



Recording requested and
when recorded return to:
Brent S. Kinkade
Karnopp Petersen LLP
1201 NW Wall Street, Suite 300
Bend, Oregon 97701-1957

AMENDMENT TO DECLARATION

OF

BROKEN TOP HOMEOWNERS ASSOCIATION, INC.

This Amendment to the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Broken Top Community recorded on September 21, 1994, as instrument No. 94-38009, at Book 353, Page 0570, Deschutes County Real Property Records, as amended by an amendment recorded on March 9, 1995, as instrument No. 95-07264 at Book 367, Page 2029, Deschutes County Real Property Records (the "Declaration"), is made effective January 1, 2005, by the Broken Top Community Association, Inc., an Oregon nonprofit corporation (the "Association").

RECITALS

WHEREAS, Costa Pacific Homes, LLC, an Oregon Limited Liability Company and Mountain Crest Homes, LLC, an Oregon limited liability company, the developers of the neighborhood commonly known as The Parks at Broken Top, the legal description of which is attached hereto as Exhibit A (the "Parks Neighborhood") and The Parks Homeowners Association, Inc., an Oregon nonprofit organization, have requested that the Association amend the Declaration so as to remove the Parks Neighborhood from the Association and the Declaration;

WHEREAS, the membership of the Association has voted to approve the removal of the Parks Neighborhood from the Association and the Declaration;

AMENDMENT

NOW, THEREFORE, the Declaration is hereby amended to remove the Parks Neighborhood from Exhibit A to the Declaration such that the Parks Neighborhood shall no



longer be subject to the Declaration and the homeowners within the Parks Neighborhood shall no longer be members of the Association, effective January 1, 2005.

The undersigned hereby certifies that this Amendment has been approved by a vote of more than 80 percent of the members of the Association.

BROKEN TOP COMMUNITY ASSOCIATION, INC., an Oregon nonprofit corporation



By: *Joe L. Water*
Its: President



STATE OF OREGON)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 19th day of January, 2005 by TIFFANY MCCARROLL, as employee of BROKEN TOP COMMUNITY ASSOCIATION, INC., an Oregon nonprofit corporation.

Tiffany McCarroll
NOTARY PUBLIC FOR OREGON

EXHIBIT A

PARKS AT BROKEN TOP

Lots 1 thru 62, Tracts A, B, C & D, PARKS AT BROKEN TOP, recorded August 6, 1999, in Volume 1999, Page 00045, Deschutes County Real Property Records, Oregon. Together with the private streets lying within said plat known as Blue Lake Loop, Lost Lake Drive, Devils Lake Drive, Odell Lake Drive and Suttle Lake Court.

PARKS AT BROKEN TOP PHASE 2

Lots 63 thru 94, Tract E, PARKS AT BROKEN TOP, PHASE 2, recorded January 31, 2002, in Volume 2002, Page 06142, Deschutes County Real Property Records, Oregon. Together with the private streets lying within said plat known as Blue Lake Loop, Devils Lake Drive, and Tokatee Lake Court.

PARKS AT BROKEN TOP PHASE 3

Lots 95 thru 131, Tracts F, G, H, I & J, Alleys & Emergency Access Parcel, PARKS AT BROKEN TOP, PHASE 3, recorded March 16, 2004, in Volume 2004, Page 14151, Deschutes County Real Property Records, Oregon. Together with the private streets lying within said plat known as Diamond Lake Drive, Cultus Lake Court, Crescent Lake Drive and Davis Lake Loop.

PARKS AT BROKEN TOP, PHASE 4

A parcel of land located in the east half of the northeast quarter of Section 12, Township 18 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the southwest corner of Parks at Broken Top, Phase 2, thence South $55^{\circ}08'06''$ East, 122.98 feet; thence North $82^{\circ}59'16''$ West, 65.21 feet; thence North $27^{\circ}41'40''$ West, 102.92 feet to a point of non-tangent curvature and the south right of way of Blue Lake Loop; thence along said right of way, along the arc of a 140.00 foot radius non-tangent curve to the left, through a central angle of $16^{\circ}56'08''$, an arc length of 41.38 feet (the chord of which bears South $83^{\circ}21'53''$ West, 41.23 feet) to a point of compound curvature; thence along the arc of a 640.00 foot radius compound curve to the left, through a central angle of $03^{\circ}11'32''$, an arc length of 35.66 feet (the chord of which bears North $86^{\circ}34'17''$ East, 35.65 feet) to a point of non-tangency; thence leaving said right of way and along the west line of Parks at Broken Top, Phase 3, South $20^{\circ}33'20''$ East, 139.60 feet; thence North $69^{\circ}26'40''$ East, 50.00 feet; thence North $75^{\circ}25'59''$ West, 110.60 feet; thence South $20^{\circ}33'20''$ East, 440.69 feet; thence South $69^{\circ}26'40''$ West, 110.00 feet; thence South $20^{\circ}33'20''$ East, 9.90 feet to a point of curvature; thence along the arc of a 120.00 foot radius curve to the left, through a central angle of $89^{\circ}36'43''$, an arc length of 187.68 feet (the chord of which bears South

EXHIBIT A

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65°21'42" East, 169.13 feet) to a point of non-tangency; thence South 20°10'03" East, 50.00 feet; thence South 18°31'04" East, 195.26 feet; thence leaving said west line, South 71°28'56" West, 780.03 feet; thence North 90°00'00" West, 51.61 feet to the west line of the east half of the northeast quarter of Section 12; thence along said west line, North 00°39'59" East 1063.46 feet to the point of beginning.

PARKS AT BROKEN TOP, PHASE 5

A parcel of land located in the southeast quarter of the northeast quarter of Section 12, Township 18 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at the southeast corner of Lot 99, Parks at Broken Top, Phase 3, also being on the east line of said Section 12; thence along said east line, South 00°37'36" West, 714.29 feet to the south line of Parcel 2, Partition Plat No. 1999-04; thence leaving said east line and along said south line, South 76°13'32" West, 1366.90 feet to the west line of said Parcel 2; thence along said west line, North 00°39'59" East, 479.93 feet to the south line of Parks at Broken Top, Phase 4; thence along said south line the following four courses, North 90°00'00" East, 51.61 feet; thence North 71°28'56" East, 290.00 feet; thence North 78°08'11" East, 60.41 feet; thence North 71°28'56" East, 430.00 feet to the south line of Parks at Broken Top, Phase 3; thence along said south line the following six courses, North 71°28'56" East, 26.12 feet to a point of curvature; thence along the arc of a 280.00 foot radius curve to the left, through a central angle of 72°47'20", an arc length of 355.71 feet (the chord of which bears North 35°05'16" East, 332.27 feet) to a point of non-tangency; thence South 86°53'25" East, 110.26 feet; thence South 89°22'24" East, 60.00 feet; thence North 00°37'36" East, 48.52 feet; thence South 88°43'24" East, 150.01 feet to the point of beginning.

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