

95-18124

SYLVAN KNOLLS - BOONES BOROUGH
PROPERTY OWNERS' ASSOCIATION, INC.
REVISED BY-LAWS, MAY, 1995

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 the ASSOCIATION.
Any person purchasing a parcel of land within said development
under an agreement of sale shall be deemed the owner. 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,
signed by the voting member(s) and submitted to the Board before
or at the time of voting.

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ARTICLE III

ORGANIZATION AND PROCEDURES

SECTION 1

The management of the Association shall be vested in a Board of Directors of five (5) persons, each of whom is a member of the Association residing in the development. All five (5) Board Members will be elected by the members of the association.

To provide for continuity of experience, directors will serve staggered terms. In the election taking place in 1989, two (2) candidates will be nominated to serve one (1) year terms, and three (3) candidates will be nominated to serve two (2) year terms. Thereafter at annual elections, candidates will be nominated to fill vacancies only, and will serve two (2) year terms if elected. Incumbents may run for reelection. Terms of newly elected Board Members will begin fifteen (15) days after they are elected.

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

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

SECTION 2

If a vacancy on the Board of Directors occurs before the

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

10 SECTION 3

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

17 The Board shall also have the following powers:

18 1. To establish advisory committees, as deemed appropriate,
19 of individuals to serve without compensation.

20 2. To enforce building and use restrictions, appended to
21 and incorporated herein, on behalf of all property owners, and
22 for this purpose appoint a Plan Review Committee. The Plan Review
23 Committee will be made up of at least 3 and no more than 5
24 property owners living within the subdivision, none of whom shall
25 be members of the Board of Directors or engaged in the building
26 trades within the subdivision. All will serve at the discretion
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1 - of the Board of Directors.

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

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

21 - SECTION 4

22 - An annual Association meeting shall be held during the month of
23 - June or at such other time as the Board of Directors may choose.
24 - The meeting agenda shall include an annual report of the Board
25 - concerning Association activities, the Treasurer's Report, the
26 - election or reelection of Board Members, and such other business
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1 - as the Board or members of the Association may introduce.

2 - SECTION 5

3 - Special association meetings may be called by the Secretary upon
4 - resolution of the Board, or upon written petition of ten percent
5 - (10%) of the voting members. The petition shall be submitted to
6 - the Secretary and shall state the purpose of the special meeting
7 - being requested and is to specify a period of two weeks within
8 - which the meeting may be held, provided, however, that the
9 - petition be delivered to the Secretary no less than one (1) week
10 - before the specified period. The Secretary shall verify that the
11 - petition is signed by ten percent (10%) of the voting members,
12 - and if the petition is so sufficient, shall issue notice to the
13 - members, of the meeting, with an agenda reflecting the
14 - petitioner's statement of the purpose of the meeting. The Board
15 - may, but is not compelled to call a special meeting or conduct a
16 - vote on any issue they feel membership has voted upon within the
17 - past six (6) months.

18 - SECTION 6

19 - At any regular or special meeting of the Association, a quorum
20 - shall consist of twenty five percent (25%) of the membership
21 - physically present, voting by mail, or by proxy.
22 - Approval of any rule-making action will require a two third (2/3)
23 - majority vote of the eligible voters represented at the meeting.
24 - Any membership meeting at which a quorum is not present may be
25 - adjourned for from seven (7) to fourteen (14) days. Notice will
26 - be given to all voting members of the adjourned meeting. At the
27 -

1 reconvened meeting, a quorum will consist of five percent (5%)
2 of the membership physically present, voting by mail, or by
3 proxy.

