

88-12432

SUPPLEMENTAL CONDOMINIUM DECLARATION 165 - 0468

FOR STAGE IV

FAIRWAY VILLAGE CONDOMINIUMS

This Supplemental Declaration submits to the provisions, restrictions and limitations of the Oregon Condominium Act, land hereinafter described and all improvements now existing or to be constructed on such real property to become a part of the condominium known as FAIRWAY VILLAGE CONDOMINIUMS, a condominium lying and being in the County of Deschutes, State of Oregon. The real property being submitted hereby is Stage IV OF FAIRWAY VILLAGE CONDOMINIUMS, as set forth in the Condominium Declaration of said condominium, recorded August 8, 1986 in the records of Deschutes County, Oregon, Fee No. 86-15296, Volume 129, Pages 1096 through 1118, and the Supplemental Declaration recorded October 1, 1986 in the records of Deschutes County, Oregon, Fee No. 86-19384, Volume 133, Pages 2059 through 2066, for Stage II, and the Supplemental declaration for Stage III recorded August 25, 1987 in the records of Deschutes County, Oregon, Fee No. 87-17059, Volume 150, Pages 1188 through 1195.

Recitals, Intent and Purpose

LIBERTY SAVINGS & LOAN ASSOCIATION ("Successor Declarant"), is the owner in fee simple of the real property described hereinbelow and desires to submit said real property to the condominium form of ownership as Stage IV of FAIRWAY VILLAGE CONDOMINIUMS, to be converted, handled and used in the manner provided by the Oregon Condominium Act.

Successor Declarant's predecessor has previously filed the Condominium Declaration and By-Laws of FAIRWAY VILLAGE CONDOMINIUMS, which Declaration contemplates up to a maximum of twenty (20) stages with a maximum of seventy-five (75) units in such stages.

The original recorded Declaration submitted seven (7) units in Stage I to the condominium form of ownership, the supplemental Declaration submitted five (5) units in Stage II to the condominium form of ownership, and the second supplemental Declaration submitted six (6) units in Stage III to the condominium form of ownership.

The Successor Declarant with this Supplemental Declaration desires to and does hereby submit the four (4) units in Stage IV to the condominium form of ownership.

Supplemental Declaration

Successor Declarant hereby declares on behalf of itself, its successors, grantees and assigns, as well as to any and all persons having, acquiring or seeking to have or acquire any interest of any nature whatsoever in and to any part of the property described on Exhibit "A", that said real property in all respects shall be subject to the Oregon Condominium Act and is a part of FAIRWAY VILLAGE CONDOMINIUMS, subject to all of the rights, restrictions and obligations of the Condominium Declaration and By-Laws of said condominium recorded August 8, 1986 in the records of Deschutes County, Oregon, Fee No. 86-15296, Volume 129, pages 1096 through 1118, the Supplemental Declaration recorded October 1, 1986 in the records of Deschutes County, Oregon, Fee No. 86-19384, Volume 133, Pages 2059 through 2066, and the second Supplemental Declaration recorded August 25, 1987 in the records of Deschutes County, Oregon, Fee No. 87-17059, Volume 150, Pages 1188 through 1195. Except as herein amended to permit the addition of the four (4) units in Stage IV, the Condominium Declaration and By-Laws shall remain in full force and effect.

1. LAND DESCRIPTION. The land submitted to the Oregon Condominium Act hereunder is owned and submitted by the Successor Declarant in fee simple. The land is located in the County of Deschutes, State of Oregon, and is more particularly described on Exhibit "A" attached hereto.

2. NAME AND UNIT DESCRIPTION.

2.1 Name. The property submitted hereby shall become a part and shall be known together with the seven (7) units in Stage I, five (5) units in Stage II and six (6) units in Stage III as FAIRWAY VILLAGE CONDOMINIUMS.

2.2 Boundaries of Units. Each unit shall be bounded by the perimeter walls, floors, ceilings, windows and window frames, doors and door frames and trim. The units shall include all lath, furring, wall-board, plaster-board, plaster, paneling, tiles, wallpaper, paint, finished flooring and any other materials constituting any part of its finished surfaces and the exterior surfaces so described. All other portions of the walls, floors or ceilings shall be a part of the common elements. In addition, each unit shall include the following:

- (a) All spaces, nonbearing interior partitions, windows, window frames, exterior doors, door frames and all other fixtures and improvements within the boundaries of the unit; and

- (b) All outlets of utility service lines, including, but not limited to, power, light, gas, hot and cold water, heating, refrigeration, air conditioning and waste disposal within the boundaries of the unit, but shall not include any part of such lines or ducts themselves.

