

When recorded return to:

City of Renton, Office of the City Clerk
200 Mill Avenue South
Renton, WA 98055

**FIFTH AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
SUMMERWIND
King County, Washington**

Pursuant to the provisions of the Declaration of Covenants, Conditions and Restrictions of Summerwind recorded under King County Recording No. 8702100916, said Declaration is amended in the following respects:

1. Exhibit A to said Declaration is amended by adding thereto the legal description for Summerwind Division No. 5 more particularly set forth in the Exhibit A attached hereto and incorporated herein by reference.

2. Exhibit B to said Declaration is hereby amended by being deemed to include the Plat of Summerwind Division No. 5 recorded 12/11/90 at Volume 154 of Plats, pages 68-74, King County Auditor's File No. 9012110291 (hereinafter the "Plat").

3. Declarant hereby declares that Tracts A, C, D and E as shown and described on the Plat are Common Areas as defined in Section 1.5.3 of the aforementioned Declaration, and hereby annexes said tracts to the Summerwind Homeowners' Association, being the association of Lot Owners provided for in the Declaration.

4. The City of Renton has required as a condition of Plat approval that the parcel described on the attached Exhibit B be annexed to the subdivision for use as a stormwater retention facility. Exhibits A and B to the Declaration are hereby amended to include the land on Exhibit B. Declarant hereby declares that the parcel described on Exhibit B is Common Area as defined in Section 1.5.3 of the aforementioned Declaration, and hereby annexes said parcel to the Summerwind Homeowners' Association, being the association of Lot Owners provided for in the Declaration. The annexation of the parcel on Exhibit B will be effective when the Declarant records a deed to the Association for said parcel.

5. The lot Owners may not use the fenced retention pond area on Tract E of Division No. 5 and Exhibit B hereto except to inspect, maintain, repair or improve the retention pond on behalf of the Association. All such work shall be done to the City of Renton standards.

9012171354

DATED as of the 15th day of November, 1990.

DECLARANT:

HENDERSON HOMES, INC.

By: Kenneth W. Kinard
Title: VICE PRESIDENT

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

On this 15th day of November, 1990, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Kenneth W. Kinard, to me personally known (or proven on the basis of satisfactory evidence) to be the Vice President of HENDERSON HOMES, INC., the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument, and that the seal affixed, if any, is the corporate seal of said corporation.

WITNESS my hand and seal hereto affixed the day and year in this certificate above written.

9012171354

Claudia S. Nelson
NOTARY PUBLIC in and for the State of
Washington, residing in
Redmond

My commission expires: 8-1-94

EXHIBIT "A"

LEGAL DESCRIPTION

This plat of SUMMERWIND DIV. NO. 5 is a replat of TRACT 'C', SUMMERWIND DIV. NO. 4, according to the plat thereof recorded in Volume 151 of Plats, Pages 1 through 11, inclusive, in King County, Washington.

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EXHIBIT "B"

The North 464 feet of that portion of the West 1/8 of the Southeast 1/4 of Section 3, Township 23 North, Range 5 East, W.M., King County, Washington, lying North of PRIMARY STATE HIGHWAY NO. 2 (SUNSET HIGHWAY), being more particularly described as follows:

COMMENCING at the Northwest corner of the Southeast 1/4 of said Section 3; thence S 1°24'36" W along the West line of said Southeast 1/4 a distance of 1344.58 feet; thence N 76°25'48" E 259.40 feet to the West line of the East 80 feet of the West 1/8 of said Southeast 1/4 and the POINT OF BEGINNING; thence N 1°24'39" E along said line 598.92 feet; thence S 80°35'21" E 80.00 feet to the West line of the East 1/2 of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of said Section 3; thence S 1°24'39" W along said line 579.01 feet to a point on the Northerly right-of-way margin of PRIMARY STATE HIGHWAY NO. 2 (SUNSET HIGHWAY); being on the arc of a curve to the left from which the center bears S 8°37'34" E 388.17 feet distant; thence Southwesterly along said curve and margin through a central angle of 4°56'38" an arc distance of 33.49 feet to a point of tangency; thence S 76°25'48" W along said margin 48.98 feet to the POINT OF BEGINNING;

