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AUDITOR, Pierce County, WASHINGTON

Return Address:

Sunrise Master Association  
3106 A Sumner Tapps Highway East  
Lake Tapps WA 98391

Please print or type information.

**Document Title(s)** (or transactions contained therein):

1. First Amendment to the Second Amended and Restated Sunrise Declaration of Covenants, Conditions, Restrictions, and Easements

**Grantor(s)** (Last name first, then first name and initials)

1. Sunrise Development Corporation of Washington
- 2.
- 3.
- 4.
5.  Additional Names on Page \_\_\_\_\_ of Document.

**Grantee(s)** (Last name first, then first name and initials)

1. Sunrise Master Planned Community
- 2.
- 3.
- 4.
5.  Additional Names on Page \_\_\_\_\_ of Document.

**Legal Description** (abbreviated: *i.e.*, lot, block, plat or section, township, range)

Ptns Secs 23-27, 35, 36, Township 19N, R4E and Secs 1-2, Township 18N, R4E, W.M.,  
Pierce County, Washington

**Reference Number(s)** of Documents Assigned or Released:

201611280829

Additional Reference Numbers on Page \_\_\_\_\_ of Document.

**Assessor's Property Tax Parcel/Account Number**

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

**FIRST AMENDMENT TO THE SECOND AMENDED AND RESTATED  
SUNRISE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS, AND  
EASEMENTS**

This First Amendment to the *Second Amended and Restated Sunrise Declaration of Covenants, Conditions, Restrictions, and Easements* (“Declaration”) recorded under Pierce County Auditor’s No. 201611280829, which encumbers the real property legally described on Exhibit A, is made and entered into this 19<sup>th</sup> day of January 2018 by SUNRISE DEVELOPMENT CORPORATION OF WASHINGTON, a Washington corporation, (“Declarant”) pursuant to its authority under Section 12.4 of the Declaration.

**A. RECITAL E of the Declaration is amended and replaced as follows:**

RECITAL E. Declarant intends to continue to develop the Property as the planned community now known as Sunrise and formerly known as Rainier Terrace Planned Community. The current Sunrise planned community is more specifically described in the Sunrise Master Planned Community Development Agreement dated July 1, 2014 between Pierce County and Declarant, as it may be amended and restated (the “Development Agreement”). The Development Agreement supersedes and replaces the Sunrise Master Planned Community Development Agreement dated as of November 15, 2001, which in turn superseded and replaced the Concomitant Zoning Agreement and Master Land Use Plan to which the original development of Sunrise was subject and which were described in Exhibit B of Pierce County Ordinance 86-925, recorded on March 3, 1987 under Pierce County Auditor’s No. 8703030386.

**B. Subparagraphs (a) and (b) of Section 3.3.2 of the Declaration are amended and replaced as follows:**

3.3.2 Classes of Membership. The Association shall have three (3) classes of membership as follows:

- (a) Class A. Class A Members shall consist of all Owners of Single Family attached and detached Units, including Condominium Units unless the Condominium is deemed to be a Multi-Family Rental Structure as defined herein. Each Class A Member shall be entitled to one vote per Unit owned.

(b) Class B. Class B Members shall consist of all Owners of Lots on which Multi-Family Rental Structures have been or are to be built. Each Class B Member shall be entitled to (i) one vote per Lot owned if no Multi-Family Rental Structure has been constructed thereon, or (ii) 0.5 vote per Living Unit constructed within the Multi-Family Rental Structure that has been constructed on such Lot. For example, the Owner of an undeveloped Multi-Family Lot would have one vote. If one hundred Units were built on that Lot, the Owner would have 50 votes. A structure shall be considered constructed under this paragraph when a Certificate of Occupancy has been issued.

**C. Section 4.21.11 of the Declaration is amended and replaced as follows:**

4.21.11 Adult Family Homes. This section 4.21 shall not apply to “adult family homes” as defined in RCW Chapter 70.128.

**D. Section 4.21.12 of the Declaration is amended and replaced as follows:**

4.21.12 Multi-Family Rental Structures. This section 4.21 shall not apply to Owners of Multi-Family Rental Structures.

**E. Section 5.7 of the Declaration is amended and replaced as follows:**

5.7 Maintenance of Common Areas. Any action to maintain, repair, replace, improve, and otherwise, manage all of the Common Areas so as to keep them in good repair and condition, consistent with the Community-Wide Standard shall only be taken by the Association, unless otherwise approved by the Board. Without limitation, such maintenance, repair, replacement, and improvement may be undertaken as the Board reasonably determines would promote the recreation, health, safety, and welfare of the Owners. Provided, under no circumstances will the Association have any duty to maintain common areas dedicated on a Lot devoted to Multi-Family Rental Structures.

