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RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Apr. 23, 1999; 3:58 p.m.

RECEIPT NO: 5054

DOCUMENT TYPE: Covenants,
Conditions & Restrictions

FEE PAID: \$15.00

NUMBER OF PAGES: 2

Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK



After recording, return to:
BALL JANIK LLP
One Main Place
101 SW Main Street
Suite 1100
Portland, OR 97204
Attn: Gary D. Cole

**THIRD AMENDMENT
TO
DECLARATION OF COVENANTS, CONDITIONS,
AND RESTRICTIONS FOR CROSSWATER**

This **THIRD AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR CROSSWATER** (this "Amendment") is made this 22nd day of April, 1999, by **CROSSWATER DEVELOPMENT L.L.C.**, an Oregon limited liability company ("Declarant").

Recitals:

A. Development caused to be recorded (i) that certain Declaration of Covenants, Conditions, and Restrictions for Crosswater in the land records of Deschutes County, Oregon, in Book 346, Page 1105 on July 21, 1994 (the "Original Declaration"), (ii) that certain Amendment to Declaration of Covenants, Conditions, and Restrictions for Crosswater in the land records of Deschutes County, Oregon, in Book 376, Page 958 on June 15, 1995, (iii) that certain Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for Crosswater, in the land records of Deschutes County, Oregon, in Book 382, Page 1130 on August 21, 1995, (iv) that certain Second Amendment to Declaration of Covenants, Conditions, and Restrictions for Crosswater in the land records of Deschutes County, Oregon, in Book 418, Page 2205 on August 6, 1996, and (v) that certain Second Supplemental Declaration to Declaration of Covenants, Conditions, and Restrictions for Crosswater, in the land records of Deschutes County, Oregon, in Book 435, Page 2293 on January 22, 1997 (the Original Declaration as amended and supplemented, the "Existing Declaration"). Capitalized terms not otherwise defined herein shall have the meanings given in the Existing Declaration.

B. Tract S, **CROSSWATER PHASE 3**, Deschutes County, Oregon ("Tract S") was originally designated as Common Area for purposes of the Existing Declaration and the Plat. Because of the character of Tract S and its proximity to the Golf Course, Tract S should properly have been classified as "Open Space," rather than as Common Area.

C. Section 19.2.1 of the Existing Declaration permits Declarant unilaterally to amend the Existing Declaration until termination of its Class B membership, provided the amendment does not materially and adversely affect any material rights of Members. The reclassification of Tract S as "Open Space," rather than as Common Area, in light of the character and location of Tract S, does not materially and adversely affect any material rights of Members. On the contrary, this reclassification will benefit the Members and their Association, as the Association

will not have the responsibility to maintain Tract S (other than the bicycle and pedestrian pathway thereon), as would have been the case had Tract S continued to be designated as Common Area.

Amendments:

NOW, THEREFORE, Declarant hereby amends the Existing Declaration as follows:

1. Classification of Tract S. Tract S shall not form part of the Common Area but shall be classified as "Open Space" for all purposes.

2. Effect of Amendment. Except to the extent expressly set forth in this Amendment, the Existing Declaration remains unamended and in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Amendment as of the date first set forth above.

Declarant:

CROSSWATER DEVELOPMENT L.L.C.,
an Oregon limited liability company

By: Sunriver Resort Limited Partnership,
a Delaware limited partnership, a member

By: Lowe Sunriver, Inc.,
a California corporation, General Partner

By: [Signature]
Title: Exec VP

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 23rd day of April, 1999, by Thomas P. Luersen, who is the Exec. Vice President of Lowe Sunriver, Inc., a California corporation, General Partner of Sunriver Resort Limited Partnership, a Delaware limited partnership, member of Crosswater Development L.L.C., an Oregon limited liability company, on behalf of the limited liability company.

Jayne J. Bristow
Notary Public for Oregon
My Commission Expires: 7/22/2002

