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## COVENANTS, RESTRICTIONS AND AGREEMENTS OF COLONY MOUNTAIN

THE FOLLOWING COVENANTS, RESTRICTIONS AND AGREEMENTS ARE TO BE ATTACHED TO EACH OF THE EIGHTY-THREE 5 ACRE TRACTS WHICH WILL BE SOLD BY ROBERT L. STARRY AND JERRY M. HAMMER IN THE COLONY MOUNTAIN DEVELOPMENT AND THEY ARE TO APPLY TO ALL OF THE LAND DESCRIBED IN EXHIBIT A HERETO ATTACHED AND BY REFERENCE INCORPORATED HEREIN AS IF FULLY SET OUT. EACH OF THE PURCHASERS OF EACH 5- ACRE TRACTS SHALL AGREE AS A PART OF THEIR PURCHASE CONTRACT THAT THEY WILL BE BOUND BY THE RESTRICTIONS, COVENANTS AND AGREEMENTS IN THIS ATTACHED DOCUMENT, AS FOLLOWS:

ROBERT L. STARRY AND JERRY M. HAMMER WILL INCORPORATE A NON-PROFIT CORPORATION, EACH 5-ACRE TRACT PURCHASER MUST BECOME A SHAREHOLDER IN SAID CORPORATION, WITH EACH 5-ACRE TRACT OWNER OR PURCHASER ENTITLED TO ONE SHARE OF CLASS A STOCK AND ENTITLED TO ONE VOTE IN THE CORPORATION. THE STOCKHOLDERS OF SAID CORPORATION WILL ELECT A BOARD OF DIRECTORS WHO WILL GOVERN THE CORPORATION AND WHO WILL APPOINT THE OFFICERS THEREOF. SAID SHARES OF STOCK SHALL BE APPURTENANT TO THE TITLE TO THE LAND AND SHALL BE TRANSFERABLE ONLY AS A PART OF THE TRANSFER OF TITLE TO THE 5-ACRE TRACTS. EACH SHAREHOLDER SHALL BE ENTITLED TO THE USE AND ENJOYMENT OF THE CORPORATE FACILITIES AND SERVICES SUBJECT TO THE RULES, REGULATIONS AND CHARGES AS MAY BE ESTABLISHED BY THE CORPORATION, WHICH RULES, REGULATIONS AND CHARGES SHALL APPLY EQUALLY TO ALL SHAREHOLDERS WHO ARE OWNERS OF PROPERTY IN THE TRACTS DESCRIBED IN EXHIBIT A. EACH SHAREHOLDER SHALL ABIDE WITH THE RULES AND REGULATIONS OF THE CORPORATION THAT MAY BE ADOPTED FROM TIME TO TIME INCIDENT TO THE USE OF THESE FACILITIES.

ROBERT L. STARRY AND JERRY M. HAMMER WILL CONVEY TO THE CORPORATION TITLE TO PRIVATE ROADS RUNNING THROUGHOUT THE TRACTS AND THEY WILL ALSO CONVEY TO THE CORPORATION THE WATER SYSTEM AND WELLS WHICH THEY WILL ESTABLISH THROUGHOUT THE TRACTS, AND ANY OTHER FACILITIES WHICH MAY BE ESTABLISHED FOR THE COMMON GOOD OF THE WHOLE TRACT. ABOVE MENTIONED ROADS EXCLUDING EASEMENTS AND THE FOUR ACCESS LANES WILL BE CONSTRUCTED WITH A LIGHT OIL SURFACE. SELLER AGREES THAT ROADS AND WATER SYSTEM WILL BE CONSTRUCTED WHEN 30 LOTS HAVE BEEN SOLD OR JULY 31, 1975, WHICH EVER OCCURS FIRST.

