

STATE OF OREGON

Cross-Reference to Declaration: Book 353

COUNTY OF DESCHUTES

95-12743

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Return to:

✓ Broken Top Community Association
61999 Broken Top Drive
Bend, Oregon 97702

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

THIS SUPPLEMENTAL DECLARATION is made this First day of December, 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 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 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 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: *Paul Zuest*

Its: *General Manager*

STATE OF OREGON

COUNTY OF DESCHUTES

The foregoing instrument was acknowledged before me this 1st day of December 1995 by Paul Zuest, General Manager of Broken Top, Inc., the General Partner of Broken Top Limited Partnership.

Connie M. Crossley
Notary Public for Oregon

My Commission Expires: 3-13-99



EXHIBIT "A"

Annexed Property

A. Lots 302 through 314 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet D, 167 of Deschutes County, Oregon are assigned to the Custom Home Neighborhood.

B. Lots 315 through 323 and 345 through 354 of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet D, 170 and 171 of Deschutes County, Oregon are assigned to the Custom Home Neighborhood.

B. Tract T of Broken Top, a subdivision in Deschutes County, Oregon, as shown in the Plat recorded in the Plat Records in Cabinet D, 170 and 171 of Deschutes County, Oregon.

C. All of the right of way for private roads designated as Tam McArthur Loop, as shown on the Plat for Broken Top filed in Cabinet D, 66,67,170 and 171 of the Plat Records of Deschutes County, Oregon and Ball Butte Court, as shown on the Plat for Broken Top filed in Cabinet D, 167 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 DEC 11 AM 11:11

MARY SUE PENHOLLOW
COUNTY CLERK

BY: T Moore DEPUTY

NO. 95-42743 FEB 15.00

DESCHUTES COUNTY OFFICIAL RECORDS