

GERRY'S ADDITION LOTS 26 through 32, BLOCK 12

DECLARATION OF COMMON WALLS AND COMMON ROOFS

THESE DECLARATIONS made this 13th day of January 1994, by Merlin D. Giles, a widower, and Howard Baker and Carol Baker, husband and wife, hereinafter referred to as the "Declarant".

WHEREAS, Declarant is the holder of certain property in Pasco, Franklin County, State of Washington, which is more fully described herein; and

WHEREAS, it is the intent of the Declarant that these Declarations be recorded and be impressed upon asaid land for the benefit of Declarant and any and all future owners;

WITNESSETH;

Declarant hereby declares the following described property to be subject to this Declaration:

Lots 26 through 32, inclusive, Block 12, Gerry's Addition to Pasco, according to plat thereof recorded in Volume "B" of Plats, Page 18, records of Franklin County, Washington.

Declarer hereby declares that all of the properties described above shall be held, sold, and conveyed subject to the following in addition to covenants, restrictions, and conditions of record. These Declarations are for the purpose of protecting the value and desirability of the properties and shall run with the real property and be binding on all parties having any right, title or interest in the described properties or any part thereof, their heirs, successors, and assigns, and shall inure to the benefit of each owner thereof.

ARTICLE 1 DEFINITIONS

Section 1. "Owner" shall mean and refer to the record owner, whether one or more persons or entities, of a fee simple title, but excluding those having such interest merely as security for the performance of an obligation.

Section 2. "Properties" shall mean and refer to any parcel shown upon the recorded survey map of these properties together with the building improvements located upon such land. (Auditor's File No. 504510 dated 10/12/93).

Section 3. "Declarant" shall mean and refer to Merlin G. Giles, Howard Baker and Carol Baker.

ARTICLE II
COMMONS WALLS AND ROOFS

Section 1 General Rules of Law to Apply Each wall is built as part of the original construction of the building improvements upon the Properties and placed on the dividing line between the Properties shall constitute a common wall and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding common walls and liability for property damage due to negligence of willful acts of omissions shall apply thereto. This article shall also apply to roofs commonly shared.

Section 2 Sharing of Repair and Maintenance The cost of reasonable repair and maintenance of a common wall or roof shall be shared equally by the Owners who make use of the wall.

Section 3 Destruction by Fire or Other Casualty If a common roof or wall is destroyed or damaged by fire or other casualty, an Owner who has used the wall or roof may restore it, and if the other Owner thereafter makes use of the wall or roof, he shall contribute equally to the cost of restoration thereof. However, this section is subject to the rights of any such Owner to call for a larger contribution due to any rule of law regarding liability for negligent or willful acts or omissions.

Section 4 Right to Contribute Runs with Land The right of any Owner to contribution from any other Owner under these Declarations shall be appurtenant to the land and shall pass to such Owner's successors in title.

Section 5 Easement for Maintenance Each Owner shall have an easement on the adjoining Property which shares a common wall or roof for the purpose of maintenance and repair of such common wall or roof. The right of any holder to an easement over another's property shall be appurtenant to the land and shall pass to such holder's successors in title.

Section 6 Arbitration In the event of any dispute arising from a common wall or roof, or under the provisions of this Declaration, each party shall choose one arbitrator, and such arbitrators shall choose an additional arbitrator, and the decision shall be by a majority of all the arbitrators and shall be binding upon the owners.

Dated: January 13, 1994

Recorded January 19, 1994

Recording Number: 505873