

RETURN ADDRESS

Document Title(s)

EMERALD HILLS COVENANTS

Reference Numbers(s) of related documents

_____ Additional Reference #=s on page

Grantor(s) (Last, First and Middle Initial)

EMERALD HILLS COMMUNITY
ASSOCIATION

_____ Additional grantors on page

Grantee(s) (Last, First and Middle Initial)

PUBLIC

_____ Additional grantees on page

Legal Description (abbreviated form: i.e. lot, block, plat or section, township, range, quarter/quarter)

EMERALD HILLS LOTS 1 THROUGH 85

_____ Additional legal is on page

Assessor's Property Tax Parcel/Account Number

_____ Additional parcel #=s on page

The Auditor/Recorder will rely on the information provided on this form. The staff will not read the document to verify the accuracy or completeness of the indexing information provided herein.



Emerald Hills Homeowners' Association
6023 55th Court SE
Lacey, Washington 98513

EMERALD HILLS COVENANTS

Emerald Hills, lots 1 through 85 as recorded in the Thurston County, Washington, according to the plat recorded in the office of Thurston County Auditor in Volume 23 of Plats, pages 81 -84.

The undersigned, president and secretary of Emerald Hills Community Association, being duly elected and empowered by the Articles of Incorporation and Bylaws of Emerald Hills Community Association, in accordance with said articles of Incorporation and Bylaws, in order to provide for the aesthetic, healthful and uniform development of all the aforesaid real property and so as to further provide for control of structures to be erected, improvements to be made and operations to be conducted upon said real property, on this 23 day of July, 2014, DO HEREBY COVENANT AND AGREE and for their successors and assigns to keep all of the covenants hereinafter set forth and which are hereby made applicable to the above described real property and binding upon the owners thereof to the extent provided in such in covenants, and subject to which covenants all of such property shall be owned, held, used, occupied and developed.

ARTICLE I

COVENANTS RESPECTING USE

A. Land use and Building Type. All of the lots in Emerald Hills numbered 1 through 85 shall be used for residential purposed only. No more than one detached single – family dwelling shall be constructed on each lot.

B. Architectural Control. No building or other permanent structure shall be erected on any lot until the construction plans, specifications, and a plan showing the location of the building or structure has been approved by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and as to the location with respect to topography and grade elevation. The required value of a house and lot may, from time to time, be increased or decreased by the Architectural Control Committee to allow for future changes in building costs. All houses shall have at least a two – car garage. The fronts of all houses will be cedar, brick, of a facing material approved by the Architectural Control Committee. Front yards will be completely landscaped prior to occupancy. All driveways will be completed with cement prior to occupancy. Where the restriction and covenants herein set forth cannot be complied with because of land limitations or topographical restrictions, the proper and orderly development of such lots shall be affected within the purview of these covenants as far as possible and the Architectural Committee is hereby empowered to allow variations as in its judgment permits the reasonable utilization of such lots most consistent with

the general plan of the development. Fences will not be any closer to the street than the closest edge of the house. No fence design will be permitted except for the fence design designed by the Architectural Control Committee. A copy of this design will be available upon request.

C. Building Location. Setback requirements for construction shall comply with city regulations.

D. Easements. An easement is hereby reserved for and granted to Puget Sound Power & Light Company, Pacific Northwest Bell Telephone Company and Washington Natural Gas Company and their respective successors and assigns under and upon exterior seven (7) feet of front and rear boundary lines and upon the exterior two and one-half (2 – ½) feet of side boundary lines of all lots, in which to install, lay, construct, renew, operate and maintain pipes, conduits, cables and wire with necessary facilities and other equipment for the purpose of serving the subdivision and other property adjacent thereto with water, electric, telephone and gas service together with the right to enter upon the lot at all times for the purposes stated. An easement is hereby further reserved for and granted to the City of Lacey for all drainages shown on the plat other than those located within the public way shown on said plat and all natural drain courses for then for the purpose of installing, laying, constructing, renewing, operating, and maintaining drainage for the subdivision and other property adjacent thereto.

E. Utility Services. All permanent utility services and connections thereto within the subdivision shall be provided by underground services exclusively.

F. Noxious and Offensive Activity. No noxious or undesirable thing or noxious undesirable use of the property in said subdivision, whatsoever, shall be permitted or maintained upon said building sites in said subdivision. If the Architectural Control Committee shall determine what trade, business, or use is undesirable or noxious, such determination shall be conclusive.

G. Temporary Structure. No structure of a temporary character, basement, shack, garage, barn or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

H. Completion of Structure. All buildings commenced on any lot shall be completed as to exterior appearance, including painting, no later than twelve (12) months after construction is commenced.

