

Mc DONALD-BINYON WATERFRONT TRACTS

AMENDED PROTECTIVE COVENANTS

SHEET 4 OF 4 SHEETS

NOTE -

ORIGINAL PLAT IS RECORDED IN VOL. 12 P. 62-3

THESE COVENANTS ARE TO RUN WITH THE LAND AND SHALL BE BINDING ON ALL PARTIES AND PERSONS CLAIMING OVER THEM UNTIL JANUARY 1ST, 1962 AT WHICH TIME SAID COVENANTS SHALL BE AUTOMATICALLY EXTENDED FOR SUCCESSIVE PERIODS OF 10 YEARS UNLESS BY VOTE OF THE MAJORITY OF THE THEN OWNERS OF THE IT IS AGREED TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

INVALIDATION OF ANY ONE OF THESE COVENANTS BY JUDGEMENT OR COURT ORDER SHALL IN NO WISE EFFECT ANY OF THE PROVISIONS WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

THESE COVENANTS DO NOT APPLY TO BLOCK 2 AND BLOCK 2A.

A. ALL LOTS IN THE TRACT SHALL BE DESCRIBED AS RESIDENTIAL LOTS.

NO STRUCTURE SHALL BE ERECTED, ALTERED, PLACED OR PERMITTED TO REMAIN ON ANY RESIDENTIAL PLOT OTHER THAN ONE DETACHED SINGLE FAMILY DWELLING NOT TO EXCEED 2 1/2 STORIES IN HEIGHT AND A PRIVATE GARAGE FOR NOT MORE THAN 2 CARS.

B. NO BUILDING SHALL BE LOCATED NEARER THAN 20 FEET TO THE FRONT LOT LINE NOR NEARER THAN 8 FEET TO ANY SIDE STREET LINE. NO BUILDING, EXCEPT A DETACHED GARAGE OR OTHER OUTBUILDING LOCATED 75 FEET OR MORE FROM THE FRONT LOT LINE, SHALL BE LOCATED NEARER THAN 5 FEET TO ANY SIDE LOT LINE.

C. NO RESIDENTIAL STRUCTURE SHALL BE ERECTED OR PLACED ON ANY BUILDING PLOT, WHICH PLOT HAS AN AREA OF LESS THAN 5000 SQUARE FEET OR A WIDTH OF LESS THAN 50 FEET AT THE FRONT BUILDING SETBACK LINE.

D. NO NOXIOUS OR OFFENSIVE TRADE OR ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

E. NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING ERECTED IN THE TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE TEMPORARILY OR PERMANENTLY NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE.

F. NO PERSONS OF ANY RACE OTHER THAN THE WHITE OR CAUCASIAN RACE SHALL USE OR OCCUPY ANY BUILDING OR ANY LOT, EXCEPT THAT THESE COVENANTS SHALL NOT PREVENT OCCUPANCY BY DOMESTIC SERVANTS OF A DIFFERENT RACE DOMICILED WITH AN OWNER OR TENANT.

G. THAT ANY DWELLING OR STRUCTURE ERECTED OR PLACED ON ANY LOT IN THE SUBDIVISION SHALL BE COMPLETED AS TO EXTERNAL APPEARANCE INCLUDING FINISHED PAINTING WITHIN 6 MONTHS FROM DATE OF COMMENCEMENT OF CONSTRUCTION AND SHALL BE CONNECTED TO APPROVED SEPTIC TANK OR PUBLIC SEWER.

