

DECLARATION OF RESTRICTIVE COVENANTS
OF
SEA VIEW TERRACE SECOND ADDITION
TO
PIERCE COUNTY, WASHINGTON

Revised June 6, 1983

87 DEC 7 P 1: 49

SEA VIEW TERRACE
AUDITOR PIERCE CO WASH
MPC

THIS DECLARATION OF RESTRICTIVE COVENANTS made and executed on the date hereafter specified, by a majority of the property owners within Sea View Terrace Second Addition to Pierce County, Washington.

WHEREAS, certain "Protective Covenants", incident to Sea View Terrace Second Addition were heretofore recorded with the Pierce County, Washington Auditor under date of July 27, 1955, under said Auditor's fee number 1728310; and

WHEREAS, the right was reserved in said original "Protective Covenants" to alter or amend same, by a vote of a majority of the then owners of the lots within the plat of Sea View Terrace Second Addition; and

WHEREAS, a majority of said lot owners have now agreed to the following modified Restrictive Covenants, as evidenced by their signatures affixed hereto, which said Restrictive Covenants shall be applicable to all property within Sea View Terrace Second Addition:

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE MUTUAL BENEFITS to each of the parties hereto, and their respective heirs, successors and assigns, the undersigned do hereby adopt Restrictive Covenants, as follows:

DECLARATION OF INTENT:

A primary and controlling purpose of these covenants is to maintain the property values within this subdivision by preserving the scenic views and general appearance of all the lots and all of the terms, provisions and conditions of these restrictive covenants shall be construed in a manner commensurate with this declaration.

Wherever in these Covenants discretionary decisions are vested with the Sea View Terrace Second Homeowners Association, Inc., the preservation and maintenance of scenic view shall be of paramount concern to said Association, and any decision rendered by said Association shall give priority to this Declaration of Intent.

LAND USE AND BUILDING TYPE:

22
All lots within this subdivision shall be limited to residential use only; and each lot shall be restricted to one single-family dwelling; provided, a private garage incident to such single-family dwelling, reasonably consistent with the size of the dwelling house, together with other reasonable outbuildings, incidental to the residential use of such lot may be erected, if the size, design and placement thereof meets the approval of the Sea View Terrace Second Homeowners Association, Inc., herein designated, or its successors.

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SIZE OF RESIDENCE DWELLING:

No dwelling shall hereafter be erected upon any lot in this subdivision wherein a single floor area of said dwelling as bounded by the exterior walls exclusive of open porches and attached garages is less than 1,300 square feet.

HEIGHT OF DWELLINGS:

Only single-family dwellings shall be permitted and in no case shall any ridges or peak or other roof mounted structure (other than chimneys) be more than 22 feet above the elevation of the lowest floor level and, on lots downhill from the street, no more than ten (10) feet above the highest finished grade of the portion of the street adjacent to the lot. On lots uphill from the street, the roof shall not be over 22 feet above the midpoint of the natural grade of the lot.

SPECIFIC PROHIBITIONS:

The following shall be deemed applicable to all lots within the aforesaid subdivision:

a. No noxious or offensive trade or activity shall be carried on upon any lot within this subdivision; nor shall any unsightly materials or objects such as trash, unused machinery, etc., be stored on said lot; nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

b. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected upon any lot within this subdivision shall at any time be used as a residence, either temporarily or permanently; nor shall any structure of a temporary character be used as a residence.

c. No animals, livestock or poultry of any kind shall be raised, bred, or kept upon any lot; provided, dogs, cats or other household pet may be maintained, so long as they are not kept, bred, or maintained for any commercial purpose.

d. No lot shall be used or maintained as a dumping ground for garbage or rubbish. All trash, garbage or other waste shall be kept in sanitary containers, pending disposal thereof.

Incinerators, if permitted by law, or other equipment for the storage or disposal of refuse, trash or garbage shall be kept in a clean and sanitary condition.

