

AMENDED  
DECLARATION SUBMITTING GOLF COURSE CONDOMINIUM  
SECTION TO OREGON UNIT OWNERSHIP LAW

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THIS DECLARATION, pursuant to the provisions of the Oregon Unit Ownership Law, is made and executed this 7th day of March, 1973 by BROOKS RESOURCES CORPORATION, hereinafter called "Developer."

Developer proposes to create a condominium to be known as Golf Course Condominium Section, Black Butte Ranch, Deschutes County, Oregon. Therefore, by instrument dated April 18, 1972 entitled "Black Butte Ranch Declaration Establishing the Golf Course Condominium Section" as amended on December 8, 1972 Developer has subjected Golf Course Condominium Section to the Master Design of Black Butte Ranch. Such declaration was recorded on April 18, 1972 in Book 175 page 498 and the amendment was recorded December 12, 1972 in Book 190 page 944, Deed records of Deschutes County, Oregon.

The purpose of this declaration is to submit Phase I of Golf Course Condominium Section to the condominium form of ownership and use in the manner provided by the Oregon Unit Ownership Law.

NOW, THEREFORE, Developer does hereby declare and provide as follows:

1. Definitions. When used herein the following terms shall have the following meanings:

1.1 "Black Butte Ranch Declaration Establishing the Golf Course Condominium Section" shall mean those certain documents bearing such title dated April 18, 1972, recorded April 18, 1972 in Book 175 page 498 and as amended by the document dated December 8, 1972 recorded December 12, 1972 in Book 190 page 944, Deed records of Deschutes County, Oregon.

1.2 Incorporation by reference. Each of the terms defined in section 1 of the Black Butte Ranch Declaration Establishing Golf Course Condominium Section shall have the meanings set forth in such section 1, including those definitions incorporated therein by reference. Each of the terms defined in the Oregon Unit Ownership Law, ORS 91.505, shall have the meanings set forth in such section.

2. Land description. The land submitted to the Oregon Unit Ownership Law hereunder is owned by the Developer and conveyed by it in fee simple interest. Upon the filing of this declaration, each unit owner will be entitled to certain non-exclusive easements within Black Butte Ranch as provided in the Master Design of Black Butte Ranch and Declaration Establishing Black Butte Ranch Golf Course Condominium Section. The land being submitted is located in Golf Course Condominium Section, Black Butte Ranch, Deschutes County, Oregon, and is more particularly described as follows:

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A tract of land containing 1.91 acres, more or less, situated in the Southwest one-quarter of the Northeast Quarter of Section Nine (9), Township Fourteen (14) South, Range Nine (9) EWM, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point which is East 2725.71 feet and South 1787.21 feet of the Northwest corner of Section 9, Township 14 South, Range 9 East of the Willamette Meridian, Deschutes County, Oregon. Said point also being on the Southerly right of way of Foxtail; thence North  $86^{\circ} 36' 35''$  East 417.20 feet; thence South  $35^{\circ} 48' 00''$  East 100.00 feet; thence South  $54^{\circ} 12' 00''$  West 90.00 feet; thence South  $68^{\circ} 49' 00''$  West 185.00 feet; thence South  $76^{\circ} 11' 00''$  West 259.00 feet; thence North  $09^{\circ} 34' 00''$  East 95.00 feet; thence North  $02^{\circ} 29' 00''$  East 144.24 feet to the point of beginning of this description and there terminating,

SUBJECT TO the right of Brooks Resources Corporation to enter upon, construct, and maintain water, sewer, utility, television, and radio lines which may be required to service any and all buildings situated upon the above described tract.

3. Name and unit description.

3.1 Name. The name by which the property submitted hereunder shall be known is "Golf Course Condominium Section."

3.2 Unit description. Phase I of Golf Course Condominium Section consists of four buildings containing ten units. Each unit consists of a portion of a one-story building (excluding lofts, if any) and a storage area. Each building is of wood frame construction without basement and has a cedar shake roof, cedar board siding on the exterior walls, and interior and partition walls of gypsum wallboard and wood panelling.

The dimensions of each of the units in Phase I being number 76 through 85 are set forth in the document entitled "Site Plan and Floor Plans of Golf Course Condominium Section" (hereinafter referred to as "the Site Plan"), filed simultaneously herewith and made a part of this declaration as if fully set forth herein. The boundary lines of each unit are the exterior surfaces of its perimeter walls, bearing walls, windows and window frames, doors and door frames, exterior surfaces of its attached private decks, unit storage areas, the land the unit occupies, and the air space above.

4. Location of units. The designation and location of each unit is shown in the Site Plan, filed simultaneously herewith and made a part of this declaration as if fully set forth herein. The design plan and approximate area of each unit is shown on Appendix A, attached hereto and made a part hereof.

5. General common elements. The general common elements consist of the land other than the land underlying each unit, decks which are not part of any unit, pathways, driveways, fences, grounds, parking areas, general storage areas, and improvements thereon that are not a part of a unit. Each unit will be entitled to an ownership interest in the general common elements as more particularly described in paragraph 11.3 below.

6. Use of property. Each unit is to be used as a single family dwelling. Additional limitations on use are contained in

Black Butte Ranch Declaration Establishing Golf Course Condominium Section, the Master Design of Black Butte Ranch, and the Bylaws of the Association of Unit Owners of Golf Course Condominium Section filed herewith.

7. Common profits and expenses. The common profits derived from and the common expenses of the general common elements shall be distributed and charged to the unit owners according to the percentage of undivided interest of each in the general common elements. The profits derived from and expenses of any limited common element shall be distributed and charged to the unit owners to whose units such limited common element pertains.

8. Service of process. The name of the person to receive service of process in cases provided in subsection (1) of ORS 91.635 is ROBERT L. HARRISON and his place of business within Deschutes County, Oregon is 416 East Greenwood, Bend, Oregon 97701.

9. Encroachments. If any portion of the common elements now encroaches upon any unit, or if any unit now encroaches upon any other unit or upon any portion of the common elements, as a result of the construction of any building, or if any such encroachment shall occur hereafter as a result of settling or shifting of any building, a valid easement for the encroachment and for the maintenance of the same so long as the building stands shall exist. In the event any building, unit, adjoining unit, or adjoining common element shall be partially or totally destroyed as a result of fire



or other casualty, or as a result of condemnation or eminent domain proceedings and then rebuilt, encroachments of parts of the common elements upon any unit, or of any unit upon any other unit, or upon any portion of the common elements due to such rebuilding shall be permitted, and valid easements for such encroachments and the maintenance thereof shall exist so long as the building shall stand.

10. Adoption of Bylaws. Upon the execution and filing of this declaration, the Developer, as the sole owner of all the units herein, shall adopt bylaws for the Association of Unit Owners of Golf Course Condominium Section, which bylaws are to be filed simultaneously herewith.

