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After Recording Return to:

Gerald A. Martin, Esq.
Francis Hansen & Martin LLP
1148 NW Hill Street
Bend, OR. 97701-1914

**JUDICIAL AMENDMENT
TO
DECLARATION OF COVENANTS CONDITIONS & RESTRICTIONS
FOR
ELKAI WOODS FRACTIONAL HOMEOWNERS ASSN.
RECORDED AS
DOCUMENT NUMBER 2002-65397
AND
ELKAI WOODS HOMEOWNERS ASSN.
AND ELKAI WOODS FRACTIONAL HOMEOWNERS ASSN.
RECORDED AS
DOCUMENT NUMBER 2001-43400**

The Declaration of Covenants Conditions & Restrictions for the Elkai Woods Homeowners Assn. and for the Elkai Woods Fractional Homeowners Assn. are amended as set forth in the attached certified copy of the Stipulated General Judgment and General Judgment of Dismissal entered in the Deschutes County Circuit Court in the matter of *Elkai Woods Homeowners Association, an Oregon non-profit corporation v. Yamazoe International, Inc., an Oregon corporation et. al.*, Circuit Court Case No. 03-CV-0603-AB on the 23rd day of July, 2005.

Elkai Woods Fractional Homeowners Assn.

Elkai Woods Homeowners Assn.

By: Pat Walters
Secretary

By: Charla L. Wenzel
Secretary

By: Hoodson E. Bennett
President

By: K. A. Tobin
President



CERTIFIED TRUE COPY OF THE ORIGINAL
Dated this 20 day of Oct, 2005
CIRCUIT COURT OF THE STATE OF OREGON
FOR DESCHUTES COUNTY

By Mistep
COURT CLERK

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

ELKAI WOODS HOMEOWNERS ASSOCIATION, an Oregon non-profit corporation,

Plaintiff,

v.

YAMAZOE INTERNATIONAL, INC., an Oregon corporation, *et. al.*

Defendants.

Case No. 03-CV-0603-AB

STIPULATED GENERAL JUDGMENT AND GENERAL JUDGMENT OF DISMISSAL

The remaining parties in the above captioned action stipulate to the following general judgment and general judgment of dismissal.

The Plaintiff in the above captioned matter, among other claims for relief, has requested that the court enter certain declaratory relief. The parties to the pending action are in agreement that the following matters should be adjudged by the Court.

1. The Covenants, Conditions and Restrictions for Elkai Woods Fractional Homeowners Assn. recorded on November 21, 2002 in the Deschutes County Official Records as Document Number 2002-65397 are null and void.

2. The Amended Declaration of Covenants, Conditions and Restrictions for Elkai Woods Homeowners Assn. and Elkai Woods Fractional Homeowners Assn. recorded August 31, 2001 in the Deschutes County Official Records as Document Number 2001-43400 (the "August 31, 2001 Declaration") are the valid and existing documents for both the Elkai Woods Homeowners Assn. and the Elkai Woods Fractional Homeowners Assn.

PT/SL

1 3. The Amended Bylaws of Elkai Woods Homeowners Assn. recorded August 31,
2 2001 in the Deschutes County Official Records as Document Number 2001-43401 are the valid
3 and existing Bylaws for the Elkai Woods Homeowners Assn. The Bylaws recorded June 5, 1997
4 in the official records of Deschutes County as Document Number 97-19374, as amended by
5 document dated August 13, 1997 and recorded on September 8, 1997 in the official records of
6 Deschutes County as Document Number 97-32068 and further amended by document dated
7 March 2, 1998 and recorded on March 6, 1998 in the official records of Deschutes County as
8 Document 98-08760 are the valid and existing Bylaws of the Elkai Woods Fractional
9 Homeowners Assn.

10 4. The August 31, 2001 Declaration is amended in the following respects:

11 A. All units in the EWFHO portion of Elkai Woods shall be subject to the
12 same rental restrictions.

13 B. The use by Seventh Mountain Golf Village Water Company (the "Water
14 Company") on Tract A of the proposed plat for Elkai Woods Phase VI for purposes of operating
15 the Water Company is permitted by the Declaration of EWFHOA and EWHOA even if such
16 activities could be considered to be a commercial or industrial use not otherwise permitted by the
17 August 2001 Declaration. The owner of Tract "A" is permitted to lease such property to the
18 Water Company under a lease agreement approved by the State of Oregon PUC notwithstanding
19 the fact that the EWHOA has argued that such a lease is a commercial use under the Declaration.

20 C. Tract "A" as identified on the proposed plat for Elkai Woods Phase VI
21 shall be subject to the Declaration and shall be subject to the following restrictions: (1)
22 assessment by the EWFHOA as if it were a single undeveloped lot within the EWFHOA
23 development; (2) may be utilized as the site of a water company facility providing water service
24 to Elkai Woods, the golf club and other surrounding property, whether part of Elkai Woods or
25 not; (3) the owner or lessee of the water company site shall maintain the water company
26 building(s) in a reasonable and attractive manner; (4) EWFHOA shall be responsible for the

Page 2 - **STIPULATED GENERAL JUDGMENT AND GENERAL JUDGMENT OF
DISMISSAL**

1 maintenance of the landscaping installed by the Water Company or the owner of Tract "A"; and,
2 (5) in the event that the water company ceases operation for a period of six months as a water
3 company, Tract "A" shall be deeded to the EWFHOA as additional common area.

