

FILED FOR AND RECORDED AT REQUEST OF AND RETURN ORIGINAL TO:

STARKENBURG-KROONTJE

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REFERENCED DOCUMENT: AF# 950505156

TITLE OF THIS DOCUMENT: Amendment to Master Declaration and Covenants, Conditions and Restrictions for RB Development

GRANTOR(S):

1. Aaron Drive Properties LLC

GRANTEE(S):

1. The General Public

LEGAL DESCRIPTION: Full legal description found on Exhibit A, page 5.

Abbreviated:

1. Lot 4, RB Development, Div. No. 1

ASSESSOR'S PARCEL NUMBER(S):

1. 400316 049520 0000

**Amendment to Master Declaration and
Covenants, Conditions and Restrictions for RB Development**

This Amendment to Master Declaration and Covenants, Conditions and Restrictions for RB Development ("Amendment") is made this ____ day of _____, 20__, by AARON DRIVE PROPERTIES LLC, a Washington limited liability company (the "Owner").

WHEREAS, a certain Master Declaration and Covenants, Conditions and Restrictions for RB Development dated March 2, 1995 was recorded under Whatcom County Auditor File No. 950505156, as amended (the "Declaration").

WHEREAS, the Owner is constructing a senior housing complex, known as the Parkview West Apartments, on a portion of the real property affected by the Declaration, which portion of real property is legally described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

WHEREAS, the Owner desires to amend the Declaration as set forth herein as it relates to the Parkview West Apartments only.

WHEREAS, this Amendment shall be submitted to the City of Lynden (hereinafter called "Lynden" or "City") for approval.

NOW THEREFORE, the Declaration is hereby amended as follows:

1. Section 2.3 of the Declaration provides that every Owner shall be a member of the Association. Each Owner of apartment units is entitled to cast one (1) vote per every two dwellings. The Parkview West Apartment Property is therefore assigned one (1) vote for every two apartment dwellings granted occupancy permits. :

A vote shall be appurtenant to and held and owned in the same manner as the beneficial fee interest in the Lot or Dwelling to which it relates. A vote shall not be separated from ownership of the Lot or Dwelling to which it relates; provided, however, that when more than one entity holds the beneficial interest in any Lot or Dwelling, the vote therefore shall be cast as the Owners among themselves determine, but in no event shall more than one vote be cast with respect to any Lot or Dwelling; and if the several Owners of a Lot or Dwelling are unable to agree as to the casting of their vote, such a vote shall be deemed an abstention.

2. Section 2.4 of the Declaration is hereby amended to increase the total number of outstanding votes in the Association to include those assigned under Section 2.3 above.

3. Section 10.4 of the Declaration is hereby amended to include

the Open Space Area on the Development Map (attached?) approved by the City of Lynden. The area shall be and subject to the provisions of these covenants, conditions and restrictions must be perpetually maintained as Open Space for the common use and recreational enjoyment of the members of the Association.

4. Section 12.12 of the Declaration hereby applies to the Property as with regard to the Property shared read as follows:

Compliance with PRD Approval. In all respects, each Owner and the Association hereby assumes responsibility for performance of the terms, covenants and conditions required by the City of Lynden in connection with the approval of PRD No. 94-1 and, specifically, the Planned Residential Development Contract entered into between the Declarant and the City dated December 22, 1994 and recorded in the Whatcom County Auditor's File No. 941227078, as amended by various instruments, including but not limited to, that Amendment to RB Development and Heritage Park Development Contract dated _____ and recorded under Whatcom County Auditor's File No. _____.

5. Except as herein amended, all the terms, conditions, provisions and covenants of the Declaration are hereby ratified and confirmed and shall remain in full force and effect. All capitalized terms not otherwise defined herein shall have the meaning given to them in the Declaration.

SUBMITTED THIS ____ day of _____, 20__.

Aaron Drive Properties LLC

By: _____
Its: _____

STATE OF WASHINGTON



ss.

COUNTY OF WHATCOM

I certify that I know or have satisfactory evidence that _____ the _____ of **Aaron Drive Properties LLC**, a Washington limited liability company, is the person who appeared before me, and acknowledged that he signed this instrument on behalf of said company, on oath stated that he was authorized to execute the instrument on behalf of said company, and acknowledged this instrument to be the free and voluntary act and deed of said company for the uses and purposes herein mentioned.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this _____ day of _____, 20__.

Printed Name: _____
NOTARY PUBLIC in and for the State of Washington
My Commission
Expires _____

Exhibit A

Legal Description of the Property

400316 049520 0000

Lot 4, RB Development, Div. No. 1, a planned residential development, according to the map thereof, recorded in Volume 19 of Plats, page 21, records of Whatcom County, Washington.

Situate in Whatcom County, Washington.