

DECLARATION OF COVENANTS AND RESTRICTIONS

FOR THE

Mox Chehalis, LLC Property in Westport, WA

THIS DECLARATION made this 7th day of December, 2010,
by James Daly, 29308 132nd Ave. SE, Auburn, WA 98092 ("Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein as the "Property", and desires to create and preserve thereon wetlands and forested habitat to be maintained in accordance with the provisions made between the declarant and the Department of Ecology (DOE) and the U.S. Army Corps of Engineers (USACE) for project bearing the Revised Shoreline Management Permit #2007-SW-02407-A and USACE Reference Number 200301009 ("Departments");
2. WHEREAS, Declarant desires to provide for the preservation and creation of the wetland values and preservation of forested habitat of the Property and for the maintenance and management of the Property and improvements thereon, and to this end desires to subject the Property to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of the Property.



NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE 1 DEFINITIONS

1.1 "Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

1.2 "Declarant" shall mean and refer to James Daly, his successors or assigns.

1.3 "Permit" shall mean the final document approved by the Departments that formally establish the wetland mitigation and forested habitat preservation areas and stipulates the terms and conditions of its construction, operation and long-term management.

1.4 "Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibits "A" and "B" as 114.44 acres total consisting of 107 acres of preservation and 7.44 acres of wetland creation.

ARTICLE 2 PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located within the City limits of Westport, and within Grays Harbor County, Washington, and further located in a portion of Sections 1 and 2 of Township 16 North, Range 12 West, W.M., bordered by the Pacific Ocean to the West, Half Moon Bay and Jetty Access Road to the North, Washington State Park's property to the south and Forrest Avenue to the East. The 114.44 acre Property (conservation area) consists of:

- **7.44 acres of wetland creation** onsite between the fairways and within the historic location of "Radar Road".
- **107 acres of preservation** onsite (94 acres of forested wetland and 13 acres of forested uplands outside of the active golf course) as depicted on the attached "Exhibit B".

Further, the Property identified by this declaration is located within a 350 acre property owned by Mox Chehalis, LLC and is defined as depicted in "Exhibits A and B".

ARTICLE 3

GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the site for the purposes of golf course development and wetland mitigation. Current management is in accordance with USACE Reference Number 200301009. This declaration also applies to any future changes in use of the property.

ARTICLE 4

USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The areas identified as Property shall be managed for wetland mitigation and forested habitat preservation purposes in accordance with the agreement identified under the DOE Revised Shoreline Management Permit #2007-SW-02407-A and the USACE Reference Number 200301009. Declarant and all future owners and users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Property.

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Property except for maintenance activities and activities designed to achieve mitigation performance standards as detailed in the mitigation plan approved under the DOE Revised Shoreline Management Permit #2007-SW-02407-A nor any disturbance or change in the natural habitat of the Property.
2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Property; nor shall any right of passage across or upon the Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
3. No domestic animals shall be allowed on the Property except for properly controlled service animals as needed by persons with disabilities.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes,

trash, garbage, or of any other material, and no changing of the topography of the land of the Property in any manner.

5. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Property.

ARTICLE 5

RESOLUTION OF DOCUMENT CONFLICTS

Any conflict between this Declaration and the agreement identified under the DOE Revised Shoreline Management Permit #2007-SW-02407-A and USACE Reference Number 200301009 shall be resolved jointly by the parties.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this 6th day of December, 2010.

JD Financial Corp. (land owner)
Grays Harbor County, Washington

By: [Signature]

Title: President

STATE OF WASHINGTON)

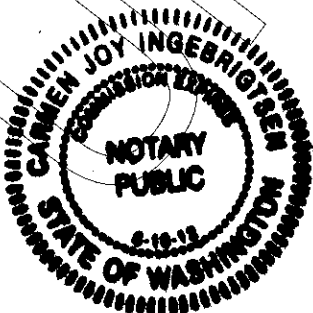
County of King)

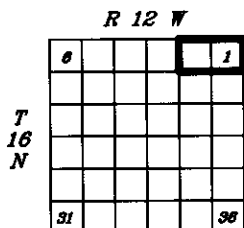
ss:

This instrument was acknowledged before me on December 7th, 2010 (date) by James Daly as President of JD Financial Corp., Grays Harbor County, Westport, Washington.

