

turn to: JERI ALDEN
Broken Top Community Assoc.
61999 Broken Top Dr.
Bend, Or 97702

387 - 2422

Cross Reference to Amended Restated Declaration:

Book 353
Page 0570

95-35792

**AFFIDAVIT CLARIFYING EFFECT OF AMENDED AND RESTATED
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
FOR BROKEN TOP COMMUNITY**

BEFORE ME came in person Sharon L. Criswell (hereinafter referred to as "Deponent"), who, having been duly sworn and on oath, deposed and said as follows:

1. That Deponent is Vice President of Broken Top, Inc., an Oregon corporation, General Partner of Broken Top Limited Partnership (hereinafter referred to as "Declarant") and as such is authorized to make this Affidavit and is personally familiar with the matters set forth herein;
2. That Declarant executed the Amended and Restated Declaration of Covenants, Conditions and Restrictions (hereinafter referred to as "Amended and Restated Declaration") on September 21, 1994, which was recorded in Book 353 at Page 370, *et. seq.*, in the Deed Records of Deschutes County, Oregon on September 28, 1994.
3. That the Amended and Restated Declaration states that it strikes the entire text of and replaces the original Declaration of Covenants, Conditions, and Restrictions for Broken Top Community recorded in Book 280 at Page 1492, *et. seq.*, in the Deed Records of Deschutes County, Oregon (the "Original Declaration") as well as "all exhibits, amendments and supplements thereto;"
4. It was and remains the intent of the Declarant that the Amended and Restated Declaration should strike and replace the Original Declaration, its exhibits and amendments, and only those supplements to the Original Declaration which annexed additional property to the Broken Top Community, being those supplements referenced on the first page of the Amended and Restated Declaration, as shown in Book 353 at Page 0570 of the Deed Records of Deschutes County, Oregon;

- 5. That the supplemental instrument recorded on November 23, 1993 in Book 320 at Page 0760, *et. seq.*, in the Deed Records of Deschutes County, Oregon, authorizing lease terms of less than thirty days within a portion of the Broken Top Community, did not annex additional property and consequently was not referenced and was not intended to be stricken or replaced by the Amended and Restated Declaration, and remains in full force and effect.

DATED this 13th day of October, 1995.

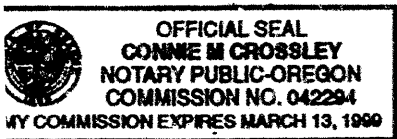
BROKEN TOP LIMITED PARTNERSHIP,
an Oregon limited partnership
Address: 61999 Broken Top Drive, Bend, OR 97702

By: Broken Top, Inc., General Partner

By: *Sharon L. Criswell*
Sharon L. Criswell, Vice President

STATE OF OREGON)
) ss.
County of Deschutes)

Signed and sworn to before me this 13th day of October, 1995.



Connie M. Crossley
Notary Public for Oregon
My Commission expires: 3-13-99

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 OCT 13 AM 11:34

MARY SUE PENHOLLOW
COUNTY CLERK

BY: *Wallace* DEPUT
NO. 95-35792 FEE 10
DESCHUTES COUNTY OFFICIAL RECORDS