

STATE OF OREGON

Cross-Reference to Declaration: Book 353

COUNTY OF DESCHUTES

Page 570

20-134902 SK 94/0950

Return to JERI ALDEN
BTCA
61999 Broken Top Dr
Bend Or 97702

94-49045

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

THIS 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, the real property described in Exhibit "A" attached hereto and incorporated by this reference (the "Additional Property"), 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;

WHEREAS, the undersigned Owner(s), being the record owner(s) of the property described on Exhibit "A", does join in and consent to this Supplemental Declaration for the purpose of subjecting its property to this Declaration;

FIRST AMERICAN TITLE CO.
OF DESCHUTES COUNTY
P. O. BOX 323
BEND, OREGON 97709

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 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 Karlay
Notary Public for Oregon

My Commission Expires: May 28, 1995

ACKNOWLEDGEMENT AND CONSENT BY OWNER

361 - 0184

Skylener Summit Limited Partnership, as the record owner of the property described on Exhibit "A" hereby acknowledges, consents to, and joins in the execution of this Supplemental Declaration for the purpose of subjecting such property to the terms of the Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Broken Top Community filed on September 28, 1994, in Book 353, Page 570, et. seq. of the Deschutes County, Oregon, Deed Records, as evidenced by the signatures of its officers below.

Skylener Summit Limited Partnership, an Oregon limited partnership

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

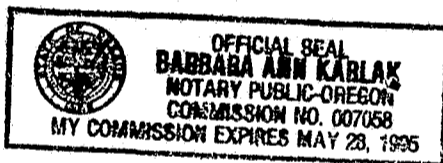
By: Sharon Criswell

Its: Vice President

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 24th day of October, 1994, by Sharon Criswell, Vice President of Broken Top, Inc., the General Partner of Skylener Summit 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

361 - 0185

EXHIBIT "A"

Annexed Property

A. Lots 383 through 405 and common area tracts W and X of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet D, 99 of Deschutes County, Oregon are assigned to the Broken Top Woods Neighborhood.

B. All of the right of way for private roads designated as Todd Lake Court, Devils Lake Drive, and Blue Lake Loop as shown on the Plat for Broken Top filed in Cabinet D, 99 of the Plat Records of Deschutes County, Oregon are subject to the Declaration. SUBJECT, HOWEVER, to the following:

1. All easements shown on such plats or created by the Declaration to which the Exhibit is attached.
2. Other matters of record.

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 DEC 16 AM 11:33

MARY SUE PENHOLLOW
COUNTY CLERK

BY: B. B. Bunk DEPUTY

NO. 94-49045 FEE 70-

DESCHUTES COUNTY OFFICIAL RECORDS