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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2009-10329



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03/13/2009 11:51:18 AM

D-CCR Cnt=1 Str=1 BN
\$20.00 \$11.00 \$10.00 \$5.00

After Recording, Return To:

Brookwood - Bend, LLC
Attention: George A. Morris
P.O. Box 10638

Eugene, Oregon 97440

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**FIRST DECLARATION OF ANNEXATION OF
REAL PROPERTY TO DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS AND RESTRICTIONS FOR ASPEN RIM
(NOW KNOWN AS RENAISSANCE RIDGE)**

THIS FIRST DECLARATION OF ANNEXATION (this "Declaration of Annexation") is made effective as of the date it is recorded in the Official Records of Deschutes County, Oregon, by BROOKSWOOD - BEND, LLC, an Oregon limited liability company ("Brookwood").

RECITALS:

WHEREAS, Brookwood is the current holder of all "Declarant" rights under that certain Declaration of Protective Covenants, Conditions and Restrictions for Aspen Rim recorded on September 16, 2005 as Document Number 2005-62428, as amended by First Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Aspen Rim recorded on March 21, 2006 as Document Number 2006-19368, as further amended by Second Amendment to Declaration of Protective Covenants, Conditions and Restrictions for Aspen Rim and Bylaws of Aspen Rim Owners Association recorded on June 26, 2006 as Document Number 2006-43754, all recorded in the Official Records of Deschutes County, Oregon (collectively, the "Declaration"); and

WHEREAS, Brookwood desires to annex the real property described on attached Exhibit A (the "Phase 2 Lots") into the residential planned community now known as *Renaissance Ridge* (and formerly known as *Aspen Rim*) and to make such Phase 2 Lots subject to the terms of the Declaration.

DECLARATION:

NOW, THEREFORE, Brookwood hereby declares the following pursuant to its reserved rights under Section 2.2 of the Declaration:

1. Annexation.

1.1 The Phase 2 Lots are hereby annexed into the residential planned community now known as *Renaissance Ridge* and made subject to all of the terms of the Declaration (except as modified in this Section 1) and to the jurisdiction of the Association. The

Phase 2 Lots shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration (except as modified in this Section 1).

1.2 The Phase 2 Lots are comprised of Lots 156 through 210, which shall be considered "Lots" as defined in the Declaration.

1.3 Each Lot comprising the Phase 2 Lots is entitled to the voting rights set forth in Section 8.3 of the Declaration.

1.4 The Association shall not perform front yard maintenance on any of the Lots comprising the Phase 2 Lots, and none of the Lots in the Phase 2 Lots shall be assessed by the Association for the cost of maintaining the front yards of any Lots within Renaissance Ridge. The Owner of each of Lot in the Phase 2 Lots shall be responsible for maintaining his/her/their own front yard pursuant to the standards set forth in Section 9.5 of the Declaration.

1.5 Brookswood hereby assigns to Hayden Homes, LLC the non-exclusive right to exercise all rights of the "Declarant" under Declaration that are necessary or useful in connection with (a) constructing Living Units on Lots and (b) marketing and selling the completed Living Units and accompanying Lots. Such "Declarant" rights include, but are not limited to, (i) use of the easements reserved in Section 4.5 of the Declaration, (ii) use of the temporary easements reserved in Section 5.2(d) of the Declaration, (iii) exemption from having its building plans reviewed by the Architectural Review Committee pursuant to Section 7.1 of the Declaration, (iv) relief from assessments until a certificate of occupancy is issued pursuant to Section 10.2(a) of the Declaration, and (v) relief from Working Fund Assessments pursuant to Section 10.8 of the Declaration.

2. Miscellaneous.

2.1 All capitalized terms not defined in this Declaration of Annexation shall have the meaning ascribed to such terms in the Declaration.

2.2 The effective date of this Declaration of Annexation shall be the date on which it is filed in the real estate records of Deschutes County, Oregon.

2.3 In the event of a conflict between the terms of the Declaration and the terms of this Declaration of Annexation, the terms of this Declaration of Annexation shall prevail with respect to the Phase 2 Lots.

[Signature appears on the following page]

IN WITNESS WHEREOF, Brookswood has executed and delivered this Declaration of Annexation as of the day and year first above written.

BROOKSWOOD:

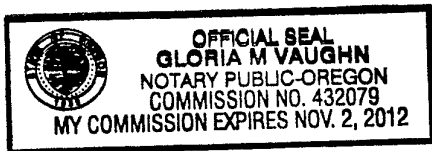
BROOKSWOOD - BEND, LLC, an Oregon limited liability company

By: WJ Bernards
Name: Bill Bernards
Title: Manager

ACKNOWLEDGMENT

STATE OF OREGON)
)
County of Lane)

This instrument was acknowledged before me on 10th day of MARCH 2009, by William J. Bernards, the MANAGER of BROOKSWOOD - BEND, LLC, an Oregon limited liability company, on behalf of the company.



Gloria M. Vaughn
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/2/12

EXHIBIT A

LEGAL DESCRIPTION OF THE PHASE 2 LOTS

Real property situated in the County of Deschutes, State of Oregon, described as follows:

Lots 156 through 210, as shown on the plat of Aspen Rim No. 2, recorded on June 28, 2007 as Document Number 2007-36286 in the Official Records of Deschutes County, Oregon.