

After recording return to:

Bryan, Lovlien & Jarvis, PC
Attn: John Sorlie
591 SW Mill View Way
Bend, OR 97702

COVER SHEET TO

**FIRST AMENDMENT TO RESTRICTIONS AND COVENANT'S
DESERT SPRINGS RANCH PROPERTIES
DESCHUTES COUNTY, OREGON**

AND ATTACHED AFFIDAVIT OF LAND HOLDERS

Parties:

Maryann McCann Abbajay and David Anthony Abbajay, as Trustee of the
Abbajay Family Trust UTA dated August 3, 1994
67480 Cloverdale Road
Bend, Oregon 97701

Cisco Stables, LLC:
67480 Cloverdale Road
Bend, Oregon 97701

Desert Springs Ranch Limited Partnership
c/o Duffy Kekel, LLP
1200 Standard Plaza
1100 SW Sixth Avenue
Attn: Eric Vetterlein

Barbara B. Kimberley and James E. Kimberley
2755 SW Buena Vista Dr
Portland, Oregon 97201

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2006-38491

\$86.00



D-CCR Cnt=1 Stn=23 JEFF
\$80.00 \$11.00 \$10.00 \$5.00

06/02/2006 02:27:50 PM

After recording return to:

Bryan, Lovlien & Jarvis, PC
Attn: John Sorle
591 SW Mill View Way
Bend, OR 97702

FIRST AMENDMENT TO RESTRICTIONS AND COVENANT'S

**DESERT SPRINGS RANCH PROPERTIES
DESCHUTES COUNTY, OREGON**

Reference is made to the Restrictions and Covenants, Desert Springs Ranch Properties, Deschutes County, Oregon that was recorded in the Deed Records of Deschutes County Oregon on December 6, 1972 at Vol. 190 Page 772 et seq. as Instrument Number 2721 (the "**Desert Springs Ranch CC&Rs**"). The Desert Springs Ranch CC&Rs place certain covenants, conditions and restrictions on property located in Deschutes County, Oregon more particularly described on the attached Exhibit A (the "**Desert Springs Ranch Properties**").

Pursuant to Section H of the Desert Springs Ranch CC&Rs, reserving to the land holders of the Desert Springs Ranch Properties the authority to change or otherwise alter the restrictions of the Desert Springs Ranch CC&Rs, the land holders have voted to amend the Desert Springs Ranch CC&Rs as provided in this First Amendment to Restrictions and Covenants, Desert Springs Ranch Properties, Deschutes County, Oregon (the "**Amended Desert Springs Ranch CC&Rs**").

An Affidavit of Landholders approving the Amended Desert Springs Ranch CC&R's will be attached hereto.

1. Existing Buildings.

All buildings and other structures existing as of the date of these Amended Desert Springs Ranch CC&Rs on the property described on Exhibit B attached hereto including but not limited to the existing horse barn, indoor arena and shed, are hereby deemed to be in compliance with the Desert Springs Ranch CC&Rs and are excepted from such restrictions to the extent the location, design, or character of such buildings or structures are otherwise in conflict with the restrictions, including, but not limited to the restrictions contained in:

(a) Section D. entitled "Buffer Zone" on page 2 of the Desert Springs Ranch CC&Rs, which restricts building or construction on a 200 foot wide strip of property adjacent to the boundaries of the Desert Springs Ranch Properties;

(b) Section E. entitled "Area Restrictions" relating to density of development;

(c) Paragraph 7 entitled "Reflective Finishes" under section F entitled "General Restrictions";

(d) Section G. entitled "Design and Planning Committee" relating to approval by a Design and Planning Committee of all construction and land development, and placing certain limitations on building height, color, etc.

(e) Paragraph 1 entitled "Buffer Zone" under Section I. entitled "Special Restrictions", relating to a 200 foot wide buffer zone; and

(f) Paragraph 2 entitled "Area Restrictions" under Section I. entitled "Special Restrictions" relating to density of development.