I. Landscaping of Lots. It is hereby acknowledged that one of the requirements contained in the approval of the Emerald Hills subdivision by the City of Lacey was that all individual lots must be landscaped as individual homes are built on those lots. It is further acknowledged that the ultimate responsibility for complying with this responsibility shall lie with the individual lot owners. The type and amount of landscaping to be installed on each lot shall be in accordance with the "Typical Lot Landscaping Plan" recorded herewith. A separate landscaping plan need not be prepared by the Builder/Lot Owner nor approved by the City of Lacey prior to the installation of the landscaping. However the landscaping installed must at a minimum conform to the standards established by the "Typical Lot Landscaping Plan", subject to inspection and approval by the Architectural Control Committee. Following inspection and approval by the Architectural Control Committee, a certificate of approval shall be issued by the Architectural Control Committee to the individual lot owner who shall submit said certificate to the City of Lacey when the individual lot owner requests a final inspection by the City. It is hereby acknowledged that the City will deny occupancy of individual homes on individual lots unless and until the required landscaping has been installed and the certificate of approval submitted to the City.

J. Mobile Homes. No mobile homes will be permitted in the subdivision.

K. Boats, Campers, and Travel Trailers. Boats, campers and trailers may be stored on the lot in conjunction with a permanent home, but must be properly screened as to be complimentary to the subdivision. They shall not be lived in as a second residence, nor shall any of them be parked on any of the streets within the subdivision for a period longer than twenty four (24) hours.

L. Garbage and Refuse Disposal. No garbage, refuse, rubbish or cuttings shall be deposited on or left on the lot premises unless placed in an attractive container suitably located and screened from public view. No building material of any kind shall be placed or stored upon any property in said

subdivision until the owner is ready to commence construction, and then such material shall be placed within the property lines of the building site upon which structures are to be erected and shall not be placed in the street.

M. Sewage Disposal. No individual sewage disposal system shall be permitted on any lot unless system is designated, located, and constructed in accordance with the requirements, standards, and recommendations of the Thurston County Health authorities.

N. Livestock. No animals, livestock or poultry shall be raised, bred or kept on any such lots. Dogs, cats and other household pets may be kept thereon if they are not kept, bred or maintain for any commercial purpose.

O. Hunting and Firearms Use. The discharge of firearms for hunting purposes or for target practice within the area of then plat of Emerald Hills shall be prohibited.

P. Recreational Facilities. For the purpose of providing the funds for maintenance of the community association open space/recreation areas, all lots in Emerald Hills shall be subject to the charges and assessments provided for the purposes set forth in the articles of Incorporation and Bylaws of the Emerald Hills Community Association, a non-profit and non-stock Washington corporation. Said corporation shall have a lien against all lots in said subdivision for said charges and assessments, including interest at twelve percent (12%) per anum on all such charges and assessments that are not paid when due, if said charges and assessments levied by the corporation shall not be paid within four (4) months after they become due and payable, then in addition to the remedies set forth in the Articles of Incorporation and Bylaws, the corporation may proceed by appropriate action to foreclose said lien. In such foreclosure action said corporation shall be entitled to recover the cost of title search and court costs, together with attorney's fees in such amount as the court may adjudge reasonable in such action. Any first mortgage liens placed upon any of said lots which are recorded in accordance with the laws of the State of Washington shall be from the date of the recording of such mortgage superior to such assessments and the liens provide for herein that are levied by the corporation subsequent to the date said first mortgage if recorded.

ARTICLE II

ARCHITECTURAL CONTROL COMMITTEE

A. Membership. The Architectural Control Committee shall be composed of one board member, elected by the board, and four members elected by a majority of the membership present at the annual meeting. The term of each committee member shall be for a period of (2) two years. A majority of the committee may designate a representative to act for it. In the event of the death or resignation of any members of the committee, the remaining members shall have full authority to designate a successor to serve until the next annual meeting of the membership, at which time an election shall be held to fill this position. Neither the members of the committee nor its designated representatives shall be entitled to any compensation for services performed pursuant to this covenant. At any time after the sale of 80% of the lots in Emerald Hills, the then recorded owners of a majority of then lots shall have the power through a duly recorded instrument to change the membership of the committee or to take away from the committee or restore to it any of the powers and duties as herein defined.

B. Procedure. The committee's approval or disapproval as required in the covenants shall be in writing. In exercising the discretionary powers granted to the committee, the committee shall at all times exercise its power in a responsible manner and said committee is hereby empowered to adopt responsible regulations as are necessary with respect to the enforcement of these covenants. In the event the committee or its designated representative fails to approve or disapprove any plans or

specifications submitted to it within thirty (30) days after the submission thereof, or in any event if no suit to enjoin the construction has been commenced prior to the completion thereof approval will not be required and compliance with the related covenants shall be deemed to exist.

