

94-42518

STATE OF OREGON

Cross-Reference to Declaration: Book 353

COUNTY OF DESCHUTES

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Return to: Gene Alden
DBTCA
61999 Broken Top Dr
Deed 6097702

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

THIS AMENDED SUPPLEMENTAL DECLARATION is made this 24 day of October, 1994, 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 that instrument filed on September 28, 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 "B" 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 Declaration. Such Property shall be sold, transferred, used, conveyed, occupied, mortgaged

and otherwise encumbered pursuant to the provisions 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 above written.

BROKEN TOP LIMITED PARTNERSHIP, an Oregon limited partnership

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

By: Sharon L. Criswell

Its: Vice President

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 24th day of October 1994, by Sharon L. Criswell, Vice President of Broken Top, Inc., the General Partner of Broken Top Limited Partnership, an Oregon limited partnership, on behalf of the limited partnership.



Barbara Ann Karlak
Notary Public for Oregon

My Commission Expires: May 28, 1995

EXHIBIT "A"**Additional Property**

The following property is annexed to the Greenlakes Neighborhood and subjected to the Declaration.

TRACT A and a portion of TRACT I of BROKEN TOP in Section 1 of Township 18 South and Range 11 East of the Willamette Meridian, Deschutes County, Oregon, being fully described as follows:

Commencing at a 3" brass cap at the east 1/4 corner of said Section 1; thence North 00°49'44" East 1325.07 feet to a 2" aluminum cap at the north 1/16 corner on the east line of said Section 1; thence leaving said east line South 68°02'57" West 1010.30 feet to a 5/8" iron rod at the southeast corner of said TRACT A and the point of beginning; thence South 65°52'30" West 100.00 feet to a 5/8" iron rod at an angle point in the boundary of said TRACT A; thence leaving said boundary South 65°52'30" West 93.37 feet to a 5/8" iron rod; thence North 04°25'37" West 153.01 feet to a 5/8" iron rod at an angle point in said boundary; thence South 87°41'20" West 108.40 feet to a 5/8" iron rod; thence leaving said boundary 94.84 feet along the arc of a 170.00 foot radius curve left (the long chord of which bears South 44°26'32" West 93.61 feet) to a 5/8" iron rod; thence 144.12 feet along the arc of a 627.00 foot radius curve left (the long chord of which bears South 21°52'32" West 143.80 feet) to a 5/8" iron rod; thence South 15°17'27" West 5.52 feet to a 5/8" iron rod; thence South 77°04'34" East 109.71 feet to a 5/8" iron rod; thence South 39°26'01" West 175.07 feet to a 5/8" iron rod; thence West 239.96 feet to a 5/8" iron rod at an angle point in said TRACT A boundary; thence following said boundary North 28°52'06" West 467.82 feet to a 5/8" iron rod on the southerly right-of-way of Broken Top Drive; thence following said right-of-way 247.33 feet along the arc of a 350.00 foot radius curve left (the long chord of which bears North 50°32'10" East 242.21 feet) to a 5/8" iron rod; thence 105.21 feet along the arc of a 200.00 foot radius curve right (the long chord of which bears North 45°21'44" East 104.00 feet) to a 5/8" iron rod; thence 619.04 feet along the arc of a 390.00 foot radius curve right (the long chord of which bears South 74°05'44" East 556.07 feet) to a 5/8" iron rod; thence South 28°37'24" East 126.71 feet to a 5/8" iron rod; thence 83.02 feet along the arc of a 350.00 foot radius curve right (the long chord of which bears South 21°49'41" East 82.82 feet) to the point of beginning. Contains 8.07 acres.

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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:

94 OCT 24 PM 1:53

MARY SUE PENHOLLOW
COUNTY CLERK

BY. T. Moore DEPUTY

NO. 94-42518 FEE 20.00
DESCHUTES COUNTY OFFICIAL RECORDS