<u>E. P. MALLETT, VERONICA H. MALLETT /s/</u> HUSBAND AND WIFE	<u>ROBERT MC QUARRIE, MAUDE MC QUARRIE /s/</u> HUSBAND AND WIFE	<u>LOIS GLASS - A SINGLE WOMAN /s/</u>
<u>HENRY KOPPERMAN, MARTHA KOPPERMAN /s/</u> HUSBAND AND WIFE	<u>D. P. MC GUIRE & ELTA M. /s/</u> HUSBAND AND WIFE	<u>HAROLD SMYTHE AND LAURA SMYTHE /s/</u> HUSBAND AND WIFE
<u>DWIGHT D. D. & MARJORIE & DICKOVER /s/</u> HUSBAND AND WIFE	<u>FRANK W. THOMPSON - SINGLE MAN /s/</u>	<u>C. L. MILLER & JANET MILLER /s/</u> HUSBAND AND WIFE
<u>ANTONE STANICH & ADELAIDE STANICH /s/</u> HUSBAND AND WIFE	<u>GORDON WALLE - A SINGLE MAN /s/</u>	<u>WOODBURN MC DONALD & MARY A MC DONALD /s/</u> HUSBAND AND WIFE
<u>ORVILLE J. WILLIAMS - JEANNETTE L. WILLIAMS /s/</u> HUSBAND AND WIFE		

STATE OF WASHINGTON }
COUNTY OF PIERCE } SS

THIS IS TO CERTIFY THAT ON THIS 17TH DAY OF SEPTEMBER, 1945, PERSONALLY APPEARED BEFORE ME E. P. MALLETT & VERONICA MALLETT, ROBERT MCQUARRIE & MAUDE MC QUARRIE, LOIS GLASS, HENRY KOPPERMAN & MARTHA KOPPERMAN, D. P. MC GUIRE & ELTA M., C. L. MILLER & JANET MILLER, DWIGHT D. & MARJORIE DICKOVER, FRANK W. THOMPSON, WOODBURN MC DONALD & MARY A. MC DONALD, HAROLD SMYTHE & LAURA SMYTHE, ANTONE STANICH AND ADELAIDE STANICH, GORDON WALLE, ORVILLE J. WILLIAMS & JEANNETTE L. WILLIAMS TO BE KNOWN TO BE THE INDIVIDUALS DESCRIBED IN AND WHO EXECUTED THE WITHIN AND FOREGOING INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME AS THEIR FREE AND VOLUNTARY ACT AND DEED FOR THE USES AND PURPOSES THEREIN MENTIONED. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

N. CARL NIELSEN NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES JULY 16, 1947

N. CARL NIELSEN
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
RESIDING AT BIG HARBOR

APPROVED THIS 24TH DAY OF SEPT. 1945.

LESTER M. COREY /s/
PIERCE COUNTY ROAD ENGINEER

APPROVED AS TO FORM THIS 26TH DAY OF SEPT. 1945.

P. D. BARLINE
DEPUTY PROSECUTING ATTORNEY

LESTER M. COREY PROFESSIONAL ENGINEER
REGISTERED
STATE OF WASHINGTON

I HEREBY CERTIFY THAT ALL TAXES HERETOFORE LEVIED AGAINST THE PROPERTY DESCRIBED HEREON, ACCORDING TO THE BOOKS AND RECORDS OF MY OFFICE HAVE BEEN PAID.
DATED THIS 31ST DAY OF DECEMBER 1945.

L. E. JOHNSON
PIERCE COUNTY TREASURER

APPROVED BY THE PIERCE COUNTY PLANNING COMMISSION THIS 6TH DAY OF OCTOBER, 1945.

C. A. PENNINGTON CHAIRMAN
G. E. MC MASTER PLANNING ENGINEER AND EXEC. SECRETARY

PIERCE COUNTY TREASURER
OFFICIAL SEAL
PIERCE COUNTY, WASHINGTON

FILED FOR RECORD THIS 5 DAY OF Dec 1946
AND RECORDED IN VOLUME 13 OF PLATS, PAGE 82, RECORDS OF PIERCE COUNTY, WASHINGTON.

J. E. Ford
PIERCE COUNTY AUDITOR

EXAMINED AND APPROVED THIS 15TH DAY OF JULY 1946.

R. F. GLEASON
HARVEY Q. SCOFIELD
PAUL NEWMAN
CHAIRMAN, BOARD OF PIERCE COUNTY COMMISSIONERS.

COMMISSIONERS COURT
PIERCE CO. WASHINGTON

For reference only, not for re-sale.

