7388933 12/12/2024 02:58:41 PM
Rec Fee: $315.50 Page 1 of 13
Covenant SIMPLIFILE LC E-RECORDING
Spokane County Washington eRecorded

After recording, return to:
Lukins & Annis, P.S.
717 W Sprague Avenue, Suite 1600
Spokane, WA 99201

Document:	First Amendment to Declaration of Covenants, Conditions and Restrictions for Morningside Heights 5th/Brigadoon Additions Homeowners Association
Grantor:	Summit Properties, Inc., a Washington corporation
Grantee:	The Association and Owners of the Properties
Legal Description (abbreviated):	Lots 1-5, Block 1 and Lots 1 and 2, Block 4, Vistas at Belleaire Phase 3 per Spokane County AFN# 7335689, recorded February 29th, 2024. Complete legal description on Exhibit A
Parcel Nos.	55193.9091
Reference Nos. of Related Documents:	6042426, 6044291, 6282218, 6442442, 6965762, 6997006, 7082701, 7174592, 7311782

After recording, return to:
Lukins & Annis, P.S.
717 W Sprague Avenue, Suite 1600
Spokane, WA 99201

Document:	First Amendment to Declaration of Covenants, Conditions and Restrictions for Morningside Heights 5th/Brigadoon Additions Homeowners Association
Grantor:	Summit Properties, Inc., a Washington corporation
Grantee:	The Association and Owners of the Properties
Legal Description (abbreviated):	Lots 1-5, Block 1 and Lots 1 and 2, Block 4, Vistas at Belleaire Phase 3 per Spokane County AFN# 7335689, recorded February 29th, 2024. Complete legal description on Exhibit A
Parcel Nos.	55193.9091
Reference Nos. of Related Documents:	6042426, 6044291, 6282218, 6442442, 6965762, 6997006, 7082701, 7174592, 7311782

FIRST AMENDMENT
TO
DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS
FOR
MORNINGSIDE HEIGHTS 5TH/BRIGADOON ADDITIONS
HOMEOWNERS ASSOCIATION

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS FOR MORNINGSIDE HEIGHTS 5TH/BRIGADOON ADDITIONS HOMEOWNERS ASSOCIATION ("**Amendment**") is made by SUMMIT PROPERTIES INC., a Washington corporation ("**Declarant**") to be effective as of this 1st day of March, 2024 (the "**Effective Date**").

The Declarant recorded that certain Declaration of Covenants Conditions and Restrictions for Morningside Heights 5th/Brigadoon Additions Homeowners Association on November 7, 2011, under Spokane County Recording No. 6042426 (the "**Original Declaration**"), as supplemented by that certain Declaration of Annexation Morningside Heights 6th Addition recorded on November 14, 2011, under Spokane County Recording No. 6044291 (the "**MH6 Annexation**"), that certain Declaration of Annexation Morningside Heights 7th Addition recorded on February 3, 2014, under Spokane County Recording No. 6282218 (the "**MH7 Annexation**"), that certain Declaration of Annexation Belleaire recorded on October 7, 2015, under Spokane County Recording No. 6442442 (the "**Belleaire Annexation**"), that certain Declaration of Annexation Vistas at Belleaire Phase 1 recorded on September 9, 2020, under Spokane County Recording No. 6965762 (the "**Belleaire P1 Annexation**"), that certain Declaration of Annexation Fairmont Phase 2 recorded on November 18, 2020, under Spokane County Recording No. 6997006 (the "**Fairmont Annexation**"), that certain Declaration of Annexation Vistas at Belleaire Phase 2 recorded on June 2, 2021, under Spokane County Recording No. 7082701, which was subsequently corrected pursuant to that certain Declaration of Annexation Vistas at Belleaire Phase 2 recorded on January 25, 2022, under Spokane County Recording No. 7174592 (the "**Belleaire P2 Annexation**") and by that certain Declaration of Annexation Vistas at Belleaire Phase 3 recorded on October 4, 2023, under Spokane County Recording No. 7311782 (the "**Belleaire P3 Annexation**", and together with the Original Declaration, the MH6 Annexation, the MH7 Annexation, the Belleaire Annexation, the Belleaire P1 Annexation, the Fairmont Annexation and the Belleaire P2 Annexation, collectively the "**Declaration**") with respect to the real property legally described on Exhibit A of this Amendment. Words and phrases that are defined in the Declaration shall have the same meaning in this Amendment.