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e. No fences, hedges and/or screening ornamental or otherwise shall exceed a height of six (6) feet above the finished surface of the ground upon which the same is placed.

f. Natural trees, bushes or foliage, including ornamental plantings, shall not be permitted to exceed a size or height that will obstruct the floor level sound or mountain view, nor shall any tree be higher than the peak of the house. The Sea View Terrace Second Homeowners Association, Inc. shall have final judgment as to any trees, bushes, foliage or ornamental plantings as to the height that same shall be allowed to assume; and said Association shall, in making its decision, specifically consider the degree to which the view of other persons within the subdivision may be obstructed by any such trees, bushes, foliage or ornamental plantings.

EXTERIOR COMPLETION:

The exterior of every dwelling house and all street-side landscaping, must be completed within twelve (12) months of the date the foundation therefore was poured, unless the owner is precluded therefrom by strike, acts of God, shortage or rationings of materials, or other similar cause beyond the control of the owner.

SEA VIEW TERRACE SECOND HOMEOWNER'S ASSOCIATION, INC.:

There shall be formed a not-for-profit corporation known as: SEA VIEW TERRACE SECOND HOMEOWNER'S ASSOCIATION, INC., which shall be the designated representative of the property owners for all purposes herein specified.

BOARD OF DIRECTORS:

The Sea View Terrace Second Addition Homeowner's Association, Inc., shall be governed by a Board of Directors that has been elected as provided by the Association by-laws.

PREVIEW OF ALL CONSTRUCTION PLANS:

No building shall be hereafter erected, placed or altered on any plot or building site within this subdivision until the construction plans and specifications including a site plan, have been approved by the Board of Directors or a review committee appointed by the Board of Directors. The review process shall consider the quality of workmanship and material; the harmony of external design of any contemplated construction with existing structures; the location thereof, with respect to other structures; the physical topography, and the finished grade elevation.

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Submission of Plans:

Every person contemplating the construction, placing or alteration of any structure upon any building site within this subdivision, shall be required to first submit to the Board of Directors, two copies of the entire plans, specifications, site plan and topography plan. One copy to be returned to the owner, and the other to be retained by the Association for its records.

The Board of Directors or its review committee shall thereupon review same, and shall be required to approve or disapprove said plans, specifications and other materials so submitted within thirty (30) days of their submission.

If said review results in a disapproval of such plans, the property owner contemplating such construction, alteration or placing of a structure upon any plot within this subdivision, shall be required to make such alterations or changes in his plans as may be necessary to obtain approval; but the approval shall not be arbitrarily withheld, so long as such plans, specifications and other materials reasonably meet the terms of the fixed restrictions herein specified.

Approval - Disapproval:

If approved, the plans, specifications and other material submitted by a property owner, such approval shall be expressed by endorsement upon such plans, in writing; and if disapproved, same shall be disapproved thereon in writing.

Should the Board of Directors or its appointed review committee fail to approve or to disapprove such plans, specifications and other materials, which have been properly submitted by the property owner, within thirty (30) days of such submission, the property owner who submitted such material shall be entitled to proceed to the erection, alteration or placing of his contemplated dwelling or structure, except as hereafter noted; provided, in no event shall the failure of the Board of Directors or its review committee to act be deemed to evidence consent that such property owner may increase the height of his home in excess of that herein provided; or to vary the set-back requirements of any such structure.

CONFLICT BETWEEN COVENANTS AND LAW:

If the requirements of the within Restrictive Covenants shall be more restrictive than the Ordinances of the City of Tacoma, Washington, these covenants shall be given full force and effect, and shall be deemed to supersede the Ordinances of said City of Tacoma; provided, if the Ordinances of the City of Tacoma shall be more restrictive than the within Covenants, the said Ordinances of the City of Tacoma shall be deemed to supersede the provisions hereof.

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PARTIAL INVALIDATION:

The invalidation of a portion of the within Restrictive Covenants, by a Judgment or a Decree of any Court of competent jurisdiction, shall not affect any of the remaining covenants; and same shall remain in full force, notwithstanding such partial invalidation.

