RECORDED BY
WESTERN TITLE & ESCROW CO.
97-453

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICITIONS FOR

CASCADE PEAKS PHASE II

By instrument dated May 29, 1996, and recorded June 7, 1996, in Volume 412 at Page 0354, Official Records of Deschutes County, Oregon, Wight Development, L.L.C., established the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks.

The Declaration of Covenants, Conditions and Restrictions for Cascade Peaks contemplated that developer would, at any time during the term of the Declaration, add all or a portion of any land now or hereafter owned by Declarant to the Property which was covered by said Declaration.

Declarant now wishes to subject the area known as Cascade Peaks, Phase II to the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks, to annex such Property to Cascade Peaks and to make provisions for the conditions upon which such Property may be used.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

SECTION 1. DEFINITIONS

- 1.1 INCORPORATION BY REFERENCE: Each of the terms defined in Section 1 of the Declaration for Cascade Peaks shall have the meanings set forth in such Section 1.
- 1.2 The "Property" shall mean Cascade Peaks, Phase II, as described in Exhibit "A" attached hereto.
- 1.3 Declaration of Covenants, Conditions and Restrictions for Cascade Peaks shall mean that certain document entitled "Declaration of Covenants, Conditions and Restrictions for Cascade Peaks" dated May 29, 1996, recorded June 7, 1996, in Volume 412, Page 0354, Official Records of Deschutes County, Oregon.
- 1.4 "Cascade Peaks, Phase II", shall mean the area described on Exhibit "A" attached hereto.
- 1 Supplemental Declaration (RSL:WIGHT.032)

SECTION 2. SUBJECTION OF CASCADE PEAKS, PHASE II, TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR CASCADE PEAKS.

- 2.1 ANNEXATION: Declarant hereby declares that Cascade Peaks, Phase II, shall be part of that certain residential community known as Cascade Peaks as referred to in the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks.
- 2.2 DECLARATION OF RESTRICTIONS: The covenants and conditions set forth in Sections 1 through 8, inclusive, of the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks shall be applicable within the Property except as may be restricted in this instrument. The Property shall be held, conveyed, hypothecated, encumbered, used, occupied and improved only in accordance with the provisions made in this instrument and the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks.

SECTION 3. MISCELLANEOUS

- **3.1 AMENDMENT AND REPEAL:** Any provision of this Declaration at any time may be amended or repealed. The provision may be added by any of the methods provided in the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks.
- 3.2 DURATION: The covenants and provisions contained herein shall continue to remain in full force and effect in accordance with Section 6.1 of the Declaration of Covenants, Conditions and Restrictions for Cascade Peaks.
- 3.3 ATTORNEY FEES: In the event any party shall bring any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the party not prevailing shall pay to the prevailing party all costs and expenses incurred by it in connection with such suit or action, such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or other proceedings, including

2 - Supplemental Declaration (RSL:WIGHT.032)

any bankruptcy or arbitration proceeding.	_
IN WITNESS WHEREOF, WILLIAM BIday of, 1997.	UNDY has executed this Declaration this 25
By:	GHT DEVELOPMENT, L.L.C. Rick Wight, Member
STATE OF OREGON, County of Deschutes, ss:	
The foregoing instrument was acknowled 1997, by Rick Wight.	Motary Public for Oregon
OFFICIAL SEAL AMBER LEE KIRK	My Commission Expires: 10/31/49

Exhibit "A"

Beginning at the initial point, a 5/8" iron rod with a plastic cap stamped "HWA" marking the intersection of the Northerly boundary line of said Section 27, and the Westerly 40.00 foot right of way line of 27th Street; thence along said Westerly 40.00 foot right of way line South 00°00'23" East a distance of 330.44 feet to a 5/8" iron rod with a plastic cap stamped "HWA" marking the intersection of said Westerly 40.00 foot right of way line and the Southerly boundary line of said North One-Half of the North One-Half of the Northeast One-Quarter of the Northeast One-Quarter (N1/2 N1/2 NE1/4 NE1/4) of said Section 27; thence along said Southerly boundary line South 89°37'51" West a distance of 616.78 feet to a 5/8" iron rod with a plastic cap stamped "HWA" on the Easterly boundary line of the plat of Cascade Peaks, Phase I; thence along said Easterly boundary line North 00°23'10" West a distance of 330.21 feet to a 5/8" iron rod with a plastic cap stamped "HWA" on said Northerly boundary line of said Section 27; thence along said Northerly boundary line North 89°36'38" East a distance of 618.97 feet to the point of beginning, the terminus of this description.

> COUNTY OF DESCHUTES STATE OF OREGON

, COUNTY CLERK AND S. IN AND FOR SAID FY THAT THE WITHIN RECORDER OF CONVEYANCES, IN AND COUNTY, DO HEREBY CERTIEY THAT TI INSTRUMENT WAS RECORDED THIS DAY:

37-227-79

DESCHUTES COUNTY OFFICIAL RECORDS

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