

VOL: 2000 PAGE: 50714
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*2000-50714 * Vol-Page

Printed: 12/18/2000 10:50:06

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Dec. 18, 2000; 10:49 a.m.

RECEIPT NO: 29737

DOCUMENT TYPE: Covenants, Conditions &
Restrictions

FEE PAID: \$51.00

NUMBER OF PAGES: 4

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

2000-50714-1

STATE OF OREGON

Cross-Reference to Declaration: Book 353

COUNTY OF DESCHUTES

Page 570

Return to: ✓ Broken Top Community Association
61999 Broken Top Drive
Bend, Oregon 97702

**SUPPLEMENTAL DECLARATION OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR BROKEN TOP COMMUNITY**

THIS SUPPLEMENTAL DECLARATION is made this 15th day of December, 2000, by Broken Top Limited Partnership, an Oregon limited partnership (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant filed of record that certain Declaration of Covenants, Conditions, and Restrictions for Broken Top Community dated October 27, 1992, in Book 280, Pages 1492 through 1545, et seq. in the Deed Records of Deschutes County, Oregon ("Original Declaration"); and

WHEREAS, the Original Declaration was amended and restated by the instrument filed on September 21, 1994, in Book 353, Pages 570 through 672 of such Deed Records (the Original Declaration, as so amended and restated, is hereinafter referred to as the "Declaration");

WHEREAS, pursuant to the provisions of Article IX, Section 9.1 of the Declaration, Declarant reserved the right to subject to the Declaration certain additional property described in Exhibit "A" to the declaration (the "Annexable Property");

WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and incorporated by this reference (the "Additional Property"), which is a portion of the Annexable Property; and

WHEREAS, Declarant wishes to subject the Additional Property to the Declaration and assign it to a specific Neighborhood, as described in Article III of the Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the lien and operation of the Declaration and the provisions of this Supplemental Declaration, which shall apply to such property in addition to the provisions of the

2000-50714-2

Declaration. Such Property shall be sold, transferred, used, conveyed, occupied, mortgaged, and otherwise encumbered pursuant to the provision of this Supplemental Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assign.

Such property shall be assigned to the Neighborhood identified on Exhibit "A."

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration, as of the date first written above.

BROKEN TOP LIMITED PARTNERSHIP, an Oregon limited partnership

By: BROKEN TOP, INC., an Oregon corporation, its general partner

By: [Signature]

Its: _____

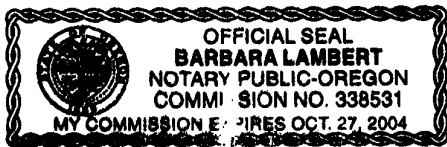
STATE OF OREGON

COUNTY OF DESCHUTES

The forgoing instrument was acknowledged before me this 13th day of December, 2000, by T. B. Dame, Owner Representative of Broken Top, Inc., the General Partner of Broken Top Limited Partnership.

[Signature]
Notary Public for Oregon

My Commission Expires: 10-27-04



2000-50714-3

Annexed Property

Phase III of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat record number 98-259* of Broken Top, and filed in the County Surveyor's office as number CS07919*.

2000.58714-4

Order No.: 130330

Page No. 4

EXHIBIT "A"

A parcel located in the Southwest Quarter (SW1/4) of Section 1, Township 18 South, Range 11 East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Commencing at a 2" aluminum cap at the North 1/16th corner on the East line of said Section 1; thence South 00°49'44" West, 1325.07 feet to a 3" brass cap at the East 1/4 corner of said Section 1; thence leaving said East line, South 84°01'50" West, 4613.53 feet to a 5/8" iron rod at the Northerly most corner of Lot 228 on the boundary of Phase II-B of **BROKEN TOP**, the point of beginning and the initial point for this subdivision thence following said boundary South 61°33'05" West, 118.00 feet to a 5/8" iron rod; thence South 51°49'18" West, 44.63 feet to a 5/8" iron rod; thence South 61°21'20" West, 118.00 feet to a 5/8" iron rod; thence leaving said boundary 367.08 feet along the arc of a 2326.00 foot radius curve right (the long chord of which bears North 24°07'24" West, 366.70 feet) to a 5/8" iron rod; thence 95.15 feet along the arc of a 2680.00 foot radius curve left (the long chord of which bears North 20°37'09" West, 95.14 feet) to a 5/8" iron rod; thence North 68°21'49" East, 118.00 feet to a 5/8" iron rod; thence 27.09 feet along the arc of a 2798.00 foot radius curve left (the long chord of which bears North 21°54'55" West, 27.09 feet) to a 5/8" iron rod; thence North 67°48'32" East, 162.00 feet to a 5/8" iron rod; thence North 37°20'42" East, 95.26 feet to a 5/8" iron rod at the Westerly most corner of Lot 88 on the boundary of Phase I-E of **BROKEN TOP**; thence following said boundary, South 12°28'34" East, 325.00 feet to a 5/8" iron rod; thence North 77°31'26" East, 113.74 feet to a 5/8" iron rod; thence South 88°03'03" East, 83.74 feet to a 5/8" iron rod; thence South 85°14'59" East, 77.76 feet to a 5/8" iron rod; thence North 84°25'29" East, 77.56 feet to a 5/8" iron rod; thence North 83°24'55" East, 57.03 feet to a 5/8" iron rod; thence South 66°16'17" East, 52.01 feet to a 5/8" iron rod; thence South 02°19'53" East, 56.13 feet to a 5/8" iron rod on the boundary of Phase II-A of **BROKEN TOP**; thence leaving said Phase I-E boundary and following said Phase II-A boundary North 44°23'27" West 2.00 feet to a 5/8" iron rod; thence 59.76 feet along the arc of a 1522.00 foot radius curve left (the long chord of which bears South 44°29'03" West, 59.76 feet) to a 5/8" iron rod; thence North 46°27'02" West, 118.00 feet to a 5/8" iron rod; thence South 42°14'16" West, 65.00 feet to a 5/8" iron rod; thence South 40°00'56" West, 62.21 feet to a 5/8" iron rod; thence South 47°08'54" West, 62.08 feet to a 5/8" iron rod; thence South 55°21'50" West, 62.86 feet to a 5/8" iron rod; thence South 54°14'14" West, 65.09 feet to a 5/8" iron rod; thence South 32°47'41" East, 120.01 feet to a 5/8" iron rod; thence 31.16 feet along the arc of a 222.00 foot radius curve left (the long chord of which bears South 40°09'43" West, 31.13 feet) to a 5/8" iron rod; thence 72.39 feet along the arc of a 78.00 foot radius curve right (the long chord of which bears South 62°43'47" West, 69.82 feet) to a 5/8" iron rod on the boundary of Phase II-B of **BROKEN TOP**; thence leaving said Phase II-A boundary and following said Phase II-B boundary, 75.22 feet along the arc of a 78.00 foot radius curve right (the long chord of which bears North 63°03'22" West, 72.33 feet) to a 5/8" iron rod; thence North 58°00'46" East, 117.85 feet to a 5/8" iron rod; thence North 31°06'10" West, 63.18 feet to a 5/8" iron rod; thence North 29°20'00" West, 63.18 feet to the point of beginning.