4 SECTION 7

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

16 SECTION 8

17 Any Association member, or group of members, may convey
18 a written complaint about Association matters, to the President,
19 or other Board Members acting on behalf of the President. The
20 Board shall respond, in writing, to the complainant about the
21 merits of the complaint within thirty (30) days of receipt. The
22 response of the Board shall include a statement which describes
23 the Board's interpretation of the By-Laws as they pertain to the
24 complaint. If the complainant is not satisfied with the outcome,
25 he/she may proceed to a second stage by requesting of the
26 President of the Board, in writing, a formal hearing. The

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1 purpose of the hearing is to permit the complainant to present
2 additional information relevant to the original complaint or the
3 Board's written response. Upon receipt of such written request,
4 the President of the Board will arrange a hearing as soon as
5 practical, but at least within thirty 30 days. At least 3
6 members of the Board with the power to act must be present at the
7 hearing. The complainant may invite other property owners who
8 have relevant information to be present. Within 15 days of the
9 hearing the Board must respond in writing to the complainant, by
10 affirming its original decision, modifying its initial decision
11 or continuing the fact finding process for another 30 days. The
12 complainant may request another hearing at the end of the fact
13 finding period. Following the second hearing the Board shall
14 respond to the complainant within 7 days and that will be the
15 final administrative step in the complaint process.

16 ARTICLE IV

17 MAIL VOTE

18 SECTION 1

19 Whenever in the judgment of the Board of Directors any question
20 shall arise that requires a vote of the membership, and when the
21 Board deems it inappropriate to call a special meeting for the
22 purpose, the Board may submit the matter to the membership in
23 writing by mail for vote and decision. The question thus
24 presented shall be decided according to a majority of the votes
25 received by mail within two (2) weeks after such submission to
26 the membership, provided that in each case, votes of at least
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1 twenty-five percent (25%) of the members shall be received.
2 Action taken in this manner shall be as effective as action taken
3 at a duly called meeting.

4 ARTICLE V
5 LIABILITIES

6 SECTION 1

7 Nothing shall constitute members of the Association as partners
8 for any purpose. No member, officer, agent or employee shall be
9 liable for the acts or failure to act of any other member,
10 officer, agent, or employee of the Association. Nor shall any
11 member, officer, agent, or employee be liable for his acts or
12 failure to act under these By-Laws, except only acts of omissions
13 arising out of his intentional misfeasance, nonfeasance, or
14 malfeasance.

15 SECTION 2

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

20 ARTICLE VI
21 DUES AND ASSESSMENTS

22 SECTION 1

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

26 1. Annual dues for the operation of the Association are
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1
2 due and payable January 1st of each year and shall become
3 delinquent March 31st of each year.

4 2. Special assessments, when required, to meet the
5 obligations of the Association to cover unusual and/or unexpected
6 expenditures.

7 The amount of annual dues and the amounts of special assessments
8 for each membership will be determined by the Board of Directors
9 and authorization for the collection of these amounts will
10 require approval by a vote cast in the normal voting procedure as
11 defined in Article 3 Section 6.

12 Unpaid annual dues and unpaid special assessments, together with
13 interest costs and reasonable (attorney's) fees incurred in the
14 collection thereof, shall become a lien against the property
15 against which each charge is made. Such charges are to be the
16 personal obligation of the person who was the owner of such
17 property at the time when the charges fell due. Anyone who has
18 not paid their dues may not have a vote.

19 ARTICLE VII

20 AMENDMENTS

21 SECTION 1

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

BUILDING AND USE RESTRICTIONS

REVISED, MAY, 1995

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

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 location, and specifications, nature, kind, shape, height, materials and color of exterior finished to be used. Construction is to be in compliance with all applicable building codes.

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1 Topography, location in relation to other structures and property
2 lines and harmony of external design are factors to be considered
3 before approval to construct is granted. This also applies to
4 fences, outbuildings, and all other improvements.

