

DESCHUTES COUNTY OFFICIAL RECORDS
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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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**SYLVAN KNOLLS-BOONES BOROUGH PROPERTY OWNERS'
ASSOCIATION, INC., Declarant
REVISED BY-LAWS**

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Return: Hete Sugnet, Secretary
P.O. Box 5132 Bend, OR 97708-5132

1 **SYLVAN KNOLLS – BOONES BOROUGH**
2 **PROPERTY OWNERS' ASSOCIATION, INC.**
3 **REVISED BY-LAWS**
4

5 **ARTICLE I**
6 **NAME AND PURPOSE**
7

8 The name of this Association shall be SYLVAN KNOLLS – BOONES BOROUGH
9 PROPERTY OWNERS' ASSOCIATION, INC. The purpose of the Association is to
10 protect property values and the mutual enjoyment of property use by all property owners,
11 to facilitate endeavors of common interest to the members, and to preserve the existing
12 natural environment.
13

14 **ARTICLE II**
15 **MEMBERSHIP**
16

17 All owners of property within the SYLVAN KNOLLS - BOONES BOROUGH
18 development shall automatically become members of the Association. Any person
19 purchasing a parcel of land within said development under an agreement of sale shall be
20 deemed the owner. Owners are entitled to one vote per parcel of land owned. Joint
21 owners must advise the Secretary, prior to any meeting or mail vote as to who will
22 exercise the vote for each parcel jointly held. Votes may be cast in person, by mail, or by
23 proxy. Proxies must be in writing, signed by the voting member(s) and submitted to the
24 Board before or at the time of voting.
25

26 **ARTICLE III**
27 **ORGANIZATION AND PROCEDURES**
28

29 **SECTION I – Election Procedures for Board of Directors**
30

31 The management of the Association shall be vested in a Board of Directors of five (5)
32 persons, each of whom is a member of the Association residing in the development. All
33 five (5) Board Members will be elected by the members of the association. For continuity
34 of experience, directors will serve staggered terms. At annual elections, candidates will
35 be nominated to fill vacancies only, and will serve two (2) year terms if elected.
36 Incumbents may run for reelection. Terms of newly elected Board Members will begin
37 fifteen (15) days after they are elected.
38

39 The officers of the Association shall be President, Vice-President, Secretary, Treasurer,
40 and Member-at-Large, and shall be selected by the Board, from among its members, at its
41 first regular Board Meeting. All officers shall hold office at the discretion of the Board.
42 All officers shall perform the duties usually pertaining to such offices and such other
43 duties as may be delegated to them by these By-Laws or by the Board.
44
45

1 **SECTION 2 – Board Vacancies and Recalls**

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

11
12 **SECTION 3 – Duties and Powers of Board**

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

19
20 The Board shall also have the following powers:

- 21
22 1. To establish advisory committees, as deemed appropriate, individuals to serve
23 without compensation.
24
25 2. To provide information and other services for members or potential members
26 as the Board deems advisable.
27
28 3. To enforce building and use restrictions, as set out in these By-Laws, on
29 behalf of all property owners, and appoint a Plan Review Committee.

30
31 **SECTION 4 – Plan Review Committee**

32
33 The Plan Review Committee will be made up of at least 3 and no more than 5 property
34 owners living within the subdivision, none of whom shall be members of the Board of
35 Directors or engaged in the building trades within the subdivision. All will serve at the
36 discretion of the Board of Directors.

37
38 The Plan Review Committee will elect a chairperson from among its members, who will
39 receive applications for plan reviews, assure that all the committee members have ample
40 opportunity to review such plans, and report the majority decision of the committee to the
41 applicants. The Plan Review Committee chairperson will also maintain complete records
42 of plans reviewed and action taken, and shall notify the Board of Directors, through the
43 Member-at-Large, within twenty-four (24) hours of the Committee's decisions with
44 regard to Plan approval or disapproval. Plan Review records are to be retained for at least
45 three (3) years from the date of each transaction and are to be open to inspection by

1 interested property owners at a reasonable time, upon written request. In the event of a
2 vacancy on the Plan Review Committee, the Board of Directors will act promptly to
3 appoint a replacement. During the period of vacancy, a majority vote of the remaining
4 members and the Member-at-Large of the Board of Directors will be required for plan
5 approval or disapproval.
6

7 **SECTION 5 - Annual Meeting and Agenda**

8

9 An annual Association meeting shall be held during the month of June or at such other
10 time as the Board of Directors may choose. The meeting agenda shall include an annual
11 report of the Board concerning Association activities, the Treasurer's Report, the election
12 or reelection of Board Members, and such other business as the Board or members of the
13 Association may introduce.
14

