

Return to:

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**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR TRACT 4  
(Farm Units 10, 11, 12, 17, 18 and 19,  
Irrigation Block 41, Columbia Basin Project,  
Grant County, Washington)**

Auditor file number of document to be released or assigned  
(if applicable) \_\_\_\_\_

1. Additional references on page \_\_\_\_\_ of document

Grantor(s)

1. Ronald L. Fode and Robin M. Fode, husband and wife

Grantee(s)

1. Ronald L. Fode and Robin M. Fode, husband and wife

Legal Description (lot, block, plat or section, township, range)

1. 19-0396-001: ptn of Farm Unit 10, Irrigation Block 41

2. 19-0396-000 – ptn (Fode): Ptn of Farm Unit 10, Irrigation Block 41

Additional legal description on 2 of document

Assessor's property tax parcel or account number

1. 19-0396-001

2. 19-0396-000 – ptn

Additional parcel numbers on page 2 of document

Additional Legal Description (lot, block, plat or section, township, range)

3. 19-0398-000: Farm Unit 12, Irrigation Block 41
4. 19-0397-000: Farm Unit 11, Irrigation Block 41
5. 19-0396-000 – ptn: Ptn of Farm Unit 10, Irrigation Block 41
6. 19-0403-000: Farm Unit 17, Irrigation Block 41
7. 19-0404-000: Farm Unit 18, Irrigation Block 41
8. 19-0405-000: Farm Unit 19, Irrigation Block 41

Additional Assessor's property tax parcel or account number

3. 19-0398-000
4. 19-0397-000
5. 19-0396-000 – ptn
6. 19-0403-000
7. 19-0404-000
8. 19-0405-000

THIS DECLARATION is made effective this \_\_\_\_ day of \_\_\_\_\_, 2016, by RONALD L. FODE and ROBIN M. FODE, husband and wife, (“Declarant” or “Owner” or “Grantor”).

#### **ARTICLE I: RECITALS**

1.1 Declarants are the owners of all of the real property known as Tract 4 Homestead Property in Grant County, Washington, described on attached Exhibit “A-1.” (the “Tract 4 Homestead Property.”)

1.2 Declarants are the owners of all of the real property known as Tract 4 Farmland Property in Grant County, Washington, described on attached Exhibit “A-2.” (the “Tract 4 Farmland Property.”)

1.3 The Tract 4 Homestead Property and the Tract 4 Farmland Property shall be collectively referred to as the “Tract 4 Property.”

1.4 The purpose of this Declaration is to set forth the basic restrictions, covenants, limitations, easements, conditions and equitable servitudes (collectively “Restrictions”) that apply to Tract 4 Farmland Property which is being sold. The Restrictions are designed to preserve Declarant’s retained Tract 4 Homestead Property described separately per Survey prepared by Prairie Land Surveying dated March 03, 2016, to preserve the property’s value, desirability and attractiveness

#### **ARTICLE II: DECLARATION**

Grantor declares that the Tract 4 Farmland Property shall be held, sold, conveyed, encumbered, hypothecated, leased, used, occupied, and improved subject to the following terms, covenants, conditions, easements, and restrictions, all of which are declared and agreed to be in furtherance of enhancing the Tract 4 Homestead Property value. The terms covenants, conditions, easements and restrictions set forth herein:

- A. Shall run with the land constituting Tract 4 Property and shall be binding upon all persons having or acquiring any right, title or interest in Tract 4 Property.
- B. Shall inure to the benefit of Tract 4 Homestead Property and any interest therein; and
- C. Shall inure to the benefit of and be binding upon Grantor, Grantor's successors in interest, and each grantee or owner of Tract 4 Farmland Property and may be enforced by Grantor or any of Grantor's successors in interest.

### **ARTICLE III: RESTRICTIONS**

3.1 Tract 4 Farmland Property owner agrees that they will allow approximately 105 trees located in the Northeast corner of Farm Unit 11, Irrigation Block 41, Grant County, Washington. The trees are located in a strip of approximately 75 feet in width and 430 feet in length on the South side of Road 7 NE. Said strip is on Farm Unit 11, Irrigation Block 41. Tract 4 Farmland Property owner agrees to maintain said trees. This area is to remain fenced to protect the trees from livestock.

