

**After Recording, Return To:**

Hayden Homes, LLC  
Attention: Tammy Harty  
2464 SW Glacier Place, Suite 110  
Redmond, Oregon 9775

BENTON FRANKLIN TITLE CO.

FMO

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**Document Title:**

Fifth Declaration of Annexation of Real Property to Amended and Restated  
Declaration of Protective Covenants for Three Rivers Crossing Phase 1

**Reference Number(s):**

Document Numbers: 1653778, 1654490, 1672907, 1672908, 1700675 and  
1721631

**Grantor(s):**

Hayden Homes, LLC, an Oregon limited liability company

**Grantee(s):**

Hayden Homes, LLC, an Oregon limited liability company

**Abbreviated Legal Description:**

Lots 1 through 59, Three Rivers Crossing Division 2, Phase 1, filed in the  
plat records of Franklin County, Washington

**Assessor's Property Tax Parcel/Account Number(s):**

116-210-016 (10P)

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

**FIFTH DECLARATION OF ANNEXATION OF  
REAL PROPERTY TO AMENDED AND RESTATED DECLARATION OF  
PROTECTIVE COVENANTS FOR THREE RIVERS CROSSING PHASE 1**

THIS FIFTH DECLARATION OF ANNEXATION OF REAL PROPERTY TO AMENDED AND RESTATED DECLARATION OF PROTECTIVE COVENANTS FOR THREE RIVERS CROSSING PHASE 1 (this "Declaration of Annexation") is made effective as of the date it is recorded in the deed records for Franklin County, Washington, by HAYDEN HOMES, LLC, an Oregon limited liability company ("Declarant").

RECITALS:

A. Hayden Enterprises, Inc., a Washington corporation ("Hayden Enterprises") created a residential subdivision known as *THREE RIVERS CROSSING* (the "Subdivision") by recording that certain (i) plat of Three Rivers Crossing Phase 1 on August 11, 2004 as Document Number 1649114 in Volume D at Page 269 in the plat records for Franklin County, Washington and (ii) Declaration of Protective Covenants for Three Rivers Crossing Phase 1 on November 16, 2004 as Document number 1653778 in the deed records for Franklin County, Washington (the "Original Declaration").

B. Hayden Enterprises subsequently amended and superseded the Original Declaration by recording that certain Amended and Restated Declaration of Protective Covenants for Three Rivers Crossing Phase 1 on November 30, 2004 as Document number 1654490 in the deed records for Franklin County, Washington (the "Restated Declaration").

C. Hayden Enterprises expanded the Subdivision through the following property annexations: (i) Three Rivers Crossing Phase 2 by Declaration of Annexation of Real Property to Amended and Restated Declaration of Protective Covenants for Three Rivers Crossing Phase 1 recorded on November 7, 2005 as Document Number 1672907 in the deed records for Franklin County, Washington; (ii) Three Rivers Crossing Phase 3 by Second Declaration of Annexation of Real Property to Amended and Restated Declaration of Protective Covenants for Three Rivers Crossing Phase 1 recorded on November 7, 2005 as Document Number 1672908 in the deed records for Franklin County, Washington; (iii) Three Rivers Crossing Phase 4 by Third Declaration of Annexation of Real Property to Amended and Restated Declaration of Protective Covenants for Three Rivers Crossing Phase 1 recorded on April 19, 2007 as Document Number 1700675 in the deed records for Franklin County, Washington; and (iv) Three Rivers Crossing Phase 5 by Fourth Declaration of Annexation of Real Property to Amended and Restated Declaration of Protective Covenants for Three Rivers Crossing Phase 1 recorded on July 9, 2008 as Document Number 1721631 in the deed records for Franklin County, Washington.

D. Hayden Enterprises conveyed to Declarant all of its rights as "Declarant" under the Restated Declaration by that certain Assignment of Declarant Rights for Three Rivers Crossing recorded on July 9, 2008 as Document Number 1721630 in the deed records of Franklin County, Washington.

E. Declarant now desires to annex Three Rivers Crossing Division 2, Phase 1, filed in the plat records for Franklin County, Washington (the "Phase 6 Land"), into the Subdivision, and to make the Phase 6 Land subject to the terms of the Restated Declaration, upon the terms and conditions set forth in this Declaration of Annexation.

NOW, THEREFORE, Declarant hereby declares the following pursuant to its reserved rights under Article II of the Restated Declaration:

1. Annexation.

1.1 The Phase 6 Land is hereby annexed into the Subdivision and is subject to all of the terms of the Restated Declaration.

1.2 The Phase 6 Land is comprised of Lots 1 to 59, inclusive, which shall each be considered a "Lot" as defined in the Restated Declaration.

1.3 An easement is hereby declared over the first ten (10) feet all Lots adjacent to Convention Drive or Power Line Road for the benefit of Declarant and the City of Pasco (the "City") for the construction, maintenance, repair and replacement of fencing along the rights-of-ways for Convention Drive and Power Line Road. Such fencing may be constructed of wood, masonry block or other material approved by the City. Any fencing constructed within this easement shall be maintained, repaired and replaced as and when needed by the Owners of the Lots on which such fencing is constructed, with each Owner responsible for maintaining, repairing and replacing that portion of the fencing located on his/her/their Lot. In the event that an Owner does not maintain the portion of the fencing located on his/her/their Lot, then the City, after fifteen (15) days prior written notice to the Owner, may enter the Owner's Lot and maintain, repair and/or replace the fencing and bill the Owner of the Lot for the cost thereof.

2. Miscellaneous.

2.1 All capitalized terms not defined in this Declaration of Annexation shall have the meaning ascribed to such terms in the Restated Declaration.

2.2 The effective date of this Declaration of Annexation shall be the date on which it is filed in the deed records for Franklin County, Washington.

2.3 In the event of a conflict between the terms of the Restated Declaration and the terms of this Declaration of Annexation, the terms of this Declaration of Annexation shall prevail with respect to the Phase 6 Land.

[Signature appears on the following page]

IN WITNESS WHEREOF, Declarant has executed and delivered this Declaration of Annexation as of the day and year first above written.

DECLARANT:

HAYDEN HOMES, LLC,  
an Oregon limited liability company

By: Brett Wilson  
Name: Brett Wilson  
Title Director of Finance

ACKNOWLEDGMENT

STATE OF OREGON        )  
                                  ) ss.  
County of Deschutes    )

I certify that I know or have satisfactory evidence that Brett Wilson is the person who appeared before me, and said person acknowledged that said person signed this instrument, on oath stated that said person was authorized to execute the instrument and acknowledged it as the Dir. of Finance of HAYDEN HOMES, LLC, an Oregon limited liability company, the company that executed the within and foregoing instrument, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated this 17<sup>th</sup> day of June 2009.

Tammy Harty  
Print Name: Tammy Harty  
Notary Public in and for the State of Oregon  
My Commission expires: Mar 23, 2012

