

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR VIEW PROTECTION**

THE UNDERSIGNED OWNERS ("Declarants"), of the real property described in Exhibit "A" (hereinafter the "Property"), do hereby adopt the following covenants, conditions and restrictions:

1. The Property consists of approximately 5 3/4 acres.
2. These covenants, conditions and restrictions shall run with the land and shall be binding upon all of the parties claiming under them, and shall not be modified or terminated, except with the written consents of the owners of Lots 25, 26 and 27, Boundary View Estates, and the owners of the following-described real property:

THE WEST 600 FEET OF GOVERNMENT LOTS 2 AND 7 IN SECTION 35, TOWNSHIP 41 NORTH, RANGE 3 WEST OF W.M., EXCEPT THAT PORTION CONTAINED IN "PLAT OF ROOSEVELT WAY ESTATES, DIVISION 2" AS RECORDED IN VOLUME 12 OF PLATS, PAGE 40, RECORDS OF WHATCOM COUNTY, WASHINGTON, AND EXCEPT COUNTY ROAD 592, SITUATE IN WHATCOM COUNTY, WASHINGTON.

(hereinafter "Dominant Estates").

3. The Declarants hereby create a View Protection Easement for the benefit of the Dominant Estates over the Property.
4. The owners of the Dominant Estates may go upon the Property for the purpose of trimming, limbing and topping trees and shrubs and other vegetation located on the Property.
5. The View Protection Easement granted in this Declaration is limited to the following rights and is subject to the following terms and conditions:
 - a. The owners of the Dominant Estates shall not have the right to trim, limb or top any existing trees that have

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a diameter (measured 5 feet from ground level) of 12 inches or more.

b. Any limbs, foliage or other debris that is created in the process of limbing, trimming and topping shall be promptly removed from the Property by the owner or owners of the Dominant Estates who did the work.

c. The owners of the Dominant Estates shall make all reasonable efforts to minimize damage to any improvements including landscaping located on the Property. In the event the Property or any improvements located on the Property are damaged by the owners of the Dominant Estates, then the Property shall be restored as near to its previous condition as is reasonably practical by the owner or owners of the Dominant Estates who created the damage.

d. The owner of the Property may landscape the Property and for that purpose may maintain shrubs, hedges and trees not to exceed six feet in height.

6. The covenants, conditions and restrictions contained herein shall run with the land and shall be binding upon and for the benefit of the owners of the Property and the Dominant Estates, and their heirs, successors, assigns, employees, agents or contractors. The owners of the Dominant Estates and the Property acknowledge that damages are not an adequate remedy at law and therefore either may enforce this Agreement at law or in equity against any person or persons violating or attempting to violate any covenant, condition or restriction either to restrain a violation, grant mandatory injunction and/or to recover damages or both.

7. Invalidation of any one of the covenants or agreements contained in this Agreement shall in no way effect any of the other provisions which shall remain in full force and effect.

8. In the event an action is commenced to enforce this Agreement or any of its covenants or restrictions, then the



EXHIBIT "A"

ALL THAT PORTION OF GOVERNMENT LOTS 2, 7 AND 8, IN SECTION 33, TOWNSHIP 41 NORTH, RANGE 3 WEST OF W.H., LYING WEST OF COUNTY ROAD NO. 512 AS EXTENDED INTO WHAT IS SOMETIMES KNOWN AS THE GOODMAN ROAD; SOUTH OF ELM STREET AS SHOWN ON THE PLATS OF MAPLE BEACH SUPPLEMENTAL, AS RECORDED IN BOOK 7 OF PLATS, PAGE 1, RECORDS OF WHATCOM COUNTY, WASHINGTON AND WHALEN'S 1ST ADDITION TO MAPLE BEACH SUPPLEMENTAL, AS RECORDED IN BOOK 8 OF PLATS, PAGE 43, RECORDS OF WHATCOM COUNTY, WASHINGTON; WEST OF DERBY AVENUE, AS SHOWN ON SAID WHALEN'S 1ST ADDITION TO MAPLE BEACH SUPPLEMENTAL; AND SOUTH OF THE SOUTH LINE AND EASTERLY EXTENSION THEREOF, OF THE PLAT OF ROOSEVELT WAY ESTATES DIVISION NO. 2, AS RECORDED IN BOOK 12 OF PLATS, PAGE 40 RECORDS OF WHATCOM COUNTY, WASHINGTON. EXCEPT THAT PORTION PLATTED AS MICHAEL PALISADES, AS RECORDED IN BOOK 10 OF PLATS, PAGE 31, RECORDS OF WHATCOM COUNTY, WASHINGTON. AND EXCEPT THE FOLLOWING DESCRIBED PARCEL:

