



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 23, 2008

Motion 12850

Proposed No. 2008-0427.1

Sponsors von Reichbauer

1 A MOTION authorizing amendments to restrictive
2 covenants and conditions recorded under file number
3 8507170958, as requested by the Nicholson Place
4 Homeowner's Association.

5
6 WHEREAS, a Declaration of Nicholson Place, Restrictive Covenants and
7 Conditions ("RC&Cs"), was recorded with the King County recorder's office on July 17,
8 1985, under recorder's file number 8507170958, and

9 WHEREAS, Articles 9.1 and 9.3 of the RC&Cs provide that the RC&Cs may be
10 amended upon the written consent of at least seventy-five percent of the owners and "the
11 consent of the King County Council," and

12 WHEREAS, Article VI of the RC&Cs provide that a nonprofit corporation having
13 powers and obligations under the RC&Cs would be organized, and the Nicholson Place
14 Homeowner's Association ("Nicholson Place HOA"), a Washington nonprofit
15 corporation, warrants and represents that it is the association subject to the RC&Cs, and

16 WHEREAS, the Nicholson Place HOA warrants and represents that it has
17 collected the written consent of at least seventy-five percent of the owners for an

18 amendment to Article 5.4 of the RC&Cs; this amendment is Attachment A to this motion,
19 and

20 WHEREAS, the Nicholson Place HOA warrants and represents that is collecting
21 the written consent of at least seventy-five percent of the owners for an amendment to
22 Articles 9.1 and 9.3 of the RC&Cs; this amendment is Attachment B to this motion, and

23 WHEREAS, the King County council does not desire to have its consent required
24 for future amendments to the RC&Cs and consents to deletion of any requirement that the
25 King County council provide its consent to an amendment to the RC&Cs; and

26 NOW, THEREFORE, BE IT MOVED by the Council of King County:

27 The amendments to Article 5.4 and Articles 9.1 and 9.3 of RC&Cs, recorded
28 under file 8507170958, are hereby approved as provided in Attachments A and B to this
29 motion; and

30


31 The King County council hereby consents to deletion of any requirement that the
32 King County council provide its consent to an amendment to the RC&Cs.

33

Motion 12850 was introduced on 8/25/2008 and passed by the Metropolitan King County Council on 9/22/2008, by the following vote:

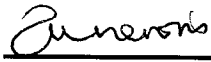
Yes: 9 - Ms. Patterson, Mr. Dunn, Mr. Constantine, Ms. Lambert, Mr. von Reichbauer, Mr. Ferguson, Mr. Gossett, Mr. Phillips and Ms. Hague
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments A. Amendment No 1 to Declaration of Nicholson Place, Phase I Restrictive Covenants and Conditions, B. Amendment No. 2 to Declaration of Nicholson Place, Phase I Restrictive Covenants and Conditions

12850

After recording return to:
A. Shawn Hicks
Attorney at Law
800 Fifth Avenue, Suite 3825
Seattle, WA 98104

AMENDMENT NO 1 TO DECLARATION OF
NICHOLSON PLACE, PHASE I
RESTRICTIVE COVENANTS AND CONDITIONS

Grantor: Nicholson Place Homeowner's Association
Grantee: Owners of Lots 1 to 110 of Nicholson Place
Legal Description: All lots, Nicholson Place, according to plat thereof recorded in volume
130 of plats, page 57 and 58, records of King County, Washington
Tax Parcel ID 608460 (Master number for development)

WHEREAS, a certain Declaration of Nicholson Place, Phase I, Restrictive Covenants and Covenants (Declaration) was recorded on July 17, 1985, under Recording Number 8507170958, in the records of King County, State of Washington, and

WHEREAS as provided in Article 9.1 and 9.3 of the Declaration that the Declaration can be amended by an affirmative vote of the owners of not less than seventy-five percent (75%) of the Lots, and the consent of the King County Council, and the Board of Directors for Nicholson Place Homeowners Association has received in excess of seventy-five percent (75%) approval from the members and consent from the King County Council for the following amendment of the Declarations,

NOW THEREFORE, the President and the Secretary of the Nicholson Place Homeowners Association certifies that the Declaration be amended in the following particulars:

1. Article 5.4 shall be deleted and replaced with:

Article 5.4 Membership Appointment Removal

The Architectural Control Committee (ACC), herein after referred to as Committee, shall consist of not more than five (5) MEMBERS as the BOARD OF DIRECTORS may from time to time appoint. AT LEAST TWO (2) MEMBERS OF THE ACC SHALL BE A MEMBER OF THE BOARD OF DIRECTORS. The BOARD may remove any member of the Committee from office at any time and may appoint new or additional members at any time. The BOARD shall keep on file at its principal office a list of names and addresses of the members of the Committee. A

member of the Committee shall not be entitled to any compensation for services performed pursuant to these covenants. THE COMMITTEE MAY CONSIDER ALTERNATIVE EXTERIOR ROOF, SIDING AND WINDOW MATERIALS PURSUANT TO THOSE MATERIALS SET FORTH IN ARTICLE 3, SECTION 3.18.