[Signature]
Signature of Notarial Officer

My Commission Expires: 06/10/2012



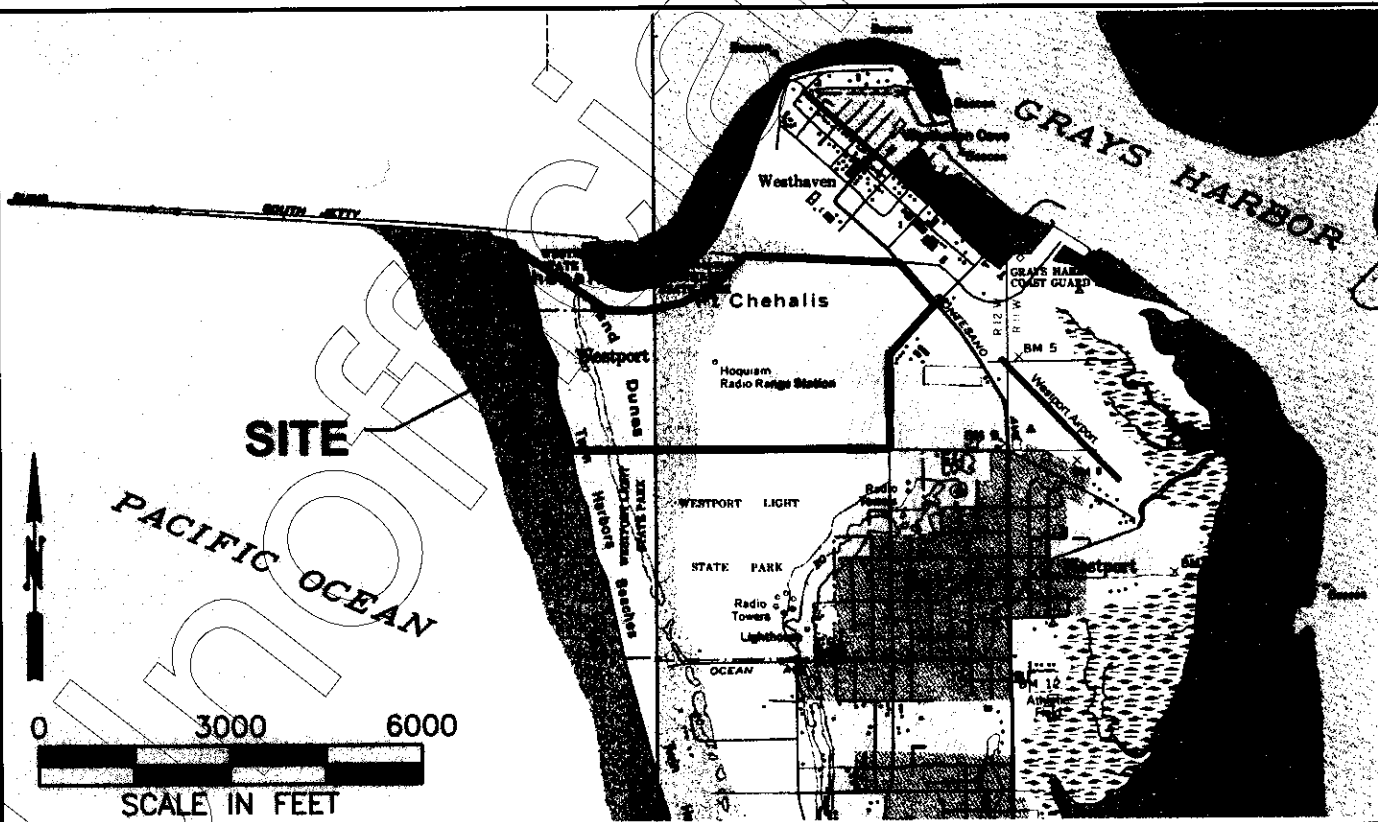


SITE

PROJECT VICINITY MAP

NOTE:

USGS topographic quadrangle map reproduced using MAPTECH Inc., Terrain Navigator Pro software.

