

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-34635



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SUPPLEMENTAL DECLARATION – STAGE 2

OF

AQUILA LODGES AT SUNRIVER CONDOMINIUM

Dated: April 14, 2003

Declarant: SUN EAGLE PROPERTIES, LLC,
An Oregon Limited Liability Company

*Send to Sun Eagle Properties LLC
Attn: Beverly Shearer, mgr
55325 Big River Dr
Bend, OR 97707*

**SUPPLEMENTAL DECLARATION – STAGE 2
OF
AQUILA LODGES AT SUNRIVER CONDOMINIUM**

MADE PURSUANT TO THE OREGON CONDOMINIUM ACT

This Supplemental Declaration of Aquila Lodges At Sunriver Condominium, to be effective upon its recording in the deed records of Deschutes County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed this 14 day of April, 2003, by Sun Eagle Properties, LLC, an Oregon limited liability company (“**Declarant**”).

Recitals, Intent, and Purpose

A. Declarant previously executed that certain Declaration of Aquila Lodges At Sunriver Condominium dated August 29, 2002, and recorded on August 30, 2002, at Volume 2002, Page 47519, Deschutes County Records (the “**Original Declaration**”). The Original Declaration provided for the inclusion in Aquila Lodges At Sunriver Condominium of certain variable property, consisting of that variable property legally described on the attached Exhibit E (the “**Variable Property**”). Declarant has the right, pursuant to Section 13 of the Original Declaration, to reclassify the Variable Property by recordation of a supplemental declaration and plat.

B. Declarant now desires to reclassify the Variable Property as Units and Common Elements (as such terms are defined in the Original Declaration) on the terms and conditions contained in this Supplemental Declaration.

C. The Bylaws for Aquila Lodges At Sunriver Condominium Association, Inc., were recorded on August 30, 2002, at Volume 2002, Page 47519.

D. Except to the extent modified by this Supplemental Declaration, all of the terms, definitions, and conditions of the Original Declaration shall remain in full force and effect, and shall be interpreted consistently herewith.

Declaration

Declarant hereby supplements the Original Declaration by declaring on behalf of itself, its successors, grantees, and assigns, as well as to any and all persons having, acquiring, or seeking to have or acquire any interest of any nature whatsoever in and to any part of the Condominium Property as follows:

1. Definitions and Interpretation.

1.1 Definitions. The following definitions shall be modified from and added to those in the Original Declaration:

1.1.5 Common Elements shall mean all those portions of the Condominium exclusive of the Units.

1.1.6 Condominium shall mean the Property submitted to the condominium form of ownership by the Original Declaration and the Supplemental Declaration.

1.1.7 Declaration shall mean the Original Declaration, this Supplemental Declaration and any amendments and supplements thereto.

1.1.13 Owner shall mean the owner or owners (including an individual, co-owners, trust or entity) of a Unit, but does not include a Mortgagee unless in possession of a Unit.

1.1.15 Property shall mean the property submitted to the Act, as described in the Declaration and the Supplemental Declaration.

1.1.19 Supplemental Declaration shall mean this Supplemental Declaration.

2. Variable Property Reclassified. The Variable Property hereby reclassified pursuant to the provisions of the Act is the land owned in fee simple by Declarant and legally described on the attached Exhibit E, together with all easements, rights, and appurtenances belonging thereto and all improvements now existing or hereafter constructed on such land.

3. Units.

3.1 General Description of Buildings. The Variable Property hereby reclassified includes five buildings, each of which consists of two Units. The Units are situated on a generally level site. The Units are of wood construction with two stories. The roofs of Units are of 40-year composition shingle construction.

3.2 General Description, Location, and Designation of Units. The approximate area, dimensions, designation, and location of the Units are shown on the Plans.