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

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

17 SECTION 2

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

20 SECTION 3

21 Residential buildings must be suitable for year around use and
22 must be placed on permanent foundations, consisting of concrete,
23 brick, pumice blocks, or stone masonry. All structures must
24 comply with the Deschutes County Building Code and be constructed
25 on the building site. No mobile, manufactured, prefabricated, or
26 modular homes are allowed. Roofs must be of wood shakes, cement

1 tile, clay tile, cement/fiber tiles, Fiberglass composite
2 material; this includes materials such as Celotex "Presidential",
3 or material of like quality and appearance, Fiberglass composite
4 material; this includes materials such as GS "High Sierra", GS
5 "Architect 80", Elk "Prestige Plus", Timberline "Ultra", or
6 material of like quality and appearance having a minimum of 30
7 year warranty, Stone coated steel; this includes materials such
8 as Gerard, Painted metal shakes; this includes material such as
9 "Aluminum Classic Products" or material of like quality and
10 appearance and must be approved by the Plan Review Committee.
11 Roof colors must be brown or gray tones and approved by The Plan
12 Review Committee. Roofing material types may not be mixed on the
13 same building and property owners should insure that all
14 buildings on the same lot are similar in appearance of siding and
15 roofing material, and color. Buildings, fences and improvements
16 must be designed and located on the property so as not to detract
17 from the appearance of the property, or the value and enjoyment
18 of other properties in the subdivision. All facilities must be
19 constructed in workmanlike manner and kept in good repair.
20 Exposed portions of foundations must be painted or sided if more
21 than twelve (12) inches above the ground. All building exteriors
22 are to be constructed of wood materials with rustic appearance
23 including but not limited to; lap, tongue and groove, channel, T-
24 111 type, logs and must be approved by the Plan Review Committee.
25 All building exteriors are to be finished with transparent, semi-
26 transparent or solid stains. Colors of stain are limited to the

following Olympic color ranges or equivalent.

SOLID STAINS:

Pewter, Stonehedge, Monterey Gray, Cape Cod Gray, Sandstone, Willow Mist, Parchment, Harvest Gold, California Rustic, Russet, Chocolate, Cedar, Chamois, Taupe, Fawn, Butternut, Cocoa, Beachwood, Beige Gray.

SEMI-TRANSPARENT STAINS:

704 Redwood, 705 Russet, 707 Tobacco, 708 Walnut, 709 Black Walnut, 711 Coffee, 712 Black Oak, 713 Oxford Brown, 716 Natural Tone Cedar, 717 Natural Tone Redwood, 713 Natural Tone Fir/Pine, 723 Avocado, 726 Light Mocha, 727 Cinnamon, 728 Rosewood, 729 Dark Mahogany, 730 Teak, 905 Cinder, 906 Blueridge Gray, 908 Smoke Blue, 909 Light Oak, 910 Mushroom, 911 Cape Cod Gray, 916 Driftwood Gray, 917 Weathered Barnboard, 919 Beige Gray, 920 Aspen Tan.

Specifications for fences are as follows:

1. All adjacent property owners (on improved lots) will be notified by the Plan Review Committee of the intent to construct a fence prior to the start of said construction. "Adjacent" includes properties where the shared boundary is the road/street.

2. Fencing materials may be of wood and rock.

3. Animal retention fences may be of wood with welded or woven wire attached to the inside. Chain link fencing for this use is not acceptable.

1 4. The maximum height of any fence shall not be more
2 than four (4) feet except for corrals and as below in "dog runs."

3 5. "Dog Runs" may exceed the four foot maximum height
4 limit and may be of chain link material. Such structures shall
5 be limited to one per lot, shall be of an area no larger than one
6 thousand (1000) square feet and shall be no closer than twenty
7 (20) feet from the property line. The builder shall endeavor to
8 place the dog run in such a location that it is effectively
9 screened from adjoining residences and passers-by.

10 All existing structures that violate these regulations are
11 grandfathered*, that is; allowed to remain. All alterations to
12 existing structures which violate these regulations shall comply
13 with these regulations.

14 *

15 As of 27 July 1989 when this version of the CC&Rs was first
16 recorded with the County Clerk at Vol. 188, Pages 2913 - 2929

17 SECTION 4

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

22 SECTION 5

23 No more than six (6) months' construction time shall elapse for
24 the completion of a permanent dwelling, with the exception of
25 special approvals of the Plan Review Committee, nor shall a
26 temporary structure, trailer, motor home or camper be used as
27 living quarters except during the construction of a permanent

dwelling, or to accommodate guests for not more than thirty (30) days per year. An exterior latrine shall be allowed only during the construction of a permanent residence.

