

AFTER RECORDING RETURN TO
Vial-Fotheringham LLP
17355 SW Boones Ferry Rd, Ste A
Lake Oswego, OR 97035

DOCUMENT TITLE (S)

Second Amendment to Complete Reinstatement of Declaration

REFERENCE NUMBER (S) OF RELATED DOCUMENT (S)

AF # 4252499

GRANTOR (S)

Sunrise Place Townhomes

GRANTEE(S)

Public

LEGAL DESCRIPTION (abbreviated form i.e. lot, block, plat or section, township, range, quarter/quarter) Lots 1-48, and tracts A,B, and C, Sunrise Place Subdivision according to the Plat thereof recorded in Volume 311 of plat page 440, records of Clark County Washington.

ASSESSORS'S PROPERTY TAX PARCEL/ACCOUNT NUMBER

144521-002- additional parcel numbers attached

I am requesting an emergency nonstandard recording for an additional fee as provided in RCW 36.18.010. I understand that the recording processing requirements may cover up or otherwise obscure some part of the text of the original document.



Signature of Requesting Party

**SECOND AMENDMENT
TO COMPLETE RESTATEMENT OF
DECLARATION OF PROTECTIVE COVENANTS,
RESTRICTIONS, EASEMENTS AND AGREEMENTS
FOR
SUNRISE PLACE TOWNHOMES SUBDIVISION**

This Second Amendment to Complete Restatement of Declaration of Protective Covenants, Restrictions, Easements and Agreements for Sunrise Place Townhomes Subdivision (**"Second Amendment to Restated Declaration"**) is made by Sunrise Place Homeowners Association, a Washington nonprofit corporation (the "Association").

RECITALS

A. Sunrise Place (also known as "Sunrise Place Townhomes Subdivision") is a community of owners (the "Community") of the following described property:

Plat of Sunrise Place recorded November 2, 2006 in Plat Book 311, Page 440 as Auditor's File No. 4243243, Auditor's Records of Clark County, Washington.

B. The Community is governed by the by the following documents recorded, as indicated, in the Auditors Records of Clark County, Washington:

Complete Restatement of Declaration of Protective Covenants, Restrictions, Easements and Agreements for Sunrise Place Townhomes Subdivision (**"Restated Declaration"**) recorded November 27, 2006, as Auditor's file No. 4252499.

First Amendment to Complete Restatement of Declaration of Protective Covenants, Restrictions, Easements and Agreements for Sunrise Place Townhomes Subdivision recorded October 9, 2007, as Auditor's File No. 4383420.

Bylaws of Sunrise Place Homeowners Association.

C. Association is the association of owners that was incorporated as a Washington nonprofit corporation under Chapter 24.03 RCW by Articles of Incorporation filed September 27, 2006, in the office of the Washington Secretary of State.

D. Association is subject to Chapter 64.38 RCW.

E. The Association and owners wish to further amend the Restated Declaration in the manner set forth below.

NOW, THEREFORE, pursuant to Section 6.4 of the Restated Declaration, with the written approval of at least seventy-five percent (75%) of the owners, the Restated Declaration is amended in the manner set forth below.

I. Section 2.9 is amended to read:

2.9 GENERAL CONDITION OF THE LOTS. All lots, including vacant lots, shall be maintained in a reasonable, presentable condition and in accordance with this Declaration and any rules adopted by the Board of Directors. Debris, weeds or other waste material shall be removed or controlled.

II. Section 2.17 is amended to read:

2.17 COMPLETION PERIOD; MAINTENANCE OF LOTS.

2.17.1 Completion Period; Requirements. Within six (6) months from the date of completion of the exterior of the building or structure constructed on a lot, and prior to the issuance of an occupancy permit, all front yards and landscaping must be completed in accordance with the Clark County Code with a 5-foot buffer, landscaped:

(a) To an LI standard along the east, west, and south property lines;
and

(b) With materials from the approved Clark County plant list.

2.17.2 Hardship. In the event of undue hardship due to weather conditions, the time period specified in Section 2.17.1 above may be extended upon written approval of the Board of Directors of Homeowners Association.

2.17.3 Clark County Maintenance Requirements; Modifications.

(a) In addition to any other maintenance requirements, the landscape buffers required under Section 2.17.1 above shall be maintained in accordance with the final approved landscape plan set forth in the Final Order of the Land Use Hearings Examiner of Clark County.

