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State of Washington, County of Stevens, s.
Filed APR 5 1977 at 2:50 P.M.

at request of Stephen R. Blake
Colville, Wa. 99114

VIRGINIA M. JENSEN
County Auditor
Deputy

Ret to filer

$8.00

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DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

* *

THIS DECLARATION of covenants, conditions and restrictions made April 5, 1977, by OTTO H. RAINER and GERALDINE L. RAINER, husband and wife.

A. OTTO H. RAINER and GERALDINE L. RAINER, husband and wife, are the owners of the following described real estate, to-wit:

Lots 26 through 51 inclusive of DOMINION HEIGHTS DIVISION NO. 2, according to plat recorded in Book D of Plats, page 36, under Stevens County Auditor's file No. 457458, March 31, 1977, Volume 31, page 590.

B. It is the desire and intention of the Declarants to establish a uniform building plan and uniform plan or scheme of improvement for the benefit of all of the units or lots or lands in DOMINION HEIGHTS SUBDIVISION, DIVISION NO. 1, DIVISION NO. 2, and DIVISION NO. 3 which is to be platted.

C. The purpose of these restrictions is to insure the use of the property for attractive residential purposes only to prevent nuisances, to prevent the impairment of the attractiveness of the property, and to maintain the desired tone of the community, and thereby to secure to each site owner the full benefit and enjoyment of his home, with no greater restriction on the free and undisturbed use of his site than is necessary to insure the same advantages to the other site owners.

NOW, THEREFORE, OTTO H. RAINER and GERALDINE L. RAINER, husband and wife, fee owners of the following described real property located in the City of Colville, County of Stevens,

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State of Washington, same being the real property now duly platted as DOMINION HEIGHTS, DIVISION NO. 2:

A subdivision of the City of Colville, as recorded in Book D of Plats, page 36, under Stevens County Auditor's file No. 457458, Volume 31, page 590, March 31, 1977,

hereby make the following declarations as to limitation, restrictions and uses to which the lots or tracts constituting the subdivision may be put, and hereby specify that such declarations shall constitute covenants to run with all the land, and shall be binding on all parties and all persons claiming under them, or otherwise having or acquiring any right, title or interest in any of the lots or tracts in the subdivision, and for the benefit of all future owners in the subdivision.

1. No lot shall be used for other than residential purposes.

2. No permanent building or structure whatever except a private, detached single family dwelling house with an enclosed private double garage shall be erected, placed, or permitted on a tract or lot. Where it is architecturally possible, all garages shall be incorporated in or made a part of the dwelling house.

3. No trailer, mobile or motor home, basement, tent, garage or other structure or outbuilding other than a private, detached single family dwelling house, placed or erected on a lot or tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

4. No building or structure shall be moved onto lot, tract or land in the subdivision from any land outside of the subdivision. No trailers shall be maintained on any building site prior to the erection of a dwelling house thereon, except that a garage or other small building of permanent construction may be erected for the storing of tools and other articles.

5. Any dwelling or structure erected or placed on any lot in this plat shall be completed as to external appearance,

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including finish painting within nine months from the date of start of construction except for reasons beyond the control of the owner, in which case a longer period may be permitted by the Architectual Control Committee.

6. No sign of any kind shall be displayed to the public view on any lot or tract, except one professional sign of not more than five square feet advertising the property for sale or rent, or signs used by the builder to advertise the property during the construction and sales period.

7. No animals, livestock or poultry of any kind shall be raised, bred or kept on any lot or tract, except that dogs, cats or other household pets may be kept; PROVIDED, they are not kept, bred or maintained for any commercial purposes.

8. Before any building is erected, place or altered upon any lot or tract, notice of intent to build or locate such structure shall be filed with the ARCHITECTURAL CONTROL COMMITTEE. The ARCHITECTURAL CONTROL COMMITTEE, within five days from receipt of such notice, may require the submission by the applicant or owner of the construction plans and specifications and a plan showing the location of the structure; in the event of such requirement, no building shall be erected, placed or altered upon any such lot until the plans have been approved by the ARCHITECTURAL CONTROL COMMITTEE as to quality of workmanship and materials, harmony of external design with existing structures, and building setback and basic floor plan, and with respect to topography and finished grade elevation. No fence, wall or hedge shall be placed or erected upon any lot in excess of a height of six feet above the ground; PROVIDED, no fence, wall or hedge shall be permitted between the forward portion of the house and the roadway right of way, except that decorative fences having a height not exceeding three feet may be constructed in said areas. This does not include screen plantings in harmony with native vegetation in the area. The decision of the ARCHITECTURAL CONTROL COMMITTEE shall be final and binding upon all parties.

9. The ARCHITECTURAL CONTROL COMMITTEE shall be composed of three members to be appointed by OTTO H. RAINER. At the time

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all lots in DOMINION HEIGHTS DIVISION NO. 2 have a residence constructed thereon, the duties of the ARCHITECTURAL CONTROL COMMITTEE shall cease.