4 D. The Elkai Woods Homeowners Association, Inc. was originally incorporated on
5 February 14, 1997 as an Oregon not for profit corporation. The corporation was administratively
6 dissolved on April 9, 1998. The Elkai Woods Homeowners Association continued to operate
7 from 1998 until 2001 as an unincorporated association with Dale W. Bernards acting as its
8 president. On or about April 26, 2002, the new Articles of Incorporation were filed for the Elkai
9 Woods Homeowners Assn. The parties agree that it is their intention to affirm that all of the
10 actions taken between April 9, 1998 and April 26, 2002 by Dale W. Bernards on behalf of the
11 Elkai Woods Homeowners Association are in fact actions of the Elkai Woods Homeowners
12 Association and that dues collected and expenses incurred on behalf of the Elkai Woods
13 Homeowners Association were revenues and expenses of the Elkai Woods Homeowners
14 Association and the remaining assets are those of Elkai Woods Homeowners Assn.

15 E. The Lot 83 mentioned on the Elkai Woods Townhomes Phase V Plat and
16 accessed from Seventh Mountain Drive shall be in the Elkai Woods Fractional Homeowners
17 Assn. Lot 83, identified on the Elkai Woods Townhomes Phase III Plat and accessed from Elkai
18 Woods Drive, shall be a member of the Elkai Woods Homeowners Assn.

19 5. The above captioned matter is dismissed with prejudice and without costs
20 either party.

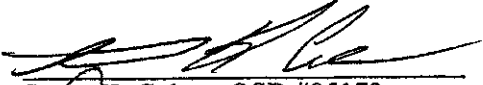
21 DATED this 20 day of July, 2005.

22
23 
24 Deschutes Circuit Court Judge

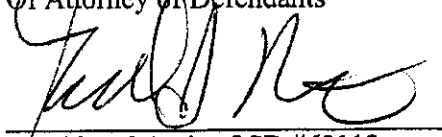
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CIRCUIT COURT
2005 JUL 21 PM 4:40
DESCHUTES COUNTY
OREGON

SO STIPULATED,



Stuart K. Cohen, OSB #85173
Of Attorney of Defendants



Gerald A. Martin, OSB #69112
Of Attorneys for Plaintiff

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CERTIFICATE OF TRUE COPY

I hereby certify that the foregoing ***STIPULATED GENERAL JUDGMENT AND GENERAL JUDGMENT OF DISMISSAL*** is a true, exact and full copy of the original thereof.

DATED: July 14, 2005.


Gerald A. Martin, OSB #69112
Attorney for Plaintiff

CERTIFICATE OF MAILING

I certify that I served the foregoing document(s) by depositing a true, full and exact copy thereof in the United States Post Office at Bend, Oregon, on July 14, 2005, enclosed in a sealed envelope with postage thereon, addressed to:

Stuart K. Cohen
Landye Bennett & Blumstein, LLP
1300 SW Fifth Avenue, Suite 3500
Portland OR 97201

Attorney for Bernards



Gerald A. Martin, OSB #69112
Attorney for Plaintiff

ELKAI WOODS TOWNHOMES 11/9/2005		
PROPERTY INCLUDED WITHIN THE SUBDIVISION		
FOR USE WHEN RECORDING EXHIBIT A & STIPULATED JUDGMENT		
119 PARCELS		
DESCRIPTION		
Road Tract B	Lot 57	Lot 20
Common 1, Phase VI	Lot 58	Common 1, Phase III
Lot 1, Phase VI	Lot 59	Lot 1, Phase III
Lot 2, Phase VI	Lot 60	Lot 2, Phase III
Lot 3, Phase VI	Road Part of Tract F	Lot 3, Phase III
Lot 4, Phase VI	Common 20	Lot 4, Phase III
Common 2, Phase VI	Lot 61	Common 2, Phase III
Lot 5, Phase VI	Lot 62	Lot 5, Phase III
Lot 6, Phase VI	Lot 63	Lot 6, Phase III
Lot 7, Phase VI	Lot 64	Lot 7, Phase III
Common 3	Common 15	Lot 8, Phase III
Lot 8	Lot 65	Common 8
Lot 9	Lot 66	Lot 29
Lot 10	Common 14	Lot 30
Lot 11	Lot 67	Lot 31
Tract A	Lot 83 Phase IV	Lot 32
Common 4	Lot 84	Lot 33
Lot 13	Lot 85	Lot 68
Lot 14	Lot 86	Common 13
Lot 15	Road Tract E	Lot 69
Lot 16	Lot 44	Lot 70
Common 5	Lot 43	Lot 71
Lot 17	Lot 42	Common 12
Lot 18	Lot 41	Lot 72
Lot 19	Common 21A	Lot 73
Common 18	Common 21	Lot 74
Road Tract A	Lot 40	Common 19
Common 17	Lot 39	Lot 75
Lot 45	Lot 38	Lot 76
Lot 46	Lot 37	Lot 77
Lot 47	Lot 81	Parcel DD1400
Lot 48	Lot 82	Common 11
Lot 49	Lot 83, Phase V	Road Part of Tract F
Lot 50	Road Tract G	
Lot 51	Lot 34	
Lot 52	Lot 35	
Road Tract C	Lot 36	
Lot 53	Common 9	
Lot 54	Lot 80	
Lot 55	Lot 79	
Lot 56	Lot 78	
Road Tract D	Common 10	
Common 16	Common 10A	