

**SUPPLEMENTAL CONDOMINIUM DECLARATION  
88-27052  
FOR STAGE V**

**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 V 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, 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, 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, and the Supplemental Declaration for Stage IV recorded June 13, 1988 in the records of Deschutes County, Oregon, Fee No. 88-12432, Volume 165, Pages 0468 through 0476.

**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 V 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, the second supplemental Declaration submitted six (6) units in Stage III to the condominium form of ownership, and the third Supplemental Condominium Declaration submitted four (4) units in Stage IV to the condominium form of ownership.

The Successor Declarant with this Supplemental Declaration desires to and does hereby submit the eight (8) units in Stage V to the condominium form of ownership.

*BJC*

NOW, THEREFORE:

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, 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, and the third Supplemental Declaration recorded June 13, 1988 in the records of Deschutes County, Oregon, Fee No. 88-12432, Volume 165, Pages 0468 through 0476. Except as herein amended to permit the addition of the eight (8) units in Stage V, 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, six (6) units in Stage III and four (4) units in Stage IV 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 four (4) 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 Eight (8) units. The vertical and horizontal boundaries, number designation, location and dimension of each unit are shown on the plat for Stage V. The plat for Stage V 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 V is as follows:

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Stage</u>
1	1038 Sq. Ft.	2.579844
2	1394 Sq. Ft.	3.464645
3	1394 Sq. Ft.	3.464645
4	1394 Sq. Ft.	3.464645
5	1394 Sq. Ft.	3.464645

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Percentage Ownership  
in Common Elements  
Stage

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Stage</u>
6	1402 Sq. Ft.	3.484529
7	1394 Sq. Ft.	3.464645
8	1336 Sq. Ft.	3.320492
9	1336 Sq. Ft.	3.320492
10	1443 Sq. Ft.	3.586430
11	1331 Sq. Ft.	3.308066
12	1331 Sq. Ft.	3.308066
13	1336 Sq. Ft.	3.320492
14	1336 Sq. Ft.	3.320492
15	1336 Sq. Ft.	3.320492
16	1336 Sq. Ft.	3.320492
17	1336 Sq. Ft.	3.320492
18	1336 Sq. Ft.	3.320492
19	1336 Sq. Ft.	3.320492
28	1336 Sq. Ft.	3.320492
29	1336 Sq. Ft.	3.320492
30	1336 Sq. Ft.	3.320492
31	1336 Sq. Ft.	3.320492
32	1336 Sq. Ft.	3.320492
33	1336 Sq. Ft.	3.320492
34	1336 Sq. Ft.	3.320492
35	1336 Sq. Ft.	3.320492
36	1336 Sq. Ft.	3.320492
37	1336 Sq. Ft.	3.320492
38	1336 Sq. Ft.	3.320492
<b>TOTAL</b>	<b>40235 Sq. Ft.</b>	<b>100.000000</b>

**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, IV and V. In all events, the minimum allocation of undivided interest in the common elements of each unit in Stages I, II, III, IV and V 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

<u>Unit No.</u>	<u>Approximate Area</u>	<u>Percentage Ownership in Common Elements Upon Completion</u>
4	1394 Sq. Ft.	.9554
5	1394 Sq. Ft.	.9554
6	1402 Sq. Ft.	.9602
7	1394 Sq. Ft.	.9554
8	1336 Sq. Ft.	.9156
9	1336 Sq. Ft.	.9156
10	1443 Sq. Ft.	.9882
11	1331 Sq. Ft.	.9122
12	1331 Sq. Ft.	.9122
13	1336 Sq. Ft.	.9156
14	1336 Sq. Ft.	.9156
15	1336 Sq. Ft.	.9156
16	1336 Sq. Ft.	.9156
17	1336 Sq. Ft.	.9156
18	1336 Sq. Ft.	.9156
19	1336 Sq. Ft.	.9156
20	1336 Sq. Ft.	.9156
21	1336 Sq. Ft.	.9156
22	1336 Sq. Ft.	.9156
23	1336 Sq. Ft.	.9156
24	1336 Sq. Ft.	.9156
25	1336 Sq. Ft.	.9156
26	1336 Sq. Ft.	.9156
27	1336 Sq. Ft.	.9156
28	1336 Sq. Ft.	.9156
29	1336 Sq. Ft.	.9156
30	1336 Sq. Ft.	.9156
31	1336 Sq. Ft.	.9156
32	1336 Sq. Ft.	.9156
33	1336 Sq. Ft.	.9156
34	1336 Sq. Ft.	.9156
35	1336 Sq. Ft.	.9156
36	1336 Sq. Ft.	.9156
37	1336 Sq. Ft.	.9156
38	1336 Sq. Ft.	.9156
<b>TOTAL</b>	<b>40235 Sq. Ft</b>	<b>27.5732</b>

### 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 eight (8) units in Stage V shall be used for residential, recreational and vacation purposes only.