COVENANTS RUN WITH THE LAND:

The within covenants shall run with the land, and shall be binding upon all parties hereto, and upon all property owners within Sea View Terrace Second Addition, their respective heirs, successors and assigns; and upon all property within said subdivision; except as may be herein otherwise provided, until January 1, 1995; provided, at such date, the within Covenants shall be deemed automatically extended for a period of ten years, unless a majority of the then owners of the lots within this subdivision agree to some modification thereof.

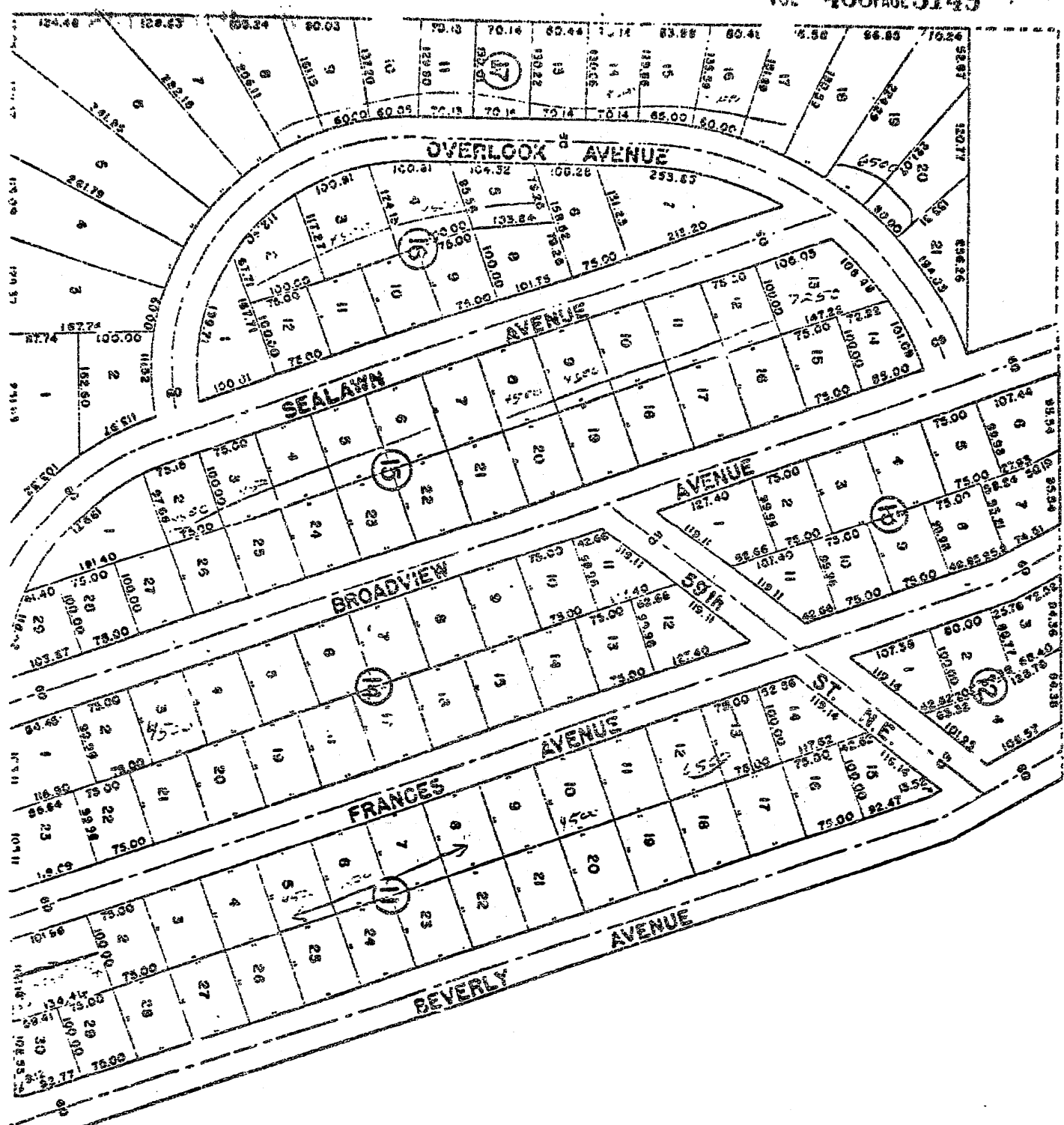
VIOLATION OF COVENANTS - REMEDY:

In the event any property owner within Sea View Terrace Second Addition or their respective heirs, and assigns, shall violate or attempt to violate any of the within Restrictive Covenants, it shall be lawful for the Sea View Terrace Second Addition Homeowners Association, Inc., or any property owner within said subdivision to prosecute any action at law or in equity in the proper Court, against the person or persons allegedly violating or attempting to violate any such covenant or covenants; and such proceedings may be for the purpose of securing an injunction, or to recover monetary damages; and in any such action, the Court may assess a reasonable attorney's fee against the nonprevailing party in such action.

EFFECTIVE DATE OF COVENANTS:

It is the intention and purpose of the undersigned property owners, who constitute a majority of the property owners of Sea View Terrace Second Addition, that the within Restrictive Covenants shall be effective on the date the majority of landowners of Sea View Terrace Second Addition have approved these covenants by offering their signatures.

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SEAVIEW TERRACE 2ND ADDITION HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORD: BLOCK 11 SHT 1 ofANNUAL MEETING DATE: 6-6-83 7⁰⁰ PM

COVENANT REVISION VOTE: REVISION DATED JUNE 6, 1983

LOT NO.	OWNER	ACCEPT	REJECT	DATE
1	HOUGHTALIN	Ronald C. Houghtalin		6/8/83
2	WILSON			
3	BERGMAN			
4	BOD			
5	GAMBRIEL			
6	STRODE	NO	NO	
7 ✓	FROEBE	2 R Froebe NO YES	NO	11/6/83
8 ✓	WEIR	Ang M. Weir		11/6/83
9	GILMAN			
10	CALLSON	Alvin Callson		11/6/83
11 ✓	LIMBERG	Eugene M. Limberg Eleanor E. Limberg		6 Nov 83
12 + S ¹ / ₂ 13	BRENDIKS			NO 13/83
14 + N ¹ / ₂ 13	GEGG	Christine A. Gegg John V. Gegg		Jan 14/84
15 + N ¹ / ₂ 16	WOZNIAK			
17 + S ¹ / ₂ 16	TANGHE			
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SEAVIEW TERRACE 2ND ADDITION
HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORD: BLOCK 11 SHT 2 OF 2