McDONALD-BINYON WATERFRONT TRACTS

DEDICATION

Know all men by these presents that we, the undersigned, James R. Binyon and Paula M. Binyon, husband and wife, Woodburn M. Donald and Mary A. M. Donald, husband and wife, Frank W. Thompson and Yolanda M. Thompson, husband and wife, Merle J. Burgess and Lillian I. Burgess, husband and wife, Margaret E. Sturgis, unmarried, G. E. Taft and Mary Ellen Taft, husband and wife and L. R. Conley, widower, owners in fee simple of the land hereby platted, hereby declare this plat "McDonald-Binyon Waterfront Tracts" and dedicate in the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the plat and the use thereof for any and all public purposes not inconsistent with the use thereof for public highway purposes.

We further certify that this land is free from all encumbrances.

In witness whereof: We have hereunto set our hands and seals.

Dated this 22nd day of Nov., A.D. 1941.

Dated this 10th day of Nov., A.D. 1941.

Woodburn M. Donald
Mary A. M. Donald
Frank W. Thompson
Yolanda M. Thompson

James R. Binyon
Paula M. Binyon

Dated this 22nd day of January, A.D. 1942.

Merle J. Burgess
Lillian I. Burgess
Margaret E. Sturgis

Dated this 24th day of March, A.D. 1942.

