



00522208200700033360020028

01/18/2007 02:06:14 PM

D-CCR Cnt=1 Stn=23 TM

\$10.00 \$11.00 \$10.00 \$5.00 \$20.00

After Recording, Return To:
Vernon C. Palmer, Inc.
P.O. Box 184
Bend, OR 97709

**FIFTH AMENDMENT TO
THE DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR GARDENSIDE
(To Annex Gardenside - Phase 2)**

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Gardenside (“**Declaration**”) was recorded July 28, 2005 as Document # 2005-49003 in the records of Deschutes County, Oregon; and

WHEREAS, Declarant has recorded the Plat for Gardenside Phase 1 as Document #2005-49002 in the records of Deschutes County, Oregon; and has recorded the Plat for Gardenside Phase 2 as Document #2006-83456 in the records of Deschutes County, Oregon, and

WHEREAS, the undersigned Declarant desires to amend said Declaration for the purpose of annexation of the Lots and Tracts in Gardenside Phase 2, and subject all Lots and Tracts to the provisions of the Declarations, in accordance with Article 11, Section 11.6, and Article 2, Section 2.2 of said Declaration.

NOW THEREFORE, said Declaration is hereby amended as follows:

1. Property Annexed. Declarant hereby declares that all of the property described below (the “**Additional Property**”) shall be annexed into Gardenside, the Declaration and any previous Amendments to the Declaration; and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration and any previously recorded Amendments:

**All real property within that certain plat entitled
“Gardenside Phase 2” filed in the Plat Records of
Deschutes County, Oregon.**

2. Land Classifications. All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:

Building Lots, which shall consist of Lots 50 through 112 as shown on the Plat of Gardenside Phase 2.

Common Area Tracts, which shall be Tracts 6 through 12, as shown on the Plat of Gardenside Phase 2.

3. Easements. The Lots and Common Area Tracts are subject to any easements shown, or noted, on the Plat of Gardenside Phase 2.

IN WITNESS WHEREOF, the undersigned Declarant of Gardenside has hereunder set his hand this 17 day of January, 2007, acknowledging the approval of this annexation as the Owner of the Lots in Gardenside, in accordance with Article 2, Section 2.2 and Article 11, Section 11.6 of the initial Declaration.

For Vernon C. Palmer, Inc.
Declarant of Gardenside

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on January 17, 2007, by Pat Huber for Vernon C. Palmer, Inc., the Declarant of Gardenside

NOTARY PUBLIC FOR OREGON
My Commission Expires: 2-8-2008