11. Plan of development. Developer proposes to develop Golf Course Condominiums in four phases. By filing this declaration, developer hereby submits Phase 1 to the condominium form of ownership and elects to proceed with the future development of Phases 2, 3, and 4 in the manner described below. Upon completion of construction of Phases 2, 3, and 4, developer will annex such Phases to Golf Course Condominiums by filing supplements to this declaration pursuant to ORS 91.545.

11.1 Maximum number of units. Each phase shall contain not more than the following maximum number of units:

Phase 1	10
Phase 2	6
Phase 3	7
Phase 4	5

11.2 Additional common elements. Developer does not propose to include in Phase 2, 3, or 4 any common elements which would substantially increase the proportionate amount of the common expenses payable by owners of units in Phase 1.

11.3 Percentage interest in common elements. The percentage interest in the common elements of units in each phase will change when the succeeding Phases 2, 3, and 4 are annexed to Golf Course Condominiums. A chart showing the percentage interest in the common elements of each such unit upon the filing of this declaration and after the annexation of each Phase is attached hereto as Appendix B.

12. Any lien claimed by the Association of Unit Owners of Golf Course Condominium Section shall be subordinate to a mortgage or trust deed of record.

13. This amended declaration has been made to correct the legal description of the land being submitted to the Oregon Unit Ownership Law by the prior declaration recorded in Volume 192, page 933, Deed Records, and the percentage of interest in the common elements of each unit.

IN WITNESS WHEREOF, Brooks Resources Corporation has caused this declaration to be executed this 7th day of March, 1973.

BROOKS RESOURCES CORPORATION

By R. L. Harrison

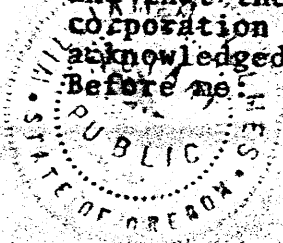
President

STATE OF OREGON, County of Deschutes, ss:

March 7, 1973

Personally appeared R. L. HARRISON, who, being duly sworn, did say that he is President of BROOKS RESOURCES CORPORATION and that the foregoing instrument was signed in behalf of said corporation by authority of its Board of Directors; and he acknowledged said instrument to be its voluntary act and deed.

Before me:



William H. Jones  
Notary Public for Oregon

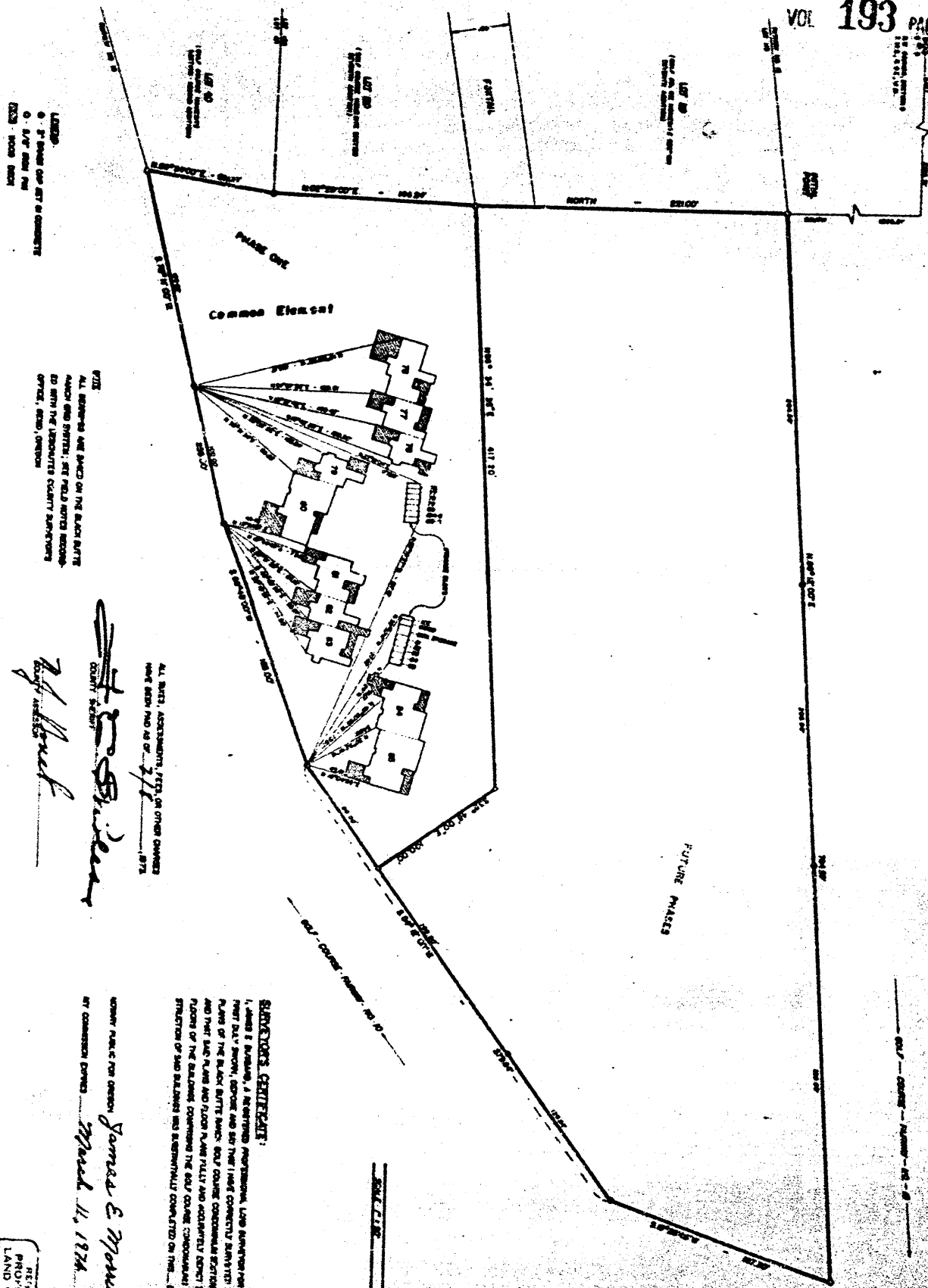
My Commission Expires: 10-21-74



# SITE PLAN

VOL 192 PAGE 178  
VOL 193 PAGE 179

BLACK BUTTE RANCH - GOLF COURSE CONDOMINIUM SECTION - PHASE ONE  
SITING IN THE SOUTHWEST ONE QUARTER OF THE NORTHEAST ONE QUARTER OF SECTION 2, T.14S. R.2E. W.1E. DECHUTES CO. OREGON



LEADS:  
0. 7' BOUNDARY SET TO CORNER  
0. 1/4" BOUNDARY SET  
0. 200' BOUNDARY

ALL BUILDINGS AND LOTS ON THE BLACK BUTTE RANCH AND PHASE ONE, SET BACK FROM THE BOUNDARY SET TO CORNER, SET TO CORNER, SET TO CORNER.