15 **SECTION 6 - Special Association Meetings**

16

17 Special association meetings may be called by the Secretary upon resolution of the
18 Board, or upon written petition of ten percent (10%) of the voting members. The petition
19 shall be submitted to the Secretary and shall state the purpose of the special meeting
20 being requested and is to specify a period of two weeks within which the meeting may be
21 held, provided however, that the petition be delivered to the Secretary no less than one (1)
22 week before the specified period. The Secretary shall verify that the petition is signed by
23 ten percent (10%) of the voting members, and if the petition is so sufficient, shall issue
24 notice to the members, of the meeting, with an agenda reflecting the petitioner's statement
25 of the purpose of the meeting. The Board may, but is not compelled to call a special
26 meeting or conduct a vote on any issue they feel membership has voted upon within the
27 past six (6) months.
28

29 **SECTION 7 - Quorum and Approval of Rule-Making Decisions**

30

31 At any regular or special meeting of the Association, twenty-five percent (25%) of the
32 membership shall be physically present, vote by mail or vote by proxy to constitute a
33 quorum. Approval of any amendment to the by-laws will require a two third (2/3)
34 majority vote of the eligible voters represented at the meeting. Any membership meeting
35 at which a quorum is not present may be adjourned for from seven (7) to fourteen (14)
36 days. Notice will be given to all voting members of the adjourned meeting. At the
37 reconvened meeting, a quorum will consist of five percent (5%) of the membership that
38 are physically present, voting by mail, or voting by proxy.
39

40 **SECTION 8 - Transaction of Business at Association Meetings**

41

42 At an Association meeting, declarative resolutions may be adopted and instruction may
43 be issued to the Board, provided they do not abridge powers specifically granted to the
44 Board by these By-Laws. At a special meeting of the membership, no business may be
45 transacted other than that stated in the agenda as the purpose of the meeting, without the

1 unanimous consent of the members present. At a regular or special meeting, each
2 membership shall be given an opportunity to be heard and to discuss the issues, but, the
3 presiding member of the Board may limit the time given to each member to speak, or set
4 forth other measures designed to conduct an orderly meeting.

5 6 **SECTION 9 - Complaint Procedure**

7
8 Any Association member, or group of members, may convey a written complaint about
9 Association matters, to the President, or other Board Members acting on behalf of the
10 President. The Board shall respond, in writing, to the complainant about the merits of the
11 complaint within thirty (30) days of receipt. The response of the Board shall include a
12 statement, which describes the Board's interpretation of the By-Laws as they pertain to
13 the complaint. If the complainant is not satisfied with the outcome, he/she may proceed to
14 a second stage by requesting of the President of the Board, in writing, a formal hearing.
15 The purpose of the hearing is to permit the complainant to present additional information
16 relevant to the original complaint or the Board's written response. Upon receipt of such
17 written request, the President of the Board will arrange a hearing as soon as practical, but
18 at least within thirty (30) days. At least 3 members of the Board with the power to act
19 must be present at the hearing. The complainant may invite other property owners who
20 have relevant information to be present. Within 15 days of the hearing the Board must
21 respond in writing to the complainant, by affirming its original decision, modifying its
22 initial decision or continuing the fact-finding process for another 30 days. The
23 complainant may request another hearing at the end of the fact-finding period. Following
24 the second hearing the Board shall respond to the complainant within 7 days and that will
25 be the final administrative step in the complaint process.

26 27 **ARTICLE IV** 28 **MAIL VOTE**

29
30 Whenever in the judgment of the Board of Directors any question shall arise that requires
31 a vote of the membership, except voting to amend the by-laws, and when the Board
32 deems it inappropriate to call a special meeting for that purpose, the Board may submit
33 the matter to the membership in writing by mail for vote and decision. The question
34 thus presented shall be decided according to a majority of the votes received by mail
35 within two (2) weeks after such submission to the membership, provided that in each
36 case, votes of at least twenty-five (25%) of the members shall be received. Action taken
37 in this manner shall be as effective as action taken at a duly called meeting.

38 39 **ARTICLE V** 40 **LIABILITIES**

41 42 **SECTION 1 - Restrictions on Liabilities**

43
44 Nothing shall constitute members of the Association as partners for any purpose. No
45 member, officer, agent or employee shall be liable for the acts or failure to act of any other

1 member, officer, agent, or employee of the Association. Nor shall any member, officer,
2 agent, or employee be liable for his acts or failure to act under these By-Laws, except
3 only acts of omissions arising out of his intentional misfeasance, nonfeasance, or
4 malfeasance.

