

AFTER RECORDING RETURN TO:

Geoff Clark
Nor Am Investments, LLC
PO Box 1307
Gig Harbor, WA 98335

62242300458

Chicago Title

**FIRST AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS FOR BMS COMMERCIAL CAMPUS**

GRANTORS: Nor Am Investment, LLC, a Washington limited liability company
Badger Communities, LLC, a Washington limited liability company
Badger Mountain South Storage, LLC, a Washington limited liability company
GRANTEE: The Public; BMS Commercial Campus

LEGAL DESCRIPTION: Ptn Parcel E of Survey 5439; Ptn 32/9/28; Ptn E2 31 & W2 32/9/28; Ptn E2 31 & W2 32; Ptn E2NE and NESE 31/9/28; Ptn 32/9/28; Ptn 32/9/28; Ptn NW 32/9/28 West of West Vineyard 1, Phase 1; Ptn 29/9/28; Lot 2 Amended BSP filed 4/18/2016 Vol 1 of Surveys, Page 4732; Lot 4 Amended BSP filed 4/18/2016 Vol 1 of Surveys, Page 4732; Tract A Amended BSP filed 4/18/2016 Vol 1 of Surveys, Page 4732; Ptn Parcel E of Survey 5439

ASSESSOR'S TAX PARCEL NO.: 1-3298-2BP-4732-022; 1-3298-300-0003-036; 1-3198-100-0001-004; 1-3298-300-0003-028; 1-3298-300-0003-029; 1-3198-100-0001-005; 1-3198-100-0001-006; 1-3198-100-0001-004; 1-3298-300-0003-034; 1-3298-300-0003-035; 1-3298-300-0003-033; 1-2998-200-0001-002; 1-3298-2BP-4732-025; 1-3298-2BP-4732-027; 1-3298-2BP-4732-026; 1-3298-2BP-4732-023

Reference Documents: Auditor's File No. 2023-010046

THIS FIRST AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of BMS Commercial Campus ("Amendment") is made this 30th day of May, 2023 by Nor Am Investment, LLC, a Washington limited liability company, Badger Communities, LLC, a Washington limited liability company, and Badger Mountain South Storage, LLC, a Washington limited liability company, (hereinafter referred to as "Declarant") for BMS Commercial Campus.

RECITALS:

WHEREAS, on May 23, 2023, the Declaration of Covenants, Conditions, Restrictions and Easements of BMS Commercial Campus was executed by Nor Am Investment, LLC, a Washington limited liability company, Badger Communities, LLC, a Washington limited liability company, and Badger Mountain South Storage, a Washington limited liability

company, as the Declarant, which Declaration was recorded under Benton County Auditor's File No. 2023-010046; and

WHEREAS, pursuant to Section 12.1 of the Declaration, the Declarant has the option to amend the Declaration on behalf of all Lot Owners, as follows:

13.1 Amendments by Declarant or Association. Declarant acting alone may amend this Declaration at any time during the Development Period on Declarant's sole signature. All Owners agree to be bound by such amendment or amendments as made by the Declarant pursuant to this provision, and hereby grant to Declarant a full and complete power of attorney to take any and all actions necessary to effectuate and record such amendments. This Declaration may also be amended at any time by the Association if Owners having sixty-seven percent (67%) or more of the total outstanding votes in the Association vote for such amendment subject to the approval of the Master Board, which approval shall not be unreasonably withheld, provided that during the Development Period, no such amendment shall be valid without also obtaining prior written consent of the Declarant.

and;

WHEREAS, pursuant to Section 1.12 of the Declaration, the Development Period is defined as:

1.12 "Development Period" shall mean the period of time from the date of recording of these CCR's until 60 days after all of the Real Property has been sold to a retail purchaser, or any shorter period, as determined by the Declarant at Declarant's sole discretion. For purposes of this definition "retail purchasers" means a person who purchases a Lot for purposes operating a business in or renting the building thereon and shall not include any person who purchases one or more Lots for the purpose of constructing Units thereon for resale. A Builder is not a retail purchaser.

and;

WHEREAS, the Development Period is currently ongoing and Declarant retains ownership of all parcels subject to the Covenants;

WHEREAS, the Declarant desires to remove certain parcels from the Covenants;

NOW WHEREFORE, the Declaration is hereby amended as follows:

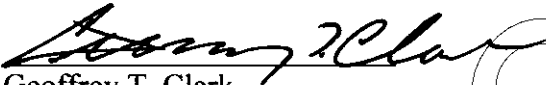
The following properties are hereby removed from any and all obligations set forth in the Covenants:

Exhibit H- Adult Living South Parcel 1-3298-300-0003-033

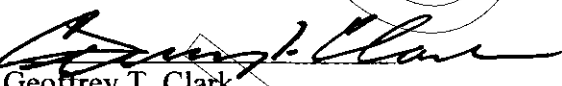
Exhibit I- Adult Living North Parcel 1-2998-200-0001-002

IN WITNESS WHEREOF the undersigned has executed this First Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements for BMS Commercial Campus on: May 30th 20223

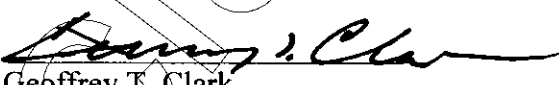
NOR AM INVESTMENT, LLC
a Washington limited liability company

By: 
Geoffrey T. Clark
Managing Member Declarant

BADGER COMMUNITIES, LLC
a Washington limited liability company

By: 
Geoffrey T. Clark
Managing Member Declarant

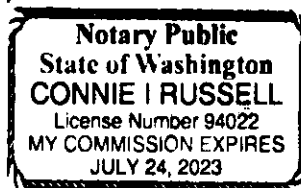
BADGER MOUNTAIN SOUTH STORAGE, LLC
a Washington limited liability company

By: 
Geoffrey T. Clark
Managing Member Declarant

STATE OF WASHINGTON)
)
County of Benton) SS.