3.2 In the event the trees are destroyed or damaged by an act of God, Grantor shall have the right to replace the destroyed or damaged trees. Grantor shall have the sole discretion of determining the type and size of the damaged or destroyed trees. In the event the trees are damaged or destroyed by the acts of Tract 4 Farmland Property owner, whether negligent or not, Grantor agrees to replace the trees. This restriction shall bind Tract 4 Farmland Property owner and Tract 4 Farmland Property owner's heirs and successors in interest for a period of Thirty (30) years from date of this Declaration of Covenants, Conditions and Restrictions.

3.3 Tract 4 Farmland Property owner shall not allow any confined livestock, pig, chicken, or any other commercial operation which would create a problem with flies or odor or cause any other nuisance which would impact Tract 4 Homestead Property being retained by Declarant.

3.4 Tract 4 Farmland Property owner agrees that they, or any tenant or licensee, will not install, construct or establish any improvements on Tract 4 Property which require a change of zoning from agricultural to industrial. This restriction shall bind Tract 4 Farmland Property owner and Tract 4 Farmland Property owner's heirs and successors in interest for a period of Thirty (30) years from date of this Declaration of Covenants, Conditions and Restrictions.

#### **ARTICLE IV: MISCELLANEOUS**

4.1 **Right of Enforcement.** Except as otherwise provided herein, Tract 4 Homestead Property owner or any successor in interest shall have the right to enforce any or all of the Restrictions hereof against any property owner of Tract 4 Farmland Property.

4.2 **Violations and Nuisances.** The failure of Tract 4 Farmland Property to comply with any provision hereof is hereby declared a nuisance and will give rise to a cause of action in Tract 4 Homestead Property owner or any successor in interest for recovery of damages or for negative or affirmative injunctive relief or both.

4.3 **Violation of Law.** Any violation of any state, municipal, or local law, ordinance, or regulation pertaining to the ownership, occupation or use of any of the Tract 4 Farmland Property within Tract 4 Property is hereby declared to be a violation of this Declaration of Covenants, Conditions and Restrictions and subject to any or all of the enforcement procedures set forth in this Declaration of Covenants, Conditions and Restrictions and any or all enforcement procedures in law and equity.

4.4 **Remedies Cumulative.** Each remedy provided herein is cumulative and not exclusive.

4.5 **Non Waiver.** The failure to enforce any of the provisions herein at any time shall not constitute a waiver of the right to enforce any such provision.

4.6 **Prevailing Party.** The prevailing party in any proceeding or litigation brought to enforce the terms and conditions of this Declaration of Covenants, Conditions and Restrictions shall be entitled to costs and reasonable attorney fees.

4.7 **Venue.** The venue of any action brought to enforce the terms of this Declaration of Covenants, Conditions and Restrictions shall be in Grant County, Washington.

4.8 **Successors in Interest.** This Declaration of Covenants, Conditions and Restrictions shall be binding upon the successors in interest, assigns, partners and authorized agents of the parties hereto.

///End of Body of Document

WE, THE UNDERSIGNED, (“Declarant” or “Owner” or “Grantor”) do hereby certify that the foregoing Declaration of Covenants, Conditions and Restrictions for Tract 4 (Farm Units 10, 11, 12, 17, 18 and 19, Irrigation Block 41, Columbia Basin Project, Grant Count, Washington) were made this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
RONALD L. FODE

\_\_\_\_\_  
ROBIN M. FODE

STATE OF WASHINGTON        )  
  ) ss.     Individual Acknowledgment  
COUNTY OF \_\_\_\_\_        )

I certify that I know or have satisfactory evidence that RONALD L. FODE is the person who appeared before me, and said person acknowledged that he signed this instrument and acknowledged it to be his free and voluntary act for the uses and purposes mentioned in the instrument.

\_\_\_\_\_  
(Print Name) \_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF WASHINGTON        )  
  ) ss.     Individual Acknowledgment  
COUNTY OF \_\_\_\_\_        )

I certify that I know or have satisfactory evidence that ROBIN M. FODE is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in the instrument.

