

83-14765

SYLVAN KNOLLS - BOONES BOROUGH

1983 AUG 25 AM 10:57

PROPERTY OWNER'S ASSOCIATION
REVISED BYLAWS, 1983

ARTICLE I

NAME AND PURPOSE

SECTION 1

The name of this Association shall be SYLVAN KNOLLS - BOONES BOROUGH PROPERTY OWNER'S ASSOCIATION.

SECTION 2

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

ARTICLE II

MEMBERSHIP

SECTION 1

All owners of property within the Sylvan Knolls and Boones Borough developments shall automatically become members of this Association. Any person purchasing a parcel of land within said developments under an agreement of sale shall be deemed the owner. Joint owners of a parcel shall be entitled to one membership between them.

ARTICLE III

ORGANIZATION AND PROCEDURES

SECTION 1

The management of the Association shall be vested in a Board of Directors of five persons. Four of the Board Members shall be elected by the membership; the fifth member shall be designated by the developer. After at least 75% of the Boones Borough 1 and 2 developments are sold, all five Board Members will be elected by the members of the Association. All Directors shall serve one year, more or less, until qualified successors are elected. Board Members may be re-elected to additional terms.

The officers of the Association shall be President, Vice-President, Secretary, and Treasurer, and shall be elected by the Board, from among its members, at its first regular meeting. All officers shall hold office at the discretion of the Board.

The Treasurer will be elected by the Board when it is necessary to have such a full-time member of the Board, and such member will participate fully in the activities of the Board, including having a vote.

All officers shall perform the duties usually pertaining to such officers and such other duties as may be delegated to them by these Articles of Association or by the Board.

SECTION 2

If a vacancy on the Board of Directors occurs before the completion of a term of office, the President will appoint a member of the Association to serve the remainder of the term. A directorship shall be deemed vacant in the case of any director who fails to attend four consecutive regular meetings, after having received customary notice of these meetings, unless the person has a reason acceptable to the Board.

SECTION 3

The Board shall administer all business carried on by the Association consistent with actions voted upon by the Association membership. The Board shall issue annually a full report of its work during the year and of the condition of the Association. If funds in excess of \$500 are accumulated by the Association, the Board will arrange an impartial audit by a public accountant and will issue a written audit and financial report to the members.

The Board shall also have the following powers:

To create advisory committees, as deemed appropriate, of individuals to serve without compensation.

To enforce building and use restrictions, appended to and incorporated herein, on behalf of all property owners, and for this purpose to appoint a Plan Review Board. The Plan Review Board will consist of three property owners within the subdivision. One of the three will be a member of the development company. It will be responsible for establishing and maintaining complete records of all plans reviewed and actions taken.

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

SECTION 4

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An annual Association meeting shall be held during the Month of June or at such other time as the members of the Association choose. The meeting agenda shall include an annual report of Board and Association activities, the election or reelection of Board Members, and such other business as the Board or members may introduce.

SECTION 5

Special Association meetings shall be called by the Secretary upon resolution of the Board, or upon petition of five (5) percent of the voting members. The petition shall state the purpose of the special meeting and may fix a period of two weeks within which the meetings may be held, provided, however, that the petition be delivered to the Secretary no less than one week before the designated period.

SECTION 6

At any regular or special meeting, a quorum shall consist of twenty-five (25) percent of the membership. Approval of any rule-making action will require a favorable vote from at least eighty (80) percent of those present at the meeting. Any membership meeting at which a quorum is not present may be adjourned for from seven to fourteen days. Notice will be given to all voting members of the adjourned meeting. At the reconvened meeting, a quorum will consist of five (5) percent of the membership.

Each member shall be entitled to one vote for each parcel of land owned, cast in person, by mail, or by proxy

SECTION 7

At an Association meeting, declarative resolutions may be adopted, and instructions may be issued to the Board, provided they do not abridge powers specifically granted to the Board by these Articles. At a special meeting of the membership, no business may be transacted other than that stated as the purpose of the meeting, without the unanimous consent of the members present.

SECTION 8

Until such time as road maintenance is taken over by the County, it will be the responsibility of the developer.