3.3 Boundaries of Units. Each Unit shall be bounded by the exterior surfaces of its roof (including any portions of the roof that overhang the perimeter walls), the exterior surfaces on three sides of the building with which it shares a Unit, the interior on the fourth side constituting the demising wall separating it from such Unit, exterior windows and doors, the exterior surface of the foundation, and any air space encompassed within the foregoing.

Exterior lighting fixtures that are attached to the Unit structure shall form a part of the Unit.

All outlets of utility service lines, including, but not limited to, power, light, gas, hot and cold water, and waste disposal, within the boundaries of the Unit shall form a part of the Unit.

In interpreting deeds, Mortgages, and other instruments for any purpose whatsoever in connection with a Unit, the existing physical boundaries of a Unit constructed in substantial accordance with the Plans shall be conclusively presumed to be the boundaries regardless of settling, rising, or lateral movement of the building in which the Unit is located.

3.4 Unit Designation and Areas of Units. With respect to all Units in the Condominium, the Unit designation and the area of each Unit in square feet is set forth on the attached Exhibit F and in the Plans.

5. Owner's Interest in Common Elements. Each Owner shall be entitled to an undivided 5.55% percentage ownership interest in the Common Elements. The percentage ownership of each Unit in the Common Elements is set forth on the attached Exhibit F.

29. General Provisions.

29.8 Additional Exhibits. Exhibits E and F are incorporated herein by reference.

IN WITNESS WHEREOF, Declarant has caused this Supplemental Declaration to be executed this 14 day of April, 2003.

DECLARANT:

Sun Eagle Properties, LLC

By: 
Beverly Sherrer, Manager

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 14 day of April, 2003, by Beverly Sherrer, who is the Manager of Sun Eagle Properties, LLC, on behalf of the limited liability company.



Jennifer Harrison
Notary Public for Oregon
My Commission expires: 11/13/05

Scott Taylor, by Debra Taylor
County Assessor, Deschutes County

Maureen
County Tax Collector, Deschutes County

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 20th day of May, 2003, and in accordance with ORS 100.110(7), this approval shall automatically expire if this Supplemental Declaration is not recorded within two (2) years from this date.

Scott W. Taylor, Real Estate Commissioner

By: Brian DeMarco
Brian DeMarco

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 14 day of April, 2003, by Beverly Sherrer, who is the Manager of Sun Eagle Properties, LLC, on behalf of the limited liability company.



Jennifer Harrison

Notary Public for Oregon
My Commission expires: 11/13/05

Scott Taylor, by *Jennifer Harrison*

County Assessor, Deschutes County

Maureen

County Tax Collector, Deschutes County

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 20th day of May, 2003, and in accordance with ORS 100.110(7), this approval shall automatically expire if this Supplemental Declaration is not recorded within two (2) years from this date.

Scott W. Taylor, Real Estate Commissioner

By: *Brian DeMarco*

Brian DeMarco



EXHIBIT E

SUPPLEMENTAL DECLARATION

AQUILA LODGES AT SUNRIVER CONDOMINIUM

Legal Description of Property Reclassified by Supplemental Declaration

Tract A:

A Parcel located in the Northwest 1/4 of Section 32 of Township 19 South and Range 11 East of the Willamette Meridian, Deschutes County, Oregon, as shown on the attached map and fully described as follows:

Commencing at a 5/8" iron rod with a yellow plastic cap marked "D.E.A. INC." at the southwest corner of Parcel 3 in MLP-79-27, the Initial Point for the plat of **QUELAH ESTATES** and this subdivision; thence South $74^{\circ}57'47''$ East 265.86 feet along the northerly boundary of said plat to a 5/8" iron rod; thence leaving said boundary, North $19^{\circ}07'01''$ East 26.70 feet to a 5/8" iron rod at the point of beginning on the easterly boundary of the plat of **AQUILA LODGES AT SUNRIVER CONDOMINIUM**; thence leaving said easterly boundary, North $69^{\circ}23'01''$ West 21.78 feet to a 5/8" iron rod; thence 47.16 feet along the arc of a 163.15 foot radius curve right (the long chord of which bears North $61^{\circ}06'08''$ West 47.00 feet) to a 5/8" iron rod; thence 115.60 feet along the arc of a 75.00 foot radius curve right (the long chord of which bears North $08^{\circ}39'50''$ West 104.49 feet) to a 5/8" iron rod; thence North $35^{\circ}29'36''$ East 83.39 feet to a 5/8" iron rod; thence 64.38 feet along the arc of a 70.00 foot radius curve left (the long chord of which bears North $09^{\circ}08'49''$ East 62.13 feet) to a 5/8" iron rod; thence 62.99 feet along the arc of a 45.00 foot radius curve right (the long chord of which bears North $22^{\circ}53'54''$ East 57.97 feet) to a 5/8" iron rod; thence North $62^{\circ}59'46''$ East 26.84 feet to a 5/8" iron rod; thence 20.12 feet along the arc of a 20.00 foot radius curve right (the long chord of which bears South $88^{\circ}11'08''$ East 19.28 feet) to a 5/8" iron rod; thence 71.76 feet along the arc of a 40.50 foot radius curve left (the long chord of which bears North $69^{\circ}52'35''$ East 62.73 feet) to a 5/8" iron rod; thence South $70^{\circ}52'48''$ East 14.62 feet to a 5/8" iron rod on said easterly boundary of said plat; thence South $19^{\circ}07'01''$ West 364.81 feet to the point of beginning. Contains 34,053 square feet.

Tract B:

A Parcel located in the Northwest 1/4 of Section 32 of Township 19 South and Range 11 East of the Willamette Meridian, Deschutes County, Oregon, as shown on the attached map and fully described as follows:

Beginning at a 5/8" iron rod with a yellow plastic cap marked "D.E.A. INC." at the southwest corner of Parcel 3 in MLP-79-27, the Initial Point for the plat of **QUELAH ESTATES** and this subdivision; thence North 15°29'49" East 174.09 feet, along the boundary of said plat of **QUELAH ESTATES**, to a 5/8" iron rod; thence leaving said plat boundary, South 85°09'16" East 163.39 feet to a 5/8" iron rod; thence South 35°29'36" West 64.37 feet to a 5/8" iron rod; thence 146.43 feet along the arc of a 95.00 foot radius curve left (the long chord of which bears South 08°39'50" East 132.36 feet) to a 5/8" iron rod; thence 52.94 feet along the arc of a 183.15 foot radius curve left (the long chord of which bears South 61°06'08" East 52.76 feet) to a 5/8" iron rod; thence South 69°23'01" East 22.31 feet to a 5/8" iron rod; thence South 19°07'01" West 6.69 feet to a 5/8" iron rod on the southerly boundary of said Parcel 3; thence North 74°57'47" West 265.86 feet to the point of beginning. Contains 29,353 square feet.

EXHIBIT F

**SUPPLEMENTAL DECLARATION
OF
AQUILA LODGES AT SUNRIVER CONDOMINIUM**

**Unit Designation, Area in Square Feet,
and Undivided Interests in Common Elements**

Unit Number	Approximate Area* (In square feet)	Percentage of Ownership in Common Elements
1	2,367	5.55%
2	2,367	5.55%
3	2,351	5.55%
4	2,351	5.55%
5	2,645	5.55%
6	2,625	5.55%
7	2,636	5.55%
8	2,659	5.55%
9	2,658	5.55%
10	2,661	5.55%
11	2,350	5.55%
12	2,639	5.55%
13	2,327	5.55%
14	2,633	5.55%
15	2,339	5.55%
16	2,339	5.55%
17	2,339	5.55%
18	2,339	5.55%
TOTALS	44,625	100% **

* The stated area includes garage space.

** The stated percentage ownerships total 99.9%; the extra .1% shall be owned in equal shares by all Units.