2. Future Development.

Nothing in these Amended Desert Springs Ranch CC&Rs, other than those amendments contained herein, is intended to reduce or eliminate any restrictions that may apply to the Desert Springs Ranch Properties in the future, but such restrictions or conditions shall not affect the

ability to repair, maintain, add to, or improve the buildings or structures excepted from such restrictions as provided above, except that new additions or improvements shall not further violate the Desert Springs Ranch CC&R's.

3. Ratification of CC&R's.

Except as amended by this Amended Desert Springs Ranch CC&R's, the Desert Springs Ranch CC&R's are hereby ratified and confirmed.

4. Effective Date.

This Amended Desert Springs Ranch CC&Rs is effective as of April 24, 2006.

5. Signature Page.

The Signature Page for this Amended Amended Desert Springs Ranch CC&Rs is on the attached Affidavit Of Land Holders to First Amended Restrictions And Covenants Desert Springs Ranch Properties Deschutes County, Oregon.

EXHIBIT A – FIRST AMENDMENT TO RESTRICTIONS AND COVENANTS

Desert Springs Ranch Properties Legal Description

The Southwest Quarter of the Southwest Quarter of Section Sixteen (16); the West Half of the Southwest Quarter of Section Seventeen (17); the Southeast Quarter of the Southeast Quarter of Section Eighteen (18); the North half, the West half of the Southwest Quarter, the Northwest Quarter of the Southeast Quarter, and the Northwest Quarter of the Southeast Quarter of Section Twenty (20); the South Half of Section Nineteen (19); the North Half of Section Thirty (30), save and except the following:

A parcel of land located in the Northwest Quarter of Section (30), Township Fifteen (15) South, Range Eleven (11), East of the Willamette Meridian, more particularly described as follows: The North Half of said Northwest Quarter of Section 30 and the Northerly 125.00 feet of the South Half of said Northwest Quarter of Section 30, excepting therefrom the following described parcel: Beginning at the North quarter corner of said Section 30; thence South 89°04'45" West, along the North line of said Section 30, 724.36 feet; thence South 40° 51'02" East, 1173.39 feet; thence North 00° 42'02" West, 861.45 feet to the point of beginning, containing 83 acres more or less, and The South Half of the Northwest Quarter, except the North 125 feet thereof, of Section 30,

All being in Township Fifteen (15) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

EXHIBIT B – FIRST AMENDMENT TO RESTRICTIONS AND COVENANTS

Property Descriptions for Existing Building

Parcel 1

That certain parcel of land described in Document No. 1997-16450, Deschutes County Official Records, being Parcel 3, Major Land Partition 88-5, situated in the Northwest Quarter of Section 30, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon;

Together with a portion of that certain parcel of land described in Document No. 1998-29257, Deschutes County Official Records, being Parcel 2, Major Land Partition 88-5; being more particularly described as follows:

Beginning at a 5/8" iron rod at the southeast corner of said Parcel 2; thence, on the southerly boundary thereof, S88°52'36"W, 1280.09 feet to a point; thence N51°18'38"W, 875.74 feet to a 5/8" iron rod on the boundary of an unnamed dedicated right-of-way; thence, leaving said southerly boundary on said right-of-way, on the arc of a 60.00 foot radius curve to the left (chord bears N43°29'33"E, 1.06 feet) 1.06 feet to a 5/8" iron rod; thence, leaving said right-of-way, S51°13'50"E, 758.95 feet to a 5/8" iron rod on said southerly boundary; thence, leaving said boundary, on the arc of a 105.00 foot radius curve to the left (chord bears S73°54'03"E, 80.94 feet) 83.09 feet to a 5/8" iron rod; thence N83°25'44"E, 42.69 feet to a 5/8" iron rod; thence on the arc of a 120.00 foot radius curve to the right (chord bears S83°03'23"E, 56.09 feet) 56.61 feet to a 5/8" iron rod; thence S69°32'29"E, 58.00 feet to a 5/8" iron rod; thence on the arc of a 80.00 foot radius curve to the left (chord bears S80°19'57"E, 29.96 feet) 30.13 feet to a 5/8" iron rod; thence, on a line 20.00 feet from and parallel with the south boundary line of said Parcel, N88°52'36"E, 1111.00 feet to a 5/8" iron rod on the east boundary of said Parcel; thence, on said east boundary, S01°13'50"E, 20.00 feet to the point of beginning.