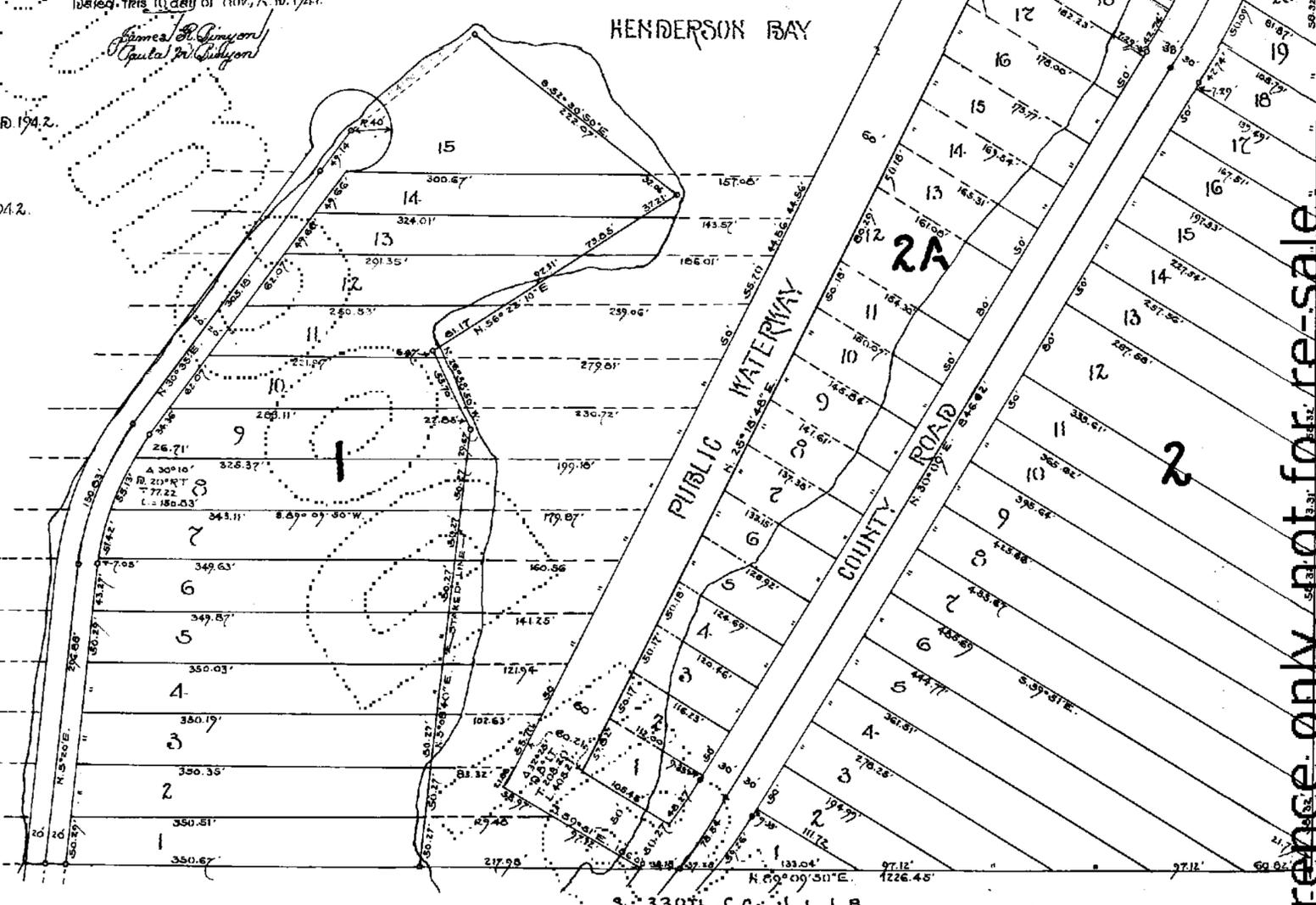
G. E. Taft
Mary Ellen Taft
L. R. Conley

DESCRIPTION

This plat comprises all of Gov't. Lot 8, Section 10, Township 21 North, Range 1 East, W.M. together with all fee lands fronting thereon, excepting the south 330' of said Lot 8.

Scale 1 inch = 100 feet.

HENDERSON BAY



ACKNOWLEDGMENT

State of Washington s.s.
 County of King

This is to certify that on the 10th day of Nov. A.D. 1941, before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, personally appeared James R. Binyon and Paula M. Binyon, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and seal this 10th day of Nov., A.D. 1941.

Virginia Scott
 Notary Public in and for the State of Washington, residing at Seattle



ACKNOWLEDGMENT

State of Washington s.s.
 County of Pierce

This is to certify that on the 22nd day of Nov., A.D. 1941, before me, the undersigned Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Woodburn M. Donald and Mary A. M. Donald, husband and wife, and Frank W. Thompson and Yolanda M. Thompson, husband and wife, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and seal this 22nd day of November A.D. 1941.

E. P. Moran
 Notary Public in and for the State of Washington, residing at Gig Harbor



ACKNOWLEDGMENT

State of Oregon s.s.
 County of Multnomah

This is to certify that on the 22nd day of January, A.D. 1942, before me, the undersigned Notary Public in and for the State of Oregon, duly commissioned and sworn, personally appeared Merle J. Burgess and Lillian I. Burgess, husband and wife, and Margaret E. Sturgis, unmarried, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and seal this 22nd day of January, A.D. 1942.

H. N. Burnside
 Notary Public in and for the State of Oregon, residing at Portland, Oregon. My Commission expires Mar 8, 1944



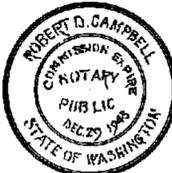
ACKNOWLEDGMENT

State of Wash
 County of Pierce

This is to certify that on the 24th day of March, A.D. 1942, before me, the undersigned Notary Public, in and for the State of Washington, duly commissioned and sworn, personally appeared G. E. Taft and Mary Ellen Taft, husband and wife, and L. R. Conley, a widower, to me known to be the individuals described in and who executed the foregoing instrument and acknowledged to me that they signed and sealed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and seal this 24th day of March, A.D. 1942.

Robert D. Campbell
 Notary Public in and for the State of Wash., residing at Puyallup, Wash.



APPROVED BY ME THIS 24th DAY OF May A.D. 1943.

Howell Johnson
 Prosecuting Atty.
 Pierce Co. Wash.
 By: *E. C. Peterson*
 Deputy Pros. Atty.

