11/14/2011 03:09:21 PM
Recording Fee \$66.00 Page 1 of 5
Declaration INLAND, PROFESSIONAL TITLE LLC
Spokane County Washington



RETURN ADDRESS SUMMIT PROPERTIES INC 12720 E NORA, SUITE E SPOKANE VALLEY, WA 99216-1197

Please Type of Print Neatly & Clearly All Information

DOCUMENT TITLE

DECLARATION OF ANNEXATION MORNINGSIDE HEIGHTS 6TH ADDITION

REFERENCE NUMBER(S) OF RELATED DOCUMENTS

6042426

GRANTOR(S) (Last name, First, & Middle Initial)

111411.3-5

SUMMIT PROPERTIES, INC

GRANTEE(S) (Last name, First & Middle Initial)

PUBLIC

LEGAL DESCRIPTION: (abbreviated form is acceptable) i.e. Section/Township/Range/ 1/4 Section

Lots 1-13, Block 1; Lots 1-22, Block 2; Lots 1-12, Block 3; Tracts A and B Brigadoon

Lots 1-5, Block 1; Lots 1-7 Block 2; Lots 1-7, Block 3; Lots 1-15, Block 4; Lots 1-8, Block 5; Lots 1-3, Block 6; Lots 1-3, Block 7; Lot 1, Block 8; Lots 1-5, Block 9; Lots 1-4, Block 10; Tract A Morningside Heights 5th Addition

PTN OF NE1/4 NW1/4 30-25-45

ASSESSOR'S TAX PARCEL ID NUMBER:

55302.4401-55302.4413, 55302-55302.4522, 55302.4601-55302.4613, 55302.4523, 55305.3401, 55305.3405, 55301.3402-55301.3404, 55301.3501-55301.3507, 55305.3601-55305.3605, 55302.3606-55302.3607, 55301.3701, 55305.3702, 55302.3703-55302.3715, 55302.3801-55302.3808, 55302.3901-55302.3902, 55302.4001-55302.4002, 55302.4101, 55302.4201-55302.4205, 55305.3716, 55302.2612

RECORDED AT THE REQUEST OF:

Summit Properties, Inc. 12720 E. Nora, Suite E Spokane Valley, WA 99216-1197

DECLARATION OF ANNEXATION MORNINGSIDE HEIGHTS 6TH ADDITION SPOKANE COUNTY, WASHINGTON

THIS DECLARATION OF ANNEXATION is made, entered into and becomes effective on the date hereof as set forth below, by SUMMIT PROPERTIES, INC., a Washington State Corporation (hereinafter referred to as "Grantor"), with reference to the following facts:

- A) Grantor is the sub-divider and developer of a certain tract of land which is legally described on Exhibit "A' attached hereto and incorporated herein by this reference, which land is located in Spokane County, Washington, commonly known as **MORNINGSIDE HEIGHTS**5th ADDITION and BRIGADOON ADDITION; developments of numerous residential lots, which development is governed by that certain "Declaration of Covenants, Conditions and Restrictions, recorded November 7th, 2611 and bearing Spokane County Auditor's File (hereinafter referred to as the "Declaration"), the definition and terms of which Declaration are incorporated herein by this reference.
- B) Grantor is also the owner of a certain additional tract of land near and/or adjoining the property described on Exhibit "B", which will be platted by Grantor as **Morningside Heights 6th Addition**, but which has not previously been subjected to said Declaration. Said other land is legally described on Exhibit "B" attached hereto and incorporated herein by this reference. Said other land consists of numerous residential lots, along with the dedicated roadways, (**Morningside Heights 6th Addition**).
- C) Grantor desires to annex said other land known as Morningside Heights 6th Addition to the original Morningside Heights 5th Addition/Brigadoon Addition land and subject it to the Declaration as provided in this Declaration of Annexation.

NOW THEREFORE, Grantor hereby declares and covenants as follows:

1. That, in accordance with the rights reserved to Grantor in the Declaration, Morningside Heights 6th Addition is hereby made subject to the Declaration and shall for all purposes be part of the Morningside Heights 5th Addition and Brigadoon Addition Subdivisions, effective upon the date that this document is recorded. Morningside Heights 6th Addition shall be held, conveyed, mortgaged, encumbered, leased, rented, used, occupied, sold and improved, subject to and in accordance with all of the terms, covenants and provisions which have been set forth in the Declaration, all of which are for the purpose of enhancing and protecting the value and attractiveness of the Morningside Heights 6th Addition, as well as Morningside Heights 5th Addition and Brigadoon Addition, and to facilitate management and

group, g. P. Bill Bilgham of the proof form agreement plants the region will be a sign

control of the common areas located in said developments. All of the limitations, covenants, conditions, restrictions and easements set forth in this Declaration shall constitute limitations, covenants, conditions, restrictions and encumbrances which shall run with Morningside Heights 6th Addition and shall be perpetually binding upon Grantor and its respective successors-ininterest and assigns and all parties having or acquiring any right, title or interest in or to any part of Morningside Heights 6th Addition.