10. No owner or contract purchaser of any lot shall permit any vehicle owned by him or by any member of his family or by an acquaintance, and which is in an extreme state of disrepair, to be abandoned or to remain parked upon any street within the existing property for a period in excess of forty-eight (48) hours. Should any such owner or contract purchaser fail to remove such vehicle within two (2) days following the date on which notice is mailed to him by the ARCHITECTURAL CONTROL COMMITTEE informing him of a violation of this provision, the ARCHITECTURAL CONTROL COMMITTEE may have such vehicle removed and charge the expense of removal to said owner or purchaser. Any such charge shall become a continuing lien on the property, which shall bind the property in the hands of the then owner of contract purchaser, and his successors in interest. Such charge shall also be a personal obligation of the one who is the owner or contract purchaser of the lot involved on the date of removal. A vehicle shall be deemed to be in an extreme state of disrepair when in the opinion of the ARCHITECTURAL CONTROL COMMITTEE its presence offends the reasonable sensibilities of the occupants of the neighborhood.

11. No single family dwelling shall be permitted on any lot with a main floor area of the main structure, exclusive of open porches, and garages, of less than one thousand (1,000) square feet.

12. Any electric service cable running from any residence on any lot to the nearest junction box or secondary pedestal shall be installed, owned, operated, and maintained in good condition by the owner of the residence.

13. All roofs on residence dwellings in the subdivision shall be covered with cedar shakes, or with other material of substantially similar quality if the architectural style of the residence dwelling is inappropriate for a cedar shake roof. All garages or other outbuildings on any lot or tract shall be of

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construction and architectural type substantially similar to the residence dwelling thereon. No permanent residence or structure of any kind of what is commonly known as "boxed" or "sheetmetal" construction shall be built or placed on a lot or tract in the subdivision. No metal roofing shall be allowed on any permanent structure located on a lot or tract.

14. Supplemental plantings shall be required on each lot or tract in the subdivision to screen objectionable views, provide adequate shade, and to provide a suitable landscaped setting for each residence dwelling. Each lot or tract owner or purchaser shall plant at least two (2) ornamental trees on each lot. The installation of the trees shall be the responsibility of the builder who shall guarantee their growth for at least one (1) year from the date of commencement of construction of a residence dwelling on the lot. The builder shall be responsible for normal maintenance and care of the shrubs and grass until the residence dwelling is occupied by the purchaser or owner.

15. On-site parking provisions for no less than two (2) automobiles shall be provided in addition to garage automobile storage.

16. Except with the approval of the ARCHITECTURAL CONTROL COMMITTEE a land owner shall at no time keep or permit to be kept on their premises any house, trailer, truck, camper, mobile home or boat trailer, unless housed within a garage or suitably screened from view from the street or public view.

17. No garbage, refuse, rubbish, or cuttings shall be deposited on or left on the lot premises unless placed in an attractive container suitably located and screened from public view. No building material of any kind shall be placed or stored upon any property in said subdivision until the owner is ready to commence construction, and then such materials shall be placed within the property line of the building site upon which structures are to be erected, and shall not be placed in the street.

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18. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood.

19. These restrictions shall operate as covenants running with the land for the benefit of any and all persons who now may own, or who may hereafter own, property in the subdivision, for a period of thirty (30) years from the date these covenants are recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots or tracts has been recorded, agreeing to change the covenants in whole or in part.

20. Any and all persons who now may own, or who may hereafter own, property in the subdivision are specifically given the right to enforce these restrictions through any proceedings, at law or in equity, against any person or persons violating or threatening to violate such restrictions, and to recover any damages suffered by them from any violation thereof.

21. Each and all of the covenants, conditions and restrictions contained herein shall be deemed and construed to be continuing and no waiver of or failure to enforce a breach of any of the covenants, conditions and restrictions herein contained shall be construed to be a waiver of any other breach of the same, or other covenants, conditions and restrictions.

22. If any covenant, condition or restriction contained herein, or any portion thereof, is invalidated or voided, by court order or otherwise, such invalidity or voidness shall in no way affect any other covenant, condition or restriction.

23. These covenants and restrictions shall be deemed in addition to local, county or municipal regulations or ordinances, but the same shall not be deemed to replace such applicable county or municipal regulations or ordinances now existing or as may hereafter be adopted where the same are not in conflict with this declaration and statement of restrictive covenants.

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IN WITNESS WHEREOF the undersigned have affixed their signatures.

Otto H. Rainer

Otto H. Rainer

Geraldine L. Rainer

Geraldine L. Rainer

STATE OF WASHINGTON)
:ss.
COUNTY OF STEVENS)

On this day personally appeared before me Otto H. Rainer and Geraldine L. Rainer 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 5th day of April, 1977.

Notary Public in and for the State of Washington, residing at Colville.

NOTARY PUBLIC STATE OF WASHINGTON COMMISSION EXPIRES JUNE 23, 1980

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