IN ORDER TO PROVIDE FOR MAINTENANCE AND IMPROVEMENT OF THE VARIOUS PROPERTIES AND FACILITIES OF THE CORPORATION, EACH SHAREHOLDER, BEING EACH GRANTEE AND VENDEE OF THE 5- ACRE TRACTS AND THEIR HEIRS, SUCCESSORS AND ASSIGNS, SHALL AND DO BY THE ACT OF ACCEPTING THE DEED OR ENTERING INTO A CONTRACT OF SALE, AS VENDEE, JOINTLY AND SEVERALLY AGREE THAT THEY AND EACH OF THEM SHALL PAY TO THE CORPORATION THE CHARGES ASSESSED BY VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE CORPORATION AGAINST THE SHAREHOLDERS OF THE CORPORATION. IN THE EVENT THAT SUCH CHARGES REMAIN UNPAID TO THE CORPORATION FOR 60 DAYS AFTER THE DUE DATE THEREOF, THEN THE CORPORATION MAY RECORD A WRITTEN NOTICE WITH THE AUDITOR OF SKAGIT COUNTY, WASHINGTON, THAT A LIEN BE PLACED AGAINST THE LOT OF THE SHAREHOLDER WHO IS DELINQUENT FOR THE AMOUNT OF SUCH CHARGES, INCLUDING INTEREST AT THE RATE OF 10 PERCENT PER ANNUM, FROM THE DUE DATE UNTIL PAID AND ATTORNEY'S FEES INCURRED INCIDENT THERETO. FROM AND AFTER RECORDING SUCH NOTICE, SUCH LOT SHALL BE SUBJECT TO A LIEN TO THE CORPORATION AS SECURITY FOR SUCH ASSESSMENT AND SUCH LIEN MAY BE FORECLOSED IN THE MANNER OF A MORTGAGE ON REAL PROPERTY AND IN SUCH FORECLOSURE ACTION THE CORPORATION SHALL RECOVER A REASONABLE SUM AS ATTORNEY'S FEES AND REASONABLE AND NECESSARY COSTS OF SEARCHING AND ABSTRACTING THE PUBLIC RECORDS. UNTIL CHANGED BY A VOTE OF TWO-THIRDS OF THE DIRECTORS OF THE CORPORATION, THE CHARGE HEREIN REFERRED TO SHALL BE FIFTY DOLLARS (\$50.00) PER ANNUM PAYABLE ON OR BEFORE JUNE 30 OF EACH YEAR, IN ADVANCE, COMMENCING WHEN THE ROADS AND WATER SYSTEM ARE TURNED OVER TO THE CORPORATION. THESE CHARGES SHALL NOT BE ASSESSED AGAINST THE UNSOLD LOTS HELD BY ROBERT L. STARRY AND JERRY M. HAMMER, THE DEVELOPERS HEREOF. EACH LOT OWNER WILL BE SOLELY RESPONSIBLE FOR THE COST OF HOOK-UP TO THE WATER SYSTEM AND THE COST OF HOOK-UP TO THE WATER SYSTEM AND THE COST OF THE CONNECTING FEES TO ANY OTHER UTILITY OR FACILITY.

THERE IS RESERVED TO THE CORPORATION AN EASEMENT OVER EACH OF THE 5-ACRE TRACTS IN THE PROPERTY DESCRIBED IN EXHIBIT A. SAID EASEMENT SHALL BE A STRIP OF LAND 10 FEET IN WIDTH ACROSS EACH LOT PARALLEL WITH AND ADJACENT TO THE ROADS ABUTTING EACH LOT AND ALONG 5 FEET OF EACH OTHER LOT LINE FOR THE PURPOSE OF CONSTRUCTING, REPAIRING, RECONSTRUCTING, IMPROVING, AND MAINTAINING WATER PIPES, LIGHT AND POWER LINES, TELEPHONE LINES AND OTHER FACILITIES FOR UTILITIES INCLUDING THE RIGHT TO ENTER UPON SUCH EASEMENT FOR SUCH PURPOSE.