Declarant desires to modify certain covenants and conditions in the Declaration with respect to a portion of the Properties commonly known as Lots 1-5 in Block 1 and Lots 1 and 2 in Block 4 within the Vistas at Belleaire Phase 3, as depicted on Exhibit B attached hereto (each an "**Affected Lot**").

Pursuant to Article XVI, Section 2 of the Declaration, the Declaration may be amended by the Declarant at any time during the Development Period without the consent or vote of the Owners. The Declarant desires to amend the Declaration, to be effective as of the Effective Date, as set forth below.

1. Accessory Structures. An Owner may install a workshop, barn, detached garage or other outbuilding (each an "**Accessory Structure**") on an Affected Lot, *provided, however*, that the Owner has obtained the necessary permits required by any applicable governmental authority for such Accessory Structure and the size and design of the Accessory Structure has been approved by the Architectural Control Committee pursuant to Article XII of the Declaration. The size of an Accessory Structure installed on an

Affected Lot shall not exceed 40 feet by 50 feet, and the distance between the ground and the bottom of the roof trusses of the Accessory Structure may not exceed 16 feet. No structure used as a separate additional living unit (an "**ADU**"), shall be installed on any Affected Lot, unless and until the installation of ADUs is permitted by all applicable governmental authorities and the size and design of the ADU has been approved by the Architectural Control Committee pursuant to Article XII of the Declaration.

2. Landscaping on Affected Lots. Pursuant to Article 15, Section 3(G) of the Declaration, an Owner must complete all landscaping activities required by the Declaration within 6 months after the Owner occupies a home on such Owner's Lot. An Owner of an Affected Lot shall have an additional 6 months (12 months total) to complete all landscaping activities required by the Declaration.

3. Landscaping on Lot 1 and Lot 2 in Block 1. The Architectural Control Committee may grant variances to the landscaping requirements set forth in the Declaration to permit natural landscaping on Lot 1 and Lot 2 in Block 1.

4. Miscellaneous.

4.1 Declaration Runs with Land. The covenants, reservations, restrictions, and other provisions of this Amendment will run with and bind the Properties and will inure to the benefit of the Declarant (until such time as the Development Period expires), the Association, and all Owners, their respective legal representatives, heirs, successors and assigns.

4.2 Governing Law. This Amendment will be construed in all respects under the laws of the State of Washington.

4.3 Severability; Conflicts. If any covenant, condition, restriction or other provision of this Amendment is held to be invalid in whole or in part by any court of competent jurisdiction, then such provision will be deemed modified to the minimum extent necessary to make it valid and enforceable and the court's holding will in no way affect the validity of the remaining provisions of this Amendment, all of which shall remain in full force and effect. In the event any inconsistencies exist between the terms of this Amendment and the Declaration, this Amendment will control.

[*Signature page follows*]

SIGNATURE PAGE
TO
DECLARATION OF COVENANTS CONDITIONS AND RESTRICTIONS
FOR
MORNINGSIDE HEIGHTS 5TH/BRIGADOON ADDITIONS
HOMEOWNERS ASSOCIATION

IN WITNESS WHEREOF, the Declarant has executed and delivered this Amendment as of the date first written above:

DECLARANT:

SUMMIT PROPERTIES INC., a Washington corporation

By: _____
Name: Richard T. Dahm
Its: President

STATE OF Washington)
) ss
COUNTY OF Spokane)

On this 1st day of March 2024, before me personally appeared Richard T. Dahm, to me known to be the President of SUMMIT PROPERTIES INC., a Washington corporation, the corporation that executed the foregoing instrument and acknowledged it to be the free and voluntary act of said corporation, for the uses and purposes mentioned in the instrument, and on oath stated that he was authorized to execute the said instrument on behalf of said corporation.

