



DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2005-39776

AFTER RECORDING, RETURN TO:

Hayden Enterprises, Inc.
2464 SW Glacier Pl., Suite 110
Redmond, OR 97756



\$41.00

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**DECLARATION OF ANNEXATION TO
PARKWOOD TOWNHOMES
(Commonly Referred to as Phase 5)**

THIS DECLARATION OF ANNEXATION TO PARKWOOD TOWNHOMES (commonly referred to as Phase 5) is made as of this 24 day of JUNE, 2005, by MOUNTAIN CREST HOMES, LLC, an Oregon limited liability company ("Successor Declarant").

Recitals

A. Successor Declarant is the successor to the original Declarant under the Declaration of Covenants, Conditions and Restrictions for Parkwood Townhomes recorded May 30, 2000 in the Records of Deschutes County, Oregon, at Volume 2000, Page 21426 (the "Declaration").

B. Successor Declarant owns additional Property as described below and wishes to annex said Property to the Parkwood Townhomes, pursuant to Section 3.1 of the Declaration, and which is commonly referred to as Phase 5, and subject said property to the Declaration.

NOW, THEREFORE, Successor Declarant hereby declares as follows:

1. **PROPERTY ANNEXED.** Successor Declarant hereby declares that all of the property described below (the "Additional Property") shall be annexed to Parkwood Townhomes and the Declaration, and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration, and any recorded Amendments thereto:

All real property within that certain plat entitled "The Bluffs, Phase 5, filed in the Plat Records of Deschutes County, Oregon, and recorded as Document No. 2005-39774 .

AmeriTitle

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2. LAND CLASSIFICATIONS. . All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:

(a) Building Lots, which shall consist of Lots 1 through 8, as shown on the Plat of the Additional Property.

(b) Common Area Tracts, which shall be Tracts B and C as shown on the Plat.

(c) Tracts A and N, as shown on the Plat, to be maintained by the River Bend Master Association, Inc.

3. ADDITIONAL DECLARATION PROVISIONS APPLICABLE TO PHASE 5.

(a) All exterior lighting in Phase 5 of Parkwood Townhomes shall be shielded downward.

(b) The term "Neighborhood" shall have the following definition as specifically related to Phase 5: two or more Building Lots and Building Structures ("Units") which share interests other than those common to all members of the Association. By way of illustration and not limitation, a townhome development, cluster home development, or single-family detached housing development might each be designated as separate Neighborhoods, or a Neighborhood may be comprised of more than one housing type with other features in common.

(c) The term "Neighborhood Assessments" shall have the following definition relative to Phase 5: assessments levied against the Units in a particular Neighborhood or Neighborhoods to fund Neighborhood Expenses, and the Building Lots and Building Structures therein.

(d) The term "Neighborhood Expenses" shall have the following definition relative to Phase 5: the actual and estimated expenses incurred or anticipated to be incurred by the Association for the benefit of the Owners and occupants of Building Lots and Building Structures within a particular Neighborhood, which may include a reasonable reserve for capital repairs and replacements, as the Board may specifically authorize and as may be authorized herein or in Supplemental Declarations applicable to the Neighborhood.

(e) Building Lots within Phase 5 shall be considered a Neighborhood. In addition to the general association Assessments described in the Original Declaration, and the "attached" Building Lot assessments described in the original Declaration and any Amendments thereto, all Building Lots in the Phase 5 Neighborhood shall also be subject to a Neighborhood Assessment, as described above, including Neighborhood Expenses within Phase 5 for landscape maintenance on the individual Building Lots, fences on the private Building Lots, any drywells and private storm drainage not a part of a Common Area Tract, and gutter/ downspout maintenance and reserves on Building Structures within Phase 5. Other expenses may be added by the Board of Directors if deemed to be reasonably in conformance and within the intention of these definitions

(f) Except as may be allowed by the Original Declaration, no sign, banner, or flags of any kind may be kept or placed upon any Building Lot or mounted, painted or attached to any Building Structure, fence or other improvement upon such Building Lot so as to be visible from public view or mounted on any vehicle or trailer parked or driven in the subdivision or carried by

any person or by any other means displayed within the Neighborhood. In no event may any sign be placed on any Building Lot or mounted, painted or attached to any Building Structure in a location so as to be visible from public view in the Old Mill District.

(g) The foregoing restrictions shall not be deemed to prohibit the display of the flag of the United States by an Owner or occupant of a Building Lot if the flag is displayed in a manner consistent with federal flag display law, 4 U.S.C. § 1 *et seq.* The Board may adopt reasonable rules and regulations consistent with federal flag display law regarding the placement and manner of display of such flag and the location and size of the flagpole.

4. **APPLICABILITY OF DECLARATION PROVISIONS.** All terms contained in the original "Declaration", which are not altered by the terms of this Annexation document ("Annexation") shall remain in effect. If there is a conflict between the terms of this Annexation and the original Declaration, the conflict shall be resolved by looking first to the terms of this Annexation. If conflict still exists the resolution shall be based upon the intent of Successor Declarant herein to have the obligations contained in the original Declaration apply to all Lots in Parkwood Townhomes Phases 1, 2, 2B, 3 and 4 and those Lots described in Section 2 above, and commonly referred to herein as Parkwood Townhomes No. 5, plus any future properties to be annexed by Successor Declarant, or their assignees and/or successors.

5. **NOTICE TO PURCHASERS.** Purchasers of Lots 1 through 8, in the Plat of Bluffs, Phase 5, are put on notice that the Successor Declarant retains the right, as expressed in the original Declaration to add additional phases to Parkwood Townhomes. The addition of future phases will increase the number of homes on Lots that are to be conveyed before the Successor Declarant is required to turn the Association over to the Owners.

IN WITNESS WHEREOF, Successor Declarant has executed this Declaration of Annexation as of the day first written above

MOUNTAIN CREST HOMES, LLC, an Oregon limited liability company

By [Signature]
Hayden Watson, Member

STATE OF OREGON)
)ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 2 day of May, 2005, by Hayden Watson, Member of Mountain Crest Homes, LLC, an Oregon limited liability company, on its behalf.

[Signature]
Notary Public for Oregon
My commission expires: October 11, 2008

