

89-18530

SYLVAN KNOLLS - BOONES BOROUGH
PROPERTY OWNERS' ASSOCIATION, INC.

REVISED BY-LAWS, 1989

ARTICLE I

NAME AND PURPOSE

SECTION 1

The name of this Association shall be SYLVAN KNOLLS - BOONES
BOROUGH PROPERTY OWNERS' ASSOCIATION, INC.

SECTION 2

The purpose of the Association is to protect property values
and the mutual enjoyment of property use by all property owners, to
facilitate endeavors of common interest to the members, and to
preserve the existing natural environment.

ARTICLE II

MEMBERSHIP

SECTION 1

All owners of property within the SYLVAN KNOLLS - BOONES BOROUGH
development shall automatically become members of this ASSOCIATION.
Any person purchasing a parcel of land within said development under
an agreement of sale shall be deemed the owner.

The owner or owners of property within the Sylvan Knolls - Boones
Borough development shall automatically become members of the Associa-
tion. Owners are entitled to one vote per parcel of land owned. Joint
owners must advise the Secretary, prior to any meeting or mail vote as
to who will exercise the vote for each parcel jointly held. Votes may
be cast in person, by mail, or by proxy. Proxies must be in writing,

1 signed by the voting member(s) and submitted to the Board before
2 or at the time of voting.

3 ARTICLE III

4 ORGANIZATION AND PROCEDURES

5 SECTION 1

6 The management of the Association shall be vested in a Board of
7 Directors of five persons, each of whom is a member of the Association
8 residing in the development. All five Board Members will be elected
9 by the members of the Association.

10 To provide for continuity of experience, directors will serve
11 staggered terms. In the election taking place in 1990, two (2)
12 candidates will be nominated to serve one (1) year terms, and three
13 (3) candidates will be nominated to serve two (2) year terms. There-
14 after at annual elections, candidates will be nominated to fill vac-
15 ancies only, and will serve two (2) year terms if elected. Incumbents
16 may run for reelection. Terms of newly elected Board Members will begin
17 fifteen (15) days after they are elected.

18 The officers of the Association shall be President, Vice-President,
19 Secretary, Treasurer, and Member-at-Large, and shall be selected by
20 the Board, from among it's members, at its first regular Board
21 Meeting. All officers shall hold office at the discretion of the
22 Board.

23 All officers shall perform the duties usually pertaining to such
24 offices and such other duties as may be delegated to them by these
25 By-Laws or by the Board.

26

1 SECTION 2

2 If a vacancy on the Board of Directors occurs before the comp-
3 letion of a term of office, the Board shall appoint a member of the
4 Association to serve the remainder of the vacating member's term. A
5 directorship shall be deemed vacant in the case of any director who
6 resigns their position on the Board, or in the case of any director
7 who fails to attend three consecutive regular meetings, after having
8 received customary notice of these meetings, unless the person has a
9 reason for their absences that is acceptable to the Board. A Direct-
10 or may be recalled by a majority vote of the memberships at a special
11 or Annual meeting.

12 SECTION 3

13 The Board shall administer all business carried on by the Associa-
14 tion consistent with actions voted upon by the Association membership
15 and by these By-Laws. The Board shall issue annually a full report of
16 its work during the year and of the condition of the Association. The
17 Board shall submit an Annual Financial Statement to the Association
18 membership.

19 The Board shall also have the following powers:

- 20 1. To establish advisory committes, as deemed appropriate,
21 of individuals to serve without compensation.
- 22 2. To enforce building and use restrictions, appended to
23 and incorporated herein, on behalf of all property
24 owners, and for this purpose to appoint a Plan Review
25 Committee. The Plan Review Committee will be made up
26 of three property owners living within the subdivision,

1 none of whom are members of the Board of Directors. One
2 of the three will be a member of the development company,
3 as long as the development company owns undeveloped lots
4 within the subdivision. The other two will be property
5 owners who are not engaged in the building trades within
6 the subdivision, and will serve at the discretion of the
7 Board of Directors.

