feet of said Southwest Quarter of the Southeast Quarter; thence along said right-of-way the following two (2) courses: 1) S00°01'23"E 30.01 feet to the southeast corner of said north 30.00 feet of the west 840 feet of the Southwest Quarter of the Southeast Quarter; 2) N88°52'36"W 511.23 feet to the northeast corner of Lot "A" of said Short Plat No. SP-815-92; thence S00°04'02"E, along the east boundary of said Short Plat, 1269.43 feet to the TRUE POINT OF BEGINNING.