

When recorded mail to:  
 EAGLE CREST PARTNERS LTD.  
 P. O. BOX 1215  
 REDMOND, OR 97756

95-37536

DECLARATION OF ANNEXATION  
 (EAGLE CREST ESTATE HOMESITES)

THIS DECLARATION OF ANNEXATION, made this 20<sup>th</sup> day of October, 1995 by EAGLE CREST PARTNERS LTD., an Oregon limited partnership ("Declarant"), is as follows:

RECITALS

A. Declarant is the developer of certain real property (the "Property") located in the County of Deschutes, State of Oregon, which Property is commonly known as Eagle Crest Estate Homesites (the "Project"). The Project consists of residential lots together with common area, and other real property developed or to be developed by Declarant, all subject to that certain Declaration of Covenants, Conditions, and Restrictions for Eagle Crest Estate Homesites, as amended, dated June 24, 1985, and recorded June 24, 1985, in Book 98, Page 718, Official Records of the Deschutes County Recorder. On or about July 25, 1985, Declarant caused that certain Supplemental Declaration of Covenants, Conditions and Restrictions (Eagle Crest Estate Homesites) to be recorded in the Official Records of the Office of the County Recorder of Deschutes County, Oregon at Book 100, Page 1011. Subsequent amendments made by the Association were recorded in the Official Records of the Office of the County Recorder of Deschutes County, Oregon as follows:

Second Amendment	March 31, 1987	Book 143, Page 1702
Third Amendment	July 15, 1988	Book 166, Page 2678
Fourth Amendment	May 22, 1989	Book 184, page 1874
Fifth Amendment	May 30, 1990	Book 210, Page 027

The original Declaration, Supplemental Declaration and the Second, Third, Fourth and Fifth Amendments to the Declaration of Covenants, Conditions and Restrictions for Eagle Crest Estate Homesites are hereinafter collectively referred to as the "Declaration".

B. Declarant is the owner of certain real property adjacent to the Property (the "Estate Homesite Annexable Property") more particularly described in Exhibit A attached hereto and made a part hereof. Declarant has the right pursuant to Article VIII of the Declaration, to cause all or a portion of the Estate Homesite Annexable Property to be annexed to the Project.

C. By this Declaration of Annexation, Declarant intends to annex a portion of the Estate Homesite Annexable Property described in Exhibit B attached hereto and made a part hereof to the Project and to establish a common scheme and plan for the use, enjoyment, repair, maintenance, restoration and improvement of the Estate Homesite Annexable Property and the interests therein conveyed or reserved, and for the payment of taxes, assessments, insurance premiums and other expenses pertaining thereto, all as set forth in the Declaration.

NOW, THEREFORE, in furtherance of such intent, Declarant hereby declares as follows:

1. The Estate Homesite Annexable Property described in Exhibit B shall be held, conveyed, hypothecated, mortgaged, encumbered, leased, rented, used, occupied and improved subject to the easements, covenants, conditions and restrictions set forth in the Declaration, as the Declaration may be amended from time to time, and subject to the "Estate Homesite Association Policies and Procedures", (as the quoted term is defined in the Declaration) all of which easements, covenants, conditions and restrictions and the "Estate Homesite Association Policies and Procedures" are declared to be in furtherance of a plan established for the purpose of enhancing and perfecting the value, desirability and enjoyment of the Estate Homesite Annexable Property, and the interest or interests therein to be conveyed or reserved. All such easements, covenants, conditions and restrictions and "Estate Homesite Association Policies and Procedures" shall constitute covenants running with the land and equitable servitudes and liens, and shall be binding upon and for the benefit of Declarant and each such interest conveyed and shall be binding upon and for the benefit of all parties having or acquiring any right, title, interest or estate in the Estate Homesite Annexable Property, including, but not limited to, the heirs, executors, administrators and assigns of any such parties and all subsequent owners and lessees of all or any part of the Estate Homesite Annexable Property.

2. Each platted lot shall be a "Lot" for purposes of the "Declaration" and any area labeled "Common Area" shall be an "Estate Homesite Association Property" for purposes of the Declaration.

IN WITNESS WHEREOF, Declarant has hereunto caused this Declaration to be executed as of the day and year first above written.

"DECLARANT"

EAGLE CREST PARTNERS LTD., an Oregon limited partnership, By Eagle Crest G. P., inc., its General Partner

By *Lauri J. Miller, Asst. Secretary*  
LAURI J. MILLER, Asst. Secretary

STATE OF OREGON, County of Deschutes: ss:

The foregoing instrument was acknowledged before me this 30<sup>th</sup> day of October, 1995, by LAURI J. MILLER, Asst. Secretary of EAGLE CREST G. P., INC., an Oregon corporation, General Partner of EAGLE CREST PARTNERS LTD., an Oregon limited partnership, on behalf of the partnership.



