

STATE OF OREGON  
COUNTY OF DESCHUTES

Cross-Reference to Declaration: Book 353

Page 570

95-34067

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

THIS SUPPLEMENTAL DECLARATION is made this 30 day of March 1995, 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 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 filed on September 28, 1994, in Book 353, Pages 570 through 672 of such Deed Records (the Original Declaration, as so amended and restated, is hereinafter referred to as the "Declaration");

WHEREAS, pursuant to the provisions of Article X, 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 provisions of the Declaration. Such Property shall be sold, transferred, used, conveyed, occupied, mortgaged

*Return to: Jeri Alden, Broken Top  
61939 Broken Top Dr.  
Bend, OR. 97702*

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 assign.

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 Cuswell

Its: Vice President

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 29 day of March, 1995, by Sharon Cuswell, Vice President of Broken Top, Inc., the General Partner of Broken Top Limited Partnership.

Cynthia A. Chandler  
Notary Public for Oregon

My Commission Expires: 5/11/95

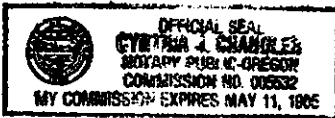


EXHIBIT "A"

Annexed Property

A. Lots 458 through 465 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet 0157, 0158 of Deschutes County, Oregon are assigned to the Custom Home Neighborhood.

B. All of the right of way for private roads designated as Cayuse Crater Court and Tam McArthur Loop as shown on the Plat for Broken Top filed in Cabinet 0157, 0158 of the Plat Records of Deschutes County, Oregon are subject 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.

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:

95 SEP 28 PM 1:34

MARY SUE PENHOLLOW  
COUNTY CLERK

BY:  DEPUTY

NO. 95-34067 FEE 15-  
DESCHUTES COUNTY OFFICIAL RECORDS