

2021-036403 MULTI

08/03/2021 11:02:18 AM Page 1 of 4 Fees: \$410.00

Brenda Chilton, County Auditor, Benton County, WA

2021-039681 MULTI

08/24/2021 02:03:27 PM Page 1 of 5 Fees: \$411.00

AFTER RECORDING RETURN TO: Brenda Chilton, County Auditor, Benton County, WA
Geoff Clark

Badger Developers, LLC

PO Box 1307

Gig Harbor, WA 98335

Chicago Title Insurance

has placed this document of record
as a customer courtesy and accepts
no liability for accuracy or validity of
the document.

THIS DOCUMENT IS BEING RE-RECORDED
TO CORRECT THE DATED DATE AND
ADD EXHIBIT "A"

**FIFTH AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS,
RESTRICTIONS, EASEMENTS FOR WEST VILLAGE, PHASE 2 AND ANNEXATION OF
ADDITIONAL REAL PROPERTY**

GRANTORS: BADGER DEVELOPERS, LLC, a Washington limited liability company

GRANTEE: The Public; West Village Phase 2

LEGAL DESCRIPTION: Phase 2, as recorded under Auditor's Plat of West Village, File No. 2018-002179. Records of Benton County, Washington.

Phase 3, as recorded under Auditor's File No. 2019-026381, records of Benton County, Washington.

ABBREVIATED LEGAL: Phase 2: Lots 1-8, Lots 52-57, Lots 83-142

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 3: Lots 1-68

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 4: Lots 1-67

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 5: Lots 1-115

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Phase 6: Lots 1-109

Portions of the NW1/4, the NE1/4, the SE1/4 and the SW1/4 of Section 32, Township 09 North, Range 28 East of the W.M. City of Richland, Benton County, Washington.

Reference Documents: Auditor's File No. 2018-005349

THIS FIFTH AMENDMENT to the Declaration of Covenants, Conditions, Restrictions and Easements of West Village, Phase 2 ("Amendment") is made this 29th day of ~~April~~ July, 2021 by BADGER DEVELOPERS, LLC a Washington limited liability company, (hereinafter referred to as "Declarant") for WEST VILLAGE PHASE 2

RECITALS:

WHEREAS, on February 26, 2018, the Declaration of Covenants, Conditions, Restrictions and Easements of West Village Phase 1 was executed by Badger Developers, LLC, as the Declarant, which Declaration was recorded under Benton County Auditor's File No. 2018-005349; and

WHEREAS, pursuant to Section 13.1 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, subject to the approval of the Master Board, which approval shall not be unreasonably withheld. 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 1.13 of the Declaration, the Development Period is defined as:

1.13 "Development Period" shall mean the period of time from the date of recording of the first plat in West Village Phase 1 until all of the Real Property has been platted and title to 100% of the Lots have been transferred to retail purchasers 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 of residing in or renting the Housing Unit or Units thereon and shall not include any person who purchases one or more Lots for the purpose of constructing Housing Units thereon for resale. A Builder is not a retail purchaser.

and;

WHEREAS, the Development Period is currently ongoing;

and;

WHEREAS, pursuant to Section 1.29 of the Declaration, the "Real Property" and "West Village Phase 2" is defined as:

1.29 "Real Property" and "West Village Phase 2" shall both mean the real property described in Exhibit A, and any additions thereto as may hereafter be subjected to the terms of this Declaration and all improvements and structures now or hereafter placed thereon.

WHEREAS, on September 5, 2019, the plat for Phase 3 was recorded with the Benton County Auditor under Auditor's File No. 2019-026381 with the intention that Phase 3 be annexed directly into Phase 2 as provided by the Second Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements for West Village, Phase 2 and Annexation of Real Property, recorded under Benton County Auditor's File No. 2019-026673. The legal description for the annexed property was inadvertently omitted from Benton County Auditor's File No. 2019-026673 and was corrected along with the additional annexation of Phase 4; Third Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements for West Village, Phase 2 and Annexation of Real Property was recorded under Benton County Auditor's File No. 2019-036444; and the Fourth Amendment to the Declaration of Covenants, Conditions, Restrictions, Easements for West Village, Phase 2 and Annexation of Real Property was recorded under Benton County Auditor's File No. 2021-003865.

NOW WHEREFORE, the Declaration is hereby amended as follows:

Section 1.15 is hereby deleted in its entirety and is replaced by "'Housing Unit' shall mean a single family dwelling, or duplex as permitted on only Phase 3 Lots 5, 12, 41, 46 and 56; Phase 4 Lots 17 and 24; and Phase 5 Lots 35 and 56; and Phase 6 Lots 53 and 90.

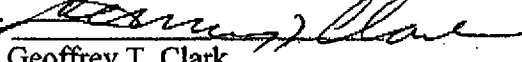
Section 8.16 has the following additions: Dogs are not allowed to be off leash outside of the owners property and must be under control at all times.

and

Pursuant to Section 1.29 and Section 13.1, Declarant further annexes and add the following property legally described in **Exhibit A** to the Real Property subject to the Declaration:

IN WITNESS WHEREOF the undersigned has executed this Fifth Amendment to the Declaration of Covenants, Conditions, Restrictions, and Easements for West Village Phase 2 on: 7-29-2021, 2021

BADGER DEVELOPERS, LLC,
a Washington limited liability company

By: 
Geoffrey T. Clark
Managing Member Declarant

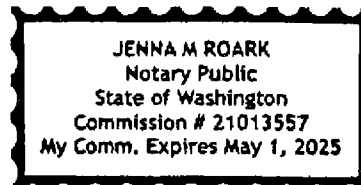
2021-039681

08/24/2021 02:03:27 PM Page 4 of 5

STATE OF WASHINGTON)


County of)

SS.



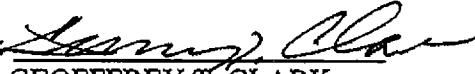
I certify that I know or have satisfactory evidence that Geoffrey T. Clark is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath, stated that he was authorized to execute the instrument and acknowledged it as the managing member of Badger Developers,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

DATED: 7/29/21


 NOTARY PUBLIC
 Print Name Jenna Roark

My appointment expires: 5/1/25

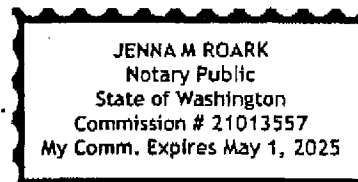
NOR AM INVESTMENT, LLC,
 a Washington limited liability company

By: 
 GEOFFFREY T. CLARK
 President/Chief Operating Officer

STATE OF WASHINGTON)

County of)

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 President and Chief Operating Officer 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: 7/29/21


 NOTARY PUBLIC
 Print Name Jenna Roark

My appointment expires: 5/1/25

EXHIBIT A
LEGAL DESCRIPTION

LOTS 1 THROUGH 109, INCLUSIVE, WEST VILLAGE PHASE 6, ACCORDING
TO THE PLAT THEREOF RECORDED IN VOLUME 15 OF PLATS, PAGE 722,
RECORDS OF BENTON COUNTY, WASHINGTON.