

RECORDED AT THE REQUEST OF AND
AFTER RECORDING MAIL TO:

Kathryn R. McKinley
Paine Hamblen LLP
717 W. Sprague Ave, Ste 1200
SPOKANE, WA 99201

WAIVER OF DECLARANT RIGHTS

Indexing Data

Grantors: WALLA WALLA VALLEY DEVELOPMENT, LLC, a Washington limited liability company
PHASE FIVE DEVELOPMENT, LLC, a Washington limited liability company

Grantees: THE VILLAGES OF GARRISON CREEK MASTER PROPERTY MANAGEMENT ASSOCIATION, a Washington nonprofit corporation

Abbreviated Legal: Phase I, II, and V through X of The Villages at Garrison Creek Planned Unit
Full Legal on Exhibit A Developments and Lot D of Short Plat recorded in Volume 2 of Short Plats at Page 163

Tax Parcel Numbers: 35-07-36-79-0001 through 35-07-36-79-0019
35-07-36-82-0001 through 35-07-36-82-0024
35-07-36-92-0001 through 35-07-36-92-0027
35-07-36-96-0001 through 35-07-36-96-0047
35-07-36-88-0001 through 35-07-36-88-0045
35-07-36-04-0001 through 35-07-36-04-0031
35-07-36-68-0001 through 35-07-36-68-0039
35-07-36-49-0001 through 35-07-36-49-0019

This Waiver of Declarant Rights is made by Phase Five Development, LLC, a Washington limited liability company and Walla Walla Valley Development, LLC, a dissolved Washington limited liability company acting through its authorized agent for the purposes of winding up (collectively, "Declarant"), for the benefit of The Villages Of Garrison Creek Master Property Management Association ("Association"), a Washington nonprofit corporation.

- A. Declarant previously executed a Restated Declaration of Covenants, Conditions, and Restrictions of The Villages of Garrison Creek and recorded said Declaration on September 18, 2002 under Walla Walla County, Washington Auditor's File No. 2002-10482 (the "Covenants") establishing governing provisions for The Villages of Garrison Creek (the "Project").
- B. On April 14, 2003, The Incorporator of the Association filed with the Washington Secretary of State Articles of Incorporation for the Association (the "Articles").
- C. On September 28, 2012, the Board of Directors of the Association adopted the Bylaws of the Association.



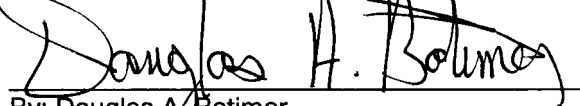
- D. Section 5(c) of the Covenants provides for Declarant to appoint two (2) of the seven (7) Directors.
- E. Article VIII of the Articles provides for the Declarant to appoint two (2) of the seven (7) Directors.
- F. Article IV of the Bylaws provides for Declarant to appoint two (2) of the seven (7) Directors and requires the specific written consent of the Declarant to change the number of Directors appointed by the Declarant. Article IV further provides that only the Declarant may replace or remove a Director appointed by the Declarant. Article IV also provides that both Directors appointed by Declarant must be present at a meeting for a quorum to be present.
- G. Section 11 provides that Amendments to the Covenants must be approved by a majority of the Board of Directors including both Directors appointed by the Declarant.
- H. Article XIV of the Articles provides that the Board of Directors may not be enlarged nor the appointment of two (2) Directors by the Declarant be amended without Declarant's specific written approval.
- I. Article X, Paragraph A of the Bylaws provides that the Board of Directors may not be enlarged nor the appointment of two (2) Directors by the Declarant be amended without Declarant's specific written approval.
- J. Declarant Phase Five Development, LLC continues to hold title to two (2) Lots within the Project. Declarant has not designated any other person or entity as its successor-in-interest or assign to the role of Declarant nor is any other person or entity entitled to the rights, powers and privileges of Declarant under the Covenants.
- K. Declarant Walla Walla Valley Development, LLC has been dissolved, is no longer operating, and owns no Lots within the Project.

NOW, THEREFORE, Declarant affirmatively, irrevocably and permanently waives all rights, powers and privileges of Declarant under the Covenants, Articles and Bylaws, and, by virtue of its ownership of Lots within the Project shall not hereafter have any rights, powers and privileges, except those rights, powers and privileges granted to non-Declarant Owners within the Project. This waiver of Declarant rights includes, without limitation, any and all special rights under the Covenants, Articles and Bylaws, whether express or implied.