Subject to and together with easements of record.

Containing 25.12 Acres, more or less.

Parcel 2

That certain parcel of land described in Document No. 1998-29257, Deschutes County Official Records, being Parcel 2, Major Land Partition 88-5, situated in the Northwest Quarter of Section 30, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon;

Excepting therefrom a portion of said parcel being more particularly described as follows:

Beginning at a 5/8" iron rod at the southeast corner of said Parcel 2; thence, along the southerly boundary thereof, S88°52'36"W, 1280.09 feet to a point; thence N51°18'38"W, 875.74 feet to a 5/8" iron rod on the boundary of an unnamed dedicated right-of-way; thence, leaving said southerly boundary and along said right-of-way, on the arc of a 60.00 foot radius curve to the left

(chord bears N43°29'33"E, 1.06 feet) 1.06 feet to a 5/8" iron rod; thence, leaving said right-of-way, S51°13'50"E, 758.95 feet to a 5/8" iron rod on said southerly boundary; thence, leaving said boundary, on the arc of a 105.00 foot radius curve to the left (chord bears S73°54'03"E, 80.94 feet) 83.09 feet to a 5/8" iron rod; thence N83°25'44"E, 42.69 feet to a 5/8" iron rod; thence on the arc of a 120.00 foot radius curve to the right (chord bears S83°03'23"E, 56.09 feet) 56.61 feet to a 5/8" iron rod; thence S69°32'29"E, 58.00 feet to a 5/8" iron rod; thence on the arc of a 80.00 foot radius curve to the left (chord bears S80°19'57"E, 29.96 feet) 30.13 feet to a 5/8" iron rod; thence, along a line 20.00 feet from and parallel with the south boundary line of said Parcel, N88°52'36"E, 1111.00 feet to a 5/8" iron rod on the east boundary of said Parcel; thence, along said east boundary, S01°13'50"E, 20.00 feet to the point of beginning.

Subject to and together with easements of record.

Containing 23.81 Acres, more or less.

Parcel 3

That certain parcel of land described in Document No. 1995-16047, Deschutes County Official Records, being Parcel 3, Minor Partition 88-37, situated in the Northwest Quarter of Section 30, Township 15 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon;

After recording return to:

Bryan, Lovlien & Jarvis, PC
Attn: John Sorlie
591 SW Mill View Way
Bend, OR 97702

**AFFIDAVIT OF LAND HOLDERS
TO
FIRST AMENDED RESTRICTIONS AND COVENANTS
DESERT SPRINGS RANCH PROPERTIES
DESCHUTES COUNTY, OREGON**

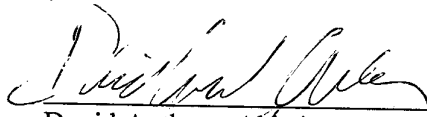
State of Oregon)
) ss.
County of Deschutes)

1. Reference is made to the Restrictions and Covenants, Desert Springs Ranch Properties, Deschutes County, Oregon that was recorded in the Deed Records of Deschutes County Oregon on December 6, 1972 at Vol. 190 Page 772 et seq. as Instrument Number 2721 (the **“Desert Springs Ranch CC&Rs”**).
2. The Desert Springs Ranch CC&Rs place certain covenants, conditions and restrictions on property located in Deschutes County, Oregon more particularly described in the Desert Springs Ranch CC&Rs (the **“Desert Springs Ranch Properties”**).
3. Section H of the Desert Springs Ranch CC&Rs reserves to the land holders of the Desert Springs Ranch Properties the authority to change or otherwise alter the restrictions of the Desert Springs Ranch CC&Rs.
4. Each land holder of Desert Springs Ranch Properties is entitled to one vote per acre of land held.
5. Changes to the Desert Springs Ranch CC&Rs requires vote of two-thirds majority of the votes entitled to be cast.