\_\_\_\_\_  
(Print Name) \_\_\_\_\_  
Notary Public in and for the State of  
Washington, residing at \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



## EXHIBIT "A-1"

### LEGAL DESCRIPTION

#### Tract 4 Homestead Property

Tract 4 Homestead Property (Being retained by Grantor)  
(9.5+/- acres)

1. 19-0396-001: Ptn of Farm Unit 10, Irrigation Block 41
2. 19-0396-000 – Ptn: Ptn of Farm Unit 10, Irrigation Block 41

A portion of Farm Unit 10, Irrigation Block 41, Columbia Basin Project, per the plat thereof recorded April 11, 1951, records of Grant County, Washington; in Section 33, Township 20 North, Range 29 East, W.M.; and shown on a boundary line adjustment record of survey by Prairie Land Surveying dated March 03, 2016, described as follows:

Beginning at the Southwest corner of said Farm Unit 10, also being the Southwest corner of the Northeast One Quarter of said Section 33; thence N 00°01'01" W, along the West line of said Farm Unit 10, also being the West line of said Northeast One Quarter of Section 33, 538.40 feet; thence N 66°09'35" E, 153.82 feet; thence N 67°37'22" E, 713.45 feet; thence N 83°56'25" E, 139.89 feet; thence S 00°00'00" E, 201.73 feet to a point on the Southerly line of said Farm Unit 10, said point being on a curve to the left, the radius point of which bears S 13°45'25" E, 716.20 feet, thence Southwesterly, along said Southerly line of Farm Unit 10, along the arc of said curve, through a central angle of 75°43'32", a distance of 946.57 feet to the South line of said Northeast One Quarter of Section 33; thence N 89°25'24" W, along said South line of Farm Unit 10, and said South line of the Northeast One Quarter of Section 33, 393.53 feet to the Point of Beginning.

## EXHIBIT "A-2"

### LEGAL DESCRIPTION

#### Tract 4 Farmland Property

Tract 4 Farmland Property  
(494.84+/- acres)

3. 19-0398-000: Farm Unit 12, Irrigation Block 41
4. 19-0397-000: Farm Unit 11, Irrigation Block 41
5. 19-0396-000 – ptn: Ptn of Farm Unit 10, Irrigation Block 41
6. 19-0403-000: Farm Unit 17, Irrigation Block 41
7. 19-0404-000: Farm Unit 18, Irrigation Block 41
8. 19-0405-000: Farm Unit 19, Irrigation Block 41

19-0398-000:

Farm Unit 12, Irrigation Block 41

Farm Unit 12, Seventh Revision of Irrigation Block 41, Columbia Basin Project, as per plat thereof filed August 10, 1959, records of Grant County, Washington.

19-0397-000:

Farm Unit 11, Irrigation Block 41

Farm Unit 11, Seventh Revision of Irrigation Block 41, Columbia Basin Project, as per plat thereof filed August 10, 1959, records of Grant County, Washington.

19-0396-000 – ptn:

Ptn of Farm Unit 10, Irrigation Block 41

Farm Unit 10, Irrigation Block 41, Columbia Basin Project, per the plat thereof recorded April 11, 1951, records of Grant County, Washington; in Section 33, Township 20 North, Range 29 East, W.M.; and shown on a boundary line adjustment record of survey by Prairie Land Surveying dated March 03, 2016, described as follows:

EXCEPT the following described parcel:

Beginning at the Southwest corner of said Farm Unit 10, also being the Southwest corner of the Northeast One Quarter of said Section

33; thence N 00°01'01" W, along the West line of said Farm Unit 10, also being the West line of said Northeast One Quarter of Section 33, 538.40 feet; thence N 66°09'35" E, 153.82 feet; thence N 67°37'22" E, 713.45 feet; thence N 83°56'25" E, 139.89 feet; thence S 00°00'00" E, 201.73 feet to a point on the Southerly line of said Farm Unit 10, said point being on a curve to the left, the radius point of which bears S 13°45'25" E, 716.20 feet, thence Southwesterly, along said Southerly line of Farm Unit 10, along the arc of said curve, through a central angle of 75°43'32", a distance of 946.57 feet to the South line of said Northeast One Quarter of Section 33; thence N 89°25'24" W, along said South line of Farm Unit 10, and said South line of the Northeast One Quarter of Section 33, 393.53 feet to the Point of Beginning.

19-0403-000:

Farm Unit 17, Irrigation Block 41

Farm Unit 17, Seventh Revision of Irrigation Block 41, Columbia Basin Project, as per plat thereof filed August 10, 1959, records of Grant County, Washington.

19-0404-000:

Farm Unit 18, Irrigation Block 41

Farm Unit 18, Fifth Revision of Irrigation Block 41, Columbia Basin Project, as per plat thereof filed July 27, 1956, records of Grant County, Washington, including all sprinkler and/or irrigation equipment appurtenant to the real property.

19-0405-000:

Farm Unit 19, Irrigation Block 41

Farm Unit 19, Seventh Revision of Irrigation Block 41, Columbia Basin Project, as per plat thereof filed August 10, 1959, records of Grant County, Washington.