GIVEN UNDER MY HAND AND OFFICIAL SEAL the day and year in this certificate first above written.

DATED this 1st day of March, 2024.

CASEY L MASON
NOTARY PUBLIC
MY COMM. EXP. 05-24-24
COMM. NO. 159430
STATE OF WASHINGTON

_____
Notary Public in and for the
State of Washington
Residing at Liberty Lake, WA.
My Commission expires 5-24-2024

EXHIBIT A

LEGAL DESCRIPTION
OF THE PROPERTIES

Lots 1-13, Block 1; Lots 1-22, Block 2; Lots 1-12, Block 3; Tracts A and B, Brigadoon Addition

AND

Lots 1-5, Block 1; Lots 1-7, Block 2; Lots 1-7, Block 3; Lots 1-15, Block 4; Lots 1-8, Block 5; Lots 1-3, Block 6; Lots 1-3, Block 7; Lot 1, Block 8; Lots 1-5, Block 9; Lots 1-4, Block 10; Tract A Morningside Heights 5th Addition

AND, as annexed to the Properties by that certain Declaration of Annexation Morningside Heights 6th Addition recorded on November 14, 2011, under Spokane County Recording No. 6044291:

Beginning at the Southwest corner of the N.E. 1/4 of the N.W. 1/4 of said Section 30 also being an angle point in the East boundary line of the Plat of Brigadoon Addition as per Plat recorded in Book 33 of Plats pages 28 and 29, in the Spokane County Auditor's office Spokane Washington; thence N.82°58'17"W., along said East boundary line, 16.66 feet; thence S.19°34'33"W., along said East boundary line, 80.63 feet to the Northwest corner of Lot I, Block 7, according to the Plat of Morningside Heights Fifth Addition as per Plat recorded in Book 33 of Plats page 15 and 16, in the Spokane County Auditor's Office, Spokane Washington; thence along the Northerly and Easterly boundary of said Plat the following 14 courses:

1. thence S.75°43'34"E., 105.80 feet;
2. thence S.78°12'07"E., 38.42 feet;
3. thence S.71°53'25"E., 230.00 feet;
4. thence S.61°59'06"E., 127.48 feet, to a point on a curve to the right the radius of which bears S.37°13'20"E., a distance of 256.00 feet;
5. thence along said curve to the through a central angle of 7°22'25", an .arc distance of 32.95 feet;
6. thence S.46°52'19"E., 91.66 feet;
7. thence S.70°37'39"E., 85.99 feet;
8. thence S.89°35'55"E., 494.43 feet, to a point on a curve to the right the radius of which bears S.87°53'44"W., a distance of 334.00 feet;
9. thence along said curve to the right, through a central angle of 18°59'41", an arc distance of 110.73 feet;
10. thence S .72°55'43"E., 159.02 feet;
11. thence N.04°16'13"E., 124.97 feet
12. thence N.93°52102"W., 155.77 feet;
13. thence S.89°35'55"E., 39.28 feet;
14. thence N.00°04'28 "E., 183.00 feet, to the North line of the S.E. 1/4 of the N.W. 1/4 of said Section 30, thence N.89°35'55"W., along said North line 1273.78 feet to the Point of Beginning

AND, as annexed to the Properties by that certain Declaration of Annexation Morningside Heights 7th Addition recorded on February 3, 2014, under Spokane County Recording No. 6282218:

All that portion of the Southwest Quarter of the Northeast Quarter of Section 30, Township 25 North, Range 45 East, W.M., lying East of the Final Plat of Morningside Heights Fifth Addition, recorded in Book 33 of Plats, page 15, lying West and North of Chapman Road, as Deeded per Auditor's File No. 5712403, and lying South of the North 1116 line of said Section.