ANNUAL MEETING DATE: 6-6-83 7⁰⁰ PM

COVENANT REVISION VOTE: REVISION DATED JUNE 6, 19

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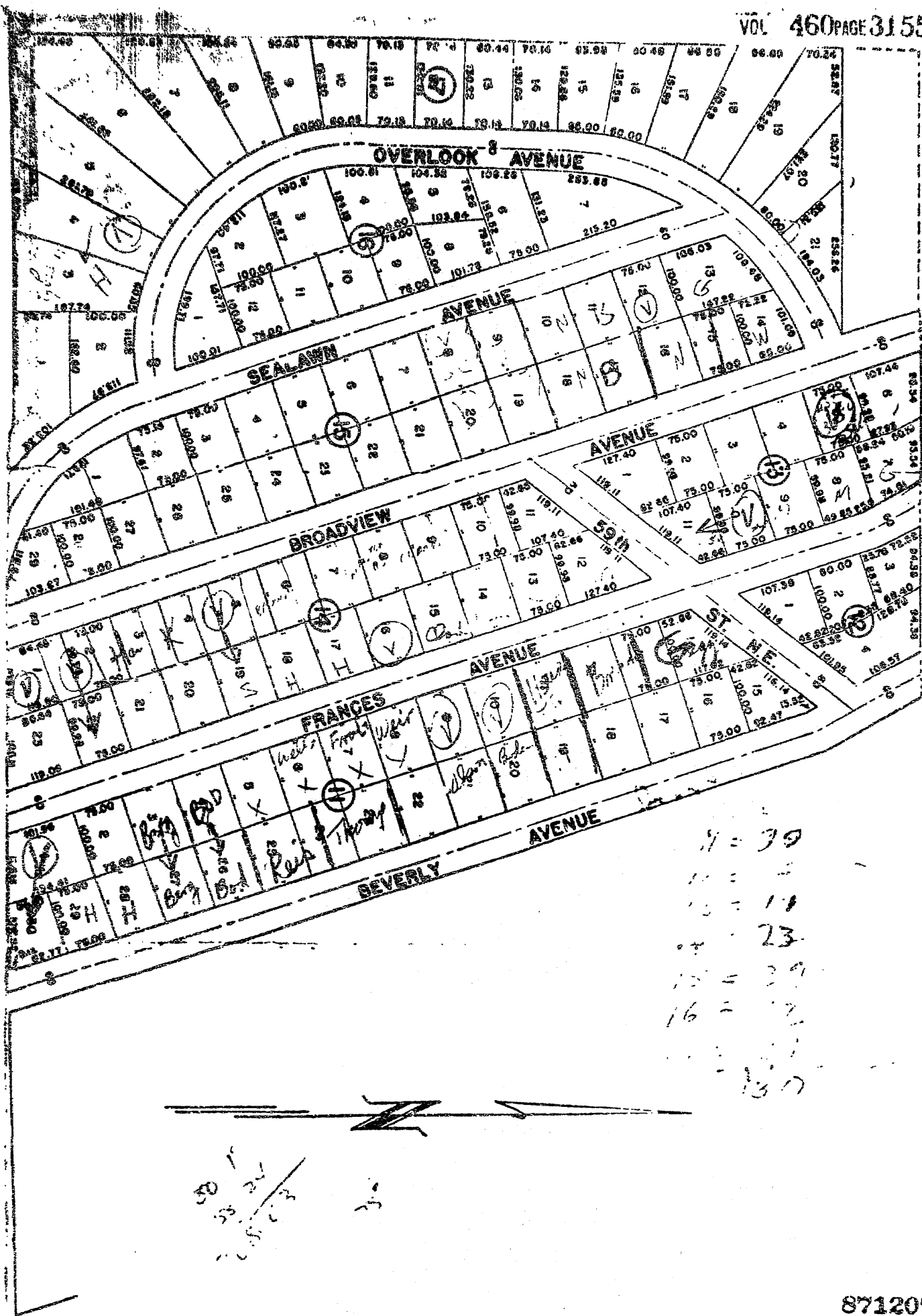
SEAVIEW TERRACE 2ND ADDITION HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORD: BLOCK 14 SH 1 of 1

ANNUAL MEETING DATE: 6-6-83 7⁰⁰ PM

COVENANT REVISION VOTE: REVISION DATED JUNE 6, 1983

LOT NO.	OWNER	ACCEPT	REJECT	DATE
• 1	CONSTANT		Andre Constant	6-8-83
1+2 W of 22	PAYNE	D. H. Payne		
3+3 W of 21	HANSEN	Donald E. Hansen Janet M. Hansen		
3+4 W of 20	KEUTER	Donald J. Keuter Dorothy K. Keuter		11-13-83 6-8-83
4+5 W of 19	SMART			
5+6 W of 18	TIESON (NEW OWNER)	Freddie Tieson D. Tieson		11-13-83 11-13-83
6+7 W of 17	GAMBRILL			
7+8 W of 16	NESTEGARD	Gary Nestegard Sharon E. Nestegard		
8+9 W of 15	CLARK	Clark Ruth S Clark		
9+10 W of 14	GAMBRILL			
11+30' of 10	WILLIAMS	Matthew C. Williams Donna Williams		6-8-83
• 12	R COLE	Robert Cole Frances S. Cole		6-8-83 11-9-83
• 13	R CALLSON	Robert Callson John W. Callson		11-9-83 11-9-83
• 14	TOWNE	John H. Towne Ann H. Towne		6-8-83 11-9-83
• 15	CLARK	Ruth S Clark Clark		
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SEAVIEW TERRACE 2ND ADDITION HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORD: BLOCK 15 SH 1AANNUAL MEETING DATE: 6-6-83 7⁰⁰ PM