*James E. Brown*  
COUNTY CLERK

ALL BIRTH, ASSIGNMENTS, SETS, OR OTHER CHANGES MUST BE MADE IN DEED - 1978

## SURVEYOR'S CERTIFICATE:

I, James E. Brown, a Registered Professional Land Surveyor for the State of Oregon, State of Oregon, Oregon and do hereby certify that I have correctly surveyed the site plan and floor plan of the Black Butte Ranch Golf Course Condominium Section Phase One of Phase One, and that said plan and floor plan fully and accurately show the layout of the lots and floors of the buildings comprising the Golf Course Condominium Phase One, and that the construction of said buildings has substantially complied with the same.

WITNESSE MY HAND AND SEAL: *James E. Brown*  
AT OREGON DEPT. March 11, 1978

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*James E. Brown*  
JAMES E. BROWN  
1978 OREGON

APPENDIX A  
TO  
DECLARATION SUBMITTING PHASE ONE GOLF COURSE CONDOMINIUM  
SECTION TO  
OREGON UNIT OWNERSHIP LAW

PHASE	UNIT	DESIGN PLAN	APPROX. SQ. FT.
PHASE I	76	A-3-F2'- 2	1332
	77	B-2 - 1 1/2	1002
	78	A-2 - 1 1/2	852
	79	A-2 - 1 1/2	852
	80	C-4-F2'- 2	1839
	81	A-3 - 2	1086
	82	A-2 - 1 1/2	852
	83	B-2 - 1 1/2	1002
	84	D-2 - 1 1/2	1370
	85	C-4-4'- 2	1703
PHASE II	86	C-3 - 2	1362
	87	A-3-F2'- 2	1332
	88	C-3 - 2	1487
	89	C-4-2'- 2	1639
	90	A-2-F - 1 1/2	1052
	91	A-3-F - 2	1296
PHASE III	92	C-4-4'-2	1703
	93	A-3-2'-2	1132
	94	A-2 -1 1/2	852
	95	B-2 -1 1/2	1002
	96	A-3 -2	1086
PHASE IV	97	A-3-F -2	1286
	98	A-3-2'-2	1132
	99	D-2 - 1 1/2	1370
	100	A-2 - 1 1/2	852
	101	A-2 - 1 1/2	852
	102	A-3 - 2	1086
	103	A-3 - 2	1086

(The first number under Design Plan describes the number of bedrooms and the last number, the number of bathrooms. The middle numbers and letters, if any, indicate a modification of the basic plan. For example; A-3-F-2' - 2 is A unit with 3 bedrooms, a family room a 2 foot addition to the bedrooms and two bathrooms).

AMENDED  
GOLF COURSE CONDOMINIUM SECTION

## APPENDIX B

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Percentage of interest in common elements of each unit

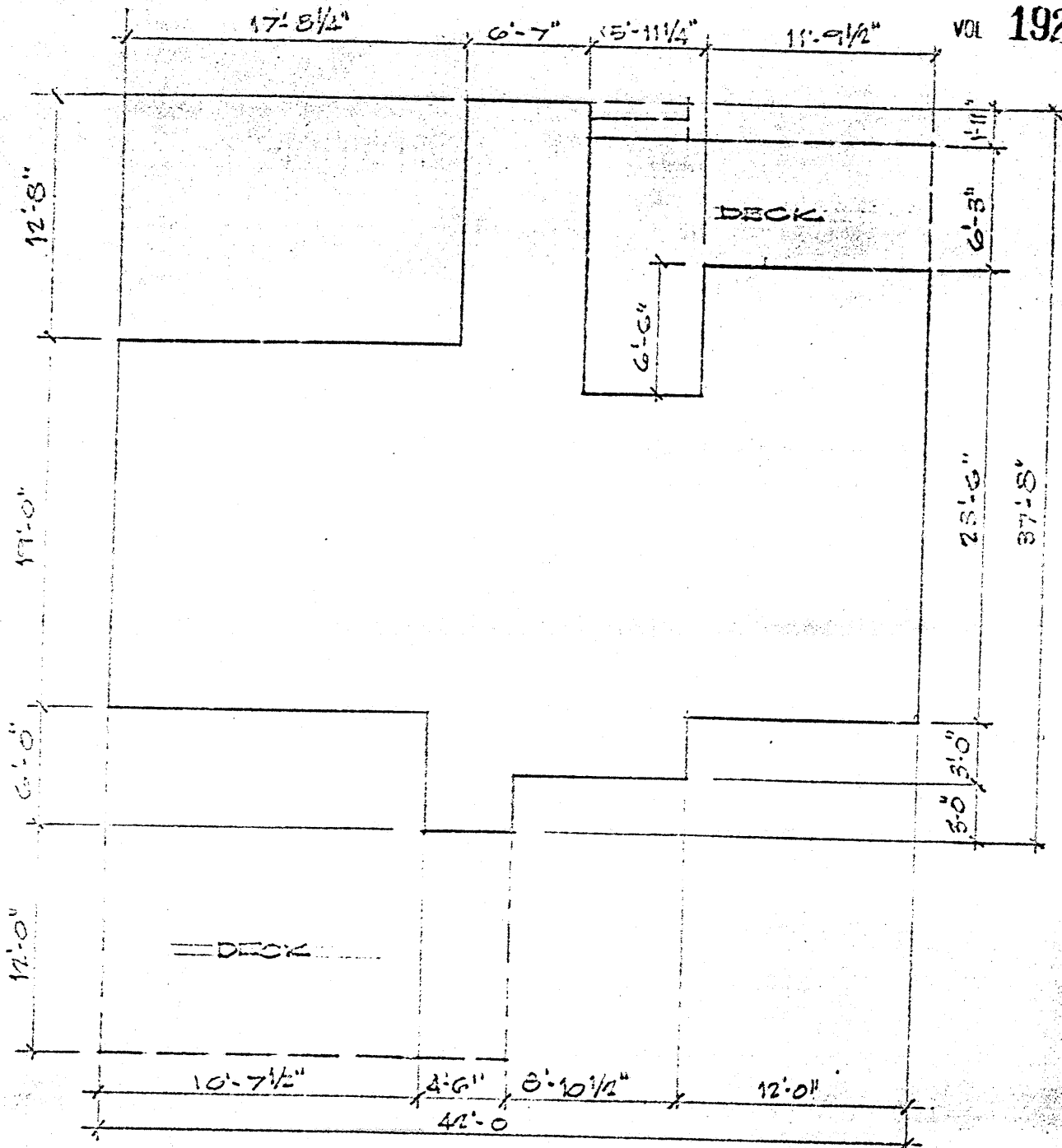
<u>Unit</u>	<u>Completion of Phase 1</u>	<u>Completion of Phase 2</u>	<u>Completion of Phase 3</u>	<u>Completion of Phase 4</u>
76	.10	.0625	.0434	.0357
77	.10	.0625	.0434	.0357
78	.10	.0625	.0434	.0357
79	.10	.0625	.0434	.0357
80	.10	.0625	.0434	.0357
81	.10	.0625	.0434	.0357
82	.10	.0625	.0434	.0357
83	.10	.0625	.0434	.0357
84	.10	.0625	.0434	.0357
85	.10	.0625	.0434	.0357

