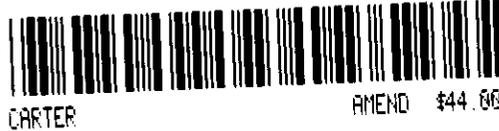


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Page: 1 of 5
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Spokane Co, WA

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Painted Hills, L.L.C.
16114 E Indiana Avenue, Suite 115
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FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS

FOR

WHISPERING WINDS HOMEOWNERS ASSOCIATION

Grantor: Painted Hills, L.L.C.
Grantee: Whispering Winds Homeowners Association
Tax Parcel No.: 44033.1938 and 44033.9039

Legal Description (abbreviated): ALL THAT CERTAIN REAL PROPERTY LYING ENTIRELY IN SOUTHWEST 1/4, SECTION 3, TOWNSHIP 24 NORTH, RANGE 44 EAST, WILLAMETTE MERIDIAN, COUNTY OF SPOKANE, STATE OF WASHINGTON

Full Legal Description: Set forth in attached Exhibit "A"

Related Documents: 5458562, 5478792 and 5488855



FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS

FOR

WHISPERING WINDS HOMEOWNERS ASSOCIATION

THIS FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS AND RESERVATIONS FOR WHISPERING WINDS HOMEOWNERS ASSOCIATION (the "Declaration") is made by Painted Hills, L.L.C., a Washington limited liability company, ("Declarant") as of this 19th day of July, 2007.

KNOW THAT Painted Hills, L.L.C., the Declarant described in the certain Declaration of Covenants, Conditions, Restrictions, Easements and Reservations for Whispering Winds recorded under Instrument No. 5458562 (the "Original Declaration") as amended, pursuant to the authority granted to the Declarant described, has caused the Second Amended and Restated Declaration to be amended as set forth in this First Amendment to the Second Amended and Restated Declaration of Covenants, Conditions, Restrictions and Reservations for Whispering Winds.

1. Modification of Section Entitled "3.2.3 Approval". Declarant hereby modifies that section in the Declaration entitled "3.2.3 Approval", which such modified section will provide as follows:

3.2.3 Approval. The ACC may withhold its approval by reason of its reasonable dissatisfaction with the location of the Structure on the Lot, color scheme, finish, architecture, height, and impact on view from another Lot or Lots, appropriateness of the proposed Structure or materials used therein. The applicant shall strive to ensure that the Plans are aesthetically pleasing and generally conform to surrounding structures. The ACC's approval or disapproval of Plans shall be made within twenty (20) days of submission of a complete set of plans, shall be in writing, and approval shall be evidenced by written endorsement on such Plans, one copy of which shall be delivered to the owner of the Lot upon which the Structure is to be Constructed. Except for violation of those restrictions set forth in Section 3.3 through 3.5, if the Board has not provided a Lot Owner with written notice of objections to any construction within six (6) months after its completion, Board approval shall not be required and the related Covenants shall be deemed to have been fully complied with. After delivering its notice of objections to a Lot Owner, the Board shall be entitled to take whatever action the Board deems reasonably appropriate to enforce the provisions of the Declaration, including, without limitation, commencing an action against the Lot Owner.



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Page: 3 of 5

07/23/2007 03:17P
Spokane Co., WA

2. Modification of Section Entitled "3.5.3 Completion of Construction; Construction Hours". Declarant hereby modifies that section in the Declaration entitled "3.5.3 Completion of Construction; Construction Hours", which such modified section will provide as follows:

3.5.3 Completion of Construction; Construction Hours. Any Structure erected or placed on any Lot shall be completed as to external appearance within eight (8) months from the date Construction is started, however, with good cause shown, the Board may extend this term at the Board's sole discretion. All front landscaping must be completed within one (1) month from the date of issuance of the certificate of occupancy, all side and rear landscaping must be completed within six (6) months of issuance of certificate of occupancy, however, with good cause shown, the Board may extend this term at the Board's sole discretion. All Lots shall be maintained in a neat and orderly condition during Construction. Owners of Lots shall require general contractors or subcontractors working or performing construction on Structures where such work or construction generates noise that can be heard more than ten (10) feet away from the Structure to limit working times from between 7:30 am and 6:00 pm on Mondays through Fridays and 9:00 am and 6:00 pm on Saturdays and Sundays. In the event that Owners of Lots fail to follow this Section, then the Board may impose penalties at its discretion in order to require such compliance.

DATED as of the date first written above.

DECLARANT:

PAINTED HILLS, L.L.C., a Washington limited liability company.

By: [Signature]

BRETT T. SULLIVAN
VICE PRESIDENT, FLAGSTONE DEVELOPMENT GROUP, INC.

Its: [Signature]

Unofficial Document



Exhibit "A"

Legal Description

Lots 1 through 15, inclusive, within the final plat of Whispering Winds, parcel 44033.9039, as recorded on December 7, 2006 in Book 33 of Plats, Pages 79 and 80, under Auditor's File No. 5469685. All that certain real property lying entirely in the Southwest ¼, Section 3, Township 24 North, Range 44 East, Willamette Meridian, County of Spokane, State of Washington, and being more particularly described as Replat of Lot 31, Block 1, Painted Hills 6th Addition. Said parcel contains 8.60 acres more or less.

Lot 16, parcel 44033.1938, unplatted portion of parcel 44033.9039, more particularly described as commencing at the Southwest corner of Lot 31, Block 1, Painted Hills 6th Addition; thence North 02°35'12" East along the West line of said Block 1, for a distance of 126.89 feet to the North line of Assessor's Parcel Number 44033.9100 (as of 2006) and the TRUE POINT OF BEGINNING; thence proceeding South 88°58'45" West along said North line, 148.26 feet to the West line of Said Section 3; thence North 01°01'15" West along said West line, 529.99 feet to the South line of Painted Hills 2nd Addition; thence North 55°31'28" East along said South line, 81.26 feet; thence North 52°41'00" East along said South line, 89.34 feet; thence South 87°24'49" East 47.93 feet to the Northwest Corner of said Lot 31, Block 1, Painted Hills 6th Addition; thence South 02°35'12" West along the West line of said Block 1, 625.89 feet to the TRUE POINT OF BEGINNING. Said parcel contains 2.26 acres more or less.

Unofficial Document