EXCEPT the West 10 feet thereof;

TOGETHER WITH

The West 120 feet of the following described tract:

The East 1/2 of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 and that portion of the East 1/2 of the West 1/2 of the Southwest 1/4 of the Southeast 1/4, lying Northerly of PRIMARY STATE HIGHWAY NO. 2 (SUNSET HIGHWAY);

EXCEPT the East 90 feet thereof;

AND EXCEPT the North 6 acres of the remainder;

All in Section 3, Township 23 North, Range 5 East, W.M., King County, Washington;

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SUMMERWIND
R2860
8905169

EXHIBIT A

JAMES E. DAVIS and LORRAINE M. DAVIS, as to Tract C and that portion of Tract D lying within Lot 1 of Short Plat No. 681118 recorded under Auditor's File No. 8203110544 and SUMMERWIND HOMEOWNERS ASSOCIATION, a Washington Non-Profit Corporation, as to the West 100 feet of the North 30 feet of Tract D and HENDERSON HOMES, INC., a Washington Corporation, as to the remaining property; INTERWEST SAVINGS BANK and SEATTLE FIRST NATIONAL BANK, as Beneficiaries to Deeds of Trust.

8912040684

D Dec 29-48
Dec 4-48 \$10. Govc \$1.10 irax \$1. s-t
Weyerhaeuser Timber Company, a Wn corp
to Stanley M. Kuhn
Pp g b and cy to sp his ha the fdre in kcw

The S $\frac{1}{2}$ of N $\frac{1}{2}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ and tht ptn of the S $\frac{1}{2}$ of N $\frac{1}{2}$ of SE $\frac{1}{4}$ of
NW $\frac{1}{4}$ of lying ~~between~~ R of the center line of the Newcastle
Road, all in Sec 3 Tp 23 nr 5 ewm cont 13.60 ac mrl
Subj to any esmt or rt of way --- sm as 2982523 --- 1942 --- Sep
28-1942 ---

Weyerhaeuser Timber Company
By J.P. Weyerhaeuser, Jr. Pres
Attest: George S. Long, Jr. Sec
corp al
Pierce Co Wn Dec 21-48 by J.P. Weyerhaeuser, Jr. Pres of W T Co
the corp (of) bef W.R. Genta hp for sw res at Tacoma ns Oct 21-49
(Ml R.M. Thomas 3223 E 86th St Seattle)

Cont Dec 29-48
Nov 20-48

3865912

Lucy M. Schillestad and Gladys M. Kaysner in her sep rt
to Charles Kaysner and Jack Nicholl
Pp agree to sell and sp agree to pur the fdre in kcw

Tracts 3 and 4 of Rivergrave, acc to unrec plat thof being
the S 150 ft of the N 300 ft of th ptn of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec 7
Tp 26 nr 5 ewm lying betw the Ely rt of way line of Primary State
Hwy #2 to the center of Samamish River;
The pp is \$15,750. of wch pp shall be pd as fol; \$200. or more
on Dec 1-48 and \$200. or more an option of the pur on the 1st day of
each and every succ mo thafter until the pp w th int at ~~4%~~ 4% pa
from date hof pbl mo is fully pd sd mo payts being exclusive of
int and sgall be applied first to payt of int and bal on prin
Pur entitled to possession forthwith.

Pur agree to pay bef del --- sm as 3175609 --- t1 ins furnished
when \$5000. has been pd on pp --- wd ---

Lucy M. Schillestad
Gladys M. Kaysner
Charles Kaysner
Jack Nicholl

kcw Nov 20-48u by Lucy M. Schillestad and Gladys M. Kaysner _____
bef D.B. Allison hp for sw res at s ns Dec 10-49
(Ml D.B. Allison 1026 Henry Bld Seattle)

(S)