

88-15195

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

0166 2678

This Third Amendment to Declaration of Covenants, Conditions and Restrictions for Eagle Crest Estate Homesites (the "Amendment") is made this 8th day of July 1988, 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 desires to amend 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. 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, an Oregon nonprofit corporation. 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."
- F. 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 amendments set forth herein.
- G. 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 herein-after set forth.

AMENDMENTS

0166 2679

1. Paragraph 4.2 of the Declaration is hereby amended by deleting paragraph 4.2(b)(i), and by substituting the following paragraph 4.2(b)(i) therefor:

"4.2(b)(i)" Lot 8, Block 7, and Lot 10, Block 9, and Lot 7, Block 7, Eagle Crest, may be divided into not more than five (5) tenant-in-common interests, and Lot 11, Block 9, Eagle Crest, may be divided into not more than six (6) tenant-in-common interests. An additional sixteen (16) Estate Homesites may be divided into not more than four (4) tenant-in-common interests each. Such sixteen (16) Estate Homesites shall be selected from Lot 5, Block 7, Lot 5, Block 9, Lot 12, Block 6, Lot 3, Block 7, Lot 8, Block 9, and eleven (11) 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.

ASSOCIATION:

EAGLE CREST HOMESITE OWNERS ASSOCIATION, an Oregon nonprofit corporation

By William D. Lyene Its President

By Karen L. Smith Its Secretary

STATE OF OREGON)
) ss.
County of DESCHUTES)

The foregoing instrument was acknowledged before me this 8th day of JULY, 1988 by WILLIAM D. LYENE AND KAREN L. SMITH, president and secretary, respectively, of EAGLE CREST HOMESITE OWNERS ASSOCIATION, an Oregon nonprofit corporation, on its behalf.



Bend Title Company

[Signature]
Notary Public for Oregon
My commission expires: 1/21/90

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:

88 JUL 15 PH 3:04

MARY SUE PENHOLLOW
COUNTY CLERK

BY: [Signature] DEPUTY
NO. 88-15195 FEE 10
DESCHUTES COUNTY OFFICIAL RECORDS