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RESTRICTIONS TO EACH TRACT

THE USE OF EACH 5-ACRE TRACT WITHIN THE PROPERTY DESCRIBED IN EXHIBIT A HERETO ATTACHED SHALL BE SUBJECT TO THE FOLLOWING RESTRICTIONS:

1. NO NOXIOUS OR OFFENSIVE ACTIVITIES SHALL BE PERMITTED ON ANY LOT, NOR SHALL ANYTHING BE PERMITTED THAT MAY BE OR BECOME A NUISANCE OR UNREASONABLY INTERFERE WITH THE USE AND ENJOYMENT OF ANY PART OF THE REAL PROPERTY INCLUDED IN THE PLAT.
2. THE WORK OF CONSTRUCTING, ALTERING OR REPAIRING ANY STRUCTURE ON A LOT SHALL BE DILIGENTLY PROSECUTED FROM ITS COMMENCEMENT UNTIL COMPLETION THEREOF, BUT IN ANY EVENT, THE EXTERIOR FINISHED APPEARANCE SHALL BE COMPLETED WITHIN ONE YEAR OF COMMENCEMENT SO THAT NO TAR PAPER OR UNDER LAYMENT SHALL BE EXPOSED TO VIEW.
3. NO TRADES OR BUSINESSES OR OTHER COMMERCIAL ENTERPRISES SHALL BE OPERATED ON ANY LOT, EXCEPT HOME OCCUPATIONS WITH NO MORE THAN TWO EMPLOYEES.
4. THERE SHALL BE NO MOBILE HOME PARKS CONSTRUCTED ON ANY LOT.
5. MOBILE HOMES INSTALLED MORE OR LESS PERMANENTLY ON THE PROPERTY SHALL INSTALL A HARD SURFACE OFF THE ROAD FOR PARKING SPACE NO SMALLER THAN 20 FEET, AND SHALL INSTALL PROFESSIONAL METAL SKIRTING.
6. NO DWELLING OR OTHER BUILDING SHALL BE CONSTRUCTED CLOSER THAN 80 FEET FROM THE CENTER OF ANY ROAD NOR CLOSER THAN 50 FEET FROM ANY INTERIOR BOUNDARY.
7. NO COMMERCIAL CAMPGROUND SHALL BE ALLOWED.
8. EACH LOT SHALL NEVER HAVE MORE THAN ONE FOR SALE SIGN AND SHALL BE LIMITED TO 18 INCHES BY 24 INCHES IN SIZE AND MUST BE PROFESSIONALLY CONSTRUCTED AND NO OTHER ADVERTISING SIGNS SHALL BE ALLOWED. THE DEVELOPERS SIGNS SHALL BE EXCLUDED FROM THIS REQUIREMENT.
9. COLONY MOUNTAIN CORPORATION MAY ALTER OR AMMEND THESE RESTRICTIONS BY THEIR BOARD OF DIRECTORS OR THEY MAY MAKE SPECIAL EXCEPTIONS THERETO.
10. THESE RESTRICTIONS SHALL TERMINATE ON JANUARY 1, 1984, UNLESS EXTENDED BY THE BOARD OF DIRECTORS OF COLONY MOUNTAIN CORPORATION.
11. THERE SHALL BE NO SUBDIVISION OF ANY 5-ACRE TRACT UNTIL JULY 31, 1975.

THE COVENANTS, RESTRICTIONS, EASEMENTS, RIGHTS, LIENS, AND ENCUMBRANCES HEREIN PROVIDED FOR SHALL BE COVENANTS RUNNING WITH THE LAND AND SHALL BE BINDING UPON THE REAL PROPERTY DESCRIBED IN EXHIBIT A AND ANY AND ALL PARTS THEREOF, THE PARTIES IN INTEREST THERETO AND THEIR HEIRS, ASSIGNS, PERSONAL REPRESENTATIVES AND SUCCESSORS IN INTEREST. ACCEPTING AN INTEREST IN AND TO ANY PORTION OF SUCH REAL PROPERTY SHALL CONSTITUTE AN AGREEMENT BY AND SUCH PERSON, FIRM, OR CORPORATION ACCEPTING SUCH INTEREST, THAT THEY AND EACH OF THEM SHALL BE BOUND BY AND SUBJECT THE PROVISIONS HEREOF.