ARTICLE III

TERM, ENFORCEMENT AND CONSTRUCTION

A. Term. These covenants shall run with the land and shall be binding on all parties and persons claiming under them for a period of ten (10) years from the date these covenants are recorded, and after said time, said covenants shall be automatically extended for two (2) successive periods of ten (10) years each unless an instrument, signed by 51% of the then owners of the lots had been recorded agreeing to change said covenants in whole or in part.

B. Enforcement. Enforcement shall be by proceeding at law or in equity against person or persons violating or attempting to violate said covenants, either to restrain violation or to recover damages for such violation.

C. Servability. Invalidation of any of these covenants by judgment or court order shall in no way affect any of the other provisions, which shall remain in full force and effect.

IN WITNESS THEREOF, the president and secretary of the Emerald Hills Community Association, certifying that these Covenants have been voted on and approved by at least 51% of the members of the Emerald Hills Community Association, hereto affix their hands this 23rd day of July, 2014.

Blaise Jelink

President, Emerald Hills Community Association

Carol Achatz

Secretary, Emerald Hills Community Association

ARTICLES OF INCORPORATION
AND
BYLAWS OF
EMERALD HILLS COMMUNITY ASSOCIATION

ARTICLE I

PURPOSES

Section 1. This corporation shall be conducted as a nonprofit maintenance corporation for the purposes set forth in the Articles of Incorporation for the area situated in Thurston County, Washington, and more particularly described as follows:

Lots 1 through 85, Emerald Hills, as recorded in volume 23 of plats, pages 81 – 84, records of the County Auditor's office for Thurston County, Washington, under said Auditor's file No. 871230081.

The particular area to be acquired, owned, operated and maintained by this corporation is:

Emerald Hills, as recorded in Volume 23 of plats, Pages 81 – 84, records of the County Auditor's office for Thurston County, Washington, under said Auditor's file No. 871230081 and such other areas as may be acquired.

Section 2. The corporation shall have power to levy and collect assessments against its members, against the tract owned or purchased by them for the purposes in its Articles of Incorporation and Bylaws set forth, and to sell or forfeit their interest in the corporation for default with respect to any lawful provisions of said Articles of Incorporation and upon forfeiture of any such property as by law and in the Bylaws provided may transfer the membership of such directors.

ARTICLE II

MEMBERSHIP

Section 1. The corporation shall at all-time hereafter be a joint and mutual association of the incorporator and such other persons as may thereafter be admitted to membership in accordance with these Bylaws and who shall be owners or purchasers of a lot or lots in the Plat of Emerald Hills, Lots 1 through 85.

Section 2. Membership shall be automatic and mandatory upon purchase of property within Emerald Hills. There shall be two classes of membership, namely (a) single membership and (b) multiple memberships. A single membership shall be issued to the owner or purchaser of one (1) lot. A multiple membership shall be issued to the owner or purchaser of two (2) or more lots. Fractional lots owned or purchased shall be computed to determine qualifications of a multiple membership, but only if the fractions total one (1) lot. All questions involving fractional lots shall be determined by the Board of Directors.

Section 3. Membership and certificates evidencing the same shall be inseparably appurtenant to lots owned by the members, and upon transfer of ownership and certificates of membership shall ipso facto be deemed to be transferred to the grantee or contract purchaser. No membership or certificate of membership may be transferred, assigned, or conveyed in a manner other than in the manner herein set forth. In the event of a death of a member, the membership or certificate of membership of such deceased member shall be and become property of the personal representative of such deceased member upon appointment and

qualification as such in a judicial proceeding and such personal representatives shall have all the rights, privileges, and liabilities of such member until title shall be transferred or contracted to be transferred.

Section 4. The interest of each membership in the corporation shall be determined according to the number of lots owned by such member.

Section 5. The voting rights of each member shall be dependent upon the number of lots owned by such members. On all corporate matters coming before the membership, a single membership shall be entitled to one (1) vote, and multiple memberships shall be entitled to the same number of votes as the number of lots owned by the multiple membership; provided, however, that no member shall be entitled to vote for any ownership of any fractional part of a lot unless the fractional parts owned by a member would total to one lot. If any lot is held by two or more persons, the several owners shall be considered and treated as one (1) owner for voting purposes.

