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**SECOND AMENDMENT TO DECLARATION FOR  
BIRCH RUN SUBDIVISION**

Preamble

This amendment affects property previously dedicated as Birch Run Subdivision, by declaration recorded and amended as follows:

Item	Date of Recording	Book	Page
Declaration	September 25, 1996	2979	440
First Amendment-Addition No. 1	June 18, 1997	3080	47

Which Declaration and Amendment are hereinafter collectively referred to as "The Declaration." The Declaration restricted certain properties within the project known as Birch Run Subdivision.

This second declaration amendment seeks to accomplish the following four stated purposes:

1. Modify tree removal language to permit aesthetic/environmental justification for tree removal (with board approval),
2. Expand the board to accommodate up to five board members, with a more flexible election date ("within the month of October" rather than October 1<sup>st</sup>),
3. Establish an independent Architectural Control Committee following termination of developer control, and
4. Require that the Architectural Control Committee consult with adjacent Lot owners with respect to major changes in a neighboring Lot.

Amendment

Article III, Section 2 and Article III, Section 3 of to the Declaration are hereby repealed in their entirety and replaced with the following provisions:

## **Section 2. ARCHITECTURAL CONTROL COMMITTEE**

The Architectural Control Committee will consist of no less than three and no more than five members. Only owners of Lots on which a residence has been completed may hold a position on the Architectural Control Committee. The Vice President of Birch Run Subdivision will serve as one of the members of the Architectural Control Committee, and will chair the committee. Annual elections are required for the Architectural Control Committee-although the President of Birch Run Subdivision may appoint eligible members to fill open positions on the committee at any time. Committee members shall be elected by a simple majority election of eligible members at an annual meeting held in October.

## **Section 3. PROCEDURE**

The plans and specifications required to be submitted for approval hereunder shall be submitted to the project manager of record, or if none, then to the committee at the following address:

**Snow's Management, Inc.  
200 W. 34<sup>th</sup> Avenue, #966  
Anchorage, Alaska 99503**

Article III, Section 4 (d) is hereby added as a new section of the declaration stating as follows:

(d) Recognizing the maturing neighborhood, the Architectural Control Committee will review any request for major changes to a Lot with the owners of adjacent Lots-including but not limited to requests for fencing, construction of additions, and major upgrades to homes or landscaping.

Article VI, Section 9 is repealed in its entirety and replaced with the following provision:

## **Section 9. TREES**

No trees may be removed from the Lot without prior approval of the Architectural Control Committee. Trees may only be removed for approved construction, approved landscaping, environmental considerations (e.g. tree health), or when trees pose a danger to life or property. It is the intent of this



provision that all Owners shall do their utmost to maintain the trees and the natural surroundings of their respective Lots.

Article IV, Section 2 shall be repealed in its entirety and replaced with the following provision:

**Section 6. ANNUAL ELECTIONS**

The Board of Directors shall consist of no less than three and no more than five members. Only owners of Lots on which a residence has been completed may hold a Board position. Annual elections are required for the Board of Directors. Board members shall be elected by a simple majority election of eligible members at an annual meeting held in October.

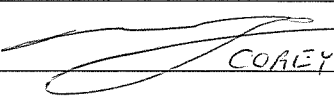
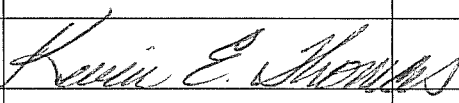
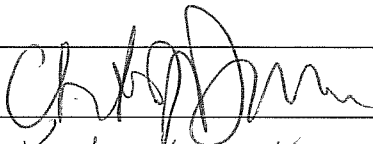

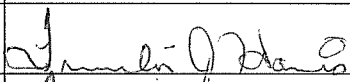
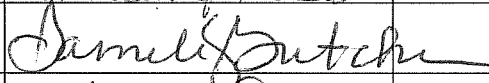
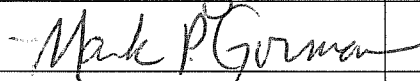
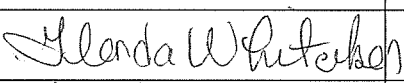
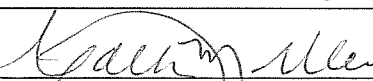
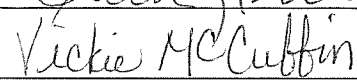
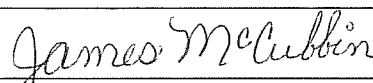
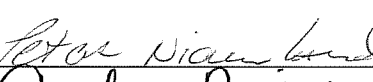
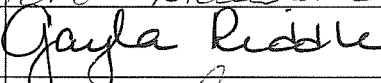

All remaining provisions of the Declaration shall remain in full force and effect. This amendment is hereby approved by the following owners of record:

Lot/Block	Owner's Signature	Co-Owner's Signature
1/1 Brower		Christ L. W. in
2/1 Heaton		
3/1	William W. Buesch	
4/1 Hoffman/Davis		
5/1 Hewitt		
6/1		
7/1 Smith	Mary Smith	
8/1 Guyer	Kori Guyer	
9/1 Oberg	Suzanne Oberg	
10/1 Fergeson	Karen Fergeson	AS Fer
11/1 Yi		
12/1 Broiles		
13/1 Corey		
Lot/Block	Owner's Signature	Co-Owner's Signature



9010  
r/home 9000  
n/home 9001

9015  
9031  
9045

14/1	Corey		
15/1	Kennedy		
16/1			
17/1	Abellera		
18/1			
19/1	Thomas		
20/1	Hall		
21/1			
22/1	GARBY		
23/1	Arndt		
24/1	Braun		
25/1	Harris		
26/1	Butcher		
27/1	Gorman		
1/2	Winton Aubert		
2/2	Liu		
3/2	Whitaker		
4/2	Miller Catherine		
5/2	McCubbin		
6/2	Mowland		
7/2	Riddle		
8/2	Carmichael		
Lot/Block		Owner's Signature	Co-Owner's Signature
9/2	Mottola		

4354

10/2	B McNeil	Brian McNeil	
11/2	Rygh		
12/2	Murphy	<i>[Signature]</i>	
13/2			

### Certification

The undersigned president of Birch Run Homeowners Association hereby certifies that this amendment was properly adopted in accordance with Article V, Section 1 of the Declaration, after approval by owners of a majority of forty recorded lots within the development as indicated by their signatures above. This amendment shall take effect immediately upon recording.

In witness whereof, the undersigned have caused this Second Amendment to Declaration to be executed this 7 day of August, 2006

BIRCH RUN HOMEOWNERS ASSOCIATION

By: Vickie McCubbin  
Its: President AK 0348524

State of Alaska )  
 ) ss.  
Third Judicial District )

THIS IS TO CERTIFY that the foregoing instrument was acknowledged before me on this 7 day of August, 2006 by, Vickie McCubbin, the president of Birch Run Homeowners Association, an Alaska corporation, on behalf of the corporation.

WITNESS my hand and notarial seal the day and year first hereinabove written.

*[Signature]*  
NOTARY PUBLIC in and for Alaska  
My Commission Expires: \_\_\_\_\_

After Recording Return to:  
Osowski Law Offices, LLC  
Shane J. Osowski  
729 N Street  
Anchorage, AK 99501

