

When recorded return to:
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Kennewick, WA 99336



BENTON FRANKLIN TITLE CO.

34mo

**DECLARATION
ADDING AND SUBJECTING
PHASE TWO**

3400

**OF THE HEIGHTS AT CANYON LAKES
TO THE COVENANTS, CONDITIONS
AND RESTRICTIONS ALREADY CONTROLLING PHASE ONE
OF THE HEIGHTS AT CANYON LAKES**

The owners, RONALD E. ASMUS and TRACEY L. ASMUS, husband and wife (hereinafter referred to as the "Declarants"), do hereby declare (the "Phase Two Declaration") and provide that the real property described below shall be subject to all terms and provisions of the Master Declaration of Covenants, Conditions and Restrictions for the Community of Canyon Lakes, (the "Declaration") originally recorded November 17, 1981, under Benton County Auditor's File No. 85-2445, State of Washington, as amended under Auditor's File No. 94-13911.

The real property ("Real Property") that is the subject of this Phase Two Declaration by the Declarants, is legally described as follows:

The Heights at Canyon Lakes, Phase Two, Blocks 1 through 4, as per that certain plat filed of record with the Benton County Auditor's office on August 29, 2005, under Recording/Plat No. 2005-029298, in Volume 15 of Plats, Page 285, situated in Benton County, State of Washington.

Tax Parcel Nos. 1-1589-300-0001-009 (PTN) and 1-2289-200-0001-003 (PTN)

PROVIDED, HOWEVER, the Real Property shall also be subject to all terms and provisions of that certain Supplemental Declaration Establishing the Property Described as

the Heights at Canyon Lakes, ("Supplemental Declaration") which applied to Phase One of the Heights at Canyon Lakes, was dated March 15, 2004, and recorded with the Benton County Auditor on March 15, 2004, under Auditor's Recording No. 2004-008609, as amended by that certain First Amendment to Supplemental Declaration Establishing the Property Described as the Heights at Canyon Lakes ("First Amendment"), which First Amendment was dated the 5th day of January, 2005, and was recorded on the 6th day of January, 2005, under Benton County Auditor's Recording No. 2005-000522.

The Declarants hereby declare that the Phase Two Real Property shall hereafter be held, sold and conveyed subject to the covenants, conditions, restrictions and other provisions of the Declaration, subject however to the terms and provisions of the Supplemental Declaration and the First Amendment, which latter recordings shall be controlling over the Declaration in the event of any inconsistencies or conflict in provisions.

The eventual Lot Owners shall be members of the Association with the same voting rights and obligation to pay dues as the other members. All of the capitalized terms used herein shall have the definitions used in the Declaration, unless they are otherwise defined herein, or in the Supplemental Declaration or the First Amendment.

The terms and provisions of the Declaration, the Supplemental Declaration and the First Amendment are hereby incorporated into this Phase Two Declaration by this reference as though restated fully herein, subject however to the controlling nature of the First Amendment and, in turn, the Supplemental Declaration; over the original Declaration. This Phase Two Declaration shall be a covenant running with the land described herein.

IN WITNESS WHEREOF, the Declarants have executed this Phase Two Declaration this ____ day of September, 2005.

DECLARANTS:

Ronald E. Asmus

RONALD E. ASMUS

Tracey E. Asmus

TRACEY E. ASMUS



BENTON FRANKLIN TITL DECLAR

34.00 Benton County

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