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RETURN TO: WILLIAM E BUCHAN  
11555 NORTHUP WAY  
BELLEVUE, WA 98004

**FIRST AMENDMENT  
TO DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR THE PLAT OF  
AMESBURY**

THIS FIRST AMENDMENT to covenants, running with the land, made this 31<sup>st</sup> day of December, 1993, by Declarant WILLIAM E. BUCHAN INC. (Declarant).

**RECITALS**

WHEREAS, Declarant filed a Declaration of Covenants, Conditions and Restrictions of the Amesbury Homeowners' Association ("Declaration") on November 5, 1991, under King County recording number 9111051207. The Declaration imposes various conditions and restrictions on property which is known as Amesbury.

WHEREAS, Article XVI of the Declaration provides that during the Development Period, this Declaration may be amended by an instrument signed by the Declarant and owners of 51% of the lots, including those owned by Declarant.

WHEREAS, the Declarant finds it necessary to identify areas which are common maintenance areas and impressed with landscape easements.

WHEREAS, the Declarant amends the Declaration as follows:

1. Article I, Section 5, is hereby amended to read as follows:

Section 5. "Common Maintenance Areas" shall mean those portions of all real property (including the improvements thereto) maintained by the Association for the benefit of members of the Association. The areas to be maintained by the

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Association at the time of recording this First Amendment to this Declaration are described as follows:

1. Landscape and pedestrian easements depicted on the face of the plat and Tracts A, B, C, E and F.
2. An easement for landscaping and fencing located on Lot 1 of the Plat of Amesbury which is described with particularity in Exhibit 1 which is incorporated herein by reference.
3. A landscape and fencing easement located within the right of way of NE 27th Drive at the intersection of 265th Ave. N.E., which is described with particularity in Exhibit 2 which is incorporated herein by reference.

2. Article IV, Section 1 is hereby amended to read as follows:

Section 1. the Declarant hereby transfers and conveys to the Association for the common use and enjoyment of the Association and the Owners all easements created hereby in Common Maintenance Areas for the purpose of open space enjoyment, landscaping, community identification purposes, fencing, utilities and access, reserving however, to Declarant for the benefit of Declarant, his successors and assigns, an equal right to utilize all easements. The Declarant's and Association's right to use such easements are subject to the right of the public to use rights-of-way which have been dedicated as public roads and are open to public access, including emergency vehicle access.

3. Article IV, is hereby amended to add the following Section, which shall be designated as Section 5:

Section 5. Landscaping and fencing easements shall be created on portion of Lot 1, which is described with particularity in Exhibit 1 and in right of way of NE 27th Drive at the intersection of 265th Avenue N.E. These easements shall be used exclusively for landscaping and fencing purposes and maintained by the Homeowners' Association.

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All other items and provisions of the Declaration of Covenants, Conditions and Restrictions recorded under King County Recording No. 9111051207 shall remain the same, as recorded, unless otherwise amended by recorded document.

IN WITNESS WHEREOF, the undersigned has affixed his signature.

WILLIAM E. BUCHAN, INC.

By William E. Buchan  
William E. Buchan, Chairman

STATE OF WASHINGTON )  
  )  
COUNTY OF KING      )

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On this 31<sup>st</sup> day of December, 1993, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared WILLIAM E. BUCHAN, to me known to be the Chairman of William E. Buchan, Inc., the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

WITNESS my hand and official seal hereto affixed the day and year first above written.

Carol Carskadden  
Signature of Notary

Carol Carskadden  
Printed Name of Notary

NOTARY PUBLIC in and for the State of Washington.

My commission expires April 19, 1994

## AN EASEMENT FOR LANDSCAPING AND FENCING

That portion of Lot 1, Plat of Amesbury recorded in Volume 158, Pages 58-61 records of King County, Wa. described as follows:

Beginning at the intersection of the NE corner of Lot 1 and the South Westerly margin of NE Ames Lake Road; Thence S 00d - 50' - 53" W 20.00' to the True Point of Beginning; Thence S 70d - 36' - 06" W 62.70' more or less to a point on the North Easterly margin of NE 27th Drive; Thence North Easterly along an arc of said margin a distance of 21.08' with a radius of 780.00'; having a central angle of 01d - 32' - 54"; Thence N 86d - 01' - 06" E 47.54' more or less to the True Point of Beginning.

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EXHIBIT 1

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Lot 76

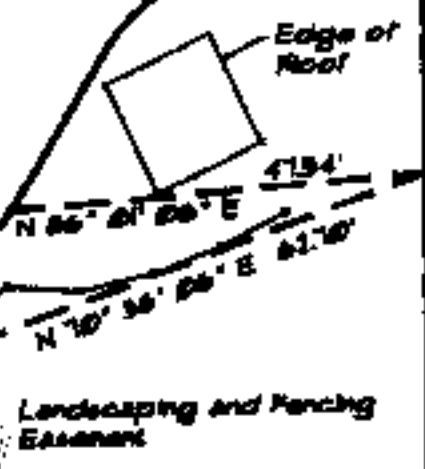
Lot 75

NE 27th DRIVE

Lot 1

2834th AVE NE

D = 61° 32' 54"  
L = 7188'  
R = 1800'



Easement line

N 26° 09' 40" E 4334'  
 N 27° 27' 35" E 3022'  
 N 26° 24' 27" E 5022'

Easement Details



SCALE: 1" = 40'

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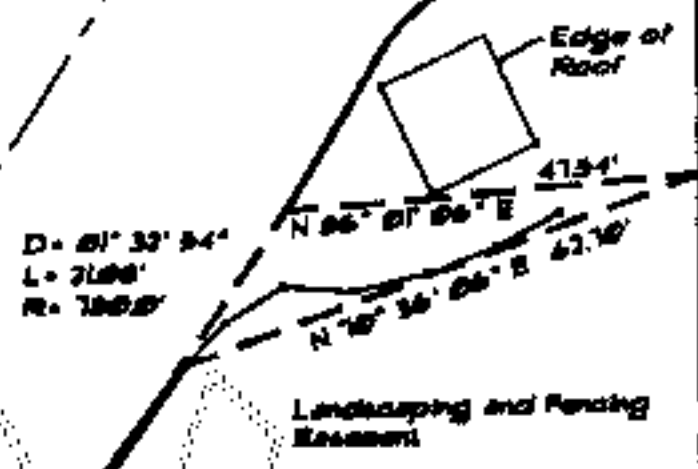
Lot 16

Lot 15

NE 27th Drive

Lot 1

26th AVE NE



Easement line



Easement Details



SCALE: 1" = 40'

That portion of NE 27th Drive of the Plat of Amesbury, recorded in Volume 158 Pages 58-61 Records of King County, WA., lying North Easterly of a line described as follows:

Beginning at the intersection of NE 27th Drive and 265th Ave. NE; Thence N 38d 36' 22" E 65.04' more or less to a point on the north westerly margin of NE 27th Drive and the True Point of Beginning; Thence S 33d 22' 33" E 30.11'; Thence S 26d 09' 40" W 49.56'; Thence S 51d 28' 42" E 36.94', more or less to a point on the south easterly margin of NE 27th Drive.

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EXHIBIT 2