(b) Any modification to the existing landscaping must be approved by the Board of Directors of the Homeowners Association.

2.17.4 Responsibility for Maintenance by Owner. Except as provided under Section 2.17.5 below, the Owner is responsible for all maintenance, repair and replacement to landscaping of Owner's lot in accordance with Section 2.9 above and other provisions of this Declaration and any rules adopted by the Board of Directors.

2.17.5 Responsibility for Maintenance by Association; Costs and Assessment. The Association shall maintain, repair and replace the landscaped area of each lot (including flowerbeds and landscape buffers required under Section 2.17.1 above) between the front of the dwelling (and any garage) and the street. The costs for maintenance, repair and replacement under this paragraph must be a budget item under Section 4.6 below.

III. Section 2.18 is amended to read:

2.18 MAINTENANCE NOTICE/ASSESSMENT OF COSTS.

2.18.1 When the Board of Directors determines that an Owner is not maintaining a lot in the accordance with this Declaration, the Board shall notify the Owner by certified mail. The notice shall:

- (a) Specify the maintenance or repairs required to be performed.
- (b) State that the Owner has thirty (30) days from receipt of the notice to perform the necessary maintenance or repair or to make written demand for a hearing before the Board.
- (c) Specify the manner of making a written demand for a hearing before the Board.

2.18.2 If a hearing is demanded under Section 2.18.1 above, the Board shall set a date and give the Owner at least ten (10) days written notice of the date, time and place of the hearing.

2.18.3 The hearing shall be informal and rules of evidence shall not apply. The Board shall render its decision in writing. The cost of maintenance or repair work actually performed shall be added to and become a part of the assessment to which the lot is subject.

IV. Sections 4.5, 4.6 and 4.7 are amended to read:

4.5 PURPOSE OF ASSESSMENTS. Assessments levied by the Board of Directors on behalf of the Association shall be used to promote the recreation, health, safety and welfare of the Owners and residents of Sunrise Place Development and for the administration, operation and maintenance of the property as provided this Declaration and for any other purpose required or permitted under this Declaration, the Bylaws or Chapter 64.38 RCW.

4.6 BUDGET; ASSESSMENTS.

4.6.1 Adoption of Budget; Budget Landscaping Item.

(a) Adoption of Budget. Pursuant to RCW 64.38.020, at least once a year the Board of Directors shall prepare and adopt a budget for the Association. The budget is subject to the requirements of RCW 64.38.025.

(b) Budget Landscaping Item. The budget shall include as a specific budget item the costs for the maintenance, repair and replacement required under Section 2.17.5 above. The item shall be designated as "Budget Landscaping Item."

4.6.2 Assessments.

(a) Except as provided under Paragraph (b) of this subsection, the common expenses on which the budget is based shall be equally allocated among non-exempt lots in Sunrise Place Development.

(b) The Landscaping Budget Item shall be allocated among the lots according to the ratio by which the approximate square footage of the yard area of each lot bears to the total square footage of the yard area of all lots (expresses as a percentage) as set forth in the Landscaping Allocation Schedule adopted and maintained by the Board of Directors under Section 4.6.3 below.

(c) The Board of Directors shall levy an assessment in accordance with the allocation specified in Paragraphs (a) and (b) of this subsection.

(d) Notice of assessment shall be given to each property Owner in the manner prescribed by the Board. The Board shall establish procedures for the payment of assessments.

4.6.3 Landscaping Allocation Schedule. The Board of Directors shall by rule adopt and maintain a Landscaping Allocation Schedule that states:

(a) For each lot, the lot number, address and area of yard required to be maintained by the Association under Section 2.17.5 above and the specific percentage allocation determined under Section 4.6.2(b) above.

(b) The method of determining the area of yard required to be maintained under Section 2.17.5 above, including identification of any professional services provided.

(c) Any other information the Board determines appropriate.

4.6.4 Notice of Landscaping Allocation Schedule; Changes; Record.

(a) As soon as practicable after adopting the Landscaping Allocation Schedule under Section 4.6.3 above and any amendments to the schedule under this subsection, the Board of Directors shall provide each Owner a copy of the Landscaping Allocation Schedule.

(b) Each Owner shall give the Board of Directors written notice of any change to the landscaping of Owner's lot that affects the lot area stated in the Landscaping Allocation Schedule.

(c) The Board of Directors shall keep the Landscaping Allocation Schedule current. The requirement under Paragraph (b) of this subsection does not preclude the Board from amending the schedule to reflect any changes in the area of any lot.