TOGETHER WITH that portion described as follows:

COMMENCING at the Southeast corner of Lot 1, Block 4 of said Final Plat of Morningside Heights Fifth Addition;

Thence South 01°14' 09" West, along the prolongation of the East line of said Lot 1, a distance of 28.50 feet to the North Right of Way line of Chapman Road per Right of Way Deed recorded in Auditor's File No. 5712403;

Thence North 89°46' 44" West, along said Right of Way, a distance of 138.12 feet to the North-South Quarter Section line;

Thence North 00°32'56" East, along the said North- South Quarter line, a distance of 28.50 feet to the South line of Tract A per said Final Plat of Morningside Heights Fifth Addition;

Thence South 89°46'44" East, along said South line of said Final Plat of Morningside Heights Fifth Addition, a distance of 138.46 feet to THE TRUE POINT OF BEGINNING

Situate in the County of Spokane, State of Washington.

Said parcel containing an approximate area of 7.65 acres or 333,092 square feet, more or less.

AND, as annexed to the Properties by that certain Declaration of Annexation Belleaire recorded on October 7, 2015, under Spokane County Recording No. 6442442:

A parcel of land being a portion of the northeast quarter of the northwest quarter of section 30, township 25 north, range 45 east, W.M., county of Spokane, state of Washington, more particularly described as follows:

Beginning at the center north 1/16 corner of section 30;

Thence north 89°35'51". West along the north 1/16 line of said section, being the north line of the final plat of Morningside heights 6th addition, as recorded in book 36 of plats, page 52, a distance of 1329.02 feet to the northwest 1/16 corner of said section;

Thence north 00°12'56" east along the west 1/16 line, being the east line of the final plat of Brigadoon addition, as recorded in book 33 of plats, page 28, a distance of 318.00 feet;

Thence south 89°35'51" east a distance of 1022.76 feet;

Thence north 00°24'09" east a distance of 73.72 feet;

Thence north 11°34'16" west a distance of 57.99 feet;

Thence north 21°40'10" west a distance of 58.25 feet;

Thence north 63°34'16" east a distance of 130.00 feet;

Thence north 26°25'44" west a distance of 38.00 feet;

Thence north 63°34'16" east a distance of 38.00 feet;

Thence north 59 23'01" east 245.46 feet to a point on the north-south 1/4 section line;

Thence south 00°33'01" west along said north-south 1/4 section line, a distance of 738.66 feet to the true point of beginning.

Containing: approximately 523,230 square feet or 12.01 acres of land, more or less.

AND, as annexed to the Properties by that certain Declaration of Annexation Vistas at Belleaire Phase 1 recorded on September 9, 2020, under Spokane County Recording No. 6965762:

DESCRIPTION of a parcel of land located in the Southwest Quarter of Section 19, Township 25 North, Range 45 East, Willamette Meridian, City of Spokane Valley, County of Spokane, State of Washington, more particularly described as follows:

BEGINNING AT the South Quarter Corner of said Section 19, said point bears South 89°33'50" East, 2658.30 feet from the Southwest Corner of said Section 19,

Thence North 89°33'50" West, 1245.95 feet along the South line of said Southwest Quarter;

Thence North 00°26'10" East, perpendicular with the South line of said Southwest Quarter, 198.50 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 25.76 feet;

Thence North 00°26'10" East, perpendicular with the South line of said Southwest Quarter, 160.50 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 461.81 feet;

Thence South 14°24'11" East, 130.30 feet;

Thence North 75°35'49" East, 38.00 feet;

Thence South 14°24'11" East, 24.64 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 75°35'49" East 27.50 feet, a central angle of 75°09'39", (the chord of which bears South 51°59'01" East, 33.54 feet), for an arc length of 36.07 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 84.09 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 00°26'10" East 27.50 feet, a central angle of 99°17'08", (the chord of which bears North 40°47'36" East, 41.91 feet), for an arc length of 47.65 feet;