8 The Plan Review Committee will elect a chairperson from
9 among its members, who will receive applications for plan
10 reviews, assure that all the committee members have ample
11 opportunity to review such plans, and report the majority
12 decision of the committee to the applicants. The Plan
13 Review Committee chairperson will also maintain complete
14 records of plans reviewed and actions taken, and shall
15 notify the Board of Directors, through the Member-at-Large,
16 within twenty-four (24) hours of the Committee's decisions
17 with regard to Plan approval or disapproval. Plan Review
18 records are to be retained for at least three (3) years
19 from the date of each transaction and are to be open to
20 inspection by interested property owners at a reasonable
21 time, upon written request. In the event of a vacancy on
22 the Plan Review Committee, the Board of Directors will
23 act promptly to appoint a replacement. During the period
24 of vacancy, a majority vote of the remaining two members
25 and the Member-at-Large of the Board of Directors will be
26 required for plan approval or disapproval.

1 3. To provide information and other services for
2 members or potential members as the Board deems
3 advisable.

4 SECTION 4

5 An annual Association meeting shall be held during the month of
6 June or at such other time as the Board of Directors may choose. The
7 meeting agenda shall include an annual report of the Board concerning
8 Association activities, the Treasurer's Report, the election or re-
9 election of Board Members, and such other business as the Board or
10 members of the Association may introduce.

11 SECTION 5

12 Special association meetings may be called by the Secretary upon
13 resolution of the Board, or upon written petition of ten percent (10%)
14 of the voting members. The petition shall be submitted to the Secre-
15 tary and shall state the purpose of the special meeting being re-
16 quested and is to specify a period of two weeks within which the meeting
17 may be held, provided, however, that the petition be delivered to the
18 Secretary no less than one week before the specified period. The
19 Secretary shall verify that the petition is signed by ten percent (10%)
20 of the voting members, and if the petition is so sufficient, shall
21 issue notice to the members, of the meeting, with an agenda reflecting
22 the petitioner's statement of the purpose of the meeting.

23 SECTION 6

24 At any regular or special meeting of the Association, a quorum
25 shall consist of twenty five percent (25%) of the membership. Approval
26 of any rule-making action will require a two third (2/3) majority

1 vote of the eligible voters represented at the meeting. Any member-
2 ship meeting at which a quorum is not present may be adjourned for
3 from seven (7) to fourteen (14) days. Notice will be given to all
4 voting members of the adjourned meeting. At the reconvened meeting,
5 a quorum will consist of five percent (5%) of the membership.

6 SECTION 7

7 At an Association meeting, declarative resolutions may be adopted,
8 and instructions may be issued to the Board, provided they do not
9 abridge powers specifically granted to the Board by these By-Laws. At
10 a special meeting of the membership, no business may be transacted
11 other than that stated in the agenda as the purpose of the meeting,
12 without the unanimous consent of the members present. At a regular or
13 special meeting, each membership shall be given an opportunity to be
14 heard and to discuss the issues, but, the presiding member of the
15 Board may limit the time given to each member to speak, or set forth
16 other measures designed to conduct an orderly meeting.

17 SECTION 8

18 Any Association member, or group of members, may convey a written
19 complaint about Association matters, to the President, or other Board
20 Members acting on behalf of the President. The Board shall respond,
21 in writing, to the complainant about the merits of the complaint with-
22 in fifteen (15) days. If the Board or the complainant(s) are not
23 satisfied with the outcome, either may proceed to a second stage
24 by requesting of the President of the Board, in writing, a formal
25 hearing before the Board. Upon receipt of such written request,
26 the President of the Board will arrange a hearing as soon as practical,

1 but at least within thirty (30) days. At least three (3) members of
2 the Board with power to act must be present at the hearing. Any other
3 interested property owners, whether signatories of the complaint or
4 not, may attend the hearing. The complainant(s) shall be given an
5 opportunity to address the Board orally and/or in writing.

6 ARTICLE IV

7 MAIL VOTE

8 SECTION 1

9 Whenever in the judgement of the Board of Directors any question
10 shall arise that requires a vote of the membership, and when the Board
11 deems it inappropriate to call a special meeting for the purpose, the
12 Board may submit the matter to the membership in writing by mail for
13 vote and decision. The question thus presented shall be decided
14 according to a majority of the votes received by mail within two weeks
15 after such submission to the membership, provided that in each case,
16 votes of at least twenty-five percent (25%) of the members shall be
17 received. Action taken in this manner shall be as effective as action
18 taken at a duly called meeting.