## CERTIFICATION OF PLANS AND OF COMPLETION

I, H. CURTIS FINCH, of the architectural firm of Fletcher/Finch & Associates, Architects, 920 S.W. 13th Avenue, Portland, Oregon, architects of record for Golf Course Condominium Section, Black Butte Ranch, Oregon, do hereby certify that the following floor plans for Phase I, being Units 76 through 85, fully and accurately depict the layout of the units and floors of the building. I further certify that the date construction of the building was completed was February 28, 1973.

DATED February 28, 1973.

  
H. Curtis Finch

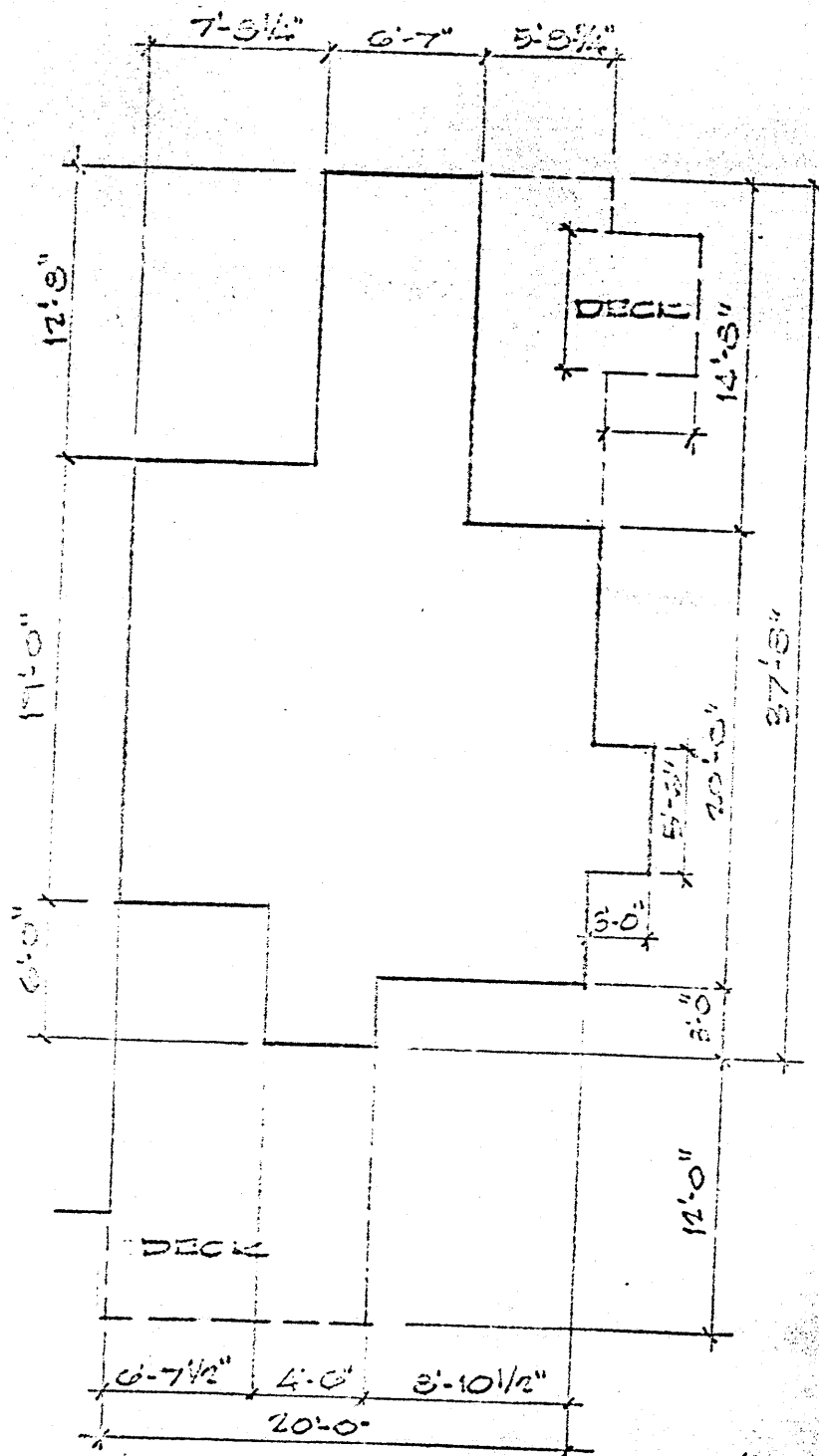


UNIT NO. 76

GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREG.