In interpreting deeds, mortgages, deeds of trust and other instruments, for any purpose whatsoever or in connection with any matter, the existing physical boundaries of the unit or of a unit reconstructed in substantial accordance with the original plans hereof shall be conclusively presumed to be the boundaries regardless of settling, rising or lateral movement of the building and regardless of variances between boundaries as shown on the plat and those of the actual building or buildings.

2.3 Building Description and Unit Designation.
The land submitted by this Supplemental Declaration has two buildings thereon in which condominium units are located. The condominium buildings, which are two-story, wood frame construction on concrete foundations with cedar siding and cedar shake roofs and contain Four (4) units. The vertical and horizontal boundaries, number designation, location and dimension of each unit are shown on the plat for Stage IV. The plat for Stage IV is being recorded simultaneously with this Supplemental Declaration.

The method used to establish allocation of undivided interest in the common elements will be based upon the square footage of each unit expressed as a percentage of the sum of the square footage in all units in the condominium at each such respective stage of development.

The unit designation, approximate area and percentage ownership in common elements as of the annexation of Stage IV is as follows:

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Stage</u>
1	1038 Sq. Ft.	3.5130470
2	1394 Sq. Ft.	4.7179071
3	1394 Sq. Ft.	4.7179071
4	1394 Sq. Ft.	4.7179071
5	1394 Sq. Ft.	4.7179071
6	1402 Sq. Ft.	4.7449826
7	1394 Sq. Ft.	4.7179071
8	1336 Sq. Ft.	4.5216096
9	1336 Sq. Ft.	4.5216096
10	1443 Sq. Ft.	4.8837445
11	1331 Sq. Ft.	4.5046876

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Stage</u>
12	1331 Sq. Ft.	4.5046876
28	1336 Sq. Ft.	4.5216096
29	1336 Sq. Ft.	4.5216096
30	1336 Sq. Ft.	4.5216096
31	1336 Sq. Ft.	4.5216096
32	1336 Sq. Ft.	4.5216096
33	1336 Sq. Ft.	4.5216096
34	1336 Sq. Ft.	4.5216096
35	1336 Sq. Ft.	4.5216096
36	1336 Sq. Ft.	4.5216096
37	1336 Sq. Ft.	4.5216096
TOTAL	29547 Sq. Ft.	100.000000

NOTE: The approximate area of the units as shown above includes only the square footage of the units, and does not include the square footage of the garages, which are approximately 290 square feet each.

2.4 Minimum Percentage Ownership in All Stages.
The quality of construction and the exterior style of the buildings annexed in subsequent stages will be compatible with those of Stages I, II, III and IV. In all events, the minimum allocation of undivided interest in the common elements of each unit in Stages I, II, III and IV upon completion of the development will not be less than as follows:

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Upon Completion</u>
1	1038 Sq. Ft.	.7114
2	1394 Sq. Ft.	.9554
3	1394 Sq. Ft.	.9554
4	1394 Sq. Ft.	.9554
5	1394 Sq. Ft.	.9554
6	1402 Sq. Ft.	.9554
7	1394 Sq. Ft.	.9602
8	1336 Sq. Ft.	.9554
9	1336 Sq. Ft.	.9156
10	1443 Sq. Ft.	.9156
11	1331 Sq. Ft.	.9882
12	1331 Sq. Ft.	.9122
28	1336 Sq. Ft.	.9122
29	1336 Sq. Ft.	.9156
30	1336 Sq. Ft.	.9156
31	1336 Sq. Ft.	.9156
32	1336 Sq. Ft.	.9156

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Upon Completion</u>
33	1336 Sq. Ft.	
34	1336 Sq. Ft.	.9156
35	1336 Sq. Ft.	.9156
36	1336 Sq. Ft.	.9156
37	1336 Sq. Ft.	.9156
	<u>1336 Sq. Ft.</u>	<u>.9156</u>
TOTAL	29547 Sq. Ft	20.2484

3. GENERAL COMMON ELEMENTS.

3.1 Definition. The general common elements consist of all portions of the condominium not part of a unit or a limited common element, including, but not limited to, the following:

- (a) The land;
- (b) The foundations, columns, girders, beams, supports, bearing walls, main walls, roofs, halls, corridors, lobbies, stairs, fire escapes, entrances and exits of the building(s);
- (c) The yards, gardens, roads, those parking areas not designated as limited common elements and outside storage areas;
- (d) Installations of central services, such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning, waste disposal and incinerators, up to the outlets within any units;
- (e) The tanks, pumps, motors, fans, compressors, ducts and, in general, all installations existing for common use; and
- (f) All other elements of any building necessary or convenient to its existence, maintenance and safety or normally in common use.

