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DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-27507

AFTER RECORDING, RETURN TO:

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



\$41.00

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05/04/2005 12:03:04 PM

D-CCR Cnt=1 Str=2 PAT  
\$15.00 \$11.00 \$10.00 \$5.00

**AMENDMENT NO. 2 TO DECLARATION OF ANNEXATION TO  
PARKWOOD TOWNHOMES  
(Commonly Referred to as Phases 3 & 4)**

THIS AMENDMENT NO. 2 TO "DECLARATION OF ANNEXATION TO  
PARKWOOD TOWNHOMES" ("Amendment No. 2"), to be effective upon its recording in  
Deschutes County, Oregon, is made as of this 4 day of May, 2005, by  
MOUNTAIN CREST HOMES, LLC, an Oregon limited liability company ("Successor  
Declarant").

**Recitals**

A. Successor Declarant previously executed that certain "Declaration of Annexation  
to Parkwood Townhomes (commonly known as phases 3 and 4)", dated January 4, 2005, and  
recorded January 4, 2005 in the Official Records of Deschutes County, Oregon, as Document  
No. 2005-00585 ("Declaration of Annexation"), and "Amendment No. 1 to Declaration of  
Annexation to Parkwood Townhomes (commonly referred to as Phases 3 and 4)". Capitalized  
terms used without definition shall have the same meaning given them in the Declaration of  
Annexation and the Original 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 "Original Declaration"), and any recorded Declaration of  
Annexation for Phases 1, 2 and 2B.

B. Successor Declarant hereby declares that all of the property described below shall  
be subject to this Amendment No. 2, and that such property shall be held, conveyed,  
hypothecated, encumbered, used, occupied and improved subject to the Original Declaration, all  
Declaration of Annexations and any Amendments thereto:

All real property within that certain plat entitled "The Bluffs,  
Phases 3 & 4", filed in the Plat Records of Deschutes County,  
Oregon, and recorded as Document No. 2005-00583.

G-575

C. Successor Declarant now desires to amend the Declaration of  
Annexation as follows:

1. The recitals of the Declaration of Annexation and Original Declaration are hereby incorporated as if set forth fully herein.
2. The Declaration of Annexation for Phases 3 and 4 is hereby amended to **add** the following Covenants, Conditions and Restrictions to all Building Lots in Phases 3 and 4:
  - a. The term "Neighborhood" shall have the following definition as specifically related to Phases 3 and 4: 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.
  - b. The term "Neighborhood Assessments" shall have the following definition relative to Phases 3 and 4: assessments levied against the Units in a particular Neighborhood or Neighborhoods to fund Neighborhood Expenses, and the Building Lots and Building Structures therein.
  - c. The term "Neighborhood Expenses" shall have the following definition relative to Phases 3 and 4: 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.
  - d. Building Lots within Phases 3 and 4 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 Phases 3 and 4 Neighborhood shall also be subject to a Neighborhood Assessment, as described above, including Neighborhood Expenses within Phases 3 and 4 for landscape maintenance on the individual Building Lots, fences on the private Building Lots, private roads and street lighting within Phases 3 and 4, drywell & private storm drainage within the Phases 3 and 4 Neighborhood, and gutter/ downspout maintenance and reserves on Building Structures within Phases 3 and 4. Other expenses may be added by the Board of Directors if deemed to be reasonably in conformance and within the intention of these definitions

- e. Except as may be allowed by the Original Declaration, no sign 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.
- f. 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

D. **NOTICE TO PURCHASERS.** Purchasers of Lots 9 through 52 in the Plat of Bluffs, Phases 3 and 4 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.

*Colleen Buckendorf*  
Notary Public for Oregon  
My commission expires: October 11, 2008