*Cindy Barker*  
7/28/97

## EXHIBIT A

LEGAL DESCRIPTION  
 ESTATE HOMESITE PROJECT  
 "Annexable Property"

All of the following described lots as shown on the Eagle Crest Plat filed June 24, 1985 in the office of the County Recorder in Deschutes County, Oregon:

Lots 3, 4 & 5, Block 2  
 Lots 8, 9 & 12, Block 11  
 Lot 1, Block 10

PARCELS BORDERING SOUTHERN PROPERTY LINE OF EAGLE CREST:

The East 440 feet of the North 990 feet of the Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Twenty-three (23), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

AND

The Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Twenty-three (23), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

AND

The South 330 feet of the Southeast Quarter of the Southeast Quarter (SE 1/4, SE 1/4) of Section Twenty-three (23), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon.

AND

Beginning at the Southwest corner of Section Twenty-three (23), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; thence South 89° 45' 18" East 3357.512 feet to the TRUE POINT OF BEGINNING; thence North 00° 32' 58" West, 663.379 feet; thence South 89° 45' 25" East 335.035 feet; thence South 00° 36' 41" West 663.400 feet; thence North 89° 45' 18" West 335.751 feet to the TRUE POINT OF BEGINNING.

AND

A portion of the Northwest one-quarter of the Southeast one-quarter of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Commencing at the E 1/4 corner of said Section 23, the initial point; thence North 89° 45' 44" West along the North line of the said SE 1/4 - 1331.54 feet to the center East 1/16th corner; thence South 00° 40' 24" East along the East line of said NW 1/4 SE 1/4 - 663.42 feet to the point of beginning; thence South 00° 40' 24" East along the East line of the said NW 1/4 SE 1/4 - 663.42 feet to the center 1/16th corner of said NW 1/4 SE 1/4; thence North 89° 45' 31" West along the south line of the said NW 1/4 SE 1/4 - 334.32 feet; thence North 00° 36' 41" West - 663.40 feet; thence South 89° 45' 37.5" East - 333.60 feet to the point of beginning.

AND

A tract of land in Section 23, Township 15 South, Range 12 East, of the Willamette Meridian, Deschutes County, Oregon described as follows: Commencing at the East 1/4 corner of said Section 23, thence North  $89^{\circ}45'44''$  West along the North line of said Southeast 1/4 - 1331.54 feet to the Center East 1/16 corner; thence South  $00^{\circ}40'24''$  East along the East line of the said Northwest 1/4 Southeast 1/4 - 663.42 feet; thence North  $89^{\circ}45'37.5''$  West 333.60 feet to the true point of beginning; thence South  $00^{\circ}36'41''$  East 663.40 feet to the South line of the said Northwest 1/4 Southeast 1/4; thence North  $89^{\circ}45'31''$  West along the South line of the said Northwest 1/4 Southeast 1/4 334.33 feet; thence North  $00^{\circ}32'58''$  West 663.38 feet; thence South  $89^{\circ}45'37.5''$  East 333.60 feet to the point of beginning.

AND

The Northeast Quarter of the Northwest Quarter of the Southeast Quarter (NE1/4, NW1/4, SE1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The Northwest Quarter of the Northwest Quarter of the Southeast Quarter (NW1/4, NW1/4, SE1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The South Half of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (S1/2, NE1/4, NE1/4, SW1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The North Half of the Northeast Quarter of the Northeast Quarter of the Southwest Quarter (N1/2, NE1/4, NE1/4, SW1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The East Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (E1/2, SE1/4, SE1/4, NW1/4), Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The West Half of the Southeast Quarter of the Southeast Quarter of the Northwest Quarter (W1/2, SE1/4, SE1/4, NW1/4) in Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The Northeast Quarter of the Southeast Quarter of the Northwest Quarter (NE1/4, SE1/4, NW1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The East half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (E1/2, NW1/4, SE1/4, NW1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

The West half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter (W1/2, NW1/4, SE1/4, NW1/4) of Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

That part of the Southwest Quarter of the Northwest Quarter of Section 23, Township 15 South, Range 12 East of the Willamette Meridian lying Easterly of the Tumalo-Cline Falls Highway, Deschutes County, Oregon.

