

94-42518

OF OREGON

Cross-Reference to Declaration: Book 353

TY OF DESCHUTES

Page 570

into: Yeri Aiden
 BTCA
 61999 Broken Top Dr
 Bend OR 97702

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

THIS AMENDED SUPPLEMENTAL DECLARATION is made this 24 day of Sept, 1994, by Broken top Limited Partnership, an Oregon limited partnership after 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 Pages 1492 through 1545, et seq. in the Deed Records of Deschutes County, Oregon ("Original Declaration"); and

WHEREAS, the Original Declaration was amended and restated by that instrument dated September 28, 1994, in Book 353, Pages 570 through 672 of such Deed Records (the "Amended Declaration, as so amended and restated, is hereinafter referred to as the "Amended Declaration");

WHEREAS, pursuant to the provisions 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 to sign 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 terms and operation of the Declaration and the provisions of this Supplemental Declaration, which shall apply to such property in addition to the provisions 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 Declaration, both of which shall run with the title to such property and shall be binding on 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

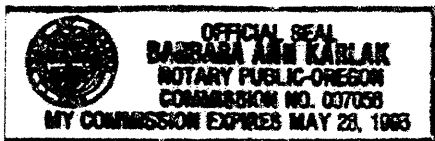
By: Sharon Criswell

Its: Vice President

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 24th day of October, 1995, by Sharon L. Criswell, Vice President of Broken Top, Inc., the General Partner of Broken Top Limited Partnership, an Oregon limited partnership, on behalf of the said partnership.



Barbara Ann Karlak
Notary Public for Oregon

My Commission Expires: May 28, 1995

EXHIBIT "A"

Additional Property

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

TRACT A and a portion of TRACT I of BROKEN TOP in Section 1 of Township 18 South and Range 11 East of the Willamette Meridian, Deschutes County, Oregon, being fully described as follows:

Commencing at a 3" brass cap at the east 1/4 corner of said Section 1; thence North $00^{\circ}49'44''$ East 1325.07 feet to a 2" aluminum cap at the north 1/16 corner on the east line of said Section 1; thence leaving said east line South $68^{\circ}02'57''$ West 1010.30 feet to a 5/8" iron rod at the southeast corner of said TRACT A and the point of beginning; thence South $65^{\circ}52'30''$ West 100.00 feet to a 5/8" iron rod at an angle point in the boundary of said TRACT A; thence leaving said boundary South $65^{\circ}52'30''$ West 93.37 feet to a 5/8" iron rod; thence North $04^{\circ}25'37''$ West 153.01 feet to a 5/8" iron rod at an angle point in said boundary; thence South $87^{\circ}41'20''$ West 108.40 feet to a 5/8" iron rod; thence leaving said boundary 94.84 feet along the arc of a 170.00 foot radius curve left (the long chord of which bears South $44^{\circ}26'32''$ West 93.61 feet) to a 5/8" iron rod; thence 144.12 feet along the arc of a 627.00 foot radius curve left (the long chord of which bears South $21^{\circ}52'32''$ West 143.80 feet) to a 5/8" iron rod; thence South $15^{\circ}17'27''$ West 5.52 feet to a 5/8" iron rod; thence South $77^{\circ}04'34''$ East 109.71 feet to a 5/8" iron rod; thence South $39^{\circ}26'01''$ West 175.07 feet to a 5/8" iron rod; thence West 239.96 feet to a 5/8" iron rod at an angle point in said TRACT A boundary; thence following said boundary North $28^{\circ}52'06''$ West 467.82 feet to a 5/8" iron rod on the southerly right-of-way of Broken Top Drive; thence following said right-of-way 247.33 feet along the arc of a 350.00 foot radius curve left (the long chord of which bears North $50^{\circ}32'10''$ East 242.21 feet) to a 5/8" iron rod; thence 105.21 feet along the arc of a 200.00 foot radius curve right (the long chord of which bears North $45^{\circ}21'44''$ East 104.00 feet) to a 5/8" iron rod; thence 619.04 feet along the arc of a 390.00 foot radius curve right (the long chord of which bears South $74^{\circ}05'44''$ East 556.07 feet) to a 5/8" iron rod; thence South $28^{\circ}37'24''$ East 126.71 feet to a 5/8" iron rod; thence 83.02 feet along the arc of a 350.00 foot radius curve right (the long chord of which bears South $11^{\circ}49'41''$ East 82.82 feet) to the point of beginning. Contains 8.07 acres.

356 - 0355.

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:

94 OCT 24 PM 1:53

MARY SUE PENHOLLOW
COUNTY CLERK

BY. T. Noon DEPUTY

NO. 94-42518 FEE 20.00

DESCHUTES COUNTY OFFICIAL RECORDS