**F. Section 6.3.2 of the Declaration is amended and replaced as follows:**

6.3.2 Basis for Assessment. All Owners shall, after the Initial Unit Assessment Date, pay a general Assessment calculated as a pro rata share of the Common Expenses. The amount of each Owner’s general Assessment shall be the Common Expense amount determined by the Association’s ratified budget divided by the total number of Units subject to Assessment or reasonably anticipated to become subject Assessment during the fiscal year, as determined by the Board, multiplied by the number of Units owned by each Owner. Provided, for the purpose of calculating this general Assessment or Special Assessments under Section 6.4, Units in Multi-Family Rental

Structures will be assessed at 50% of the rate of Units that are not in Multi-Family Rental Structures.

**G. Section 6.3.4 of the Declaration is amended and replaced as follows:**

6.3.4 Date of Commencement of Assessments. The liability of an Owner for payment of general Assessments shall commence on the Initial Unit Assessment Date as defined in Section 1.21, and shall continue thereafter. The due dates of any Special or Specific Assessment payments shall be fixed by the Board, but in no event prior to the Initial Unit Assessment Date.

**H. Section 6.5.1 of the Declaration is amended and replaced as follows:**

6.5.1 Restoration; Restitution. The Board may levy a Specific Assessment upon any Unit whose Owner: a) fails to maintain such Unit, as provided in Section 4.13.4; b). or who fails to provide such maintenance funds as may be required by any Supplemental Declaration for such Unit; c). or who damages or destroys any Common Area by the Owner's negligent or intentional act; or d). who deeds or dedicates property to the Association or to the Owners in undivided interests without approval under Section 5.1. Any such Specific Assessment shall be limited to the amount necessary to meet the cost of restoration or deficiency in required funds and the cost of collection thereof.



EXECUTED the date and year stated above.

DECLARANT:

SUNRISE DEVELOPMENT CORPORATION OF WASHINGTON, a Washington corporation,

By: *Scott Corliss*  
Scott Corliss, President

STATE OF WASHINGTON )  
 ) ss.  
County of Pierce )

On this 18 day of January, 2018, before me, a Notary Public in and for the State of Washington, personally appeared Scott Corliss to me known to be the President, of **Sunrise Development Corporation of Washington**, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said instrument and that the seal affixed (if any) is the corporate seal of said corporation.

Witness my hand and official seal hereto affixed the day and year first above written.

*Monica Rody Gildea*  
\_\_\_\_\_  
*Monica Rody Gildea*  
\_\_\_\_\_  
NOTARY PUBLIC (Type/Print Name)  
Notary Public in and for the State of Washington, residing at Puyallup  
My appointment expires: 03/07/18

## EXHIBIT A

### Legal Description of Property

#### EXHIBIT A THE PROPERTY

PARCELS COMPRISING THE PLANNED COMMUNITY KNOWN AS "SUNRISE"

**PARCEL A:**

THE WEST HALF OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH,  
RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL B:**

THE WEST HALF OF THE NORTHWEST QUARTER, AND THE WEST HALF OF THE SOUTHWEST QUARTER  
OF SECTION 25, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL C:**

THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER AND THE NORTHEAST  
QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 4 EAST,  
WILLAMETTE MERIDIAN.

**PARCEL D:**

THE EAST HALF OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 26,  
TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL E:**

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE SOUTHEAST  
QUARTER AND THE SOUTH HALF OF THE SOUTH HALF OF THE NORTH HALF OF THE SOUTHWEST  
QUARTER OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL F:**

THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH,  
RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL G:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 19 NORTH,  
RANGE 4 EAST OF THE WILLAMETTE MERIDIAN.

**PARCEL H:**

THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 19 NORTH, RANGE 4 EAST OF THE WILLAMETTE MERIDIAN.  
EXCEPT THE NORTH 418 FEET OF THE WEST 417 FEET THEREOF AND EXCEPT PUYALLUP-GRAHAM  
COUNTY ROAD NO. 2.

