

STATE OF OREGON

Cross-Reference to Declaration: Book 280

County of Deschutes

91-38256

Page 1492

Return to: JERI ALDEN
 BTCA
 61999 Broken Top Dr.
 Bend, Or 97702

**SUPPLEMENTAL DECLARATION OF
 COVENANTS, CONDITIONS, AND RESTRICTIONS
 FOR BROKEN TOP COMMUNITY**

THIS SUPPLEMENTAL DECLARATION is made this 26th day of September, 1994, by Broken Top Limited Partnership, an Oregon limited partnership (hereinafter referred to as "Declarant").

WITNESSETH:

WHEREAS, Declarant filed of record that certain Declaration of Covenants, Conditions, and Restrictions for Broken Top Community dated October 27, 1992, in Book 280, Pages 1942 through 1545, *et seq.*, in the Deed Records of Deschutes County, Oregon ("Declaration"); and

WHEREAS, pursuant to the provision of Article IX, Section 9.1, of the Declaration, Declarant reserved the right to subject to the Declaration certain additional property described in Exhibit "B" to the Declaration (the "Annexable Property");

WHEREAS, Declarant is the owner of the real property described in Exhibit "A" attached hereto and incorporated by this reference (the "Additional Property"), which is a portion of the Annexable Property; and

WHEREAS, Declarant wishes to subject the Additional Property to the Declaration and assign it to a specific Neighborhood, as described in Article III of the Declaration;

NOW, THEREFORE, pursuant to the powers retained by Declarant under the Declaration, Declarant hereby subjects the real property described on Exhibit "A" hereof to the lien and operation of the Declaration and the provisions of this Supplemental Declaration, which shall apply to such property in addition to the provision of the Declaration. Such property shall be sold, transferred, used, conveyed, occupied, mortgaged and otherwise encumbered pursuant to the provisions of this Supplemental Declaration and the Declaration, both of which shall run with the title to such property and shall be binding upon all persons

having any right, title, or any interest in such property, their respective heirs, legal representatives, successors, successors-in-title, and assigns.

Such property shall be assigned to the Neighborhood identified on Exhibit "A."

IN WITNESS WHEREOF, the undersigned Declarant has executed this Supplemental Declaration, as of the date first above written.

BROKEN TOP LIMITED PARTNERSHIP,
an Oregon limited partnership

By: BROKEN TOP, INC., an Oregon
corporation, its general partner

By: Sharon Criswell
Its: Vice President

STATE OF OREGON

County of Deschutes

The foregoing instrument was acknowledged before me this 26th ^{September} day of ~~June~~,
1994, by Sharon L. Criswell, of Broken Top, Inc., the General Partner of
Broken Top Limited Partnership, an Oregon limited partnership, on behalf of the limited
partnership.



Barbara Ann Karlok
Notary Public for Oregon
My Commission Expires: May 28, 1995

EXHIBIT "A"

Additional Property

All of the right of way for private roads designated as Tain McArthur Loop and Green Lakes Loop as shown on the Plat for Broken Top filed in Cabinet D at pages 66, 67 & 76 of the Plat Records of Deschutes County, Oregon are subjected to the Declaration. SUBJECT, HOWEVER, to the following:

- 1. All easements shown on such Plats or created by the Declaration to which the Exhibit is attached.
- 2. Other matters of record.

Tracts R and S designated as Common Areas on the Plats for Broken Top filed in Cabinet D at page 76 of the Plat Records of Deschutes County, Oregon are subjected to the Declaration.

The following property is annexed to the Custom Home Neighborhood and subjected to the Declaration.

A. Lots 324 through and including 344 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records at Cabinet D page 66 in the Plat Records of Deschutes County, Oregon.

B. Lots 355 through and including 371 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records at Cabinet D page 76 in the Plat Records of Deschutes County, Oregon.

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

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

94 SEP 29 AM 11:23

MARY SUE FENHOLLOW
COUNTY CLERK

BY: *[Signature]* DEPUTY
NO. 94-38256 FEE 150
DESCHUTES COUNTY OFFICIAL RECORDS