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SUPPLEMENTAL DECLARATION  
OF  
COVENANTS, CONDITIONS, RESTRICTIONS, AND EASEMENTS  
FOR  
FANCHER HEIGHTS - PHASE II

THIS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS (the "Declaration") is made by Fancher Heights Associates, a Partnership ("Developer")

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This Supplemental Declaration, together with the original Declaration of Covenants, Conditions, Restrictions and Easement for Fancher Heights, provides for an extensive degree of control in Developer, including, but not limited to, (i) control of the Association, the type, design and location of improvements which may be built upon Lots with fines up to \$10,000 for noncompliance, and the use and limitations upon use, of the Common areas; (ii) substantial flexibility in developing the Property. Section 13.5 of the original Declaration of Covenants, Conditions, Restrictions and Easements contains a limitation on the liability of Developer. Each owner, by accepting title to a Lot, acknowledges, agrees to and accepts Developer's control of the Property and limited liability of Developer as provided in this Declaration. Such control is an integral part of this Declaration and the general scheme of development and operation of the Property.

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I. PURPOSE

The original Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights is filed with the Auditor of Douglas County, Washington, under Auditor's No. 245996, Book M 225, Volume 225, Pages 214 through 254.

## II. AMENDMENTS

The original Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights has been amended by instrument recorded April 27, 1988, under Douglas County Auditor's No. 249451 and has been further amended by instrument recorded February 4, 1992, under Auditor's No. 273178, records of Douglas County, Washington.

## III. DESIGN GUIDELINES

The original Fancher Heights development further provided for design guidelines which guidelines were recorded August 25, 1987, under Auditor's No. 245995.

## IV. ANNEXATION

A. Paragraph 1.6 of the original Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights provides the developer may annex to the original property additional property which will then be included within the Fancher Heights development and will be governed by the Declaration of Covenants, Conditions, Restrictions and Easements, together with amendments, and together with design guidelines.

B. Developer hereby annexes the real property described on Exhibit "A" attached hereto to the original Fancher Heights development and hereby submits and subjects the real property described on Exhibit "A" attached hereto, together with all buildings, improvements and other permanent fixtures of whatever kind now or hereafter located thereon, and all easements, rights, appurtenances and privileges belonging or in any way pertaining thereto, to the covenants, conditions, restrictions, liens, assessments, easements, privileges and rights contained in the original Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights, together with all amendments and together with the design guidelines for Fancher Heights as identified hereinabove.

## V. OWNERS ASSOCIATION

There presently exists a Fancher Heights Owners Association pursuant to the terms and conditions of the original Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights. The Fancher Heights Owners Association shall also apply to the property described on Exhibit "A" attached hereto.

Supplement Declaration of  
Covenants, Conditions and  
Restrictions for  
Fancher Heights - Phase II

**VI. COVENANTS, CONDITIONS, RESTRICTIONS  
AND EASEMENTS, TOGETHER WITH  
AMENDMENTS AND DESIGN GUIDELINES AFFIRMED**

The Developer hereby affirms the Declaration of Covenants, Conditions, Restrictions and Easements for Fancher Heights, together with all amendments and together with the design guidelines as being in full force and effect and said covenants, amendments and design guidelines shall apply with full force and effect to the property described on Exhibit "A" attached hereto.

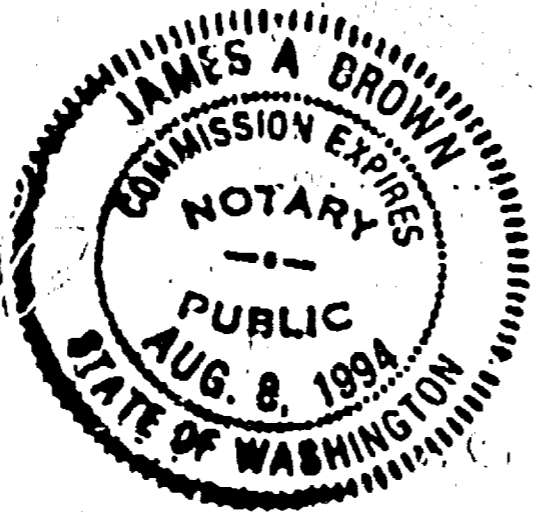
FANCHER HEIGHTS ASSOCIATES

By Herbert T. Thomas  
HERBERT T. THOMAS, Partner

STATE OF WASHINGTON )  
                                   ) ss.  
COUNTY OF CHELAN     )

I CERTIFY that I know or have satisfactory evidence that HERBERT T. THOMAS signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as an authorized Partner of Fancher Heights Associates to be his free and voluntary act for the uses and purposes mentioned in the instrument.

