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DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2005-08059



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02/10/2005 10:32:31 AM

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\$10.00 \$11.00 \$10.00 \$5.00

After Recording Return to:

Hayden Enterprises, Inc
2464 SW Glacier Pl., Suite 110
Redmond, OR 97756
Attn: David S. Cady

WIN

AMENDMENT NO. 1 TO DECLARATION OF ANNEXATION TO PARKWOOD TOWNHOMES (Commonly Referred to as Phases 3 and 4)

This Amendment No. 1 to Declaration of Annexation to Parkwood Townhomes (this "Amendment"), to be effective upon its recording in Deschutes County, Oregon, is made and executed on the date hereinafter set forth by Mountain Crest Homes, LLC, an Oregon limited liability company ("Successor Declarant").

Successor Declarant previously executed that certain Declaration of Annexation to Parkwood Townhomes, dated January 4, 2005, and recorded January 4, 2005 in the Official Records of Deschutes County, Oregon, at 2005-00585 (the "Declaration of Annexation"). Capitalized terms used without definition shall have the meaning given them in the Declaration of Annexation.

Successor Declarant now desires to amend the Declaration of Annexation to comply with regulations of the City of Bend.

Now, therefore, Declarant hereby declares as follows:

1. The recitals are hereby incorporated as if set forth fully herein.
2. The Declaration of Annexation is hereby amended to add the following

Section 5:

"5. Hold Harmless. Each Owner of a Building Lot within the Additional Property shall hold harmless, defend and indemnify the City of Bend and the City's officers, agents and employees against all claims, demands, actions and suits, including attorney's fees and costs brought against any of them arising out of the failure to properly design, locate, construct, repair or maintain the Elements. As used herein, 'Elements' shall mean the water lines, storm sewers, sanitary sewers, rain drains, footing drains, roof overhangs and structural connections located on the Building Lots on the Additional Property."

3. Except to the extent expressly set forth in this Amendment, the Declaration of Annexation remains unmodified and in full force and effect.

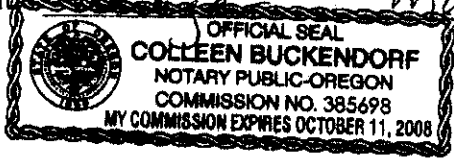
After recording, return to
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15 OREGON AVENUE, BEND
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IN WITNESS WHEREOF, the Declarant has caused this Amendment No. 1 to Declaration of Annexation to Parkwood Townhomes to be executed on its behalf as of this ___ day of February 2005

SUCCESSOR DECLARANT: MOUNTAIN CREST HOMES, LLC
an Oregon limited liability company

By: [Signature]
Name: Hayden Watson
Title: manager

STATE OF OREGON }
COUNTY OF Deschutes }



The foregoing instrument was acknowledged before me the 7 day of February 2005 by Hayden Watson the manager of Mountain Crest Homes, LLC, an Oregon limited liability company, on behalf of the company.

[Signature]
Notary Public, State of Oregon
My Commission Expires: October 11, 2008