RIVERFRONT PARCELS:

Lot 16, Block 2, Eagle Crest Plat recorded June 24, 1985.

AND

A portion of the Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4) of Section Twenty-four (24), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying westerly of the centerline of the Deschutes River, and more particularly described as follows:

Commencing at a 1-1/2" pin at the Northwest section corner of said Section 24, the Initial Point; thence South 00°37'10" East along the section line common to said Sections 24 and 23, 685.48 feet to 1/2 inch pipe and the POINT OF BEGINNING; thence North 88°15'13" East, 967.23 feet to the centerline of the Deschutes River witness by a 1/2 inch pipe 217.58 feet from the Easterly extremity; thence 720.40 feet along the arc of a 857.30 foot radius curve right forming a delta angle of 46°08'47" and a long chord bearing South 16°22'29" East, 699.39 feet; thence North 80°58'46" West along the Southerly line of said Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4), 1157.02 feet to a 1/2 inch pipe; thence North 00°37'10" West along the section line common to said Sections 24 and 23, 641.16 feet to POINT OF BEGINNING.

AND

Section Twenty-four (24): That portion of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) lying West of the centerline of the Deschutes River and that portion of the Northwest Quarter of the Southwest Quarter (NW1/4, SW1/4) lying West of the centerline of the Deschutes River, Township Fifteen (15) South,

Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; AND

That portion of the Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4) of Section Twenty-four (24), lying Westerly of the centerline of the Deschutes River, in Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon; EXCEPTING THEREFROM a portion of the Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4) of Section 24, Township 15 South, Range 12 East of the Willamette Meridian, lying Westerly of the centerline of the Deschutes River in Deschutes County, Oregon, and more particularly described as follows: Commencing at a 1-1/2" pin at the Northwest section corner of said Section 24, the Initial Point; thence South 00°37'10" East along the section line common to said Sections 24 and 23, 685.48 feet to 1/2 inch pipe and the POINT OF BEGINNING; thence North 88°15'13" East, 967.23 feet to the centerline of the Deschutes River witness by a 1/2 inch pipe 217.56 feet from the Easterly extremity; thence 720.40 feet along the arc of a 857.30 foot radius curve right forming a delta angle of 48°08'47" and a long chord bearing South 16°22'29" East, 699.39 feet; thence North 89°58'46" West along the Southerly line of said Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4), 1157.02 feet to a 1/2 inch pipe; thence North 00°37'10" West along the section line common to said Sections 24 and 23, 641.16 feet to POINT OF BEGINNING.

AND

That portion of the South Half of the Northeast Quarter of the Southeast Quarter (S1/2, NE1/4, SE1/4) of Section Fourteen (14), Township Fifteen (15) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, lying Southerly of the centerline of the Deschutes River.

PARCELS BORDERING CLINE FALLS ROAD:

Lot 3; also known as the East Half of the Southwest Quarter (E1/2, SW1/4) lying easterly of the center line of Tumalo Cline Falls Market Road, in Section 14, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

Lot 1; also known as the Northwest Quarter of the Northwest Quarter (NW1/4, NW1/4) lying easterly of the center line of Tumalo Cline Falls Market Road, in Section 23, Township 15 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon.

AND

Such other real property situated in Deschutes County, State of Oregon, as may hereafter be acquired by Declarant and be adjacent to the subject property or the Annexable Property;

EXCEPTING THEREFROM all those parcels previously annexed to the Eagle Crest Estate Homesite Association.

EXHIBIT B

389 - 0344

LEGAL DESCRIPTION  
ESTATE HOMESITE ANNEXABLE PROPERTY  
BEING ANNEXED TO THE ESTATE HOMESITE PROJECT

All of the following described lots as shown on the Eagle Crest Plat XIII filed October 26, 1995 in the office of the county recorder in Deschutes County, Oregon:

Estate Homesite Lots: 5, 8, 31, 32, 33, 37, 40, 41, 42, 43 and 44

Common Area Lots: Lots B and C, as shown on the Eagle Crest XIII plat, consisting of 35,503 square feet and 11,467 square feet, respectively; and

Roads identified as "Linnet Lane", "Thrush Court" and "Cardinal Court" all as shown on the Eagle Crest XIII plat.

STATE OF OREGON )  
COUNTY OF DESCHUTES ) ss.

I, MARY SUE PENNOLLO, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

95 OCT 26 PM 4: 22

MARY SUE PENNOLLO  
COUNTY CLERK

BY: Wallace DEPUTY  
NO. 95-37536 FEE 60.00  
DESCHUTES COUNTY OFFICIAL RECORDS