DATED this 22<sup>nd</sup> day of April, 1993.



James A. Brown  
NOTARY PUBLIC, State of Washington  
My Commission Expires 8/8/94

EXHIBIT "A"

In the County of Douglas, State of Washington, that portion of Lot 17, Haskell's Plat of the Northwest Quarter of Section 35, Township 23 North, Range 20 East of the Willamette Meridian (W.M.) according to the plat thereof recorded in Volume 82 of Plats at Page 9, records of said County, lying within the east half of the east half of the northeast quarter of said Section 35, and vacated road right-of-way along the north and east boundaries thereof which attaches thereto by operation of law; and that portion of the northwest quarter of Section 36, Township 23 North, Range 20 East, W.M. described as follows:

Beginning at the northeast corner of said Section 35; thence North  $89^{\circ}26'10''$  west along the north line thereof 241.53 feet to the TRUE POINT OF BEGINNING, thence continuing north  $89^{\circ}26'10''$  west along said line 80.00 feet to the northwest corner of the above-described portion of Lot 17; thence south  $01^{\circ}59'57''$  east along the west line thereof 1155.41 feet to the northerly plat boundary of FANCHER HEIGHTS, PHASE I, according to the plat thereof recorded in Volume 6 of Plats at pages 63-66, records of said county; thence along the boundary of said plat north  $75^{\circ}15'15''$  east for 19.56 feet to a point on a curve, the center of which bears north  $75^{\circ}15'15''$  west for 230.00 feet; thence 209.93 feet along said curve, concave to the southeast, through  $77^{\circ}29'21''$  of arc; thence tangent to said curve north  $66^{\circ}47'38''$  east for 104.24 feet; thence 75.00 feet along a tangent curve concave to the northwest, having a radius of 170.00 feet through  $25^{\circ}16'46''$  of arc; thence tangent to said curve north  $41^{\circ}30'52''$  east for 95.12 feet; thence 41.92 feet along a tangent curve concave to the west having a radius of 25.00 feet through  $96^{\circ}03'49''$  of arc; thence non-tangent to said curve south  $54^{\circ}32'57''$  east for 243.53 feet; thence south  $35^{\circ}27'03''$  west for 112.51 feet; thence south  $41^{\circ}15'51''$  east for 200.11 feet; thence south  $51^{\circ}07'54''$  east for 431.57 feet; thence south  $25^{\circ}45'53''$  east for 153.25 feet; thence south  $05^{\circ}30'53''$  east for 90.48 feet; thence south  $05^{\circ}03'15''$  west for 194.29 feet; thence south  $34^{\circ}00'03''$  east for 134.64 feet; thence North  $76^{\circ}54'43''$  east for 193.25 feet; thence north  $89^{\circ}20'32''$  east for 505.07 feet to a point on a non-tangent curve the center of which bears south  $66^{\circ}55'14''$  west for 670.00 feet; thence 101.83 feet along said curve concave westerly, through  $08^{\circ}42'29''$  of arc; thence north  $75^{\circ}37'43''$  east radial from the center of said curve 60.00 feet; thence south  $17^{\circ}10'10''$  east for 114.51 feet; thence south  $11^{\circ}47'11''$  east for 241.86 feet; thence 353.73 feet along a tangent curve concave to the northwest having a radius of 260.00 feet through  $77^{\circ}57'06''$  of arc; thence tangent to said curve south  $89^{\circ}44'17''$  east for 453.56 feet; thence 82.94 feet along a curve concave to the northwest having a radius of 50.00 feet through  $95^{\circ}02'48''$  of arc to a point on the westerly right-of-way line of a county road known as Badger Mountain Road; thence leaving said plat boundary and continuing along said line tangent to said curve north  $04^{\circ}47'05''$  west for 494.92 feet; thence north  $50^{\circ}45'44''$  west for 138.38 feet; thence north  $11^{\circ}47'11''$  west for 506.66 feet; thence north  $33^{\circ}10'04''$  west for 279.35 feet; thence north  $54^{\circ}32'57''$  west for 1682.47 feet; thence north  $39^{\circ}13'32''$  west for 589.29 feet; thence north  $22^{\circ}00'00''$  west for 200.00 feet to the TRUE POINT OF BEGINNING. The above-described parcel contains 30.32 acres.