SECTION 6

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

SECTION 7

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

PART II

USE RESTRICTIONS

SECTION 1

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

SECTION 2

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

SECTION 3

No property may be used to raise, breed, or keep animals of any

1 - kind with the following exceptions: a reasonable number of
2 - household pets and no more than two horses may be kept on the
3 - property; not to be raised, bred, or kept for commercial
4 - purposes. The storage of hay and stabling of horses shall be
5 - done without annoyance or nuisance to the neighborhood. Fenced-in
6 - areas for horses shall be secure corral type of wood construction
7 - and permanently installed. Horses maintained on property on a
8 - daily basis must have approved stable facilities.

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

15 - SECTION 4

16 - No hunting or target shooting is permitted.

17 - SECTION 5

18 - All garbage, trash, cuttings, refuse, garbage and refuse
19 - containers, fuel tanks, clothes lines, TV dishes, stables, and
20 - other service facilities shall be effectively screened from view
21 - from neighboring properties and passers-by.

22 - SECTION 6

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

1 Any open burning must be done in strict compliance with the
2 requirements established by the Bend Fire Department. The use of
3 trash or burn barrels for burning refuse is prohibited.

4 The use of fireworks must be in compliance with the law, with
5 particular attention paid to the risk of fire under extremely dry
6 conditions.

7 No property owner shall litter his/her property with unsightly
8 objects, including but not limited to inoperative cars, other
9 vehicles, or vehicle parts, thus creating a visual disturbance to
10 the residents of the neighboring properties and to passers-by.

11 Firewood shall be cut into stove or fireplace length pieces and
12 shall be neatly stacked.

13 SECTION 7

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

18 SECTION 8

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

1 SECTION 9

2 Only one real estate sign, not to exceed 30 x 30 inches, may be
 3 placed on a property for sale. Other sales signs, directional or
 4 informational real estate signs, either on the property or at
 5 intersections within the subdivision, are prohibited, except
 6 between one hour prior to and following the published hours of an
 7 open house. Signs not conforming to these restrictions may be
 8 removed and/or destroyed by the Board of Directors or the Plan
 9 Review Committee. Other attention getters, such as balloons,
 10 flags, ribbons, and streamers, are prohibited.

11 SECTION 10

12 No other commercial signs are allowed, or no commercial
 13 advertising is allowed, excepting contractor signs which are not
 14 to exceed 30" x 30" during construction periods only.

15 *Lanika Griffin 5/30/95*
 16

STATE OF OREGON,

County of

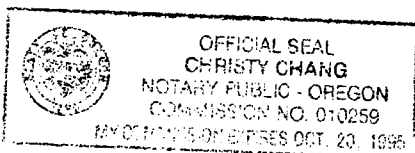
Deschutes

} ss.

BE IT REMEMBERED, That on this *30th* day of *May*, 19*95*,
 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within
 named *Lanika Griffin*

known to me to be the identical individual described in and who executed the within instrument and
 acknowledged to me that *she* executed the same freely and voluntarily.

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



Christy Chang
 Notary Public for Oregon
 My Commission expires *10-20-95*

G-214 OREGON 8/90

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SYLVAN KNOLLS - BOONES BOROUGH PROPERTY OWNERS' ASSOCIATION, INC.
P. O. Box 5132, Bend, OR 97708-5132

NOTE:

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

Document Number	Recorded Location
89-18530	188-2913 to 2929
90-37078	224-2529 to 2531
91-19403	239-1428 to 1430
91-34496	² 150-0922 to 0924 <i>Men.</i>
92-19244	268-0859 to 0861
93-43560	321-1658 to 1659
94-26648	344-2400 to 2405

By: Louthea Griffin 5/30/95
Louthea Griffin, Secretary Date

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:

95 MAY 30 PM 2:15

MARY SUE PENHOLLOW
COUNTY CLERK

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

BY [Signature] DEPUTY
NO. 95-18124 FEE 95-
DESCHUTES COUNTY OFFICIAL RECORDS