3.2 Maintenance and Repair of General Common Elements. Each unit will be liable for the maintenance, repair and replacement of the general common elements in equal proportion excepting for fire and casualty insurance and reserve for replacements.

4. LIMITED COMMON ELEMENTS. The following shall constitute limited common elements, the use of which shall be restricted to the units to which they pertain:

4.1 Decks/Courtyards. Each of the decks and courtyards is a limited common element appertaining to the unit which it adjoins as shown on the plat. The expense of maintenance and repair of the decks and courtyards shall be an equal expense of all unit owners, excepting for any damages caused by the negligence or intentional action of a specific unit owner, in which event such owner shall be liable to repair such damage to the limited common element. The expense of replacement of the decks and courtyards shall be a common expense, and shall be apportioned among the units based upon the square footage of each unit. The larger units shall pay a larger monthly amount toward the reserves. However, the allocation among the units may be approximate and need not be based precisely upon the amount of square footage.

4.2 Driveways. Each of the driveways is a limited common element appertaining to the unit to which it gives access as shown on the plat.

5. PARKING.

5.1 Garages. Each unit contains a single-car garage which contains approximately 290 square feet.

5.2 Limited Common Element Driveway Parking. Each unit has one driveway appertaining to it as a limited common element which may be used by the owner of such unit for parking. The location of each limited common element driveway, together with the designation of the unit to which it pertains, is shown on the plat.

5.3 General Common Element Parking. Any unnumbered or undesignated parking spaces are general common elements and shall be available for the use of the owners and their guests. The general common element parking shall be used in accordance with rules and regulations promulgated by the Board of Directors.

6. STATEMENT OF USE. The four (4) units in Stage IV shall be used for residential, recreational and vacation purposes only.

7. DECLARATION AND BY-LAWS. The annexation of the units in this Stage IV is being made pursuant to rights reserved in the Declaration and By-Laws which have been recorded in the Records of Deschutes County, Oregon. Except as amended herein to permit the annexation of the four (4) units in Stage IV, said Declaration and By-Laws which have

been previously recorded shall be binding, enforceable and shall fully appertain to all of the property in Stage IV as well as the property in the previously submitted stages.

IN WITNESS WHEREOF, the undersigned fee owner of the subject property has caused this Supplemental Declaration for Stage IV to be executed to be executed this 13th day of May, 1988.

LIBERTY SAVINGS & LOAN ASSOCIATION

By: [Signature]
ROBERT L. FENSTERMACHER, President

By: [Signature]
ROY E. ADKINS, Secretary

STATE OF OREGON)
) ss.
County of Lane)

Personally appeared ROBERT L. FENSTERMACHER, President, and ROY E. ADKINS, Secretary, of LIBERTY SAVINGS & LOAN ASSOCIATION, and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors; and they acknowledged said instrument to be its voluntary act and deed.



BEFORE ME: 5-13-88

Suzanne M. Davis
NOTARY PUBLIC FOR OREGON
My Commission expires: 9-10-91

DESCRIPTION SHEET

A portion of "Tract A, FAIRWAY POINT VILLAGE I", a subdivision of record in the North one-half (N1/2) of Section Twenty-nine (29), Township Nineteen (19) South, Range Eleven (11) East of the Willamette Meridian, Deschutes County, Oregon, the boundary of which is more particularly described as follows:

Beginning at a point being on the Easterly boundary of Tract A, FAIRWAY POINT VILLAGE I, Sunriver, Oregon, and bearing South $01^{\circ}44'00''$ East, 145.00 feet from the Northeast corner of said Tract A; thence South $75^{\circ}42'25''$ West, 114.21 feet to a $5/8$ inch iron rod; thence along the arc of a 160.00 foot radius curve to the left, 98.56 feet, the long chord of which bears North $35^{\circ}39'48''$ West, 97.01 feet, to a $5/8$ inch iron rod; thence North $36^{\circ}41'21''$ East, 66.00 feet to a $5/8$ inch iron rod; thence North $71^{\circ}27'37''$ East, 130.17 feet to a $5/8$ inch iron rod, said point being the Northeast corner of said Tract A; thence South $01^{\circ}44'00''$ East, 145.00 feet to the point of beginning.

QQQ/26

END



EXHIBIT "A"

The foregoing Supplemental Declaration is approved pursuant to ORS 94.036 this 3rd day of June, 1988.



MORELLA LARSEN
Real Estate Commissioner

By *Steven F. Mayfield*

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 JUN 13 AM 11:23
MARY SUE PENHOLLOW
COUNTY CLERK

BY *B. Buck* DEPUTY
NO. 88-12432 FEE 45-
DESCHUTES COUNTY OFFICIAL RECORDS