*Elaine Starry*  
*Donna Hammer*

STATE OF WASHINGTON,  
COUNTY OF WHATCOM

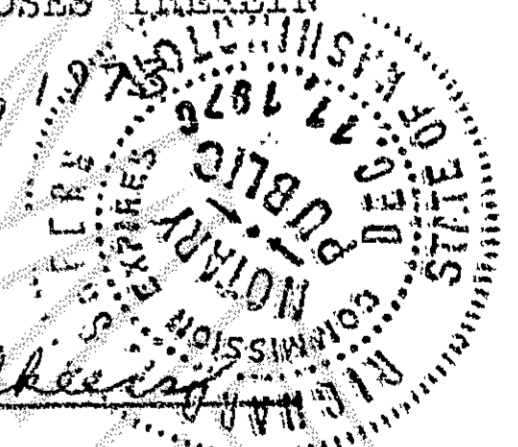
& Donna Hammer & Elaine Starry

ON THIS DAY PERSONALLY APPEARED BEFORE ME JERRY M. HAMMER AND ROBERT L. STARRY TO ME KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT, AND ACKNOWLEDGED THAT THEY SIGNED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED, FOR THE USES AND PURPOSES THEREIN MENTIONED.

GIVEN UNDER MY HAND AND OFFICIAL SEAL THIS 6<sup>th</sup> DAY OF July,

*Richard T. Sheehan*

NOTARY PUBLIC IN AND FOR THE  
STATE OF WASHINGTON RESIDING  
AT BELLINGHAM.



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## Exhibit A

- (A) THE EAST HALF OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER; ALL OF THE NORTHEAST QUARTER; AND ALL OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, EXCEPT THAT PORTION CONVEYED TO SKAGIT COUNTY FOR ROAD, BY INSTRUMENT RECORDED APRIL 11, 1962, UNDER AUDITOR'S FILE NO. 620123, OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.
- (B) THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M.
- (C) THAT PORTION OF THE WEST HALF OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING SOUTH OF THE ROAD, AS IT EXISTED ON OCTOBER 31, 1946, EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN COUNTY ROAD RIGHTS OF WAY.
- (D) THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING NORTHERLY OF THE SOUTHERLY BOUNDARY OF IMPROVED "OLD SCHOOL TRAIL ROAD", AS ESTABLISHED BY INSTRUMENT RECORDED MARCH 18, 1969, UNDER AUDITOR'S FILE NO. 724372, EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN COUNTY ROAD RIGHTS OF WAY, ALSO EXCEPT THAT PORTION THEREOF, IF ANY, LYING WITHIN THAT CERTAIN TRACT OF LAND AS CONVEYED TO H.C. BANNER BY DEED RECORDED DECEMBER 2, 1941, UNDER AUDITOR'S FILE NO. 347059.
- (E) THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER AND OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., LYING 30 FEET DISTANT ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE:
- BEGINNING AT AN IRON PIPE WHICH IS A COMMONLY ACCEPTED MONUMENT MARKING THE EAST QUARTER CORNER OF SAID SECTION 27; THENCE NORTH ALONG THE EAST BOUNDARY LINE OF SAID SECTION 27, A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 54° WEST 650 FEET, MORE OR LESS, TO THE CENTERLINE OF THE COLONY ROAD, AND THE TERMINAL POINT OF THE CENTERLINE BEING DESCRIBED, EXCEPT THAT PORTION THEREOF LYING WITHIN THE BOUNDARIES OF SAID COLONY ROAD.
- (F) AN EASEMENT FOR ROAD PURPOSES OVER A TRIANGULAR PORTION OF LAND IN THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 22, TOWNSHIP 36 NORTH, RANGE 3 EAST, W.M., DESCRIBED AS FOLLOWS:
- COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE WEST A DISTANCE OF 84.8 FEET; THENCE SOUTH 45° EAST A DISTANCE OF 120 FEET TO THE EAST LINE OF SAID SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER; THENCE NORTH 84.8 FEET TO THE POINT OF BEGINNING.

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