Thence North 81°06'18" East, 24.00 feet;

Thence South 08°53'42" East, 12.96 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 81°06'18" East 27.50 feet, a central angle of 80°40'08", (the chord of which bears South 49°13'46" East, 35.60 feet), for an arc length of 38.72 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 87.45 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 00°26'10" East 27.50 feet, a central angle of 96°28'29", (the chord of which bears North 42°11'55" East, 41.03 feet), for an arc length of 46.30 feet;

Thence North 83°57'42" East, 38.00 feet;

Thence South 06°02'18" East, 10.55 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 83°57'42" East 27.50 feet, a central angle of 83°31'32", (the chord of which bears South 47°48'04" East, 36.63 feet), for an arc length of 40.09 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 82.86 feet to the beginning of a curve to the left;

Thence, along a tangent curve to the left, the radius of which bears North 00°26'10" East 27.50 feet, a central angle of 90°20'23", (the chord of which bears North 45°15'58" East, 39.01 feet), for an arc length of 43.36 feet;

Thence South 89°04'20" East, 38.00 feet;

Thence North 00°05'47" East, 73.66 feet;

Thence South 89°33'50" East, parallel with the South line of said Southwest Quarter, 160.48 feet to a point on the on the East line of said Southwest Quarter;

Thence South 00°05'48" West, along the East line of said Southwest Quarter, 299.51 feet to the POINT OF BEGINNING.

CONTAINING: 346,546 square feet or 7.96 acres of land, more or less.

AND, as annexed to the Properties by that certain Declaration of Annexation Fairmont Phase 2 recorded on November 18, 2020, under Spokane County Recording No. 6997006:

A PARCEL OF LAND LOCATED IN A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 25 NORTH, RANGE 45 EAST, WILLAMETTE MERIDIAN, COUNTY OF SPOKANE, STATE OF WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE EASTERLY CORNER OF DRAINAGE TRACT A OF FAIRMONT ESTATES, SAID POINT KNOWN AS POINT "A", PLAT NUMBER 4394, AUDITORS FILE NUMBER (AFN) 6836058, RECORDS OF SPOKANE VALLEY, SAID POINT BEING ON THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE NORTHERLY ALONG THE BOUNDARY OF SAID FAIRMONT ESTATES FOR THE FOLLOWING 4 COURSES:
1) NORTH 42°49'24" WEST A DISTANCE OF 252.71 FEET;
2) NORTH 47°10'36" EAST A DISTANCE OF 164.47 FEET;
3) NORTH 44°04'54" EAST A DISTANCE OF 38.06 FEET;
4) NORTH 47°10'56" EAST A DISTANCE OF 139.99 FEET;
THENCE LEAVING SAID FAIRMONT ESTATES BOUNDARY SOUTH 31°38'41" EAST A DISTANCE OF 71.34 FEET;
THENCE SOUTH 57°30'45" EAST A DISTANCE OF 60.47 FEET;
THENCE SOUTH 72°36'57" EAST A DISTANCE OF 65.85 FEET;
THENCE NORTH 88°42'56" EAST A DISTANCE OF 38.00 FEET;
THENCE NORTH 74°07'57" EAST A DISTANCE OF 136.26 FEET;
THENCE NORTH 00°31'44" EAST A DISTANCE OF 138.88 FEET;
THENCE SOUTH 89°28'16" EAST A DISTANCE OF 151.00 FEET;
THENCE NORTH 00°31'44" EAST A DISTANCE OF 59.36 FEET;
THENCE SOUTH 89°28'16" EAST A DISTANCE OF 179.08 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE ALONG SAID EAST LINE SOUTH 00°32'15" WEST A DISTANCE OF 544.79 FEET TO THE SOUTHEAST 16TH/ CORNER OF NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30;
THENCE WESTERLY ALONG SAID SOUTHERLY LINE NORTH 89°37'36" WEST A DISTANCE OF 725.15 FEET TO THE POINT OF BEGINNING.
CONTAINING: 336,934 SQUARE FEET OR 7.74 ACRES OF LAND, MORE OR LESS.