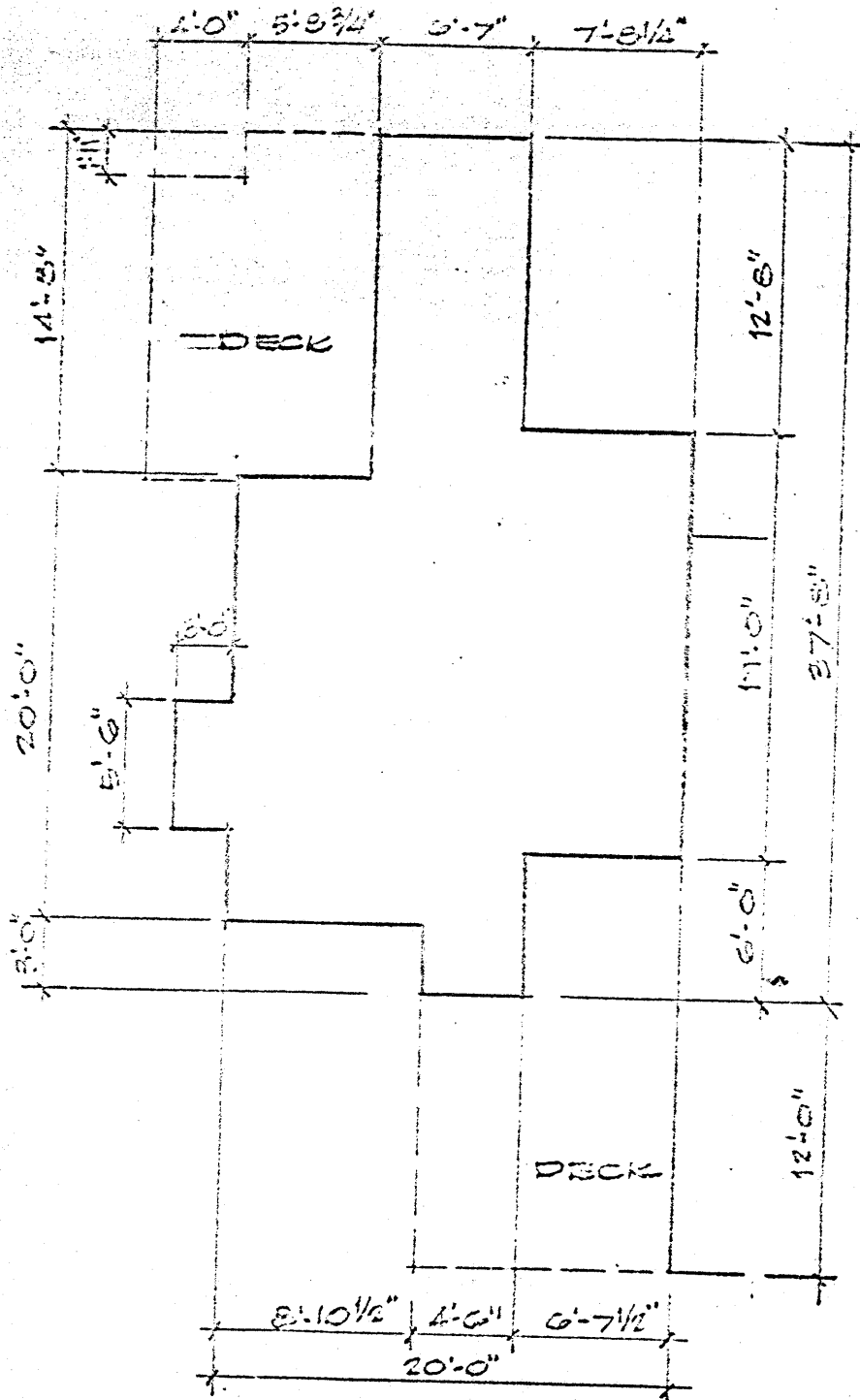






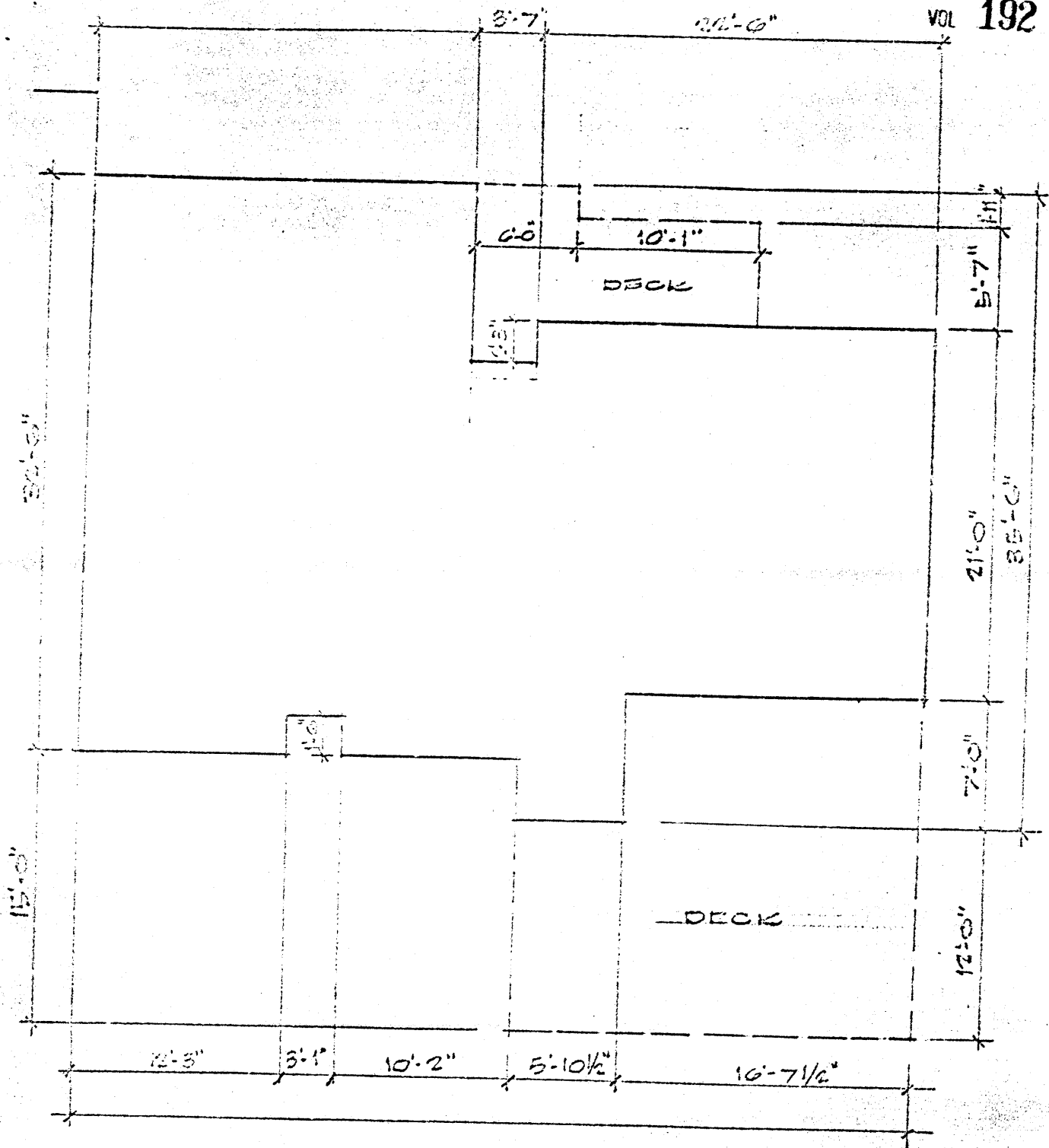
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GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREG.



