

Recording requested by, and
when recorded return to:

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

MEMORANDUM OF LAND USE STANDARDS

Reference #: N/A

Grantor: Phase Five Development, LLC, a Washington limited liability company

Grantee: 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 Developments and Ptn Lot D of Short Plat recorded in Volume 2 of Short Plats at Page 163
Full Legal Description: Exhibit A and B

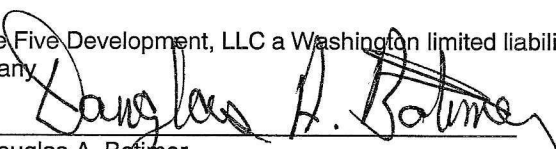
Parcel Nos.: 35-07-36-79-0001 through 35-07-36-79-0019
35-07-36-82-0001 through 35-07-36-82-0024
35-07-36-92-0001 through 35-07-36-92-0027
35-07-36-96-0001 through 35-07-36-96-0047
35-07-36-88-0001 through 35-07-36-88-0045
35-07-36-04-0001 through 35-07-36-04-0031
35-07-36-68-0001 through 35-07-36-68-0039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

Phase Five Development, LLC ("Grantor") and The Villages of Garrison Creek Master Property Management Association (the "MPMA") have entered into a mutual agreement regarding Land Use Standards applicable to their properties. Grantor and Grantee hereby give notice of such agreement.

This Memorandum of Land Use Standards has been executed as of Sept 5, 2018.

GRANTOR:

Phase Five Development, LLC a Washington limited liability company


By: Douglas A. Botmer
Its: Manager

GRANTEE:

MEMORANDUM OF LAND USE STANDARDS - 1



The Villages of Garrison Creek Master Property Management Association, a Washington nonprofit corporation

Dick Cook

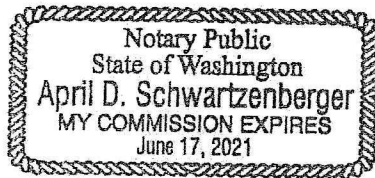
By: Dick Cook
Its: President

ACKNOWLEDGMENT

State of Washington)
) ss.
County of Spokane)

On this 15th day of September, 2018, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Douglas A. Botimer, to me known to be the Manager of Phase Five Development, LLC, a Washington limited liability company, the company that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.

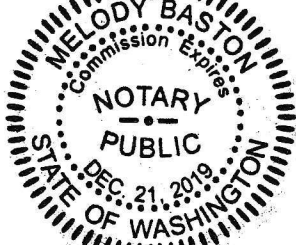


April D. Schwartzberger
Print Name: April D. Schwartzberger
Notary Public in and for the State of
Washington, Residing at Spokane
My commission expires: 6/17/21

State of Washington)
) ss.
County of WALLA WALLA)

On this 17th day of SEPTEMBER, 2018, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Dick Cook, to me known to be the President of The Villages of Garrison Creek Master Property Management Association, a Washington nonprofit corporation, the corporation that executed the foregoing instrument, and acknowledged the instrument to be the free and voluntary act and deed of the company, for the uses and purposes therein mentioned, and on oath stated that he/she is authorized to execute the instrument.

WITNESS my hand and official seal hereto affixed the day and year in this certificate above written.



Melody Baston
Print Name: Melody Baston
Notary Public in and for the State of
Washington, Residing at Spokane WALLA WALLA
My commission expires: 12/21/2019

MEMORANDUM OF LAND USE STANDARDS - 2

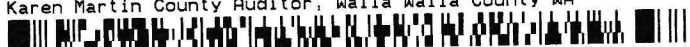


Exhibit A
Legal Description of PFD Property

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.



Exhibit B

Legal Description of The Villages of Garrison Creek

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,

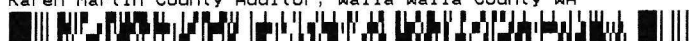
EXCEPT the following:

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.

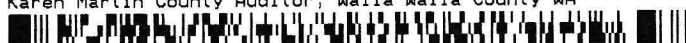
- 13) That portion of Segregation Lot 2, according to the survey recorded for segregation purposes on September 13, 2006, in Book 10 at Page 56 under Auditor's File No. 2006-11053, records of Walla Walla County, State of Washington, lying in Taxing District 78 and in Section 31, Township 7 North, Range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



LAND USE STANDARDS AGREEMENT

THIS LAND USE STANDARDS AGREEMENT (the "Agreement") is entered into this ____ day of _____, 2018, between The Villages of Garrison Creek Master Property Management Association (the "MPMA") and Phase Five Development, Inc. ("PFD").

WHEREAS, PFD owns property (the "PFD Property") located within The Villages of Garrison Creek Planned Unit Development (the "PUD"); and

WHEREAS, the Owners within the MPMA have voted to allow PFD to withdraw the PFD Property from the MPMA on certain conditions; and

WHEREAS, one of the conditions of the withdrawal is that PFD agree to adopt the same Land Use Standards as are currently used by the MPMA;

NOW, THEREFORE, PFD agrees as follows:

1. To the extent not inconsistent with requirements of the City of College Place, Washington, PFD shall adopt the same standards as included in the Land Use Standards in effect for the MPMA as of January 1, 2017 (the "Standards") and shall include such Standards in any governing documents controlling the PFD Property, including any declaration of covenants, conditions and restrictions. Notwithstanding the foregoing, nothing in this Agreement requires PFD to adopt the procedures contained in the Standards adopted by MPMA.
2. Concurrently with the execution of this Agreement, the parties shall sign and record a Memorandum of Land Use Standards Agreement.
3. This Agreement is binding on and inures to the benefit of the successors, heirs and assigns of the Parties.

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

By: 

Name: Dick Cook

Title: President

9-17-2018

PHASE FIVE DEVELOPMENT, LLC, a Washington
limited liability company

By: 

Name: Douglas A. Botimer

Title: Managing Member