

173942-57

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2007-05739

\$41.00



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D-CCR Cnt=1 Stn=1 BN  
\$15.00 \$11.00 \$10.00 \$5.00

AFTER RECORDING, RETURN TO:

After Recording Return to:  
Cascade Business Group  
361 NE Franklin  
Bend, Oregon 97701  
Attn: Linda Johnson

41  
3

**FIRST AMENDMENT TO DECLARATION OF  
PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS  
FOR COULTER SUBDIVISION**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS, AND RESTRICTIONS FOR COULTER SUBDIVISION (this "First Amendment") is made and entered into effective this 19 day of December, 2006.

Recitals:

Whistler Dev, LLC ("Declarant"), the developer of Coulter Subdivision, recorded that certain Declaration of Protective Covenants, Condition and Restrictions for Coulter Subdivision on November 10, 2005, in the real property records of Deschutes County, Oregon at Volume 2005, Page 77550 (the "Declaration"). Pursuant to Section 13.3 of the Declaration, the Owners desire to amend the Declaration as provided herein. Capitalized terms not defined herein shall have the meaning given in the Declaration.

1. Commencement of Assessments. The Declaration is hereby amended to provide that assessments to be collected under Sections 3.2 and 3.5 shall commence at to each Lot **on the earlier to occur of (a) the date on which the residential unit on such Lot receives a certificate of occupancy or other comparable written evidence from the applicable governmental authority(ies) that the same was constructed in compliance with applicable law (the "Occupancy Certification"); or (b) the date that is twelve (12) months from the date of the first conveyance of the Lot by Declarant.** In no event may a Unit be occupied unless and until such time as the owner receives an Occupancy Certification. Each Owner shall advise the Association in writing of receipt of the Occupancy Certification not later than ten (10) days after receipt of the same. Failure to timely provide the Occupancy Certification to the Association shall constitute a default under the Declaration and shall subject the Owner and the Lot to a fine in the amount of One Hundred Dollars (\$100) per day.

2. Effect of Amendment. Except as expressly amended hereby, the Declaration remains unamended and in full force and effect.

3. Certification. The undersigned President and Secretary of the Association certify that this First Amendment has been approved in the manner required by Section 13.3 of the Declaration and ORS 94.590.

RECORDED BY FIRST AMERICAN TITLE  
INSURANCE COMPANY OF OREGON AS AN  
ACCOMMODATION ONLY NO LIABILITY IS  
ACCEPTED FOR THE CONDITION OF TITLE  
OR FOR THE VALIDITY, SUFFICIENCY, OR  
EFFECT OF THIS DOCUMENT.

4. Declarant Consent. The undersigned Declarant executes this First Amendment to indicate its consent, as required by Section 13.3 of the Declaration

IN WITNESS WHEREOF, the undersigned have executed this First Amendment  
this 19 day of ~~October~~ December 2006.

ASSOCIATION:

**COULTER SUBDIVISION  
HOMEOWNERS' ASSOCIATION,  
INC.**, an Oregon nonprofit corporation

By:   
Its: Chairperson

By: Sydney Anderson  
Its: Secretary

DECLARANT:

**WHISTLER DEV, LLC**, an Oregon  
limited liability company

By:   
Name: John Pawther

Title: Managing Member

STATE OF OREGON )  
County of Deschutes )

The foregoing instrument was acknowledged before me the 22<sup>nd</sup> day of Jan. 2007, by John Pewther, the Developer of Whistler Dev, LLC, an Oregon limited liability company, on behalf of the company.



Sandra Fleshman

Notary Public, State of Oregon  
My Commission Expires: 1-15-2009

STATE OF OREGON )  
County of Deschutes ) ss.

The foregoing instrument was acknowledged before me on this 22<sup>nd</sup> day of Jan. 2007, by John Pewther, who is the president of Coulter Subdivision Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.



Sandra Fleshman

Notary Public for Oregon  
My Commission Expires: 1-15-2009

STATE OF OREGON )  
County of Columbia ) ss.

The foregoing instrument was acknowledged before me on this 22<sup>nd</sup> day of Jan. 2007, by Sarah Anderson, who is the secretary of Coulter Subdivision Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.



Sandra Fleshman

Notary Public for Oregon  
My Commission Expires: 1-15-2009