

FILED FOR RECORD AT THE REQUEST OF,
AND WHEN RECORDED RETURN TO:

Romano Enterprises LLC
12014 SE Mill Plain Blvd, Suite 120
Vancouver, WA 98684

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS & RESTRICTIONS
FOREST CREEK**

Declarant:	Romano Enterprises LLC
Beneficiary:	The Owners of Lots within Forest Creek subdivision
Legal Description:	Tax Lots 31, 77 & 93, SE¼, S-35, T3N, R1E, W.M.
Assessor's Tax Parcel:	189492-000, 189537-000 & 189553-000
Related Documents:	3986187

This *First Amendment*, dated as of August 2, 2007, amends that certain *Declaration of Covenants, Conditions and Restrictions* dated as May 2005, filed for record at Clark County Auditor's File No. 3986187 (referred to herein as the "Declaration"). Terms used herein shall have meanings as defined in the Declaration.

RECITALS

WHEREAS, the original Declarant, Forest Creek, L.L.C., sold the entire Property, and transferred all Class B voting rights, as provided in Paragraph 4.2(b) of the Declaration, to Romano Enterprises, LLC, (referred to herein as the "successor Declarant").

NOW THEREFORE, the successor Declarant hereby amends the Declaration as follows:

Paragraph 2.5 is hereby amended to read, in its entirety, as follows:

2.5 Common Area. The term "Common Area" shall mean all common areas and Tract A depicted on the final plat to be filed in the records of Clark County, Washington.

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Paragraph 2.6 is hereby amended to read, in its entirety, as follows:

2.6 Declarant. The term "Declarant" shall mean Romano Enterprises, LLC, as successor to Forest Creek, L.L.C.

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Paragraph 4.1 is hereby amended to read, in its entirety, as follows:

4.1 Formation. The Declarant hereby declares the formation of the Forest Creek Owner's Association (the "Association") consisting of all Owners. Upon the sale of all Lots owned by the Declarant, or at such earlier time as determined by the Declarant, the Association shall succeed to all powers, rights and responsibilities of the Declarant under this Declaration and, thereafter, any reference to Declarant shall be deemed to refer to the Association. Membership in the Association may not be transferred, pledged or alienated in any way except upon the sale of a Lot, at which time the membership and voting right shall be assigned automatically to the purchaser of such Lot.

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Paragraph 8.8 is hereby amended to read, in its entirety, as follows:

8.8 Fences and Hedges. Fences are not required to be erected on any Lot, except as may be required for protection of resource lands under Clark County Hearing Examiner's *Final Order PLD 2002-00014* dated August 13, 2004.

(a) Fences not exceeding six (6) feet in height may be erected in rear and side yards; provided, however: (i) no fence shall be erected closer than ten (10) feet to any street or road, and (ii) no such fence exceeding three (3) feet in height may be erected on any Lot closer to the street or road frontage than the front of the residence constructed thereon.

(b) All fencing must be composed of new material, constructed in a workmanlike manner, and approved by the ARC prior to commencing construction. All fencing must comply with applicable provisions of the Clark County Code governing sight distance triangles.

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