19 ARTICLE V

20 LIABILITIES

21 SECTION 1

22 Nothing shall constitute members of the Association as partners
23 for any purpose. No member, officer, agent, or employee shall be
24 liable for the acts or failure to act of any other member, officer,
25 agent, or employee of the Association. Nor shall any member, officer,
26 agent, or employee be liable for his acts or failure to act under these

1 By-Laws, except only acts of omissions arising out of his inten-
2 tional misfeasance, nonfeasance, or malfeasance.

3 SECTION 2

4 In the event of a dispute between parties to these By-Laws
5 involving enforcement of the By-Laws or Restrictions, the prevailing
6 party will be entitled to recover any fees incurred for legal services
7 in excess of \$100.00.

8 ARTICLE VI

9 DUES AND ASSESSMENTS

10 SECTION 1

11 The Development Company and each owner of any lot, by acceptance
12 of deed therefore, hereby agrees and is deemed to pay, for each lot
13 owned, to the Association the following:

- 14 1. Annual dues for the operation of the Association, due
15 and payable January 1st of each year.
- 16 2. Special assessments, when required, to meet the obli-
17 gations of the Association to cover unusual and/or
18 unexpected expenditures.

19 The amount of annual dues and the amounts of special assessments
20 for each membership will be determined by the Board of Directors and
21 authorization for the collection of these amounts will require
22 approval by eighty percent (80%) of the votes cast.

23 Unpaid annual dues and unpaid special assessments, together with
24 interest costs and reasonable (attorney's) fees incurred in the
25 collections thereof, shall become a lien against the property against
26 which each charge is made. Such charges are to be the personal obli-

1 gation of the person who was the owner of such property at the time
2 when the charges fell due.

3 ARTICLE VII

4 AMENDMENTS

5 SECTION 1

6 These By-Laws of the Association and Restrictions may be amended,
7 repealed, or altered in the whole or in part by an eighty percent (80%)
8 favorable vote by the membership of the association.

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BUILDING AND USE RESTRICTIONS

REVISED, 1989

INTRODUCTION

The SYLVAN KNOLLS - BOONES BOROUGH subdivision is designed for both year around and secondary home living, and is zoned for single family dwellings.

It is the intent of the developer to maintain a wooded environment with continuity of building appearance being primary to protect property values. The Plan Review Committee may withhold approval of any construction or alterations it feels would be incompatible with the stated purpose of these restrictions. Additionally, as the residents will wish to have the serenity of country living, the Association has established certain building and activity restrictions to protect all residents within the subdivision. It is intended that these restrictions be applied with common sense and discretion.

PART I

BUILDING RESTRICTIONS

SECTION 1

All building contractors and property owners must obtain written Plan Review Committee approval for all construction before work on the project begins.

Plans submitted to the Plan Review Committee are to show specifications, nature, kind, shape, height, materials and color of exterior finish to be used. Construction is to be in compliance with all applicable building codes. Topography, location in relation to other structures and property lines and harmony of external design are

1 factors to be considered before approval to construct is granted.

2 This also applies to fences, outbuildings, and all other improvements.

3 Special problems or questions encountered by the Plan Review Com-
4 mittee, in the conduct of its assigned functions, are to be submitted
5 to the Board of Directors for review after the Plan Review Committee
6 reaches its decision and before the applicant is notified of that
7 decision.

8 Each lot shall be used for single family residential purposes only,
9 and not more than one attached single, double, or triple garage or car-
10 port and two detached accessory buildings, such as a home workshop,
11 recreational vehicle storage, or stable, unless specifically approved
12 by the Plan Review Committee. Approval by the Plan Review Committee is
13 required for initial construction on the lot and for all later additions.