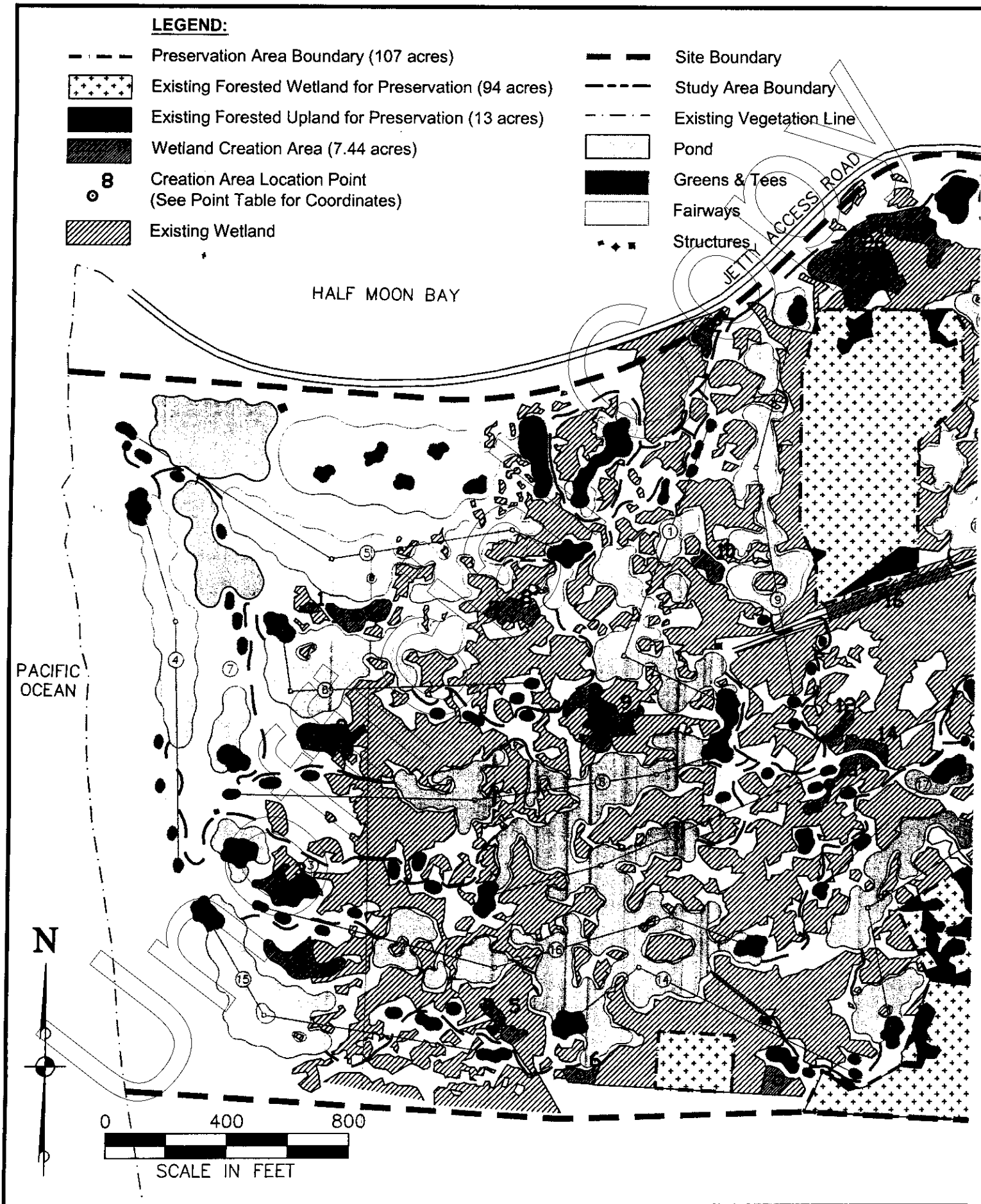


ECOLOGICAL LAND SERVICES, INC.

1157 3rd Ave., Suite 220 Longview, WA 98632
(360) 578-1371 Fax: (360) 414-9305

DATE: 12/10/10
DWN: MMM
REQ. BY: FN
PRJ. MGR: FN
CHK: MMM
APPR:
PROJ.#: 1532.01

EXHIBIT A
Links at Half Moon Bay
Mox Chehalis, LLC
Grays Harbor County, Washington
Sections 1 & 2, Township 16N, Range 12W, W.M.

