

89-11883

FOURTH AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
(EAGLE CREST ESTATE HOMESITES)

This Fourth Amendment to Declaration of Covenants, Conditions and Restrictions for Eagle Crest Estate Homesites (the "Amendment") is made this 15th day of May, 1989, by the EAGLE CREST ESTATE HOMESITE OWNERS ASSOCIATION, an Oregon non-profit corporation (the "Association"), is as follows:

R E C I T A L S :

A. On or about June 24, 1985, Eagle Crest Partners Ltd., an Oregon limited partnership, recorded that certain Declaration of Covenants, Conditions and Restrictions for Eagle Crest Estate Homesites in Book 98, Page 718 in the official records of the County Recorder of Deschutes County, Oregon (the "Declaration").

B. The Declaration encumbers that certain Eagle Crest Estate Homesite Project (the "Project") located in Deschutes County, Oregon, and more particularly described in Exhibit A attached hereto and made a part hereof.

C. The Association amended the Declaration to provide for ownership of not more than twenty (20) Estate Homesites to be divided into tenant-in-common interests, with periodic exclusive use rights assigned to each such interest, subject to certain limitations specified below.

D. The Association further amended the Declaration to provide for five (5) tenant-in-common interests in Lot 7, Block 7, of the Eagle Crest Plat filed June 24, 1985.

E. The Association desires to further amend the Declaration to provide for seven (7) tenant-in-common interests in Lot 7, Block 7, Lot 11, Block 9 and Lot 10, Block 9, of the Eagle Crest Plat filed June 24, 1985.

F. Paragraph 12.1 of the Declaration provides that the Declaration may be amended by a vote of a "Super Majority of Owners", as evidenced by a written instrument recorded in the Office of the County Recorder of Deschutes County, and executed by the Secretary of the Estate Homesite Owners Association. A "Super Majority of Owners" is defined in Article I of the Declaration, as the "vote or written assent of Non-Declarant Owners entitled to vote or so assent and who collectively are entitled to exercise more than 75% of votes which may be exercised by such Non-Declarant Owners, and (ii) the consent of the Declarant". "Non-Declarant Owners" is defined in the Declaration as "all Owners other than Declarant". The Declarant is "Eagle Crest Partners Ltd., an Oregon limited partnership."

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G. By action taken without a meeting by written ballot in accordance with Article V, Section 10 of the Bylaws, a Super Majority of Owners has voted or given their written assent to the amendment set forth herein.

H. By this Amendment and pursuant to the power reserved to the Association to amend the Declaration as provided in Paragraph 12.1 thereof, the Association desires to amend the Declaration as hereinafter set forth.

AMENDMENT

1. Paragraph 4.2(b)(i), as amended, is hereby further amended as follows:

"4.2(b)(i) Lot 7, Block 7, Lot 11, Block 9 and Lot 10, Block 9, Eagle Crest, may be divided into not more than seven (7) tenant-in-common interests. An additional seventeen (17) Estate Homesites may be divided into not more than four (4) tenant-in-common interests each. Such seventeen (17) Estate Homesites shall be selected from Lot 14, Block 7; Lot 12, Block 6; Lot 8, Block 7; Lot 5, Block 7; Lot 5, Block 9; Lot 14, Block 9; Lot 3, Block 7; Lot 8, Block 9; and nine (9) additional Estate Homesites to be selected by Declarant from time to time."

2. Except as modified by this Amendment, the Declaration and each of its provisions shall remain in full force and effect without change.

EXECUTED the day and year first above written.

EAGLE CREST ESTATE HOMESITE OWNERS
ASSOCIATION, an Oregon non-profit
corporation

By J. L. Zumwalt
Secretary

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me
this 15th day of May, 1989, by JO ANN ZUMWALT, Secretary
of EAGLE CREST ESTATE HOMESITE OWNERS ASSOCIATION, an Oregon
non-profit corporation, on its behalf.

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires 12/15/90
[Notary Seal: STEPH R. THOMPSON, NOTARY PUBLIC, STATE OF OREGON]

STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

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 DAY:

89 MAY 22 PM 1:47

MARY SUE PENHOLLOW
COUNTY CLERK

BY: *[Signature]* DEPUTY
NO. 89-11883 FEB 15
DESCHUTES COUNTY OFFICIAL RECORDS