14 SECTION 2

15 All driveways must be composed of cinders, gravel, or asphalt and
16 be a minimum of ten (10) feet wide.

17 SECTION 3

18 Residential buildings must be suitable for year around use and must
19 be placed on permanent foundations, consisting of concrete, brick,
20 pumice blocks, or stone masonry. All structures must comply with the
21 Deschutes County Building Code and be constructed on the building site.
22 No mobile, pre-fabricated, or modular homes are allowed. Roofs must
23 be of wood shingles, cement tile, or clay tile and must be approved
24 by the Plan Review Committee. Buildings, fences and improvements must
25 be designed and located on the property so as not to detract from the
26 appearance of the property, or the value and enjoyment of other

1 properties in the subdivision. All facilities must be constructed
2 in workmanlike manner and kept in good repair. Exposed portions of
3 foundations must be painted or sided if more than twelve (12) inches
4 above the ground. All building exteriors are to be finished with
5 natural materials with a rustic appearance.

6 Specifications for fences are as follow:

- 7 1. All adjacent property owners (on improved lots)
8 will be notified by the Plan Review Committee of
9 the intent to construct a fence prior to the start
10 of said construction. "Adjacent" includes proper-
11 ties where the shared boundary is the road/street.
- 12 2. Fencing materials may be of wood and rock.
- 13 3. Animal retention fences may be of wood with welded
14 or woven wire attached to the inside. Chain link
15 fencing for this use is not acceptable.
- 16 4. The maximum height of any fence shall not be more
17 than four (4) feet except for corrals and as below
18 in "dog runs."
- 19 5. "Dog Runs" may exceed the four foot maximum height
20 limit and may be of chain link material. Such
21 structures shall be limited to one per lot, shall
22 be of an area no larger than one thousand (1000)
23 square feet and shall be no closer than twenty (20)
24 feet from the property line. The builder shall
25 endeavor to place the dog run in such a location
26 that it is effectively screened from adjoining

1 residences and passers-by.

2 All existing structures that violate these regulations are
3 "grandfathered", that is; allowed to remain. All alterations to
4 existing structures which violate these regulations shall comply
5 with these regulations.

6 SECTION 4

7 All property owners must comply with the laws and regulations of
8 the State of Oregon, County of Deschutes, and any applicable munici-
9 pality regarding the fire protection, animal control, building con-
10 struction, water, sanitation and public health.

11 SECTION 5

12 No more than six months' construction time shall elapse for the
13 completion of a permanent dwelling, with the exception of special
14 approvals of the Plan Review Committee, nor shall a temporary structure,
15 trailer, motorhome or camper be used as living quarters except during
16 the construction of a permanent dwelling, or to accommodate guests for
17 not more than thirty (30) days per year. An exterior latrine shall be
18 allowed only during the construction of a permanent residence.

19 SECTION 6

20 Individual wells are not allowed. Property owners must connect
21 to the water system provided in the development.

22 SECTION 7

23 Septic tanks and drainfields must meet Deschutes County Health
24 Department standards.

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PART II

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USE RESTRICTIONS

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SECTION 1

4 No activity of a commercial or other nature may be conducted
5 from or on any lot if it creates an annoyance or nuisance to the
6 neighborhood. This restriction proscribes activities manifested by
7 offensive sounds, sights, odors, damage to the property of others,
8 excessive traffic, or other overt annoyances. This does not apply
9 to activities normally required for the construction or maintenance
10 of authorized structures or facilities provided that they are com-
11 pleted in a reasonable time span.

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SECTION 2

13 The cutting or removal of living trees will only be permitted
14 where necessary for construction of buildings or thinning for the
15 landscaping of the property.

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SECTION 3

17 No property may be used to raise, breed, or keep animals of any
18 kind for commercial purposes. A reasonable number of household pets
19 and no more than two horses, not raised, bred or kept for commercial
20 purposes may be kept on the property. The storage of hay and stabling
21 of horses shall be done without annoyance or nuisance to the neighbor-
22 hood. Fenced-in areas for horses shall be secure corral type of wood
23 construction and permanently installed. Horses maintained on property
24 on a daily basis must have approved stable facilities.

25

26 All pets must be kept within the confines of the owner's property,
or on a leash, to protect pedestrians and to prevent littering and

1 damage to landscaping of adjoining properties. In the case where
2 dogs are found to be consistently outside their owner's property,
3 Deschutes County Animal Control Office will be notified.