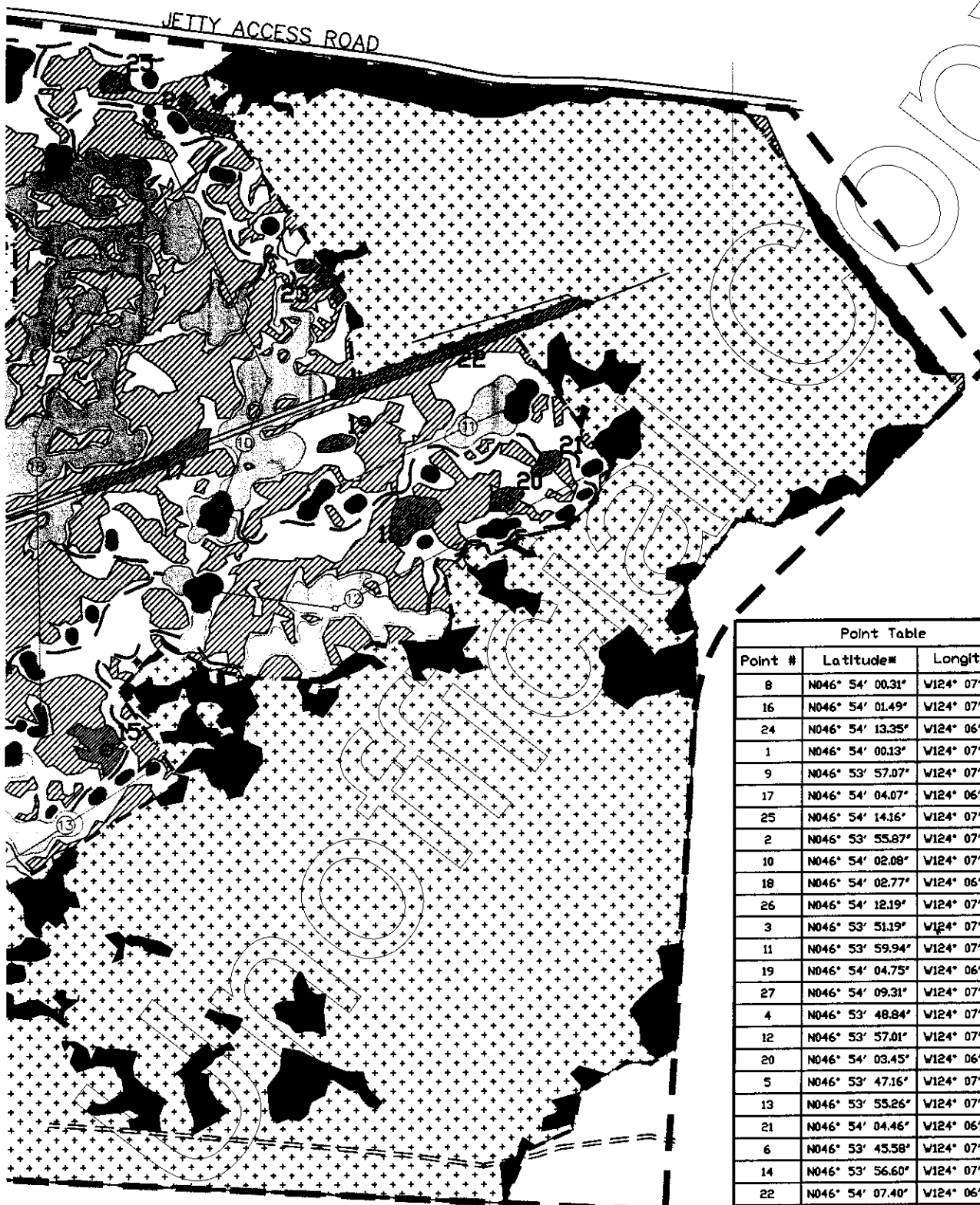


NOTES:

1. Base map provided by HDR One Company, June, 2007.
2. Site boundary size and location are approximate.

- ① Hole Number & Centerline
 --- Golf Cart Trail
 - - - Golf Cart Bridge Crossing

JETTY ACCESS ROAD



Point Table

Point #	Latitude*	Longitude*
8	N046° 54' 00.31"	W124° 07' 26.14"
16	N046° 54' 01.49"	W124° 07' 08.67"
24	N046° 54' 13.35"	W124° 06' 58.47"
1	N046° 54' 00.13"	W124° 07' 35.74"
9	N046° 53' 57.07"	W124° 07' 21.17"
17	N046° 54' 04.07"	W124° 06' 59.30"
25	N046° 54' 14.16"	W124° 07' 02.01"
2	N046° 53' 55.87"	W124° 07' 34.53"
10	N046° 54' 02.08"	W124° 07' 17.00"
18	N046° 54' 02.77"	W124° 06' 49.37"
26	N046° 54' 12.19"	W124° 07' 11.00"
3	N046° 53' 51.19"	W124° 07' 36.07"
11	N046° 53' 59.94"	W124° 07' 33.35"
19	N046° 54' 04.75"	W124° 06' 52.49"
27	N046° 54' 09.31"	W124° 07' 17.93"
4	N046° 53' 48.84"	W124° 07' 35.54"
12	N046° 53' 57.01"	W124° 07' 10.38"
20	N046° 54' 03.45"	W124° 06' 45.74"
5	N046° 53' 47.16"	W124° 07' 25.58"
13	N046° 53' 55.26"	W124° 07' 10.69"
21	N046° 54' 04.46"	W124° 06' 44.12"
6	N046° 53' 45.58"	W124° 07' 21.64"
14	N046° 53' 56.60"	W124° 07' 08.87"
22	N046° 54' 07.40"	W124° 06' 47.99"
7	N046° 53' 45.70"	W124° 07' 12.27"
15	N046° 53' 56.31"	W124° 07' 00.98"
23	N046° 54' 09.04"	W124° 06' 53.17"

*NAD 27 Washington State
 Planes South Zone US Foot

EXHIBIT B

Links at Half Moon Bay
 Mox Chehalis, LLC

Grays Harbor County, Washington
 Sections 1 & 2, Township 16N, Range 12W, W.M.

DATE: 12/10/10
 DWN: JKJ/BCB
 REQ. BY: FN
 PRJ. MGR: FN
 CHK: MMM
 APPR:
 PROJ#: 1532.02

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