**PARCEL I:**

THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 27,  
TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

2601 South 35<sup>th</sup> Street, Suite 200, Tacoma, Washington 98409  
(253) 473-4494 Fax: (253) 473-0599



**EXHIBIT A  
THE PROPERTY**

**PARCEL J:**

THAT PORTION OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 35;  
THENCE ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35  
NORTH 00°56'35" WEST, 278.89 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE LEAVING SAID WEST LINE SOUTH 59°14'14" EAST, 3203.83 FEET;  
THENCE SOUTH 79°31'03" EAST, 2592.14 FEET TO THE EAST LINE OF THE SOUTHEAST QUARTER OF  
SAID SECTION 35, THE TERMINUS OF SAID LINE AND FROM SAID TERMINUS THE SOUTHEAST CORNER  
OF SAID SOUTHEAST QUARTER BEARS SOUTH 01°14'28" EAST,  
731.94 FEET DISTANT.

**PARCEL K:**

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36,  
TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

**PARCEL L:**

GOVERNMENT LOTS 1 AND 2 OF SECTION 2, TOWNSHIP 18 NORTH, RANGE 4 EAST, WILLAMETTE  
MERIDIAN, BEING THE NORTH HALF OF THE NORTHEAST QUARTER OF SAID SECTION;  
EXCEPT THE BABLER-WRIGHT ROAD.

**TOGETHER WITH**

THAT PORTION OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN, IN  
PIERCE COUNTY, WASHINGTON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID SECTION 35;  
THENCE ALONG THE WEST LINE THEREOF NORTH 00°32'26" WEST, 2679.42 FEET TO THE WEST  
QUARTER CORNER OF SAID SECTION;  
THENCE CONTINUING ALONG SAID WEST LINE NORTH 00°56'35" WEST, 278.89 FEET;  
THENCE LEAVING SAID WEST LINE SOUTH 59°14'14" WEST, 3203.83 FEET;  
THENCE SOUTH 79°31'03" EAST, 2592.14 FEET TO THE EAST LINE OF SAID SECTION;  
THENCE ALONG SAID EAST LINE SOUTH 01°14'28" EAST, 731.94 FEET TO THE SOUTHEAST CORNER OF  
SAID SECTION;  
THENCE ALONG THE SOUTH LINE THEREOF SOUTH 88°01'28" WEST, 2642.26 FEET TO THE POINT OF  
BEGINNING.

2601 South 35<sup>th</sup> Street, Suite 200, Tacoma, Washington 98409  
(253) 473-4494 Fax: (253) 473-0599



**EXHIBIT A  
THE PROPERTY**

**PARCEL M:**

THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.  
EXCEPT THE NORTH 30 FEET THEREOF.  
ALSO EXCEPT THE WEST 30 FEET THEREOF FOR 122<sup>ND</sup> AVENUE EAST.

**PARCEL N:**

THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

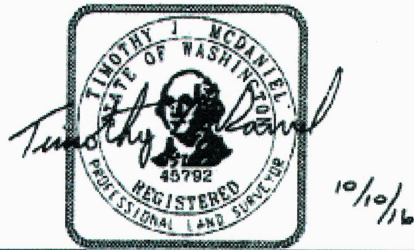
TOGETHER WITH THE NORTH 30 FEET OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.  
EXCEPT THE WEST 30 FEET THEREOF FOR 122<sup>ND</sup> AVENUE EAST.

**PARCEL O:**

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 19 NORTH, RANGE 4 EAST, WILLAMETTE MERIDIAN.

ALL OF THE ABOVE DESCRIBED PARCELS SITUATE IN PIERCE COUNTY, WASHINGTON.

(THE PARCELS DESCRIBED HEREIN ARE COMPILED FROM PUBLIC DOCUMENTS AND DEEDS RECORDED UNDER AFNS 9408030522 AND 9408030523 RECORDS OF PIERCE COUNTY, WASHINGTON.)



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TIMOTHY J. MCDANIEL, P.L.S.  
WASHINGTON STATE REGISTRATION NO. 45792

2601 South 35<sup>th</sup> Street, Suite 200, Tacoma, Washington 98409  
(253) 473-4494 Fax: (253) 473-0599