EXCEPTING THEREFROM A PORTION OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE AFOREMENTIONED "POINT A" OF THE ABOVE DESCRIBED PARCEL;
THENCE SOUTH 89°37'36" EAST A DISTANCE OF 404.28 FEET ALONG SAID SOUTH LINE OF SAID NORTHWEST CORNER OF THE SOUTHEAST QUARTER;
THENCE NORTH 00°21'37" EAST A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING;
THENCE CONTINUING NORTH 00°21'37" EAST, A DISTANCE OF 88.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;
THENCE ALONG A NON-TANGENT CURVE TO THE LEFT, THE RADIUS OF WHICH BEARS NORTH 22°11'47" WEST 294.00 FEET, A CENTRAL ANGLE OF 13°43'32", (THE CHORD OF WHICH BEARS NORTH 60°5628" WEST, 70.43 FEET), FOR AN ARC LENGTH OF 70.43 FEET;
THENCE SOUTH 00°21'37" WEST, A DISTANCE OF 123.04 FEET
THENCE NORTH 89°37'36" WEST, A DISTANCE OF 61.20 FEET TO THE POINT OF BEGINNING;
CONTAINING: 6,375 SQUARE FEET OF LAND, MORE OR LESS.
CONTAINING: A TOTAL OF: 330,559 SQUARE FEET OR 7.59 ACRES OF LAND, MORE OR LESS.

AND, as annexed to the Properties by that certain Declaration of Annexation Vistas at Belleaire Phase 2 recorded on June 2, 2021, under Spokane County Recording No. 7082701, which was subsequently corrected pursuant to that certain Declaration of Annexation Vistas at Belleaire Phase 2 recorded on January 25, 2022, under Spokane County Recording No. 7174592:

A parcel of land located in the Southwest and Southeast Quarter of the Southwest Quarter of Section 19, Township 25 North, Range 45 East, Willamette Meridian, City of Spokane Valley, County of Spokane, State of Washington, more particularly described as follows:

All of Vistas at Belleaire Phase 2 as per plat thereof recorded in Volume 43 of Plats, Page(s) 61-62, Auditor's record #7163017 of Spokane County;

EXCEPT Tract "B" of said Vistas at Belleaire Phase 2.

CONTAINING: 790,258 square feet or 18.14 acres of land, more or less.

AND, as annexed by that certain Declaration of Annexation Vistas at Belleaire Phase 3 recorded on October 4, 2023, under Spokane County Recording No. 7311782:

DESCRIPTION OF A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 19, TOWNSHIP 25 NORTH, RANGE 45 EAST, WILLAMETTE MERIDIAN, CITY OF SPOKANE VALLEY, COUNTY OF SPOKANE, STATE OF WASHINGTON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 19 SAID POINT BEING SOUTH 89°33'50" EAST, 2658.29 FEET FROM THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER,

THENCE NORTH 00°05'48" EAST, 1326.57 FEET ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER TO THE NORTHEAST CORNER OF THE SOUTH HALF OF SAID SOUTHWEST QUARTER;

THENCE NORTH 89°34'57" WEST, 571.91 FEET ALONG THE NORTH LINE OF SAID SOUTH HALF TO THE POINT OF BEGINNING;

THENCE SOUTH 00°05'57" WEST, 402.29 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS NORTH 89°54'03" WEST 27.50 FEET, A CENTRAL ANGLE OF 90°19'46", (THE CHORD OF WHICH BEARS SOUTH 45°15'50" WEST, 39.00 FEET), FOR AN ARC LENGTH OF 43.35 FEET;

THENCE SOUTH 00°25'43" WEST, 38.00 FEET;