- 2. Grantor hereby grants to all Owners of Lots in Morningside Heights 6th Addition all rights and easements which were granted to Owners of Lots in Morningside Heights 5th Addition and Brigadoon Addition, which rights and easements are reserved to Grantor in the Declaration for the benefit of all said Lot Owners. Grantor also hereby reserves from all Owners of Lots in Morningside Heights 6th Addition, and grants to the Owners of Lots in Morningside Heights 5th Addition and Brigadoon Addition, all rights and easements which were reserved to Grantor under the Declaration and the Plat.
- 3. Without limiting the generosity of the foregoing, Grantor, for each Lot owned within Morningside Heights 6th Addition, hereby covenants and each Owner of any Lot within Morningside Heights 5th Addition and Brigadoon Addition by acceptances of a deed therefore, is hereby deemed to covenant and agree to pay to the Association regularly assessments or charges and special assessments for capital improvements and unexpected expenses or reconstruction assessments, all according to the Declaration.
- 4. All property and Lots within Morningside Heights 5th Addition and Brigadoon Addition and Morningside Heights 6th Addition shall hereafter have reciprocal non-exclusive easements and rights of use as to any of the roadways or streets and common areas, as may be depicted on the plats of Morningside Heights 5th Addition and Brigadoon Addition and Morningside Heights 7th Addition.
- 5. From the effective date hereof, Morningside Heights 5th Addition and Brigadoon Addition and Morningside Heights 7th Addition shall be considered as one development of property in all respects as to application of the Declaration.

The undersigned has executed this Declaration of Annexation as of November & 2011.

SUMMIT PROPERTIES, INC.

Richard T. Dahm, President

STATE OF WASHINGTON)

COUNTY OF SPOKANE

of Norman, 2011, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared RICHARD T. DAHM, to me known to be the President of SUMMIT PROPERTIES, INC.., the Washington State Corporation that executed the foregoing instrument, and acknowledged the said instrument to be his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

MARY E. DUNCAN NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES NOVEMBER 29, 2012

Notary Public in and for the State of Washington, residing in Spokane

My Commission Expires: 11/29/2012

EXHIBIT "A"

LEGAL DESCRIPTION MORNINGSIDE HEIGHTS FIFTH ADDITION AND BRIGADOON ADDITION

BRIGADOON ADDITION

Lots 1-13, Block 1; Lots 1-22, Block 2; Lots 1-12, Block 3; Tracts A and B, Brigadoon Addition

MORNINGSIDE HEIGHTS 5TH ADDITION

Lots 1-5, Block 1; Lots 1-7, Block 2; Lots 1-7, Block 3; Lots 1-15, Block 4; Lots 1-8, Block 5; Lots 1-3, Block 6; Lots 1-3, Block 7; Lot 1, Block 8; Lots 1-5, Block 9; Lots 1-4, Block 10; Tract A Morningside Heights 5th Addition

DecAnnexMSH6th

EXHIBIT "B"

LEGAL DESCRIPTION MORNINGSIDE HEIGHTS 6TH ADDITION

MORNINGSIDE HEIGHTS 6TH ADDITION

Beginning at the Southwest corner of the N.E. 1/4 of the N.W. 1/4 of said Section 30 also being an angle point in the East boundary line of the Plat of Brigadoon Addition as per Plat recorded in Book 33 of Plats pages 28 and 29, in the Spokane County Auditor's office Spokane Washington; thence N.82°58'17"W., along said East boundary line, 16.66 feet; thence S.19°34'33"W., along said East boundary line, 80.63 feet to the Northwest corner of Lot I, Block 7, according to the Plat of Morningside Heights Fifth Addition as per Plat recorded in Book 33 of Plats page 15 and 16, in the Spokane County Auditor's Office, Spokane Washington; thence along the Northerly and Easterly boundary of said Plat the following 14 courses:

- 1. thence S.75°43'34"E., 105.80 feet;
- 2. thence S.78°12'07"E., 38.42 feet;
- 3. thence S.71°53'25"E., 230.00 feet;
- 4. thence S.61°59'06"E., 127.48 feet, to a point on a curve to the right the radius of which bears S.37°13'20"E., a distance of 256.00 feet;
- 5. thence along said curve to the right, through a central angle of 7°22'25", an arc distance of 32.95 feet;
- 6. thence S.46°52'19"E., 91.66 feet;
- 7. thence S.70°37'39"E., 85.99 feet;
- 8. thence S.89°35'55"E., 494.43 feet, to a point on a curve to the right the radius of which bears S.87°53'44"W., a distance of 334.00 feet;
- 9. thence along said curve to the right, through a central angle of 18°59'41", an arc distance of 110.73 feet;

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- 10. thence S.72°55'43"E., 159.02 feet;
- 11. thence N.04°16'13"E., 124.97 feet
- 12. thence N.03°52'02"W., 155.77 feet;
- 13. thence S.89°35'55"E., 39.28 feet;
- thence N.00°04'28"E., 183.00 feet, to the North line of the S.E. 1/4 of the N.W. 1/4 of said Section 30, thence N.89°35'55"W., along said North line 1273.78 feet to the Point of Beginning

Area = 7.69 Acres