

1043914

ISSUE #1

Division 9, Plat of Wilderness as recorded in Volume 19 of Plats, Page 17, Thurston County, State of Washington;

Division 10, Plat of Wilderness as recorded in Volume 19 of Plats, Page 51, Thurston County, State of Washington;

Division 14, Plat of Wilderness as recorded in Volume 19 of Plats, Page 84, Thurston County, State of Washington;

And all future contiguous divisions of Plat of Wilderness.”

A. WILDERNESS PROPERTY OWNERS ASSOCIATION

Purchase of any lot within the Plat of Wilderness, as described herein, subjects the purchaser thereof to the supervision and control of WILDERNESS PROPERTY OWNERS ASSOCIATION, a Washington non-profit corporation. Purchase of any such lot constitutes membership in said corporation for the period of ownership of said lot. A copy of the Articles of Incorporation of said corporation is recorded herewith and by this reference made a part hereof.

B. RESIDENTIAL AREA COVENANTS

B-1 Land Use and Building Type

(a) General Restrictions

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single family dwelling and a private garage for not more than three cars; provided, that, the allowance of accessory buildings shall be at the sole discretion of the Architectural Control Committee. Buildings will not exceed two stories in height.

(b) Exceptions to General Restrictions

Notwithstanding the foregoing, all lots within Division 7, and Lot 108 within Division 8, shall be subject to the following land use and building type restrictions:

No lot shall be used except for residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than single family or duplex family dwellings, and a private garage for not more than two cars for each unit of duplex dwelling and not more than three cars for a single family dwelling. Buildings shall not exceed three stories in height; provided, however, that as regards Tract A and Lots 1 and 2 of Division 7, the restriction of a single family or duplex family dwelling shall not apply, and a higher density than duplex family dwellings shall be allowed.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Sec. 84 (p. 2): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under WA and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & RCW Ch. 64.90 (WUCIOA), RCW Ch. 64.38 (HOA Act) & WAC 308-124C (WA DOL Association Management Rules)

Statutory Comparison: Under RCW 64.38.028, 64.38.034; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by WA statute.

CURRENT WORDING IN DOCUMENT:

County, State of Washington; And all future contiguous divisions of Plat of Wilderness." A. WILDERNESS PROPERTY OWNERS ASSOCIATION Purchase of any lot within the Plat of Wilderness, as described herein, subjects the purchaser thereof to the supervision and control of WILDERNESS PROPERTY OWNERS ASSOCIATION, a Washington non-profit corporation. Purchase of any such lot constitutes membership in said corporation for the period of ownership of said lot. A copy of the Articles of Incorporation of said corporation is recorded herewith and b

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section 84 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with RCW 64.38.028, 64.38.034; 4 U.S.C. § 5.