

**VOL: 1999 PAGE: 21400**  
**RECORDED DOCUMENT**

STATE OF OREGON  
COUNTY OF DESCHUTES



\*1999-21400 \* Vol-Page

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

DATE AND TIME: Apr. 30, 1999; 3:49 p.m.

RECEIPT NO: 5369

DOCUMENT TYPE: Covenants,  
Conditions & Restrictions

FEE PAID: \$35.00

NUMBER OF PAGES: 2

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW  
DESCHUTES COUNTY CLERK

35 -

99.21400-1

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

**DECLARATION OF TERMINATION OF CLASS B MEMBERSHIP  
IN  
CROSSWATER OWNERS' ASSOCIATION, INC.**

This DECLARATION OF TERMINATION OF CLASS B MEMBERSHIP IN CROSSWATER OWNERS' ASSOCIATION, INC. (this "Declaration") is made effective as of this 25th day of April, 1999, by CROSSWATER DEVELOPMENT L.L.C., an Oregon limited liability company ("Declarant").

Recitals:

A. Declarant 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, (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, and (vi) that certain Third Amendment to Declaration of Covenants, Conditions, and Restrictions for Crosswater, in the land records of Deschutes County, Oregon on April 23, 1999 (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. Declarant is the Class B Member of the Association. Section 9.3.2(iii) of the Existing Declaration provides that Class B membership in the Association shall cease and be converted to Class A membership when Declarant, in its discretion, so determines by recordation of an instrument expressly providing for such termination in the official records of Deschutes County, Oregon. Declarant desires to provide for such termination by recording this Declaration.

After recording, return to  
AmeriTitle

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99.214002

Declaration:

NOW, THEREFORE, Declarant hereby declares as follows:

1. Termination of Class B Membership. Declaration has determined in its discretion pursuant to Section 9.3.2(iii) of the Existing Declaration that its Class B membership shall terminate and shall be converted to Class A membership in the Association effective as of the date set forth above and hereby records this Declaration to give notice of such determination.

2. Effect of Declaration. The sole purpose of this Declaration is to provide for the termination of Declarant's Class B membership. The Existing Declaration (including, without limitation, any provisions therein for the benefit of Declarant, regardless of whether Declarant is then a Class A member of the Association) remains unamended and in full force and effect.

IN WITNESS WHEREOF, Declarant has executed this Declaration 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]  
Thomas P. Luersen, Executive Vice President

STATE OF OREGON            )  
  ) ss.  
County of Deschutes        )

The foregoing instrument was acknowledged before me on this 28<sup>th</sup> day of April, 1999, by Thomas P. Luersen, who is the Executive 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