DATED this _____ day of _____, 2008.

Nicholson Place Homeowners Association

By: _____
President

ATTEST the above amendment was properly adopted:

By: _____
Secretary

STATE OF WASHINGTON)
)-ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ and _____ (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that (he/she/they) (is/are) authorized to execute the instrument and acknowledged it as the President and Secretary, respectively, of the Nicholson Place Homeowners Association, to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: _____

Notary Public in and for the state of Washington
My appointment expires:

12850

After recording return to:
A. Shawn Hicks
Attorney at Law
800 Fifth Avenue, Suite 3825
Seattle, WA 98104

AMENDMENT NO 2 TO DECLARATION OF
NICHOLSON PLACE, PHASE I
RESTRICTIVE COVENANTS AND CONDITIONS

Grantor: Nicholson Place Homeowner's Association
Grantee: Owners of Lots 1 to 110 of Nicholson Place
Legal Description: All lots, Nicholson Place, according to plat thereof recorded in volume
130 of plats, page 57 and 58, records of King County, Washington
Tax Parcel ID 608460 (Master number for development)

WHEREAS, a certain Declaration of Nicholson Place, Phase I, Restrictive Covenants and Covenants (Declaration) was recorded on July 17, 1985, under Recording Number 8507170958, in the records of King County, State of Washington, and

WHEREAS, the Declaration was previously amended by Amendment No 1 in the records of King County, State of Washington, on July ____, 2008, under Recording No _____, and

WHEREAS as provided in Article 9.1 and 9.3 of the Declaration that the Declaration can be amended by an affirmative vote of the owners of not less than seventy-five percent (75%) of the Lots, and the consent of the King County Council, and the Board of Directors for Nicholson Place Homeowners Association has received in excess of seventy-five percent (75%) approval from the members and consent from the King County Council for the following amendment of the Declarations,

NOW THEREFORE, the President and the Secretary of the Nicholson Place Homeowners Association certifies that the Declaration be amended in the following particulars:

1. Article 9.1 and 9.3 shall be deleted and replaced with:

9.1 Term

These Covenants shall run with the land with respect to any property within NICHOLSON PLACE, PHASE I, for a period of not less than twenty (20) years and shall be binding on all parties and all persons. These covenants can be

amended or revoked with the consent of a minimum of 75% of all lot owners. Such action shall be accomplished by duly recording an instrument which contains an agreement providing for termination and revocation or amendment, and which is signed by the owners of at least seventy-five (75%) percent of the platted lots as previously noted.

9.3 Amendment and Repeal

These covenants or any provision thereof, as from time to time in effect with respect to all or any part of NICHOLSON PLACE, PHASE I, may be amended or repealed by an affirmative vote or the written consent of not less than seventy-five percent (75%) of the owners in accordance with provision 6.2. Any such amendment or repeal shall become effective only upon the recordation of a certificate executed by two officers entitled to act in the name of the Association, setting forth in full the amendment, amendments or repeal so approved and certifying that said amendment, amendments or repeal have been approved in accordance with the provisions herein.

DATED this _____ day of _____, 2008.

Nicholson Place Homeowners Association

By: _____
President

ATTEST the above amendment
was properly adopted:

By: _____
Secretary

STATE OF WASHINGTON)
)-ss
COUNTY OF KING)

I certify that I know or have satisfactory evidence that _____ and _____ (is/are) the person(s) who appeared before me, and said person(s) acknowledged that (he/she/they) signed this instrument, on oath stated that (he/she/they) (is/are) authorized to execute the instrument and acknowledged it as the President and Secretary, respectively, of the Nicholson Place Homeowners Association, to be the free and voluntary act of such party(ies) for the uses and purposes mentioned in this instrument.

Dated: _____

Notary Public in and for the state of Washington
My appointment expires:

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