

When Recorded, Return to:

HILLIS CLARK MARTIN & PETERSON, P.S.
Attention: Steven R. Rovig
500 Galland Building
1221 Second Avenue
Seattle, WA 98101-2925

REVIEWED BY

KITTITAS COUNTY TREASURER

DEPUTY

DATE

R. Parkhurst
9/28/06

**NINTH SUPPLEMENT
TO
SECOND AMENDED AND RESTATED
COVENANT FOR COMMUNITY ENHANCEMENT
OF
SUNCADIA**

Grantor:	<u>SUNCADIA, LLC</u>
Grantee:	<u>PLATS OF SUNCADIA</u>
Legal Description (abbreviated):	<u>LOTS 1 AND 2 OF SURVEY RECORDED IN BOOK 30 OF SURVEYS, PAGES 104-107, RECORDS OF KITTITAS COUNTY, WASHINGTON</u>
☒ Additional on:	<u>EXHIBIT A</u>
Assessor's Tax Parcel ID #:	<u>20-15-18030-0002, 20-15-18030-0008, 20-14-13010-0002 20-14-13010-0004, 20-14-13000-0008, 20-15-18030-0009</u>
Reference Nos. of Documents Released or Assigned:	<u>200407200039, 200410080060 200410140004, 200505040004 200506220004, 200512070005 200604190031, 200607190004 200608020004</u>

THIS NINTH SUPPLEMENT TO SECOND AMENDED AND RESTATED COVENANT FOR COMMUNITY ENHANCEMENT OF SUNCADIA ("Ninth Supplement") is dated for reference purposes July 31, 2006 by **SUNCADIA, LLC**, a Delaware limited liability company ("Founder").

RECITALS

A. Founder is the Founder under The Second Amended and Restated Covenant for Community Enhancement of MountainStar Resort as recorded

under Kittitas County Recording No. 200407200039, as amended by a First Supplement recorded under Kittitas County Recording No. 200410080060, a Second Supplement recorded under Kittitas County Recording No. 200410140004, a Third Supplement recorded under Kittitas County Recording No. 200505040004, a Fourth Supplement recorded under Kittitas County Recording No. 200506220004, a Fifth Supplement recorded under Kittitas County Recording No. 200512070005, a Sixth Supplement recorded under Kittitas County Recording No. 200604190031, a Seventh Supplement recorded under Kittitas County Recording No. 200607190004, and an Eighth Supplement recorded under Kittitas County Recording No. 200608020004 (collectively, the "Covenant").

B. Pursuant to Article 8 of the Covenant, and for the period specified therein, the Founder may unilaterally amend the Covenant for any purpose, provided such amendment has no material adverse effect upon the title to real property subject to the Covenant without the consent of the affected Owner(s); and has no material adverse effect upon any right, privilege, or protection specifically granted to Owners hereunder without the consent of the affected Owner(s).

C. Accordingly, Declarant now desires to amend the Covenant to make that certain real propertied described in the attached **EXHIBIT A** ("Subject Property") subject to the Covenant.

NOW, THEREFORE, Founder does hereby declare and provide as follows:

1. **Definitions.** Except as otherwise specifically provided in this Ninth Supplement, capitalized terms used herein shall have the meanings set forth in the Covenant.

2. **Subject to Covenant.** The Subject Property shall be subject to the Covenant.

3. **Full Force and Effect.** Except as specifically modified herein, the Covenant shall remain in full force and effect.

EXECUTED as of the day and year first above written.

FOUNDER:

SUNCADIA, LLC,
a Delaware limited liability company

By: Easton Ridge Investors, LLC,
a Delaware limited liability company
Its Managing Member

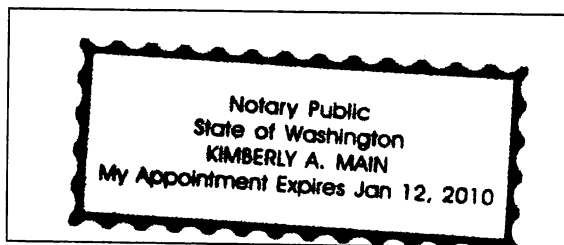
By William G. Hunt
Name: WILLIAM G. HUNT
Its: EV

By Gary A. Kittleson
Name: GARY A. KITTLESON
Its: VICE PRESIDENT

STATE OF WASHINGTON }
COUNTY OF KITTITAS } ss.

On this day personally appeared before me William G. Hunt and Gary A. Kittleson, to me known to be the Executive Vice President and Vice President, respectively, of Easton Ridge Investors, LLC, a Delaware limited liability company and Managing Member of SUNCADIA, LLC, a Delaware limited liability company, that executed the foregoing instrument, and acknowledged such instrument to be the free and voluntary act and deed of such limited liability company, for the uses and purposes therein mentioned, and on oath stated that they were duly authorized to execute such instrument.

GIVEN UNDER MY HAND AND OFFICIAL SEAL this 31st day of July, 2006.



Kimberly A. Main
Printed Name Kimberly A. Main
NOTARY PUBLIC in and for the State of Washington,
residing at Star Ronald
My Commission Expires Jan. 12, 2010

EXHIBIT A

ADDITIONAL PROPERTY

The following real property as shown on the plat of Suncadia Phase 2, Division 2, recorded in Kittitas County, Washington, Volume 10 of Plats, pages 170 through 183:

Units: Lots 1 through 61, inclusive

Note: For purposes of this Covenant, the above-described real property is designated as residential.