4 SECTION 4

5 No hunting or target shooting is permitted.

6 SECTION 5

7 All garbage, trash, cuttings, refuse, garbage and refuse con-
8 tainers, fuel tanks, clothes lines, TV dishes, stables, and other
9 service facilities shall be effectively screened from view from neigh-
10 boring properties and passers-by.

11 SECTION 6

12 Each lot and its improvements shall be maintained in a clean and
13 attractive condition, in good repair and in such a manner as not to
14 create a fire hazard. Debris accumulated at the time of construction
15 shall be removed as soon as reasonably possible.

16 Any open burning must be done in strict compliance with the
17 requirements established by the Bend Fire Department. The use of trash
18 or burn barrels for burning refuse is prohibited. The use of fireworks
19 must be in compliance with the law, with particular attention paid to
20 the risk of fire under extremely dry conditions.

21 No property owner shall litter his/her property with unsightly
22 objects, including but not limited to inoperative cars, other vehicles,
23 or vehicle parts, thus creating a visual disturbance to the residents
24 of the neighboring properties and to passers-by. Firewood shall be cut
25 into stove or fireplace length pieces and shall be neatly stacked.

26

1 SECTION 7

2 Only vehicles licensed for highway travel may be operated within
 3 the subdivision. Such vehicles must be operated with proper con-
 4 sideration for the safety and comfort of the residents. No racing
 5 is permitted.

6 SECTION 8

7 Graded parking or garage storage must be provided for any vehicle
 8 in regular use. Parking or storage of special purposes vehicles or
 9 boats must be done in such a manner that it does not detract from the
 10 appearance of the property upon which it is stored or the enjoyment by
 11 neighbors of their properties. No commercial vehicles, other than
 12 pick-up trucks, may be parked on properties or roadways except for
 13 brief periods required to make deliveries to a construction site or an
 14 established residence.

15 NOTE:

16 The above amended By-Laws, Building and Use Restrictions super-
 17 sede and take precedence over any By-Laws and Restrictions previously
 18 filed in Vol. 260, Pages 77 - 79, Vol. 25 Pages 413 - 421, Vol. 173,
 19 Pages 2305 - 2307, Deeds Records, Deschutes County, Oregon.

20 Dated: _____

J J H S & K INC

21

By: Floyd Herring
Floyd Herring, President

CA 93520

22

SYLVAN KNOLLS - BOONES BOROUGH ASSOCIATION

23

By: Richard Uhler
Richard Uhler, President

24

By: Ralph Adams
Ralph Adams, Secretary

CA 93246

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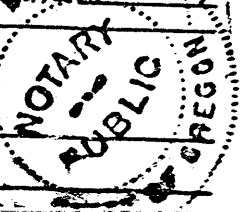
CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON

County of Deschutes

This instrument was acknowledged before me on July 26, 1989 (date) by Floyd Herring (name of person(s)) as President (title(s)) of J.T.H.S. & K. INC. a Corporation.

Gail L. Newkirk
Notary Public for Oregon
My Commission Expires: 6/5/92



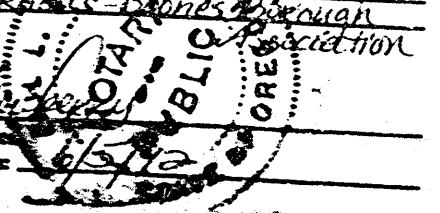
CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON

County of Deschutes

This instrument was acknowledged before me on July 26, 1989 (date) by Richard Uhlik and Ralph Adams (name of person(s)) as President and Secretary (title(s)) of Sylvan Knolls - Barnes Bazaar Association a Corporation.

Gail L. Newkirk
Notary Public for Oregon
My Commission Expires: 6/5/92



STATE OF OREGON) SS.
COUNTY OF DESCHUTES)

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

89 JUL 27 PM 3:48

MARY SUE PENHOLLOW
COUNTY CLERK

DEPUTY

BY: [Signature]NO. 89-18530 FEE 85-

DESCHUTES COUNTY OFFICIAL RECORDS

Retrun to:
Richard Uhlik
21809 Barnes Bazaar
Bend, Or 97701