ARTICLE IV

MAIL VOTE

SECTION 1

Whenever in the judgment of the Board of Directors any question shall arise which it considers should be put to a vote of the membership, and when it deems it inexpedient to call special meeting for the purpose, it may submit the matter to the membership in writing by mail for vote and decision. The question thus presented shall be determined according to a majority of the votes received by mail within two weeks after such submission to the membership, provided that in each case, votes of at least twenty-five (25) percent of the members shall be received. Action taken in this manner shall be as effective as action taken at a duly called meeting.

ARTICLE V

LIABILITIES

SECTION 1

Nothing shall constitute members of the Association as partners for any purpose. No member, officer, agent, or employee shall be liable for the acts or failure to act of any other member, officer, agent, or employee of the Association. Nor shall any member, officer, agent, or employee be liable for his acts or failure to act under these Articles, except only acts or omissions arising out of his willful misfeasance.

ARTICLE VI

AMENDMENTS

SECTION 1

These Articles of Association may be amended, repealed, or altered in the whole or in part by an eighty (80) percent majority at any duly organized meeting of the Association.

SYLVAN KNOLLS - BOONES BOROUGH

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RESTRICTIONS
Revised 1983

Sylvan Knolls - Boones Borough Subdivision is designed for both year around and secondary home living.

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 Board may withhold approval for any construction or alterations it feels would be incompatible with this purpose. 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 inhabitants within the subdivision. These restrictions are meant to be applied with common sense and discretion.

PART I

BUILDING RESTRICTIONS

All buildings constructed within Sylvan Knolls - Boones Borough Subdivision must have the building plans approved by the Property Owners' Association Plan Review Board prior to construction. This also applies to fences, outbuildings, and other improvements.

SECTION 1

Each lot shall be used for residential purposes only, and not more than one double garage or carport and two accessory buildings, such as workshops or stables, unless specifically sanctioned by the Plan Review Board, may be constructed or placed upon each lot.

SECTION 2

All driveways must be composed of cinders, gravel, or asphalt.

SECTION 3

Residential buildings must be suitable for year around use and must be placed on permanent foundations, consisting of concrete, brick, pumice blocks, or stone masonry. All structures must comply with Deschutes County Building Code and be constructed on the building site - no mobile homes are allowed. Roofs must be of wood shingles. Buildings, fences, and improvements must be constructed in workmanlike manner and kept in a condition of good repair. Exposed portion of foundation must be painted or sided if more than 12" above the ground. Exteriors are to be finished with natural materials with a rustic appearance.

SECTION 4

All property owners must comply with the laws and regulations of the State of Oregon, County of Deschutes, and any municipality regarding fire protection, building construction, water, sanitation, and public health.

SECTION 5

No more than six months' construction time shall elapse for the completion of a permanent dwelling, nor shall a temporary structure, trailer, motor home or camper be used as living quarters except during the construction of a permanent dwelling, or to accommodate guests for not more than 30 days per year. An exterior latrine shall be allowed only during the construction of a permanent residence.

SECTION

Individual wells are not allowed. Property owners must connect to domestic water systems.

SECTION 7

Septic tanks and drainfields must meet County Health Department standards.

PART II

USE RESTRICTIONS

SECTION 1

No commercial, professional, noxious, or offensive trade or activity shall be carried on upon any lot, nor shall anything be done thereon which may become an annoyance or nuisance to the neighborhood.

SECTION 2

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

SECTION 3

All animals, including dogs, must be kept within the confines of the owner's property, or on a leash, to protect pedestrians. Dogs found to be consistently outside their owner's property will be impounded.

No property may be used to raise domestic animals of any kind, except horses and a reasonable number of household pets not raised, bred or kept for commercial purposes. The storage of hay and stabling of horses shall be done without annoyance or nuisance to the neighborhood. Fenced-in areas for horses shall be secure and fences permanently installed. Horses maintained on property on a daily basis must have approved stable facilities.

SECTION 4

No hunting or target shooting is permitted.