COVENANT REVISION VOTE: REVISION DATED JUNE 6

LOT NO.	OWNER	ACCEPT	REJECT	DATE
X W 1/2 23 24	Twaddle	NOT BUILDABLE		
1 W 1/2 27	PERRY	Glenn R. Perry		6/8/83
2	LARSON	R. Marvin Larson		4/9/84
3	GARY NADERU	Gary A. Naderu		6/8/83
4	EWERS	Arthur A. Ewers		5-9-84
5 + S 1/2 6	JOHNSON			
7 + N 1/2 6	LANGE			
8	GAMBRIEL			
9	FRY			
10	NEAL			
11	BOND			
12	WOODKE			
13	GOEDGCKE			
14 + N 1/2 15	WARD	Paul Ward		6-5-83
16 + S 1/2 15	NIST			
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SEAVIEW TERRACE 2ND ADDITION
HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORD: BLOCK 16

ANNUAL MEETING DATE: 6-6-83 7⁰⁰ PM

COVENANT REVISION VOTE: REVISION DATED JUNE 6, 19

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SEAVIEW TERRACE 2ND ADDITION HOMEOWNERS ASSOCIATION

VOTE TABULATION RECORDED: BLOCK 17 SHT 1ANNUAL MEETING DATE: 6-6-83 7⁰⁰ PMCOVENANT REVISION VOTE: REVISION DATED JUNE 6, 1983

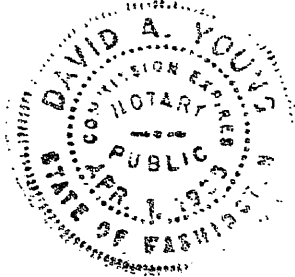
LOT NO.	OWNER	ACCEPT	REJECT	DATE
1	Johnson	<i>Equity Lodge</i> <i>Johnson</i> <i>6-8-83</i>		6/8/83
2	FIRTH	FIRTH 6-8-83		
3	WRIGHT	<i>Wright</i>		9/10/83
4	WRIGHT	<i>Wesley Eckert</i>		
5	MC GUINNES			
6	↓			
7	Jerry & Linda Flynn 29851 4th Ave SW 839-5075 Fond Bay WA			
8	Lietwin?		<i>D. Lietwin</i>	6/8/83
9	KETCHUM			
10	Robt Bolt			
11	Robt Bolt			
12	WATERHOUSE CLARK			
13	CANORRO	<i>M. A. Canorro</i> <i>Canorro</i>		6/8/83
14	CANORRO	<i>M. A. Canorro</i> <i>Canorro</i>		6/8/83
15	14442			
16	WILMA PETERSEN	<i>Wilma E. Petersen</i>		11/14/83
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COVENANT REVISION NOTE: REVISION DATED JUNE 6, 19

[illegible]

STATE OF WASHINGTON
COUNTY OF PIERCE

I CERTIFY THAT I KNOW OR HAVE SATISFACTORY EVIDENCE THAT THE
SIGNATURES ATTACHED TO BE THE FREE AND VOLUNTARY ACT OF
SIGNATORIES FOR THE USES AND PURPOSES MENTIONED IN THE
INSTRUMENT.



DATED: October 15, 1987

David A. Young
NOTARY PUBLIC

MY APPOINTMENT EXPIRES APRIL 1, 1989

STATE OF WASHINGTON, County of Pierce
I, the undersigned, do hereby certify that the
above and foregoing instrument is true and correct copy
of the original now on file in my office.
WITNESS my hand and seal of office this 15th day of October, 1987.

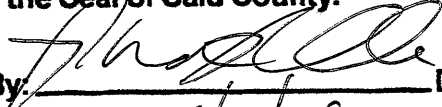


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STATE OF WASHINGTON, County of Pierce
ss: I, _____, of the above
entitled county, do hereby certify that this
forgoing instrument is a true and correct copy
of the original now on file in my office.
IN WITNESS WHEREOF, I hereunto set my
hand and the Seal of Said County.

By:  Deputy
Date: 1/9/09