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DESCRITES COUNTY OFFICIAL RECORDS NANCY BLANKENSHIP, COUNTY CLERK

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AFTER RECORDING, RETURN TO:

Fieldstone CrossingOwners Association 549 SW Mill View Way Suite 100 Bend OR 97702

DECLARATION OF ANNEXATION TO FIELDSTONE CROSSING

THIS DECLARATION OF ANNEXATION TO FIELDSTONE CROSSING is made as of this 8 day of November, 2004, by ELK HORN DEVELOPMENT LLC; an Oregon limited liability company ("Declarant").

Declarant is the declarant under the Declaration of Protective Covenants, Conditions, Restrictions and Easements of Fieldstone Crossing recorded October 6, 2004 in the Records of Deschutes County, Oregon, as Document No. 2004-60167 (the "Declaration").

Declarant is the owner of the property platted as Fairhaven, Phase X. Pursuant to Section 2.2 of the Declaration, Declarant wishes to annex such property to Fieldstone Crossing as Additional Property and subject the same to the Declaration.

NOW, THEREFORE, Declarant hereby declares as follows:

1. PROPERTY ANNEXED. Declarant hereby declares that all of the property described below shall be annexed to Fieldstone Crossing and the Declaration as Additional property and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration:

Fairhaven, Phase X located in Deschutes County, Oregon - excluding Tract H.

- 2. <u>LAND CLASSIFICATIONS</u>. All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:
 - 2.1 Lots, which consist of Lots 1 through 35 of the Additional Property;
 - 2.2 Common Areas, which consist of Tract G of the Additional Property;
 - 2.3 Limited Common Areas. There are no Limited Common Areas.
 - 2.4 Public Areas, which shall be each of the streets as shown on the Plat of the Additional Property.

3 RESTRICTIONS ON USE.

- Each of the Lots in the Additional Property shall be subject to the use restrictions set forth in the Declaration.
- Tract G contains a COID Easement Area, and shall be subject to the use 3.2 rights, use and restrictions set forth in the Declaration under Articles 4.7, 9.1 and 9.2.

IN WITNESS WHEREOF, Declarant has executed this Declaration of Annexation as of the day first written above. ELK HORN DEVELOPMENT LLC, an Oregon limited liability company STATE OF OREGON)ss. County of Deschutes The foregoing instrument was acknowledged before me this $\frac{24}{}$ day of November, 2004, by Dennis Pulliage as Member of Elk Horn Development LLC, an Oregon limited liability company, on its behalf. My Commission Expires: 10 18-2007

OFFICIAL SEAL
NANCY E. KOWALSKI
NOTARY PUBLIC - OREGON
COMMISSION NO. 373002
MY COMMISSION EXPIRES CCT. 18, 2007