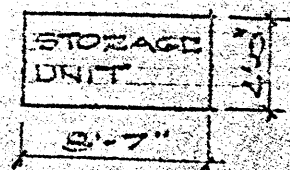
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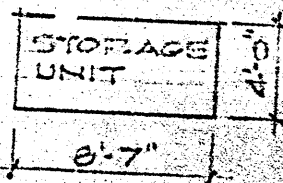
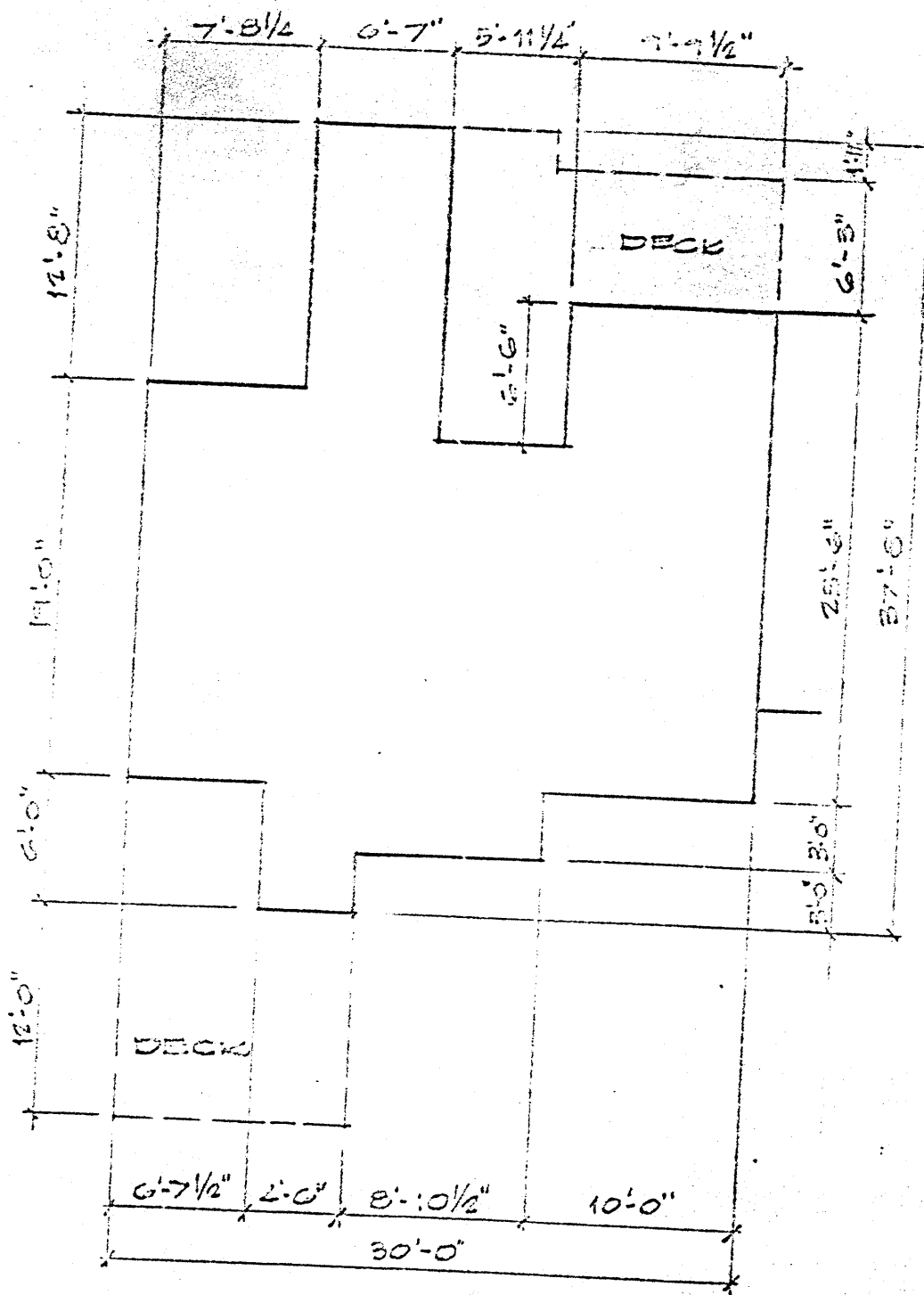
GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH  
OREG.



UNIT NO. 50

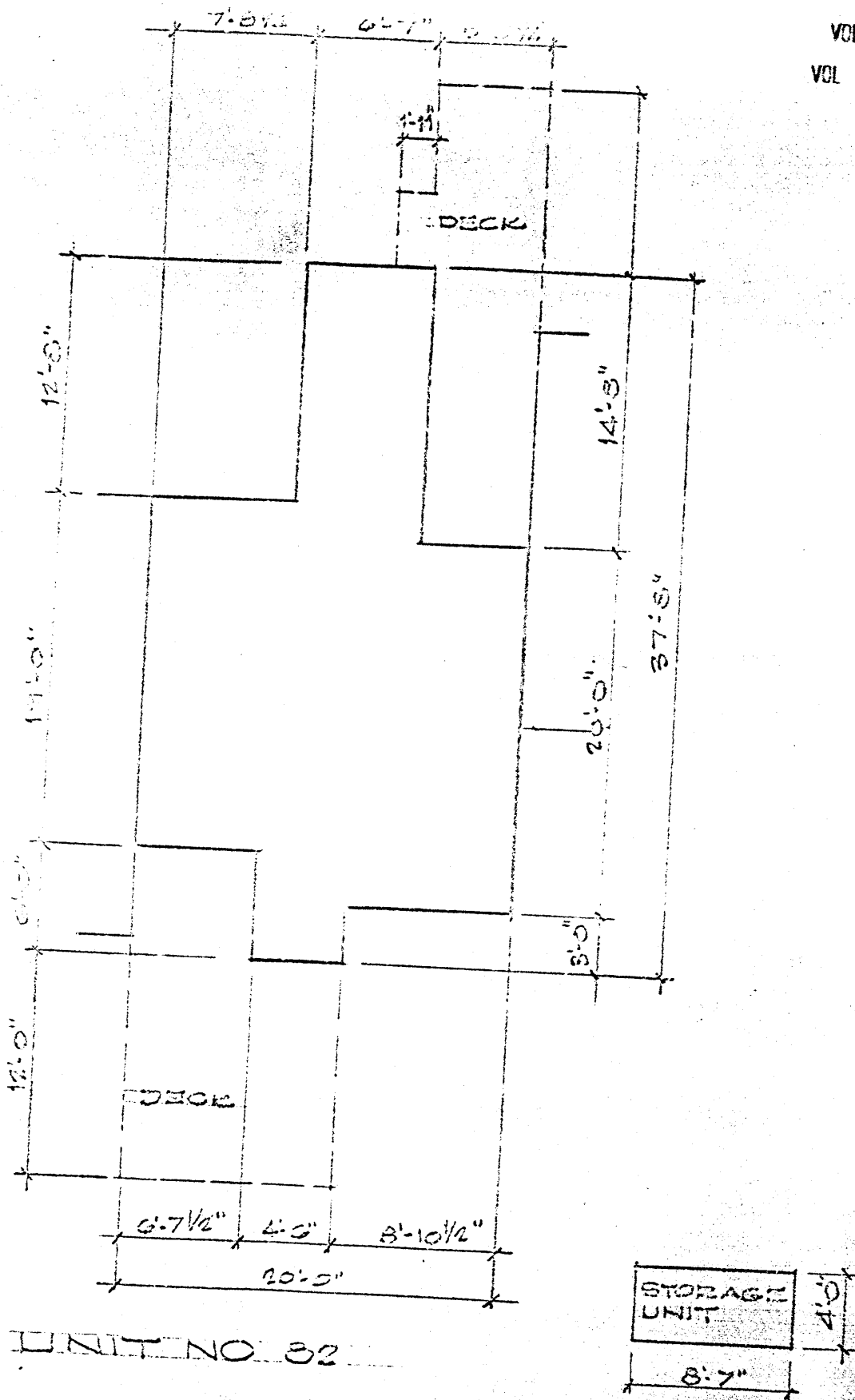
GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREGON



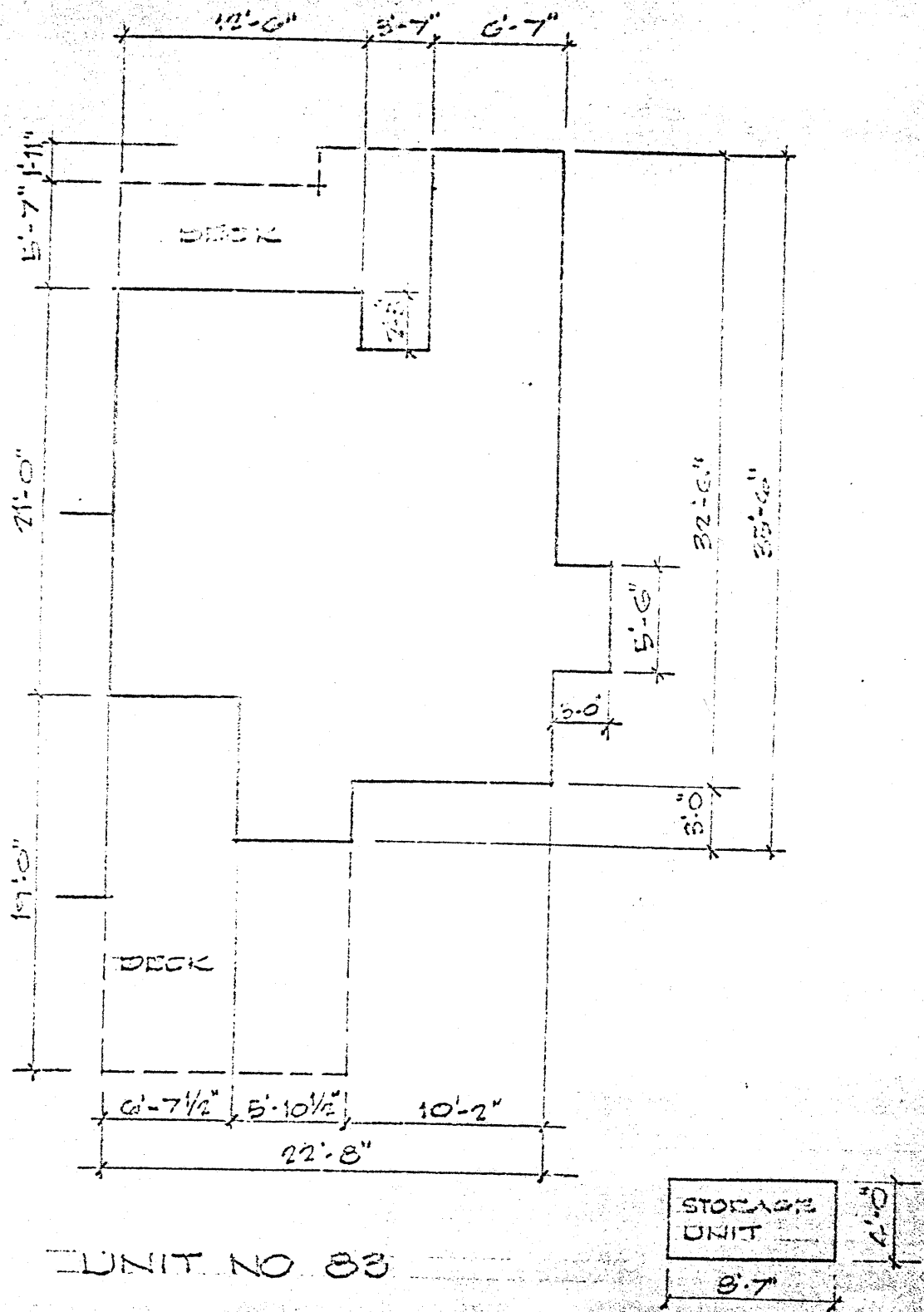


UNIT NO. 81

GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREG.