SECTION 5

All garbage, trash, cuttings, refuse, garbage and refuse containers, fuel tanks, clothes lines, TV dishes, stables, and other service facilities shall be screened from view from neighboring properties.

SECTION 6

Each lot and its improvements shall be maintained in a clean and attractive condition in good repair and in such fashion as not to create a fire hazard.

Any open burning must be done in strict compliance with regulations laid down by the Bend Fire Department, and only after securing a burning permit from the Bend Fire Department. The use of fireworks must be in compliance with the law.

No property owner shall litter his/her property with unsightly objects, i.e., inoperative cars, other vehicles or vehicle parts, thus creating a visual disturbance to the continuity of the neighboring properties.

SECTION 7

Only vehicles licensed for highway travel may be operated within the subdivision. Such vehicles must be operated with proper consideration for the safety and comfort of the residents. No racing is permitted.

SECTION 8

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

NOTE: The above amended Bylaws, Building and Use Restrictions supercede and take precedence over any restrictions previously filed, in Book ___, page ___, Deed records, Deschutes County, Oregon.

Dated

J J H S & K, INC.

By Floyd Herring
Floyd Herring, President

By Diana Hoekstre
Diana Hoekstre, Secretary

SYLVAN KNOLLS - BOONES BOROUGH ASSOCIATION

By David Grandpierre 8/30/83
David Grandpierre, President

By Gary Winburn 8-31-83
Gary Winburn, Secretary

return to:
Floyd HERRING
64689 Boones Borough Dr.
Bend, OR 97702

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FORM No. 24—ACKNOWLEDGMENT—CORPORATION.

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

VOL 25 PAGE 421

County of DESCHUTES } ss.
before me appeared FLOYD HERRING

On this 9th day of August, 1983, and both to me personally known, who being

duly sworn, did say that he, FLOYD HERRING, is the President, and one of the secretaries of JJHS & K, INC. an Oregon corporation the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and Floyd Herring and _____ acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

[Signature]

Notary Public for Oregon.

My Commission expires June 27, 1984

64689 Boones Borough Dr.
Bend, OR 97702

By Gary Winburn 8-31-85
Gary Winburn, Secretary



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FORM No. 24—ACKNOWLEDGMENT—CORPORATION.

STEVENS-NESS LAW PUB. CO., PORTLAND, ORE.

STATE OF OREGON,

VOL 25 PAGE 422

County of DESCHUTES } ss. On this 30th day of August, 1983,
before me appeared DAVID GRANDPIERRE and
DAVID GRANDPIERRE to me personally known, who being
duly sworn, did say that he, the said DAVID GRANDPIERRE
is the President, and he, the said DAVID GRANDPIERRE
is the SECRETARY of SYLVANKNOLLS- BOONES BOROUGH ASSOCIATION
the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corpora-
tion, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board
of Directors, and DAVID GRANDPIERRE and
acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year last above written.

Allyce M. Harrison
Notary Public for Oregon.

My Commission expires 6/27/84

61689 Boones Borough, Dr.
Boone, OR 97008

By Gary Winburn
Gary Winburn, Secretary

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FORM No. 24—ACKNOWLEDGMENT—CORPORATION.

STATE OF OREGON,

STEVENS-NESS LAW FIRM, CO., PORTLAND, ORE.

VOL 25 PAGE 423

County of DESCHUTES } ss.
before me appeared GARY WINBURN

On this 31st day of August, 1983,

GARY WINBURN known to me personally known, who being
duly sworn, did say that he, the said GARY WINBURN
is the Secretary of SYLVAN KNOLLS-BOONES BOROUGH ASSOCIATION

the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors, and GARY WINBURN
acknowledge said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Clayton M. Hansen
Notary Public for Oregon.
My Commission expires June 27, 1984

61689 Boones Borough, Dr.
Bend, OR 97601

By Gary Winburn
Gary Winburn, Secretary

DS-1-CA

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

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:

1983 AUG 31 PM 3:47

MARY SUE PENHOLLOW
COUNTY CLERK

BY. *Debbie L. Lee* DEPUTY

NO. 83-14765 FEE 37.00

DESCHUTES COUNTY OFFICIAL RECORDS