Section 6. No membership shall be forfeited or shall any membership be expelled except upon foreclosure for nonpayment of assessments, and no member may withdraw except upon transfer of title to the real property to which his membership is appurtenant, as elsewhere herein provided. No compensation shall be paid by the corporation upon any transfer of membership and no member whose membership is transferred shall be entitled to share or participate in any of the property or assets of the corporation when and if it should be dissolved.

ARTICLE III

DISSOLUTION

In the event of the dissolution of the corporation, each person who is then a member shall receive his pro-rata proportion of the property and assets after all of its debts have been paid.

ARTICLE IV

DIRECTORS AND OFFICERS

Section 1. Corporate powers of the corporation shall be vested in a Board of Directors. The number of directors who shall manage the affairs of the corporation shall be four (4).

Section 2. Directors shall be elected to serve for three years or until their successors are elected and duly qualified.

Section 3. Each director shall be an incorporator or a member who shall not have lost his right to vote by reason of having disposed of land to which his membership is appurtenant.

Section 4. In the event a director, other than an incorporator, ceases to be the owner of the land to which his membership is appurtenant, or of a contract for the purchase thereof, he shall thereby cease to be a director and his office shall become vacant upon written notification without action other than to spread such fact upon the minutes of the Board of Directors.

Section 5. At the first meeting of the Board of Directors after each annual meeting of the members, the Board of Directors shall elect a president, vice president, secretary and treasurer. The offices of secretary and treasurer may be combined by the Board of Directors. The board may also at any time appoint an executive secretary and/or assistant treasurer. Officers of the corporation so elected shall hold office for the term of one (1) year and until their successors are qualified.

Section 6. No director or officer, except the executive secretary and/or assistant treasurer shall receive any salary or compensation from the corporation.

Section 7. Any vacancy occurring in the Board of Directors shall be filled by appointment by a majority of the remaining directors. The person so appointed shall hold office until annual or adjourned annual meeting of the members of the corporation, at which meeting the vacancies for the remainder of the original term, if any, shall be filled by election by the members in the regular manner.

ARTICLE V

MEETINGS

Section 1. Annual meetings of the members of the corporation shall be held at the principal place of the business of the corporation or at such other place as the Board of Directors may elect. The annual meeting shall be held on the first Monday of March of each year at 7 o'clock p.m. Notice thereof shall be given by the secretary by mailing notice to each member not less than ten (10) days prior to the date of the meeting.

Section 2. Special meetings of the members may be called at any time by the president or a majority of the Board of Directors or by members representing thirty (30%) of the lots within the jurisdiction of the corporation. Notice of special meetings, stating the object thereof, shall be given by the secretary by mailing such notice to each member not less than five (5) days prior to the date of on which such meeting is to be held.

Section 3. At all annual and special meetings of the members, twelve percent (12%) of all the members of the corporation shall constitute a quorum for the transaction of business. Each single membership shall be entitled to one (1) vote and multiple memberships shall be entitled to one (1) vote per lot owned and they shall be similarly counted to determine the presence of a quorum.

Section 4. Special meetings of the Board of Directors shall be called at any time by the secretary on the order of the president or of a majority of the Board of Directors. The secretary shall give each director notice, personally, verbally, by mail or by telephone, of all regular and special meetings at least one (1) day prior thereto.

Section 5. A member may exercise his right to vote by proxy. Such proxy shall be given in writing to the secretary no later than the start of the first members business meeting to which it is applicable, and shall contain therein, at a minimum, (a) the date(s) for which the proxy shall be effective, (b) the name of the person acting in proxy, and (c) the signature(s) of the person(s) giving proxy.

ARTICLE VI

POWER AND DUTIES OF DIRECTORS

Section 1. Subject to limitations in the Article of Incorporation and Bylaws and the laws of the State of Washington, all powers of the corporation shall be exercised by or under authority of, and the business affairs of the corporation shall be controlled by the Board of Directors. Without prejudice to such general powers, and subject to the same limitations, it is hereby expressly declared that the directors shall have the following power.

Section 2. To select and remove all the officers, agents and employees of the corporation, prescribed such powers and duties for them as may not be inconsistent with law, with Articles of Incorporation or the Bylaws, fix their compensation and requires from them security for faithful service.

Section 3. To conduct, manage and control the affairs and business of the corporation, and to make such rules and regulations therefore not inconsistent with law, with the Articles of Incorporation or the Bylaws, as they may deem best.

Section 4. To issue certificates of membership only to owners or purchasers of tracts herein before described, subject to such conditions or terms as provided in the Articles of Incorporation and the Bylaws.

Section 5. To charge and/or assess the several parcels of land and the owners thereof as herein more particularly set forth.

Section 6. To cause to be kept a complete record of all minutes and acts and to present a full statement to the regular annual meeting of the members showing in full detail the condition of the affairs of the corporation.