5
6 **SECTION 2 – Fees for Legal Services**

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

11 **ARTICLE VI**
12 **DUES AND ASSESSMENTS**

13
14 Each owner of any lot, by acceptance of deed therefore, hereby agrees and is deemed to pay,
15 for each lot owned, to the Association the following:

- 16
17 1. Annual dues for the operation of the Association are due and payable January 1st
18 of each year and shall become delinquent February 28th of each year.
19
20 2. Special assessments, when required, to meet the obligations of the Association to
21 cover unusual and/or expected expenditures.

22
23 The amount of annual dues and the amounts of special assessments for each membership will
24 be determined by the Board of Directors and authorization for the collection of these amounts
25 will require approval by a vote cast in the normal voting procedure as defined in Article III
26 Section 6.

27
28 Unpaid annual dues and unpaid special assessments, together with interest costs and
29 reasonable fees incurred in the collection thereof, shall become a lien against the property
30 against which each charge is made. Such charges are to be the personal obligation of the
31 person who was the owner of such property at the time when the charges fell due. Anyone
32 who has not paid his or her dues may not have a vote.

33
34 **ARTICLE VII**
35 **AMENDMENTS**

36
37 These By-Laws of the Association may be amended, repealed, or altered in the whole or
38 in part by a two-third (2/3) majority vote of the eligible voters represented at the meeting.

39
40 **ARTICLE VIII**
41 **BUILDING AND USE RESTRICTIONS**

42
43 **Introduction.** The SYLVAN-KNOLLS - BOONES BOROUGH subdivision is designed
44 for both year around and secondary home living, and is zoned for single family
45 dwellings. It is the intent of the developer to maintain a wooded environment with
46 continuity of

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

7
8 **PART A**
9 **BUILDING RESTRICTIONS**
10

11 **SECTION 1 - Plan Review; Homes, Outbuildings, and Other Improvements**
12

13 All property owners must obtain written Plan Review Committee approval for all
14 construction before work on the project begins. Plans submitted to the Plan Review
15 Committee are to show location, and specifications, nature, kind, shape, height, materials
16 and color of exterior finish to be used. Construction is to be in compliance with all
17 applicable building codes. Topography, location in relation to other structures and
18 property lines and harmony of external design are factors to be considered before
19 approval to construct is granted. This also applies to fences, outbuildings, and all other
20 improvements, including radio antennas.

21
22 Special problems or questions encountered by the Plan Review Committee, in the
23 conduct of its assigned functions, are to be submitted to the Board of Directors for review
24 after the Plan Review Committee reaches its decision and before the applicant is notified
25 of that decision.

26
27 Each lot shall be used for single family residential purposes only, and not more than one
28 attached single, double, or triple garage or carport and two detached accessory buildings,
29 such as a home workshop, recreational vehicle storage, or stable, unless specifically
30 approved by the Plan Review Committee. Approval by the Plan Review Committee is
31 required for initial construction on the lot and for all later additions.
32

33 **SECTION 2 - Driveways**
34

35 All driveways must be composed of cinders, gravel asphalt, or concrete and be a
36 minimum of ten (10) feet wide.
37

38 **SECTION 3 - Requirements for Structures**
39

40 **Buildings/Structures Generally.** Residential buildings must be suitable for year around
41 use and must be placed on permanent foundations, consisting of concrete, brick, pumice
42 blocks, or stone masonry. All structures must comply with the Deschutes County
43 Building Code and be constructed on the building site. No mobile, manufactured,
44 prefabricated, or modular homes are allowed. Buildings, fences and improvements must
45 be designed and located on the property so as not to detract from the appearance of the

1 property, or the value and enjoyment of other properties in the subdivision. All facilities
2 must be constructed in workmanlike manner and kept in good repair. Exposed portions of
3 foundations must be painted or sided if more than twelve (12) inches above the ground.
4

5 **Roofing Materials and Colors.** Roofs must be of wood shakes, cement tile, clay tile,
6 cement/fiber tiles, fiberglass composite materials; this includes materials such as Celotex
7 "Presidential", GS "High Sierra", GS "Architect 80", Elk "Prestige Plus", Timberline
8 "Ultra", or material of like quality and appearance having a minimum of 30 year
9 warranty, stone coated steel; this includes materials such as Gerard, painted metal shakes;
10 this includes material such as "Aluminum Classic Products" or material of like quality
11 and appearance approved by the Plan Review Committee. Roof colors must be brown or
12 gray tones and approved by the Plan Review Committee. Roofing material types may not
13 be mixed on the same building and property owners should insure that all buildings on
14 the same lot are similar in appearance of siding and roofing material and color.
15

16 **Building Exteriors.** All building exteriors are to be constructed of wood materials or
17 wood fiber-cement materials with rustic appearance including but not limited to: lap,
18 tongue and groove, channel, T -111 type, or logs. Building exteriors may also have stone,
19 manufactured stone or brick accents that are in keeping with a rustic appearance. The
20 Plan Review Committee must approve all exterior changes.

