

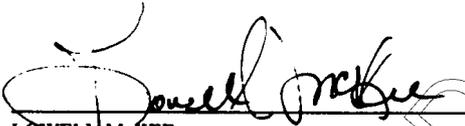
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## DECLARATION OF COVENANT

In consideration of the approval by Spokane County of SP973, Half Moon Lake Estates, (hereinafter referred to as the "Plat"), the undersigned covenants and agrees that:

1. The subdivider/sponsor will construct the private roads and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
2. A lot is served by a private road when: a. the only road frontage for the lot in the Plat is on the private road, or; b. a lot having frontage on more than one road (public or private) constructs an approach to the private road.
3. The Half Moon Lake Estates Home Owners Association or its successors in interest shall maintain the private roads and associated drainage facilities in conformance with the approved plans on file in the County Engineer's Office.
4. The owner(s) of any lot created by the Plat or alteration thereof and served by a private road shall be responsible for maintenance of said private road, including associated drainage facilities, in conformance with approved plans on file with the County Engineer's office.
5. Maintenance financing of the private roads and associated drainage facilities shall be in a manner determined by the Half Moon Lake Estates Home Owners Association or their successors in interest.
6. Should the Half Moon Lake Estates Home Owners Association be terminated for any reason, the successors in interest shall be the individual lot owners, or their successors in interest, who are members of the Half Moon Lake Estates Home Owners Association at the time of said termination.
7. In the event such private road including associated drainage facilities is improved to Spokane County standards for public streets, and the County is willing to accept the dedication of such road and drainage facilities, each lot owner shall execute any conveyance documents necessary to accomplish such dedication.
8. Owners of lots within the Plat who are served by such road may sue and recover damages and attorneys' fees from any owner of any lot within the Plat which is also served who refuses to participate in the road and drainage facilities construction, financing, and maintenance.
9. **WARNING:** Spokane County has no responsibility to build, improve, or maintain or otherwise service the private roads, and associated drainage facilities contained within or providing service to the property described in the Plat. By accepting this Plat or subsequently by allowing a building permit to be issued for 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 of nature whatsoever to establish, examine, survey, construct, alter repair, improve, maintain, provide drainage or snow removal on a private road or its' associated drainage facilities.
10. Spokane County is hereby granted the right of ingress and egress to all private roads and/or drainage easements, for the purpose of inspection and emergency maintenance of drainage swales, and any other drainage facilities, if not properly maintained by the Half Moon Lake Estates Homeowner's Association, or their successors in interest. Spokane County does not accept the responsibility to inspect and maintain the drainage easements or drainage swales, nor does the County accept any liability for failure by the Half Moon Lake Estates Homeowner's Association, or their successors in interest to properly maintain such areas.
11. The lot owners within this Plat shall be held responsible for keeping open and maintaining the surface path of natural or man-made drainage flow over and across their respective properties.
12. The lot owner or his representative shall inform each succeeding purchaser of all drainage easements on the property and of his responsibility for maintaining surface drainage paths and swales within said easements.
13. The Half Moon Lake Estates Homeowner's Association, or their successors in interest, shall maintain all water quality treatment swales ("208 swales") and drainage ditches situated within this Plat, and any portion of a 208 swale situated in the public right-of-way adjacent to this Plat, with a permanent ground cover as specified on the current approved plans on file with the County Engineer's Office. The Half Moon Lake Estates Homeowner's Association, or their successors in interest, may install approved shrubbery and/or trees which do not obstruct the flow and percolation of storm drainage water in the 208 swales and drainage ditches, as indicated by the current approved plans on file with the County Engineer's Office.
14. Spokane County does not accept the responsibility of maintaining the drainage course on private lots within drainage easements or floodplain areas, nor the responsibility for any damage, whatsoever, including but not limited to inverse condemnation to any properties sue to deficient construction and/or maintenance of drainage courses in drainage easements on private property.

- 15. Whenever the Half Moon Lake Estates Homeowner's Association, or their successors in interest, fail to maintain the drainage facilities in conformance with the approved drainage plan, a notice of such failure may be given to the Half Moon Lake Estates Homeowner's Association, or their successors in interest, by the County. If not corrected within the period indicated on said notice, the County has the right to correct the maintenance failure, or to have it corrected, at the expense of the Homeowner's Association, or their successors in interest.
- 16. Any building that is constructed on a lot in this Plat shall be set at such an elevation so as to provide positive drainage away from any drainage entry point to the building (including but not limited to a window well, a window unprotected by a window well, or a doorway). Said positive drainage shall consist of a minimum slope of 3% away from the building for a distance of at least 10 feet from the building. The lots shall be graded so that either a) all runoff is routed away from the building, and conveyed over the lot to a natural drainage swale or approved drainage facility, or b) drainage intercepted on the lot is disposed of on the lot in an approved drainage facility. The approved drainage facility shall be constructed in accordance with the approved plans on file at the County Engineer's Office. Any revisions to the approved drainage plans must be approved by the County Engineer's Office prior to construction of said revisions.
- 17. This covenant and agreement shall run with the land and shall be binding upon the owner, their heirs, successors or assigns, including the obligation to participate in the maintenance of the private road and drainage facilities as provided herein.

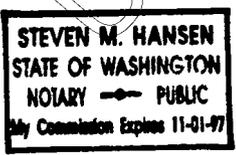
  
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 LOWELL MCKEE

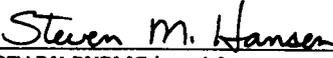
STATE OF WASHINGTON )

County of Spokane ) ss

I certify that I know or that I have satisfactory evidence that Lowell McKee is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as his free and voluntary act and deed, for the uses and purposes stated in the instrument.

DATED this 11 day of Dec., 1995.



  
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 NOTARY PUBLIC in and for  
 the State of Washington, residing at Spokane. My  
 appointment expires Nov. 1, 1997.