

FIFTH AMENDMENT TO MASTER DECLARATION
OF COVENANTS, CONDITIONS, RESTRICTIONS
AND RESERVATIONS FOR
HOMESTEAD, A PLANNED RESIDENTIAL DEVELOPMENT

This is the fifth amendment to the Master Declaration of Covenants, Conditions, Restrictions and Reservations for Homestead, a Planned Residential Development, (hereinafter referred to as the "Declaration"), situated in Lynden, Whatcom County, Washington, amending the original Declaration dated the 19th day of June, 1992 and recorded in the office of the Auditor of Whatcom County, Washington, under Whatcom County Auditor File Number 920624017. The Declaration was subsequently amended to provide restrictions as to certain plats and for phasing.

The Declaration as originally stated and as previously amended is amended again as follows:

1. Phasing. Pursuant to Article II, paragraph 2.2 of the Declaration, all residential platted areas whether now existing or later filed which are a part of the property described on Exhibit A shall be subject to the Declaration as amended.

2. Common Open Space Phasing. Pursuant to Article II, paragraph 2.3 of the Declaration, Common Open Space is hereby phased to include the following:

- (a) Areas designated as Common Open Space or Open Space on plats now or hereafter filed with respect to the property described on Exhibit A;
- (b) Areas on plats now or hereafter filed on the property described on Exhibit A which are not platted lots and also not dedicated to the City of Lynden for roadways and utilities.
- (c) Easements for ingress and egress, pedestrian easements and pathways as appear on now and hereafter platted portions of the property described on Exhibit A.
- (d) Common Open Space shall not include easements for utilities and further, it shall not include unplatted properties within the area described on Exhibit A, golf course areas which are part of the property described on Exhibit A.

3. Except as modified hereinabove all other terms and conditions of the original Master Declaration as previously amended are hereby ratified and confirmed in their entirety.

Vol: 447 Page: 1832
File No: 950621156

IN WITNESS WHEREOF the undersigned have executed this amendment at Lynden, Washington, this 21 day of June, 1995.

DECLARANT:

HOMESTEAD NORTHWEST, INC.

James A. Wynstra
James A. Wynstra, President

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM)

I hereby certify that I know or have satisfactory evidence that James A. Wynstra is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he is authorized to execute the instrument and acknowledged it as the President of HOMESTEAD NORTHWEST, INC. to be the free and voluntary act of such party for the uses and purposes mentioned in this instrument.

DATED this 21 day of June, 1995.

Lori Holt
NOTARY PUBLIC in and for the State of Washington, residing at Lynden, Washington



Vol: 447 Page: 1833
File No: 950621156

EXHIBIT A

LEGAL DESCRIPTION

THOSE PORTIONS OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:

PARCEL 1:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON.

EXCEPT: THE NORTH 660 FEET OF THE WEST 660 FEET OF SAID NORTHWEST QUARTER.

AND EXCEPT: THE FOLLOWING DESCRIBED PROPERTY:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., THENCE NORTH 85 DEGREES 54' 48" EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER 1322.46 FEET; THENCE SOUTH 1 DEGREE 59' 40" EAST ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER 30.02 FEET TO THE SOUTHERLY MARGIN OF EAST BADGER ROAD (STATE HIGHWAY NO. 546) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE 59' 40" EAST 530.67 FEET; THENCE SOUTH 86 DEGREES 28' 39" WEST 664.75 FEET TO A POINT ON THE EAST LINE OF THE WEST 660 FEET OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 1 DEGREE 40' 35" WEST ALONG THE EAST LINE OF SAID WEST 660 FEET 524.24 FEET TO THE SOUTHERLY MARGIN OF EAST BADGER ROAD; THENCE NORTH 85 DEGREES 54' 48" EAST ALONG SAID SOUTHERLY MARGIN 662.04 FEET TO THE TRUE POINT OF BEGINNING.

AND EXCEPT: EAST BADGER ROAD (STATE HIGHWAY NO. 546).

AND EXCEPT: BENSON ROAD (COUNTY ROAD NO. 120).

SITUATE IN WHATCOM COUNTY, WASHINGTON, CONTAINING 20.64 ACRES MORE OR LESS.

PARCEL 2:

THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON.

EXCEPT: THE EASTERLY 365 FEET OF THE NORTHERLY 270 FEET OF THE WEST 20 ACRES OF THE EAST 30 ACRES.

AND EXCEPT: THE NORTH 580 FEET OF THE EAST 330 FEET OF THE EAST 10 ACRES.

AND EXCEPT: EAST BADGER ROAD (STATE HIGHWAY NO. 546).

AND EXCEPT: DEPOT ROAD (COUNTY ROAD NO. 14).

SITUATE IN WHATCOM COUNTY, WASHINGTON, CONTAINING 33.59 ACRES MORE OR LESS.

PARCEL 3:

THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON.

EXCEPT: THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST OF W.M., THENCE NORTH 01 DEGREE 40' 35" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER AND THE CENTERLINE OF BENSON ROAD (COUNTY ROAD NO. 120) 612.77 FEET; THENCE NORTH 87 DEGREES 34' 00" 351.90 FEET ALONG AN EXISTING FENCE; THENCE SOUTH 1 DEGREE 40' 35" WEST PARALLEL WITH THE WEST LINE OF SAID NORTHWEST QUARTER 625.16 FEET TO THE SOUTH LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 89 DEGREES 35' 03" WEST ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER 351.96 FEET TO THE POINT OF BEGINNING.

AND EXCEPT: BENSON ROAD (COUNTY ROAD NO. 120).

SITUATE IN WHATCOM COUNTY, WASHINGTON, CONTAINING 34.32 ACRES MORE OR LESS.

PARCEL 4:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 40 NORTH, RANGE 3 EAST, W.M., WHATCOM COUNTY, WASHINGTON.

EXCEPT: THE SOUTH 260 FEET OF THE EAST 465 FEET.

AND EXCEPT: THE NORTH 20 FEET OF THE SOUTH 280 FEET OF THE EAST 235 FEET.

AND EXCEPT: DEPOT ROAD (COUNTY ROAD NO. 14).

SITUATE IN WHATCOM COUNTY, WASHINGTON, CONTAINING 37.32 ACRES MORE OR LESS.

WHATCOM COUNTY
BELLINGHAM, WA
06/21/95 1:21 PM
REQUEST OF: WYNSTRA,
Shirley Forslof, AUDITOR
BY: PT, DEPUTY
\$10.00 AM/RC