21 All building exteriors are to be finished with transparent, semi-transparent or solid stains
22 or paint. Stain and paint colors found in nature in Central Oregon must be used to
23 promote the subdivision's natural and rustic appearance. Shades of grays, tans, browns,
24 greens, or natural woods are to be used. White or off-white may be used as trim colors
25 but not body colors. The Plan Review Committee must approve all exterior color
26 changes.
27

28 **Fences, Gates, Dog Runs, and Corrals.** Specifications for fences are as follows:
29

- 30 1. All adjacent property owners (on improved lots) will be notified by the Plan
31 Review Committee of the intent to construct a property line fence prior to the
32 start of said construction. "Adjacent" includes properties where there is a shared
33 boundary.
- 34 2. Fencing materials may be of wood or rock.
- 35 3. Gates are not allowed across access drives to property. Fencing must be kept
36 open, airy, natural in appearance, and rustic in style. Preferred construction would
37 be peeled post, rock and/or split rail. The use of woven or welded wire to create a
38 solid perimeter is prohibited. All existing structures that violate these regulations
39 concerning gates are "grandfathered," that is, allowed to remain, as of August 14,
40 1997.
- 41 4. The maximum height of any fence shall not be more than four (4) feet except for
42 corrals and as below in "dog runs."

1 5. "Dog Runs" may exceed the four foot maximum height limit and may be of chain
2 link material. Such structures shall be limited to one per lot, shall be of an area no
3 larger than one thousand (1000) square feet and shall be no closer than twenty
4 (20) feet from the property line. The builder shall endeavor to place the dog run in
5 such a location that it is effectively screened from adjoining residences and
6 passers-by as of 27 July 1989. All existing structures that violate these regulations
7 concerning dog runs are "grandfathered", that is; allowed to remain.
8

9 All alterations to existing structures, which violate these regulations, shall comply with
10 these regulations.
11

12 **SECTION 4 - Compliance With Laws and Regulations**

13

14 All property owners must comply with the laws and regulations, of the State of Oregon,
15 County of Deschutes, and any applicable municipality regarding fire protection, animal
16 control, building construction, outdoor lighting, water, sanitation and public health.
17

18 **SECTION 5 - Construction Time Limits and Temporary Structures**

19

20 No more than six (6) months' construction time shall elapse for the completion of
21 construction or exterior improvement of a permanent dwelling, outbuilding, or other
22 improvement, with the exception of special approvals of the Plan Review Committee, nor
23 shall a temporary structure, trailer, motor home or camper be used as living quarters except
24 during the construction of a permanent dwelling, or to accommodate guests for not more than
25 thirty (30) days per year. An exterior latrine shall be allowed only during the construction of
26 a permanent residence.
27

28 **SECTION 6 - Water**

29

30 Individual wells are not allowed. Property owners must connect to the water system
31 provided in the development.
32

33 **SECTION 7 - Septic**

34

35 Septic tanks and drain fields must meet Deschutes County Health Department standards.
36
37

38 **PART B**

39

40 **USE RESTRICTIONS**

41

42 **SECTION 1- Activity Restrictions**

43
44

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

7
8 In addition, blue or brightly-colored tarps may not be used to cover objects or materials for
9 which outdoor storage is not prohibited under these bylaws.

10

11 **SECTION 2 - Tree Cutting and Removal**

12

13 The cutting or removal of living trees is permitted where necessary for construction of
14 buildings or improvements. Pruning, limbing or cutting of living trees around a home or
15 major outbuilding is permitted to create a wild fire protection defensible perimeter, in
16 accordance with guidelines provided by local fire-protection agencies.

17

18 **SECTION 3 – Animals**

19

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

27

28 All pets must be kept within the confines of the owner's property, or on a leash, to protect
29 pedestrians and to prevent littering and damage to landscaping of adjoining properties. In
30 the case where dogs are found to be consistently outside their owner's property,
31 Deschutes County Animal Control Office will be notified.

32

33 **SECTION 4 - Hunting and Shooting**

34

35 No hunting or target shooting is permitted.

36

37 **SECTION 5 - Screening Requirements**

38

39 All garbage, trash, cuttings, refuse, garbage and refuse containers, clothes lines, TV or
40 satellite dishes exceeding 24 inches in diameter, amateur radio antennas, stables, and
41 other service facilities shall be effectively screened from view from passers-by on public
42 roads within the subdivision. Reasonable efforts shall also be made to effectively screen
43 these same items from neighboring properties.