Upon execution, this Waiver shall become a part of the Covenants. As amended by this Waiver, all terms and conditions of the Covenants shall remain in full force and effect. This Waiver and the Covenants, Articles and Bylaws of the Association, as such Covenants, Articles and Bylaws are now or hereafter amended, shall be binding upon the parties hereto, their respective successors and assigns. All capitalized terms used herein and not otherwise defined or redefined herein will have the meanings assigned to them in the Covenants. This Waiver shall be effective upon its recordation with the Auditor of Walla Walla County, Washington.

DONE as of 9/5, 2018.

Phase Five Development, LLC, a Washington
limited liability company



By: Douglas A. Botimer
Title: Manager



Walla Walla Valley Development, LLC, a dissolved Washington limited liability company

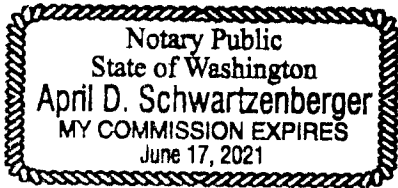
Douglas A. Botimer
By: Douglas A. Botimer

Title: Authorized Agent for purposes of winding up

STATE OF WASHINGTON)
County of Spokane) : ss.

I certify that I know or have satisfactory evidence that **Douglas A. Botimer** is the person who appeared before me and acknowledged that he signed the instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Manager of Phase Five Development, LLC**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9/5, 2018.



April D. Schwarzenberger
Print Name: April D. Schwarzenberger
NOTARY PUBLIC in and for the State of Washington, residing at Liberty Lake
My commission expires: 6/17/21

STATE OF WASHINGTON)
County of Walla Walla) : ss.

I certify that I know or have satisfactory evidence that **Douglas A. Botimer** is the person who appeared before me and acknowledged that he signed the instrument, on oath stated that he was authorized to execute the instrument and acknowledged it as the **Authorized Agent for purposes of winding up of Walla Walla Valley Development, LLC**, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: 9-17-, 2018.



Brian M. Pacsuta
Print Name: Brian M. Pacsuta
NOTARY PUBLIC in and for the State of Washington, residing at Kennewick
My commission expires: 1-21-21

EXHIBIT A

Legal Description

Lots 1 through 19 of Phase I of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on March 11, 1997, in Volume 6 of Roll Files at Page B-28 under Auditor's File No. 9702094, records of Walla Walla County, Washington; and

Lots 20 through 43 of Phase II of the final plat of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on August 21, 1998, in Volume 6 of Roll Files at Page B-45 under Auditor's File No. 9809534, records of Walla Walla County, Washington; and

Lots 47 through 73 of Phase V of the final plat of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on August 13, 1999, in Volume 6 of Roll Files at Page B-57 under Auditor's File No. 9909525, records of Walla Walla County, Washington; and

Lots 74 through 114 of Phase VI of the final plat of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on October 17, 2000, in Volume 6 of Roll Files at Page C-5 under Auditor's File No. 0009959, records of Walla Walla County, Washington; and

Lots 114 through 156 of Phase VII of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on March 27, 2003 in Book 6 of Plats at Page 29 under Auditor's File No. 2003-04172, records of Walla Walla County, State of Washington; and

Lots 174 through 204 of Phase VIII of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on August 10, 2010, in Book 7 of Plats at Page 54 under Auditor's File No. 2010-06177, records of Walla Walla County, State of Washington; and

Lots 1 through 39 of Phase IX of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on September 2, 2015, in Book 7 of Plats at Page 81 under Auditor's File No. 2015-07745, records of Walla Walla County, State of Washington; and

Lots 255 through 273 of Phase X of the Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on March 22, 2005, in Book 7 of Plats at Page 6 under Auditor's File No. 2005-03242, records of Walla Walla County, State of Washington; and

Lot D of Short Plat recorded on October 31, 1991 in Volume 2 of Short Plats at Page 163 under Auditor's File No. 9107738, records of Walla Walla County, Washington; EXCEPTING THEREFROM the following described property:

- 1) Lots 1 through 19 of Villages of Garrison Creek Planned Unit Development, Amended Final Plat, Phase I, according to the official plat thereof recorded in Volume 6 of Roll Files at Page B-28 as Auditor's File No. 9702094, records of Walla Walla County, State of Washington; and
- 2) Lots 20 through 43 of the Villages of Garrison Creek Planned Unit Development Phase II Final Plat according to the official plat thereof recorded in Volume 6 of Roll Files at Page B-45 as Auditor's File No. 9809534, records of Walla Walla County, State of Washington; and