6. The undersigned represent land holders holding greater than two-thirds of the votes entitled to be cast to amend the Desert Springs Ranch CC&Rs.

7. The Desert Springs Ranch CC&Rs are hereby amended as provided in the First Amendment to Restrictions and Covenants, Desert Springs Ranch Properties, Deschutes County, Oregon (the "Amended Desert Springs Ranch CC&Rs") to which this Affidavit of Land Holders has been attached.

LAND HOLDERS:



David Anthony Abbajay, as Trustee of the Abbajay Family Trust UTA dated August 3, 1994

State of Oregon)

) ss.

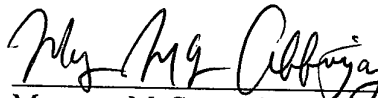
County of Deschutes)

This instrument was acknowledged before me on April 26, 2006 by David Anthony Abbajay.



Notary Public for Oregon

My Commission Expires: 4/27/08



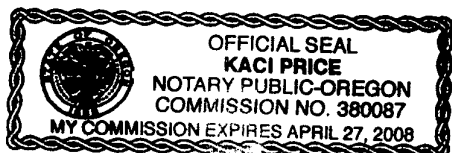
Maryann McCann Abbajay, as Trustee of the Abbajay Family Trust UTA dated August 3, 1994

State of Oregon)

) ss.

County of Deschutes)

This instrument was acknowledged before me on April 26, 2006 by Maryann McCann Abbajay.



Notary Public for Oregon

My Commission Expires: 4/27/08

[continued signatures for Affidavit of Land Holders]

Cisco Stables, LLC

By: *[Signature]*
Its: authorized member

State of Oregon)

County of Deschutes)

ss.

This instrument was acknowledged before me on April 26, 2006 by Daniel
Abbayay, its authorized member.

Kaupna

Notary Public for Oregon

My Commission Expires: 4/27/08



[continued signatures for Affidavit of Land Holders]

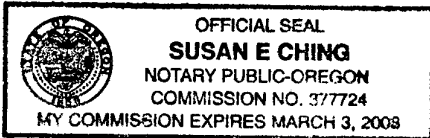
James E. Kimberley
James E. Kimberley

State of Oregon)

) ss.

County of ~~Deschutes~~ MULTNOMAH)

This instrument was acknowledged before me on APRIL 26, 2006 by James E. Kimberley.



Susan E. Ching
Notary Public for Oregon
My Commission Expires: 03/03/08

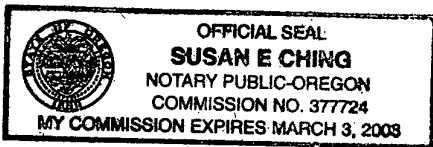
Barbara B. Kimberley
Barbara B. Kimberley

State of Oregon)

) ss.

County of ~~Deschutes~~ MULTNOMAH)

This instrument was acknowledged before me on APRIL 26, 2006 by Barbara B. Kimberley.



Susan E. Ching
Notary Public for Oregon
My Commission Expires: 03/03/08

[continued signatures for Affidavit of Land Holders]

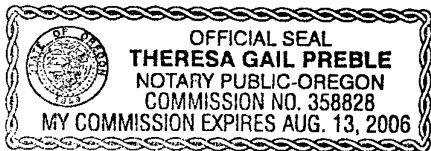
Desert Springs Ranch Limited Partnership

By: *Eric H. Vetterlein*
Its: General Partner

State of Oregon)
County of ~~Deschutes~~ *Multnomah*)

ss.

This instrument was acknowledged before me on April 26, 2006 by Eric H. Vetterlein, the general partner of Desert Springs Ranch Limited Partnership.



Theresa Gail Preble
Notary Public for Oregon
My Commission Expires: 8/13/2006