44

45 Fuel tanks (Propane or heating oil) shall also be screened from passers-by on public roads
46 within the subdivision. Screening shall be in accordance with the Oregon State Fire
47 Marshal's guidelines, copies of which may be obtained from members of the Board, Plan

1 Review Committee members, or your fuel supplier. These guidelines address safety
2 issues, which can change from time to time and thus are not practical for inclusion in
3 these by-laws. Bear in mind that screening for aesthetic reasons could go too far and
4 create a safety issue. Fuel tank screening plans must be submitted to the Plan Review
5 Committee for approval.
6

7 **SECTION 6 - Maintenance of Lots and Improvements; Fire Hazards**

8

9 Each lot and its improvements shall be maintained in a clean and attractive condition, in
10 good repair and in such a manner as not to create a fire hazard. Debris accumulated at the
11 time of construction shall be removed as soon as reasonable possible. Any open burning
12 must be done in strict compliance with the requirements established by the Bend Fire
13 Department. The use of trash or burn barrels for burning refuse is prohibited.
14

15 The use of fireworks must be in compliance with the law. Use of fireworks is prohibited
16 when dry, vegetative conditions, low humidity, or excessive winds create a high risk of
17 wild fire.
18

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

24 **SECTION 7 - Vehicle Use**

25

26 Only vehicles licensed for highway travel and equipped with original equipment mufflers
27 may be operated within the subdivision. Such vehicles must be operated with proper
28 consideration for the safety and comfort of the residents. No racing is permitted.
29

30 **SECTION 8 - Parking/Storage of Vehicles**

31

32 Graded parking or garage storage must be provided for any vehicle in regular use.
33 Parking or storage of special purpose vehicles or boats must be done in such a manner
34 that it does not detract from the appearance of the property upon which it is stored or the
35 enjoyment by neighbors of their properties. No commercial vehicles, other than pick-up
36 trucks, may be parked on properties or roadways except for brief periods required to
37 make deliveries to a construction site or an established residence.
38

39 **SECTION 9 - Signs and Other Attention Getters**

40

41 Only one real estate sign, not to exceed 30 x 30 inches, may be placed on a property for
42 sale. Other sales signs, directional or informational real estate signs, either on the
43 property or at intersections within the subdivision, are prohibited, except between one
44 hour prior to and following the published hours of an open house. Signs not conforming
45 to these restrictions may be removed and/or destroyed by the Board of Directors or the
46 Plan Review Committee. Other attention getters, such as balloons, flags, ribbons, and
47 streamers are prohibited. No other commercial signs are allowed, or no commercial

1 advertising is allowed, excepting contractor signs which are not to exceed 30" x 30"
2 during construction periods only. Such signs shall not exceed 30" x 30" in size.

3
4

5 **SECTION 10 - Rental Agreements**

6

7 When the property owner rents out the home, the rental agreement shall include a
8 requirement that the renters must comply with the applicable sections of these by-laws.

1 SYLVAN KNOLLS-BOONES BOROUGH PROPERTY OWNERS'
2 ASSOCIATION, INC. P.O. BOX 5132, Bend, OR 97708-5132
3

4 **NOTE:**

5 The above integrated text of previously approved By-Laws takes precedence over the
6 following text and amendments thereto, previously filed as follows in Deschutes County,
7 Oregon:
8

9 Document Number	Recorded Location
10	
11 95-18424	374-2354 to 2372
12 95-21733	376-2909
13 96-24049	414-2842
14 97-28969	458-1115
15 98-25771	498-1812
16 2000-43067	

17
18 By: Hete Sugnet
19 Hete Sugnet, Secretary Dated 9-30-05
20
21

22
23 **STATE OF OREGON**

24 *County of Deschutes*

}ss.

25
26 *BE IT REMEMBERED, That on this 30th day of September, 2005*
27 *Before me, the undersigned, a Notary Public in and for said County and State, personally*
28 *appeared the within*
29 *Named: Hete Sugnet*
30

31 *Known to me to be the identical individual described in and who executed the within*
32 *instrument and acknowledged to*
33 *Me that Hete Sugnet executed the same freely and voluntarily.*
34

35 *IN TESTIMONY WHEREOF, I have hereunto set my hand*
36 *and affixed my*

Official seal the say and year last above written.
37
38
39
40
41



Donna A. Rupp

Notary Public for Oregon
My commission expires

6-2-2008