- 3) Villages of Garrison Creek Planned Unit Development Phase III, according to the official plat thereof recorded in Volume 6 of Roll Files at Page B-43 as Auditor's File No. 9809534, records of Walla Walla County, State of Washington; and
- 4) Phase IV of Villages of Garrison Creek Planned Unit Development recorded November 4, 1999 in Volume 6 of Roll Files at Page B-60 as Auditor's File No. 9912668, records of Walla Walla County, State of Washington; and
- 5) Lots 47 through 73 of the Villages of Garrison Creek Planned Unit Development Phase V Final Plat according to the official plat thereof recorded in Volume 6 of Roll Files at Page B-57 as Auditor's File No. 9909525, official records of Walla Walla County, State of Washington; and
- 6) Lots 74 through 114 of the Villages of Garrison Creek Planned Unit Development Phase VI, according to the official plat thereof recorded October 17, 2000 in Volume 6 of Roll Files at Page C-5 as Auditor's File No. 0009959, records of Walla Walla County, State of Washington; and
- 7) Lots 114 through 156 of Phase VII of The Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on March 27, 2003 in Book 6 of Plats at Page 29 under Auditor's File No. 2003-04172, records of Walla Walla County, State of Washington; and
- 8) Lots 174 through 204 of Phase VIII of The Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on August 10, 2010, in Book 7 of Plats at Page 54 under Auditor's File No. 2010-06177, records of Walla Walla County, State of Washington; and
- 9) Lots 1 through 39 of Phase IX of The Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on September 2, 2015, in Book 7 of Plats at Page 81 under Auditor's File No. 2015-07745, records of Walla Walla County, State of Washington; and
- 10) Lots 255 through 273 of Phase X of The Villages of Garrison Creek Planned Unit Development, according to the official plat thereof recorded on March 22, 2005, in Book 7 of Plats at Page 6 under Auditor's File No. 2005-03242, records of Walla Walla County, State of Washington; and
- 11) Segregation Lots 4 and 5 according to the survey recorded for segregation purposes on September 13, 2006, in Book 10 of Plats at Page 56 under Auditor's File No. 2006-11053, records of Walla Walla County, State of Washington.
- 12) Segregation Lot 3 according to the survey recorded for segregation purposes on September 13, 2006, in Book 10 at Page 56 under Auditor's File No. 2006-10053, records of Walla Walla County, State of Washington,

EXCEPT the following:

Lots 1 through 39 of Phase IX of the Villages of Garrison Creek Planned Unit Development according to the official plat thereof recorded on September 2, 2015, in Book 7 of Plats at Page 81 under auditor's File No. 2015-07745, records of Walla Walla County, State of Washington.



- 13) That portion of Segregation Lot 2, according to the survey recorded for segregation purposes on September 13, 2006, in Book 10 at Page 56 under Auditor's File No. 2006-11053, records of Walla Walla County, State of Washington, lying in Taxing District 78 and in Section 31, Township 7 North, Range 36 East W.M., in the City of College Place, Walla Walla County, State of Washington;

EXCEPT the following:

Commencing at the Southwest corner of the United States Military Reserve; thence S 21°24'33" E to the brass cap marking the intersection of Myra Road with the Dalles Military Road, City of Walla Walla, WA; then N 70°02'11" W a distance of 45.63' to the intersection of the North right of way line of S.E. 12th Street with the West right of way line of Myra Road, in the City of College Place, WA, and the True Point of Beginning; thence S 59°42'56" W along the North right of way line of S.E. 12th Street a distance of 512.34';
thence N 30°17'04" W a distance of 6.00';
thence N 59°42'56" E a distance of 463.17';
thence N 15°18'02" E a distance of 48.99';
thence N 29°06'51" W a distance of 52.89';
thence N 60°53'09" E a distance of 5.00';
thence N 29°06'51" W a distance of 96.69';
thence N 60°53'09" E a distance of 5.00';
thence N 29°06'51" W a distance of 135.90';
thence N 60°53'09" E a distance of 5.00' to a point on the Southwesterly right of way line of Myra Road;
thence S 29°06'51" E along said Myra Road right of way a distance of 325.46' to the true point of beginning having an area of 6614 square feet, 0.152 acres.

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