I certify that I know or have satisfactory evidence that Geoffrey T. Clark is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the managing member of NOR AM INVESTMENT, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: May 31, 2023

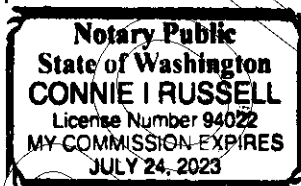


Connie I Russell
NOTARY PUBLIC
Print Name Connie I Russell
My appointment expires: 7/24/2023

STATE OF WASHINGTON)
)
County of Benton) SS.

I certify that I know or have satisfactory evidence that Geoffrey T. Clark is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the managing member of BADGER COMMUNITIES, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: May 31, 2023



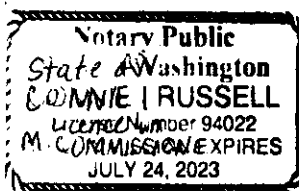
Connie I Russell
NOTARY PUBLIC
Print Name Connie I Russell
My appointment expires: 7/24/2023

STATE OF WASHINGTON)

County of Benton) SS.

I certify that I know or have satisfactory evidence that Geoffrey T. Clark is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the managing member of BADGER MOUNTAIN SOUTH STORAGE, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: May 31, 2023



Connie I Russell

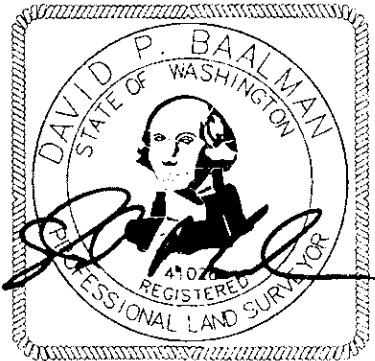
NOTARY PUBLIC

Print Name Connie I Russell

My appointment expires: 7/24/2023

EXHIBIT H
ADULT LIVING SOUTH PARCEL
PORTION 1-3298-300-0003-033

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 9 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN, BENTON COUNTY, WASHINGTON LYING WEST OF WEST VINEYARD 1, PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 458, RECORDS OF BENTON COUNTY, WASHINGTON; LYING NORTH OF AVA WAY, AS DEDICATED ON SAID PLAT OF WEST VINEYARD 1, PHASE 1; LYING EAST OF DALLAS ROAD, AS DESCRIBED IN DEEDS RECORDED UNDER AUDITOR'S FILE NUMBERS 595157, 92-16778 AND 92-16779, RECORDS OF BENTON COUNTY, WASHINGTON; AND LYING NORTH AND EAST OF THAT PARCEL OF LAND AS DESCRIBED IN STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NUMBER 2013-009502, RECORDS OF BENTON COUNTY, WASHINGTON.



3-31-2023

EXHIBIT I
ADULT LIVING NORTH PARCEL
1-2998-200-0001-002

THAT PORTION OF SECTION 29, TOWNSHIP 9 NORTH, RANGE 28 EAST, W.M. BENTON COUNTY, WASHINGTON, LYING SOUTHERLY AND WESTERLY OF THE FOLLOWING DESCRIBED LINE: BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 89° 23' 44" EAST, 1951.66 FEET ALONG THE SOUTH LINE OF SAID SECTION TO THE **TRUE POINT OF BEGINNING**; THENCE NORTH 65° 57' 03" WEST, 116.18 FEET; THENCE SOUTH 89° 48' 41" WEST, 641.83 FEET; THENCE NORTH 00° 38' 28" WEST, 324.30 FEET; THENCE SOUTH 89° 21' 30" WEST, 1154.45 FEET TO THE EAST LINE OF DALLAS ROAD AND THE **TERMINUS OF SAID LINE**.

EXCEPT THE WEST 40 FEET FOR COUNTY ROAD RIGHT OF WAY;

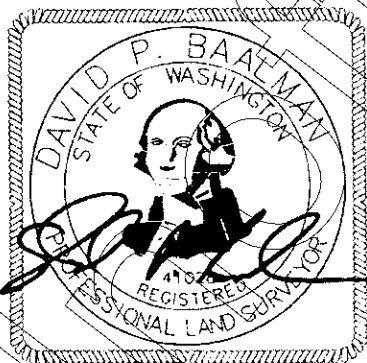
AND EXCEPT THAT PORTION DEEDED TO THE COUNTY OF BENTON, STATE OF WASHINGTON UNDER QUIT CLAIM DEED RECORDED UNDER AUDITOR'S FILE NUMBER 783437, RECORDS OF BENTON COUNTY, WASHINGTON;

AND EXCEPT STATE HIGHWAY RIGHT OF WAY

AND EXCEPT PORTION CONVEYED TO BENTON COUNTY FOR ROAD UNDER AUDITOR'S FILE NUMBERS 92-16778 AND 92-16779

AND EXCEPT THOSE PORTIONS ACQUIRED BY THE STATE OF WASHINGTON UNDER EMINENT DOMAIN PROCEEDINGS FILED IN BENTON COUNTY SUPERIOR COURT CAUSE #82-2-00869-6

AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE ALTERATION OF TRACTS C-E, K-M, LOTS 111-122, 125, 127, AND 141-152, WEST VINEYARD PHASE 2, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 529, RECORDS OF BENTON COUNTY, WASHINGTON.



3-31-2023