THENCE SOUTH 89°34'17" EAST, 27.88 FEET;

THENCE SOUTH 00°05'48" WEST, 364.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, ALONG A TANGENT CURVE TO THE LEFT, THE RADIUS OF WHICH BEARS SOUTH 89°54'12" EAST 1012.00 FEET, A CENTRAL ANGLE OF 08°59'30", (THE CHORD OF WHICH BEARS SOUTH 04°23157" EAST, 158.65 FEET), FOR AN ARC LENGTH OF 158.82 FEET;

THENCE SOUTH 08°53'42" EAST, 106.88 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT AND THE NORTH LINE OF VISTAS AT BELLEAIRE PHASE 1, ACCORDING TO THE PLAT FILED UNDER AUDITOR'S FILE NUMBER 6976352;

THENCE THE FOLLOWING 7 COURSES ALONG SAID NORTH LINE;

1. ALONG A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS SOUTH 81°06'18" WEST 27.50 FEET, A CENTRAL ANGLE OF 99°19'52", (THE CHORD OF WHICH BEARS SOUTH 40°46'14" WEST, 41.93 FEET), FOR AN ARC LENGTH OF 47.68 FEET;
2. NORTH 89°33'50" WEST, 84.09 FEET TO THE BEGINNING OF CURVE TO THE RIGHT;
3. ALONG A TANGENT CURVE TO THE RIGHT, THE RADIUS OF WHICH BEARS NORTH 00°26'10" EAST 27.50 FEET, A CENTRAL ANGLE OF 75°09'39", (THE CHORD OF WHICH BEARS NORTH 51°59'00" WEST, 33.54 FEET), FOR AN ARC LENGTH OF 36.07 FEET;
4. NORTH 14°24'11" WEST, 24.64 FEET;
5. SOUTH 75°35'49" WEST, 38.00 FEET;
6. NORTH 14°24'11" WEST, 130.30 FEET;
7. NORTH 89°33'50" WEST, 683.82 FEET TO THE NORTHEAST CORNER OF VISTAS AT BELLEAIRE PHASE 2, ACCORDING TO THE PLAT FILED UNDER AUDITOR'S FILE NUMBER 7163017;

THENCE NORTH 00°26'10" EAST, 264.40 FEET ALONG THE NORTH LINE OF SAID VISTAS AT BELLEAIRE PHASE 2;

THENCE NORTH 29°27'20" EAST, 87.00 FEET;

THENCE NORTH 00°17'50" EAST, 158.84 FEET;

THENCE NORTH 89°34'17" WEST, 23.59 FEET;

THENCE NORTH 00°25'43" EAST, 38.00 FEET;

THENCE SOUTH 89°34'17" EAST, 13.51 FEET TO THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, ALONG A TANGENT CURVE TO THE LEFT, THE RADIUS OF WHICH BEARS NORTH 00025'43" EAST 27.50 FEET, A CENTRAL ANGLE OF 89°59'33", (THE CHORD OF WHICH BEARS NORTH 45°25157" EAST, 38.89 FEET), FOR AN ARC LENGTH OF 43.19 FEET;

THENCE NORTH 00°26'10" EAST, 13.50 FEET;

THENCE SOUTH 89°34'49" EAST, 38.00 FEET;

THENCE NORTH 00°26'10" EAST, 34.22 FEET;

THENCE NORTH 65°14'04" EAST, 165.23 FEET;

THENCE NORTH 24°22'29" WEST, 142.00 FEET;

THENCE NORTH 40°08'50" WEST, 204.50 FEET TO THE NORTH LINE OF SAID SOUTH HALF;

THENCE SOUTH 89°34157" EAST, 808.32 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING.

CONTAINING: 790,566 SQUARE FEET OR 18.15 ACRES OF LAND, MORE OR LESS.

EXHIBIT A

EXHIBIT B

DEPICTION OF THE AFFECTED LOTS