BEGINNING AT THE NORTHWEST CORNER OF LOT 13, BLOCK 6, MAPLE BEACH ADDITION TO POINT ROBERTS, WHATCOM COUNTY, WASHINGTON, AS PER THE MAP THEREOF, RECORDED IN VOLUME 6 OF PLATS, PAGE 22, RECORDS OF SAID COUNTY AND STATE; THENCE SOUTH 89 DEGREES 59' 45" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF ELM STREET FOR A DISTANCE OF 142.33 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF WHATCOM COUNTY ROAD NO. 512 AS PER THE PLAT OF MAPLE PARK ADDITION TO POINT ROBERTS, WHATCOM COUNTY, WASHINGTON, RECORDED IN VOLUME 9 OF PLATS, PAGE 13, RECORDS OF SAID COUNTY AND STATE, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89 DEGREES 59' 45" WEST ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ELM STREET FOR A DISTANCE OF 510.28 FEET; THENCE SOUTH 0 DEGREES 00' 15" EAST FOR A DISTANCE OF 263.39 FEET MORE OR LESS TO AN INTERSECTION WITH THE NORTHERLY LINE OF THE PROPOSED PLAT OF WHALEN ESTATES; THENCE ALONG SAID NORTHERLY LINE SOUTH 72 DEGREES 05' 00" EAST FOR A DISTANCE OF 92.30 FEET. THENCE CONTINUING ALONG SAID NORTH NORTHERLY LINE SOUTH 63 DEGREES 57' 22" EAST FOR A DISTANCE OF 87.01 FEET; THENCE NORTH 89 DEGREES 59' 45" EAST PARALLEL WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID ELM STREET FOR A DISTANCE OF 317.63 FEET TO AN INTERSECTION WITH THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD NO. 512; THENCE NORTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 227.57 FEET AND A CENTRAL ANGLE OF 93 DEGREES 20' 27" FOR AN ARC DISTANCE OF 370.73 FEET TO THE TRUE POINT OF BEGINNING. EXCEPTING THEREFROM THE FOLLOWING TRACT OF LAND: BEGINNING AT THE SOUTHEAST CORNER OF THE ABOVE DESCRIBED PARCEL; THENCE NORTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID COUNTY

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ROAD NO. 512 THROUGH A CURVE TO THE RIGHT HAVING A RADIUS OF 227.57 FEET AND A CENTRAL ANGLE OF 32 DEGREES 11' 19" FOR AN ARC DISTANCE OF 127.85 FEET; THENCE SOUTH 89 DEGREES 59' 45" WEST PARALLEL WITH THE SOUTHERLY LINE OF THE ABOVE DESCRIBED PARCEL FOR A DISTANCE OF 91.86 FEET; THENCE SOUTH 40 DEGREES 26' 04" WEST FOR A DISTANCE OF 17.60 FEET; THENCE SOUTH 49 DEGREES 33' 56" EAST FOR A DISTANCE OF 56.71 FEET; THENCE SOUTH 11 DEGREES 10' 30" WEST FOR A DISTANCE OF 64.49 FEET TO AN INTERSECTION WITH SAID SOUTHERLY LINE; THENCE NORTH 89 DEGREES 59' 45" EAST ALONG SAID SOUTHERLY LINE FOR A DISTANCE OF 127.83 FEET TO THE POINT OF BEGINNING.

EXCEPT THE WEST 600 FEET THEREOF.

ALSO EXCEPT the Plat of Boundary View Estates as per the plat thereof recorded in Volume 17 of Plats, Pages, 68 thru 70 inclusive records of Whatcom County, Washington;

SUBJECT TO a easement as described under Whatcom County Auditor's File NO. 891027087 Vol: 123 Page 1380

SITUATE IN WHATCOM COUNTY, WASHINGTON.

WHATCOM COUNTY
BELLINGHAM, WA
02/15/95 11:54 AM
REQUEST OF: /CTI
Shirley Forslof, AUDITOR
BY: TRR, DEPUTY
\$10.00 I/R