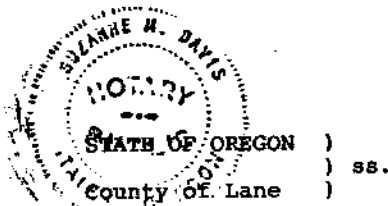
7. DECLARATION AND BY-LAWS. The annexation of the units in this Stage V is being made pursuant to rights reserved in the Declaration and By-Laws which have been recorded in the Records of Deschutes County, Oregon. Except as amended herein to permit the annexation of the eight (8) units in Stage V, said Declaration and By-Laws which have been previously recorded shall be binding, enforceable and shall fully appertain to all of the property in Stage V 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 V to be executed to be executed this 28th day of October, 1988.

**LIBERTY SAVINGS & LOAN ASSOCIATION**

By: [Signature]  
ROBERT L. FENSTERMACHER, President

By: [Signature]  
ROY E. ADKINS, Secretary



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:

[Signature]  
NOTARY PUBLIC FOR OREGON  
My Commission expires: 9-10-91

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The foregoing Supplemental Declaration is approved pursuant  
to ORS 94.036 this 14th day of November, 1988.



MORELLA LARSEN  
Real Estate Commissioner

By *Stan F. Mayfield*



DESCRIPTION SHEET

FAIRWAY VILLAGE CONDOMINIUMS, STAGE V, Being a portion of Tract "A" FAIRWAY POINT VILLAGE I, A subdivision of record in the North one-half of Section Twenty-Nine (29), Township Nineteen (19) South, Range Eleven (11), East of the Willamette Meridian, Deschutes County, Oregon.

Beginning at the initial point of FAIRWAY VILLAGE CONDOMINIUMS, STAGE V being the Northwest corner of said tract "A"; thence South 35°40'00" East, 126.00 feet to a 5/8 inch iron rod; thence South 27°46'53" East, 91.86 feet to a 5/8 inch iron rod; thence on the arc of a 70.00 foot radius curve to the left, (chord bears South 20°31'49" West, 93.11 feet) 101.86 feet to a 5/8 inch iron rod; thence South 21°09'29" East, 69.67 feet to a 5/8 inch iron rod; thence on the arc of a 50.00 foot radius curve to the right, (chord bears South 02°26'26" East, 32.09 feet) 32.67 feet to a 5/8 inch iron rod; thence South 16°16'37" West, 26.12 feet to a 5/8 inch iron rod on the right-of-way line of West Core Road; thence continuing on said right-of-way line, on the arc of a 492.22 foot radius curve to the left, (chord bears North 78°00'07" West, 53.88 feet) 53.91 feet to a 5/8 inch iron rod; thence North 81°08'23" West, 57.96 feet to a point; thence on the arc of a 40.00 foot radius curve to the right, (chord bears North 46°56'55" West, 44.96 feet) 47.74 feet to a 5/8 inch iron rod; thence on the arc of a 150.00 foot radius curve to the left, (chord bears North 32°25'26" West, 100.98 feet) 102.99 feet to a 5/8 inch iron rod; thence leaving said right-of-way on the arc of a 104.00 foot radius curve to the right, (chord bears North 05°59'44" West 64.22 feet) 65.28 feet to a 5/8 inch iron rod; thence North 11°59'15" East 54.00 feet to a 5/8 inch iron rod on the Easterly right-of-way line of West Cascade Road; thence on the arc of 320.11 foot radius curve to the right, (chord bears North 31°44'02" East 42.97 feet) 43.01 feet to a point; thence North 35°34'57" East on said right-of-way line 49.83 feet to a 5/8 inch iron rod; thence on the arc of a 468.76 foot radius curve to the left, (chord bears North 31°04'26" East 73.70 feet) 73.77 feet to the point of beginning.

END

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STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.

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

88 NOV 22 AM 10:04

MARY SUE PENHOLLOW  
COUNTY CLERK

BY: *[Signature]* DEPUTY  
NO. 88-27052 FEE 45  
DESCHUTES COUNTY OFFICIAL RECORDS