APPROVED BY THE PIERCE COUNTY WASH. PLANNING COMMISSION THIS 10th DAY OF May A.D. 1943.

Charles W. Johnson
 Chairman
W. H. Munsey
 Secretary

APPROVED BY THE BOARD OF COUNTY COMMISSIONERS THIS 1st DAY OF June A.D. 1943.

H. P. Johnson
 Chairman Bd. of Co. Comm.
 Pierce County Wash.

Harvey D. DeGoff
Charles W. Johnson



APPROVED BY ME THIS 10th DAY OF May A.D. 1943.

Lester M. Corey
 County Engineer
 Pierce County Wash.
 By: *C. J. James*
 Deputy County Engineer



I, PAUL NEWMAN, TREASURER OF PIERCE COUNTY, WASH. HEREBY CERTIFY THAT ALL TAXES ON THE ABOVE PROPERTY ARE FULLY PAID UP TO AND INCLUDING THE YEAR 1944.

Paul Newman
 Treasurer of Pierce Co.
 By: *L. P. Johnson*
 Deputy Treasurer

Indexed by *J* Compared by *M. N. & R. M.*

For reference only, not for re-sale

McDONALD-BINYON WATERFRONT TRACTS

PROTECTIVE COVENANTS

For amended Protective Covenants See Fee #1434061, Y-13, Page 85

These covenants are to run with the land and shall be binding on all parties and persons claiming over them until January 1st, 1962 at which time said covenants shall be automatically extended for successive periods of 10 years unless by vote of the majority of the then owners of the lots it is desired to change said covenants in whole or in part.

Invalidation of any one of these covenants by judgment or court order shall be in no wise effect any of the provisions which shall remain in full force and effect.

A. All lots in the tract shall be described as residential lots, except lots 1 to 21 inclusive, Block 2 which may be described as either residential or business lots.

No structure shall be erected, altered, placed or permitted to remain on any residential plot other than one detached single family dwelling not to exceed 2 1/2 stories in height and a private garage for not more than 2 cars.

B. No building shall be located nearer than 20 feet to the front lot line nor nearer than 5 feet to any side street line. No building except a detached garage or other outbuilding located 75 feet or more from the front lot line, shall be located nearer than 5 feet to any side lot line.

C. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 5000 square feet or a width of less than 50 feet at the front building setback line.

D. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

E. No trailer, basement tent, shack, garage, barn or other outbuilding erected in the tract shall at any time be used as a residence temporarily or permanently, nor shall any structure of a temporary character be used as a residence.

F. No persons of any race other than the White or Caucasian race shall use or occupy any building or any lot, except that this covenant shall not prevent occupancy by domestic servants of a different race domiciled with an owner or tenant.

G. That any dwelling or structure erected or placed on any lot in the subdivision shall be completed as to external appearance including finished painting within 6 months from date of commencement of construction and shall be connected to approved septic tank or public sewer.

Woodburn McDonald
Mary A. McDonald
John Binyon
Paula M. Binyon

STATE OF WASHINGTON } ss
COUNTY OF PIERCE }

This is to certify that on this 30th day of June 1942, personally appeared before me Woodburn McDonald & Mary A. McDonald to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



EP Moran
Notary Public in and for the State of Washington Residing at Gig Harbor, Washington

STATE OF WASHINGTON } ss
COUNTY OF KING }

This is to certify that on this 26th day of June 1942, personally appeared before me J. R. Binyon and Paula M. Binyon, his wife to me known to be the individuals described in and who executed the within and foregoing instrument and acknowledged to me that they executed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Ora F. Bishop
Notary Public in and for the State of Washington Residing at Seattle, Washington



Approved
John M. Atterson
Registered Civil Engineer



1322321

Filed and recorded at the request of Woodburn McDonald this 2nd day of June 1943 at 24 minutes past 2 o'clock P.M. and recorded in Volume 12, pages 62463 Record of Plats, Auditor's Office, Pierce County, Washington.

J. F. Ford
Auditor, Pierce County, Washington
By W. C. Spawning
Deputy