

After recording return to:
Ken Brinich
Brinich & Bertalan, LLP
250 NW Franklin, Suite 101
Bend, OR 97703

Deschutes County Official Records	2022-16563
D-CCRR	
Stn=1 BN	04/21/2022 11:33 AM
\$10.00 \$11.00 \$10.00 \$61.00 \$6.00	\$98.00
I, Steve Dennison, County Clerk for Deschutes County, Oregon, certify that the instrument identified herein was recorded in the Official Records.	
Steve Dennison - County Clerk	

DECLARATION TERMINATING ASSESSMENT

Parties: **Aspen Dr, LLC**, an Oregon limited liability company ("Lot Owner")
PO Box 65
Beaverton, OR 97075

Elle Belle Bend, LLC, a Delaware limited liability company (Facility Owner)

Real Property: Romaine Village Unit 4, Block 7, Lot 9 Deschutes County, OR (the "Lot"),
Commonly known as 60932 Aspen Dr., Bend, OR 97702

Recitals:

1. Section 23 of the Romaine Village Unit 4 Protective Restrictions, recorded at Deschutes County Recorders Office Vol 194 Page 689 (the "Restrictions") encumber the Lot with the obligation to pay the Facility Owner an assessment (the "Assessment") for the "... maintenance, repair, remodeling, insurance, taxes and overhead costs of operation of all recreational facilities."
2. Section 17 of the Restrictions authorize lot owners to amend the Restrictions 25 years after recording, and thereafter lot owners may amend the Restrictions every 10 years. The Restrictions were recorded on April 16, 1973. The first opportunity to amend the Restrictions was April 15, 1998. The next opportunities to amend were April 15, 2008 and April 15, 2018. Those opportunities to amend the Restrictions passed without amendment. The next opportunity is April 15, 2028.
3. On January 19, 2021 an amendment was recorded at Deschutes County Official Records document number 2021-03777 (the "Amendment") purporting to terminate the Assessment.

Declaration Agreement: The undersigned Lot Owner and Facility Owner declare and agree as follows:

1. The Recitals above are incorporated herein.
2. Lot Owner represents and warrants that he is authorized to enter into this Declaration Terminating Assessment ("Declaration").
3. Notwithstanding the Amendment, Lot Owner ratifies and affirms Restriction Sections 23, 24 and 25 each of which continue to encumber the Lot. Lot Owner will immediately bring past due assessment obligations current, and Lot Owner or his successor shall continue to pay the Assessment through April 15, 2028.
4. If Assessments are paid in full through April 15, 2028, Assessments shall no longer accrue and the Facility Owner and the Lot Owner shall mutually release each other and

- the Lot from future assessment obligations accruing after April 15, 2028, and the Facility Owner shall no longer provide Facility access to Lot Owner.
5. This Declaration runs with and is appurtenant to the Lot, and is binding upon the Lot Owner and Facility Owner and their heirs, assigns, and successors.
 6. The undersigned have participated jointly in the negotiation and drafting of this Declaration; if any ambiguity or question of intent or interpretation arises, this Declaration will be construed as if drafted jointly by the undersigned, and no presumption or burden of proof will arise favoring or disfavoring the Lot Owner or the Facility Owner by virtue of the authorship of any provision of this Declaration.

Lot Owner:
Aspen Dr LLC

By: Kathy Dee Gibbens 4-8-2022
Kathy Dee Gibbens, Member DATE

BRAD R. STAGER

Facility Owner:
Elle Belle Bend, LLC, a Delaware limited liability company

By: Philip Hoon 4/7/22
Philip Hoon, Member DATE



State of Oregon
County of Deschutes

This instrument was acknowledged before me on April 8th, 2022, by Kathy Dee Gibbens, Member of Aspen Dr LLC.

Brick in
Notary Public for Oregon
My commission expires: 10-16-2023

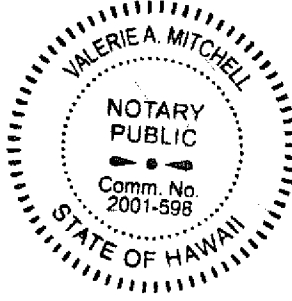
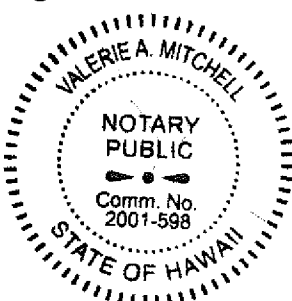
State of Hawaii
City of Honolulu

This instrument was acknowledged before me on April 7, 2022, by Philip Hoon as a member of Elle Belle Bend, LLC.

Valerie A. Mitchell
Notary Public for California
My commission expires: 12/23/2025

Valerie A. Mitchell
Notary Public, State of Hawaii
My commission expires 12/23/25

Page 2, Declaration Terminating Assessment



Doc. Date: Undated # Pages: 2
Name: Valerie A. Mitchell First Circuit
Doc. Description: Declaration
terminating 4353 sq ft
4072022
Notary Signature _____ Date _____
NOTARY CERTIFICATION