

After recording, return to:  
Ball, Janik & Novack  
One Main Place  
Suite 1100  
101 S.W. Main Street  
Portland, Oregon 97204-3274 95-29216  
Attn: Gary D. Cole

382 - 1128

#### DECLARATION OF DESIGNATION OF AUTHORIZED DECLARANT

This DECLARATION OF DESIGNATION OF AUTHORIZED DECLARANT (this "Declaration") is made as of the 19<sup>th</sup> day of July, 1995 by CROSSWATER DEVELOPMENT, L.L.C., an Oregon limited liability company ("Declarant").

#### Recitals:

A. Declarant has caused to be recorded in the land records of Deschutes County, Oregon that certain Declaration of Covenants, Conditions, and Restrictions for Crosswater, in Book 346, Page 1105 on July 21, 1994, and that certain Amendment to Declaration of Covenants, Conditions, and Restrictions for Crosswater, in Book 376, Page 958 on June 15, 1995 (together, the "Existing Declaration").

B. The Existing Declaration provides that Declarant may transfer or assign its right to annex property under Article II of the Existing Declaration.

C. Declarant desires to authorize Crosswater Marketing, L.L.C., an Oregon limited liability company ("Marketing"), to annex property as set forth in the Existing Declaration, subject to the terms and conditions of this Declaration. Marketing has acquired a portion of the property legally described on Exhibit A or B of the Existing Declaration for the purpose of development and/or resale in the ordinary course of its business.

#### Declarations:

NOW, THEREFORE, Declarant declares as follows:

1. Designation of Authorized Declarant. Pursuant to Section 2.3 of the Existing Declaration, Declarant hereby assigns to Marketing the right of Declarant to annex property in accordance with Article II of the Existing Declaration with respect to property owned by Marketing and designates Marketing as an authorized declarant pursuant to Section 1.17 of the Existing Declaration. The designation set forth in this Section 1 shall take effect upon the recordation of this Declaration in the land records of Deschutes County, Oregon. Declarant reserves the right to annex or withdraw property in accordance with Article II of the Existing Declaration.

2. Effect of Designation. Except to the extent expressly set forth in this Declaration, the designation contained herein shall neither modify nor amend the Existing Declaration nor diminish or expand any of the rights or obligations set forth in the Existing Declaration.

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: Charles S. Peck, Pres.  
Charles S. Peck,  
President

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

The foregoing instrument was acknowledged before me on this 19 day of July, 1995, by Charles S. Peck, who is the 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: 7/22/98



STATE OF OREGON ) ss.  
COUNTY OF DESCHUTES )  
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 DATE:

95 AUG 21 PM 3:54  
COUNTY CLERK  
COUNTY OF DESCHUTES

DEPUTY  
BY: J. Wallace  
NO. 95-29216 FEE 10<sup>00</sup>  
DESCHUTES COUNTY OFFICIAL RECORDS