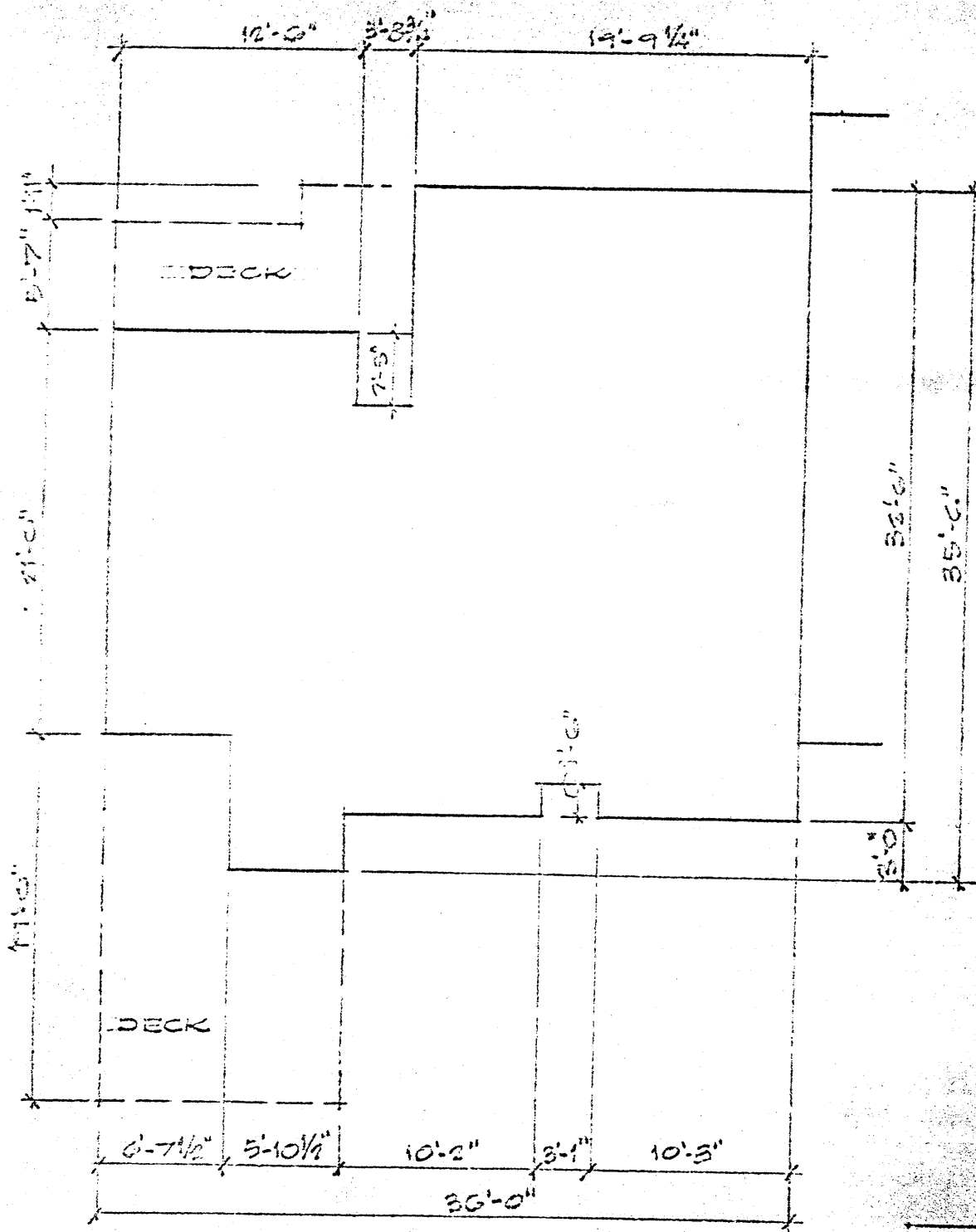


GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREG.



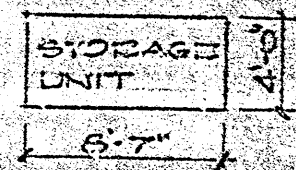
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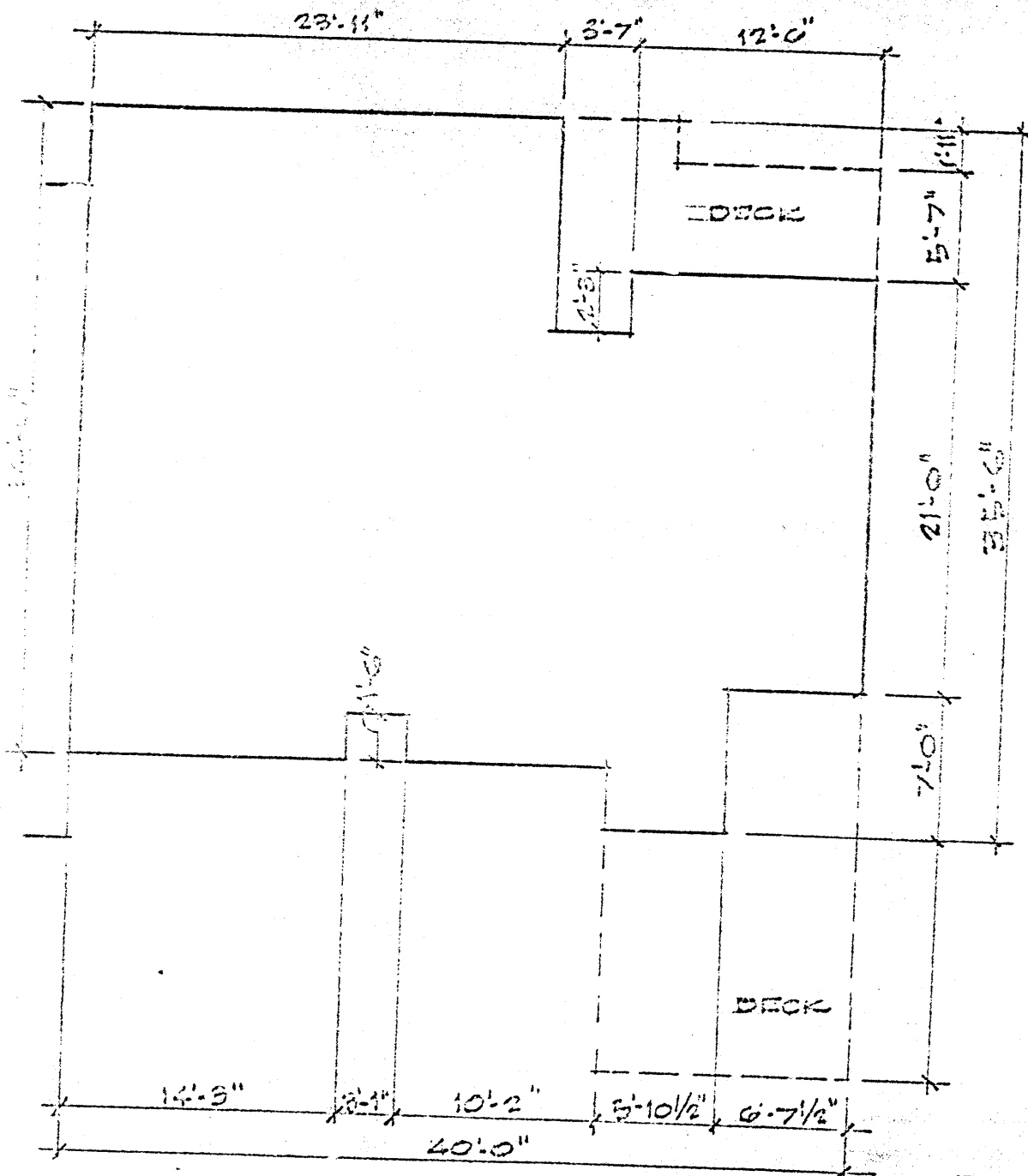




UNIT NO. 84

GOLF COURSE CONDOMINIUMS  
BLACK BUTTE RANCH OREG.





UNIT NO 85

212 COURSE CONDOMINIUMS  
 BLACK BUTTE RANCH OREG