(d) The Landscaping Allocation Schedule must be maintained as Association record under RCW 64.38.045.

4.7 SPECIAL ASSESSMENTS.

4.7.1 If the Board determines that a special assessment is necessary for the extraordinary maintenance of or capital improvements to the common property or to meet any additional necessary common expenses, the Board shall send a notice of special assessment to the Owners of all non-exempt lots within Sunrise Place Development. The notice shall include a statement of the reasons such an assessment is necessary, the amount to be assessed, the method of payment proposed by the Board, and the date and place for a meeting to discuss the special assessment.

4.7.2 The meeting shall be held no sooner than ten (10) days, but not more than fifty (50) days from the date of the notice of special assessment. The meeting must be conducted according to the rules adopted by the Board in accordance with the Bylaws. The Owner of each non-exempt lot shall be entitled to one (1) vote for each lot owned within Sunrise Place Development. Approval of a special assessment requires the consent of Owners of sixty percent (60%) of the non-exempt lots.

Dated this 22 day of April, 2014

**SUNRISE PLACE HOMEOWNERS
ASSOCIATION, a Washington nonprofit
Corporation**

By Michelle Gorham
Michelle Gorham, President

STATE OF WASHINGTON)
) ss.
County of CLARK)

I certify that I know or have satisfactory evidence that Michelle Gorham is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the purposes mentioned in the instrument.

Dated: April 22, 2014

**NOTARY PUBLIC
STATE OF WASHINGTON
APRILDAWN HOLDEN
COMMISSION EXPIRES 01-14-18**

At Holden
Signature Notary Public for Washington
My Appointment Expires: 01-14-18

SUNRISE PLACE HOMEOWNERS
ASSOCIATION, a Washington nonprofit
Corporation

By Megan Davis Scott
Megan Davis-Scott, Secretary

STATE OF WASHINGTON)
County of Clark) ss.

I certify that I know or have satisfactory evidence that Megan Davis-Scott is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the purposes mentioned in the instrument.

Dated: April 22, 2014


NOTARY PUBLIC
STATE OF WASHINGTON
APRILDAWN HOLDEN
COMMISSION EXPIRES 01-14-18

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Signature Notary Public for Washington
My Appointment Expires: 01-14-18

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CERTIFICATION

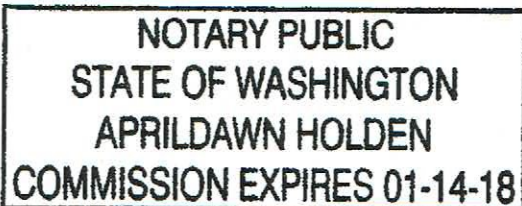
The undersigned President and Secretary of Sunrise Place Homeowners Association, a Washington nonprofit corporation, hereby certify that this Second Amendment to Complete Restatement of Declaration of Protective Covenants, Restrictions, Easements and Agreements for Sunrise Place Townhomes Subdivision was approved by at least seventy-five percent (75%) of the lot owners in accordance with Section 6.4 of the Restated Declaration.



Michelle Gorham, President
Sunrise Place Homeowners Association,
a Washington nonprofit corporation

STATE OF WASHINGTON)
County of CLARK) ss.

I certify that I know or have satisfactory evidence that Michelle Gorham is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the purposes mentioned in the instrument.

Dated: April 22, 2014




Signature Notary Public for Washington
My Appointment Expires: 01-14-18

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Megan Davis Scott

Megan Davis-Scott, Secretary
Sunrise Place Homeowners Association,
a Washington nonprofit corporation

STATE OF WASHINGTON)

County of Clark) ss.

I certify that I know or have satisfactory evidence that Megan Davis-Scott is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the purposes mentioned in the instrument.

Dated: April 22, 2014

NOTARY PUBLIC
STATE OF WASHINGTON
APRILDAWN HOLDEN
COMMISSION EXPIRES 01-14-18

Att Holden

Signature Notary Public for Washington

My Appointment Expires: 01-14-18

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I, GREG A. KIMSEY, Auditor of Clark County, State of Washington, do hereby certify that the foregoing is a true and correct copy of a:
Amendment
File No. 5077440 of record in this office.
WITNESS my hand and official seal.
This 27th day of August, 2018 A.D.
GREG A. KIMSEY, Auditor, Clark County
By _____ Deputy