ARTICLE VII

DUTIES OF OFFICERS

Section 1. PRESIDENT. The president shall preside at all meetings of the directors and members; he/she shall sign as President on all certificates of membership and all contracts or other instruments in writing authorized by the Board of Directors; he/she shall call special meetings of the directors or of the members whenever he deems it necessary; he/she shall have and exercise under the direction of the Board of Directors the general supervision of the affairs of the corporation.

Section 2. VICE-PRESIDENT. The vice-president shall preside at all meetings in the absence of the president, and in case of the absence or disability of the president, shall perform all other duties of the president which are incidental to his/her office.

Section 3. SECRETARY. The secretary shall issue all notices and shall attend and keep the minutes of all meetings; he/she shall have charge of all corporate books, records and papers; he/she shall be custodian of the corporate seal, shall attest the president's signature and impress with the corporate seal all written contracts of the corporation, and shall perform all such other duties as are incidental to his/her office.

Section 4. TREASURER. The treasurer shall keep safely all monies and securities of the corporation and disburse the same under the direction of the Board of Directors; he/she shall cause to be deposited all funds of the corporation in the bank selected by the directors; at each annual meeting of the members, and at any time directed by the directors, he/she present a full statement showing in detail the condition of the affairs of the corporation.

Section 5. The executive secretary and/or assistant treasurer, if appointed by the Board of Directors, shall perform such duties as may be designated by it.

Section 6. Any officer, other than the president, may occupy two offices concurrently, if the Board of Directors so directs.

ARTICLE VII

CERTIFICATES OF MEMBERSHIP AND TRANSFERS

Section 1. An appropriate certificate for a single or multiple memberships in the corporation may be issue to each member. All such certificates shall indicate on the face thereof whether it is a single of multiple membership and shall be signed by the president or vice-president and the secretary.

Section 2. All membership and certificates evidencing same shall be inseparably appurtenant to the lot or lots owned by the holders thereof, and upon sale or contract to sell such real property such certificates shall become the property of the grantee or purchaser as

hereinafter provided. No transfer of membership shall entitle the transferee to vote the same until it has been established to the satisfaction of the secretary that such transfer is bona fide and has been made in the manner provided.

Section 3. Unless specifically requested by the owner and holder thereof, it shall not be necessary that certificates of membership be actually issued, but any owner or purchaser of a lot or lots within the said district may exercise all of the rights and privileges and shall be subject to all of the liabilities of membership without the actual issuance and possession of such certificates of membership.

ARTICLE IX

ASSESSMENTS

Section 1. The members of the corporation shall be liable for the payment of such charges or assessment as may from time to time be fixed and levied by the Board of Directors for acquisition, operation and maintenance of the Emerald Hills Community Association open space/recreation areas and facilities, pursuant to the Articles of Incorporation and these Bylaws, and subject to the provisions thereof. The amount of such charges and assessments levied upon a member shall be set at \$90.00 per year per lot upon establishment of the Homeowners Association. These charges and assessments, for each calendar year, shall be due by February 20th of the assessed. This fee shall not be reduced. In no event, except as hereinafter provided, shall the assessment exceed in any one year the sum of NINETY DOLLARS (\$90) for each lot owned by the member. Charges and assessments against all members shall be levied by the Board of Directors at a uniform rate per lot without distinction or preferences of any kind. All charges or assessments, when collected by the corporation, shall remain the property of the members until such time as such charges or assessments are expended.

ARTICLE X

MAINTENANCE RESPONSIBILITIES

Section 1. It shall be the duty of the Association to maintain all common public works improvements in good working condition including but not limited to the subdivisions drainage facilities, provided that the Association shall not be responsible for maintenance of improvements owned and maintained by the City of Lacey.

Section 2. It shall be the duty of the Association to maintain all common use areas and recreational improvements in an attractive state that will maximize the property values of the subdivision and benefit the general Association members. The duty shall include but not be limited to proper maintenance of common open space areas, regular mowing of grass, trimming of trees, care of vegetative improvements and clean-up of litter and debris.

Section 3. It shall be the duty of the Association to maintain in good safe working condition and attractive state all recreational improvements and amenities purchased by and for the Association of Homeowners.

IN WITNESS WHEREOF, the president and secretary of the Emerald Hills Community Association, certifying that these Articles of Incorporation and Bylaws have been voted on and approved by at least 51% of the members of the Emerald Hills Community Association, hereto affix their hands this 23rd day of July, 2014.

Blaine Jensen

President, Emerald Hills Community Association

Carol Aukett

Secretary, Emerald Hills Community Association