



After recording return to:

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

Reference # (if applicable): 5185120  
Grantor(s): (1) North Division Complex, L.L.C. (2) \_\_\_\_\_  
Grantee(s): (1) The Public (2) \_\_\_\_\_  
Additional Grantor(s) on pg. \_\_\_\_\_ Additional Grantee(s) on pg. \_\_\_\_\_  
Legal Description (abbreviated): Pt. SE ¼ of 7-24-42  
Additional legal(s) on page \_\_\_\_\_  
Assessor's Tax Parcel ID# 24074.9070

**SUPPLEMENTAL DECLARATION TO COVENANTS,  
CONDITIONS, AND RESTRICTIONS FOR  
WEST TERRACE THIRD ADDITION P.U.D.**

This Supplemental Declaration ("Supplemental Declaration") is made by NORTH DIVISION COMPLEX, L.L.C., a Washington limited liability company ("North Division"), and FRANK FREEZE, INC., a Delaware corporation ("Frank Freeze"), to amend and supplement the Declaration Establishing Covenants, Conditions, and Restrictions for West Terrace Third Addition P.U.D. ("Declaration") recorded March 1, 2005 in the Office of the Spokane County Auditor under Auditor's Recording No. 5185120. The Declaration is further amended and supplemented as follows:

1. This Supplemental Declaration is executed in accordance with Section 10.1 of the Declaration for the annexation and subjection of the real property described on Exhibit "A" attached hereto ("Additional Property") into the Property covered by the Declaration. This annexation will be effective upon the filing of this Supplemental Declaration with the Spokane County, Washington Auditor.

2. Pursuant to the rights granted to Declarant under Section 3.9 of the Declaration, North Division hereby designates and appoints Frank Freeze, Inc. as its successor and Declarant under the Declaration. This designation and appointment of Successor Declarant shall be effective upon filing of this Supplemental Declaration with the Spokane County, Washington Auditor.

3. North Division and Frank Freeze, as Declarant and Successor Declarant hereby exercise the authority of the Declarant specified in Section 11.3 of the Declaration to extend

easement and use rights for the benefit of the Additional Property in and to all drainage facilities and any private roads in the Property to the same extent as other portions of the Property originally covered by the Declaration. Accordingly, Building Lots created in the Additional Property shall be bound by the related provisions within the Declaration pertaining to such common area improvements and facilities and shall be subject to resulting provisions regarding assessments in Article VII of the Declaration in like fashion as other Building Lots in the Property.

4. The provisions in the Declaration, as they relate to building and use restrictions that might apply to the Additional Property shall not be amended or modified without Frank Freeze's prior written consent. So long as Frank Freeze has any ownership interest in any Lot in the Additional Property and in the event efforts are made to amend or modify such provisions without Frank Freeze's additional consent, Frank Freeze reserves the right under \_\_\_\_\_

In the event an attempt is made to amend or modify the Declaration without Frank Freeze's prior written consent during such time, Frank Freeze expressly reserves the right to deannex any and all portions of the Additional Property in which it has any continuing ownership interest pursuant to Section 10.5 of the Declaration. Provided, no such deannexation will alter or diminish the obligations of owners of Lots in the Additional Property to participate in the Association to pay their share of costs and expenses associated with maintenance of drainage facilities as specified in Section 6.2 of the Declaration without the prior written approval of Spokane County. North Division and Frank Freeze acknowledge that this provision is necessary and intended to comply with the restrictions placed on all portions of real property brought within the Declaration under Sections 6.2 and 12.2 of the Declaration.

5. This Supplemental Declaration shall be binding upon and inure to the benefit of the owners of all portions of the property covered by the Declaration, including the Additional Property.

6. Except as supplemented and amended by this Supplemental Declaration, the Declaration shall remain unchanged.

**DECLARANT:**

NORTH DIVISION COMPLEX, L.L.C.

By:   
Printed Name: Robert L. Heistman  
Title: Member

**OWNER OF THE ADDITIONAL PROPERTY  
AND SUCCESSOR DECLARANT:**

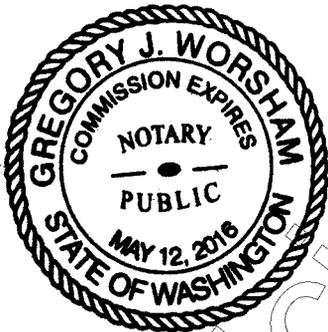
FRANK FREEZE, INC.

By: Charles Klan  
Printed Name: Charles Klan  
Title: Pres.

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SPOKANE )

On this 1<sup>ST</sup> day of March 2013 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Robert Heitman to me known to be the Member of NORTH DIVISION COMPLEX, L.L.C., a Washington limited liability company, the limited liability company that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the limited liability company, 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.

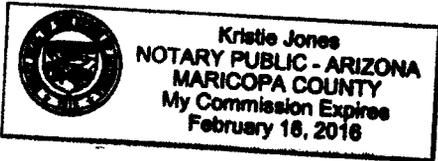


Gregory J. Worsham  
NOTARY PUBLIC in and for the State  
of Washington, residing at Spokane County  
My commission expires: May 12, 2016  
Printed Name: Gregory J. Worsham

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF SPOKANE )

On this 25<sup>th</sup> day of February 2013 before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Charles Klar to me known to be the President of FRANK FREEZE, INC., a Delaware 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.



Kristie Jones  
NOTARY PUBLIC in and for the State  
of Washington; residing at 2327 E. Sunland,  
My commission expires: 2-16-16  
Printed Name: Kristie Jones  
Phoenix, Arizona

Unofficial Document

**EXHIBIT "A"**  
**ADDITIONAL PROPERTY**

**LEGAL DESCRIPTION**  
**FOR**  
**WEST TERRACE FOURTH ADDITION**  
(Prepared by Adams & Clark, Inc.)

That portion of the NE1/4 of the SE1/4 of Section 7, Township 24 North, Range 42 East, W.M., Spokane County, Washington, described as follows:

Beginning at the northeast corner of the SE1/4 of said Section 7; thence along the east line of said SE1/4 of Section 7, S01°26'27"E 793.00 feet; thence leaving said east line, S86°25'19"W 30.02 feet to a point on the westerly right-of-way line of Thomas Mallen Road and the **TRUE POINT OF BEGINNING**; thence continuing S86° 25'19"W 695.49 feet to an angle point on the boundary of the plat of West Terrace Third Addition, according to the plat recorded in Book 30 of Plats, at pages 99 through 103, inclusive; thence along the boundary of said plat the following three (3) courses:

1) N14°40'10"E 438.86 feet;

2) S82°02'17"E 192.08 feet;

3) N89°59'19"E 383.85 feet to a point on said westerly right-of-way line of Thomas Mallen Road; thence leaving said boundary and along said westerly right-of-way line, S01°26'27"E 354.73 feet to the **TRUE POINT OF BEGINNING**.