

19003

SUPPLEMENTAL DECLARATION SUBMITTING
PHASE 3 OF GOLF COURSE CONDOMINIUM
SECTION TO OREGON UNIT OWNERSHIP LAW
AND
ANNEXING PHASE 3 TO GOLF COURSE
CONDOMINIUM SECTION

THIS DECLARATION, pursuant to the provisions of the Oregon Unit Ownership Law, is made and executed this 10th day of July, 1973 by BROOKS RESOURCES CORPORATION, an Oregon corporation, hereinafter called "the Developer."

By document dated March 7, 1973 entitled "Amended Declaration Submitting Golf Course Condominium Section to Oregon Unit Ownership Law, Phase 1," Developer created a condominium known as "Golf Course Condominium Section, " Black Butte Ranch, in Deschutes County, Oregon.

The purpose of this supplemental declaration is to submit Phase 3 of Golf Course Condominium Section to the condominium form of ownership and use in the manner provided by the Oregon Unit Ownership Law and to annex such Phase 3 to Golf Course Condominium Section.

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 "Amended Declaration Submitting Golf Course Condominium Section to Oregon Unit Ownership Law" shall mean that certain document

dated March 7, 1973, recorded March 7, 1973 in Volume 193 of the records of deeds of Deschutes County, Oregon at page 166.

1.2 Incorporation by reference. Each of the terms defined in section 1 of the Amended Declaration Submitting Golf Course Condominium Section to Oregon Unit Ownership Law 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 supplemental 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 the Declaration Establishing Golf Course Condominium Section. The land being submitted, Phase 3 of Golf Course Condominium Section, is located in Black Butte Ranch, Deschutes County, Oregon, and is more particularly described as follows:

Golf Course Condominium Section Phase 3

A tract of land containing 1.15 acres more or less, lying in the Southwest one-quarter of the Northeast one-quarter (SW1/4NE1/4) of Section Nine (9), Township Fourteen (14) South, Range Nine (9) East of the Willamette Meridian, Deschutes County, Oregon, the aforesaid tract being more particularly described as follows:

Commencing at the Northwest corner of said Section Nine; thence East 2725.71 feet; thence South 1566.21 feet; thence North 86° 12' 00" East 264.59 feet to the true point of beginning of this description; thence North 86° 12' 00" East 500.00 feet; thence South 60° 09' 13" West 268.97 feet; thence South 45° 00' 00" West 160.00 feet; thence North 35° 29' 06" West 262.64 feet to the point of beginning and terminus of this description.

SUBJECT TO the rights 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 3 of Golf Course Condominium Section consists of three buildings containing a total of seven 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 paneling.

The dimensions of each of the units in Phase 3, being numbers 92 through 98 are set forth in the Floor Plans of Golf Course Condominium Section, Phase 3 filed simultaneously herewith and made a part of this supplemental 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 supplemental declaration as if fully set forth herein.

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 section 11.3 of the Amended Declaration Submitting Golf Course Condominium Section to Oregon Unit Ownership Law.

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

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 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 WILLIAM L. SMITH 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 buildings, 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. Bylaws. The owner of each unit in Phase 3 of Golf Course Condominium Section shall be a member of the Association of Unit Owners of Golf Course Condominium Section and subject to the bylaws of such association. The original bylaws of the Association were filed of record with the Declaration Submitting Golf Course Condominium Section to the Oregon Unit Ownership Law.

11. A chart showing the percentage interest in the common elements of each unit upon the filing of this supplemental declaration and after the annexation of each phase is attached hereto as Appendix A.

IN WITNESS WHEREOF Brooks Resources Corporation has caused this declaration to be executed as of the date above written.

BROOKS RESOURCES CORPORATION

By William L. Smith
President

STATE OF OREGON, County of Deschutes, ss:

July 13, 1973

Personally appeared WILLIAM L. SMITH, 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:

Georgia Long
NOTARY PUBLIC FOR OREGON

My Commission Expires: Jan 8 - 76

GRAY, FANCHER & HURLEY
ATTORNEYS AT LAW
1044 BOND STREET
BEND, OREGON 97701

197 296

The foregoing declaration is hereby approved.

W. J. Paul
Deschutes County Assessor, July 16, 1973

W. C. Spiller
Sheriff of Deschutes County, July 16, 1973

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CERTIFICATION OF PLANS AND OF COMPLETION

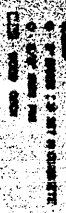
I, H. CURTIS FINCH, of the architectural firm of Fletcher/Finch & Associates, Architects, 920 S.W.13th Avenue, Portland, Oregon, architects of record for Golf Course Condominium Section, Black Butte Ranch, Oregon, do hereby certify that the following floor plans for Phase 3, being Units 92 through 98, 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 June 15, 1973.

DATED June 29, 1973.


H. Curtis Finch

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ALL BOOKS, ASSIGNMENTS, TESTS OR OTHER DOCUMENTS
WORTH READING ARE OF INVALUABLE VALUE.

7/19/95
 10/1/95

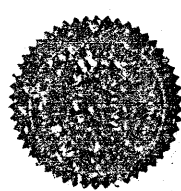
NOTED PUBLIC FOR DEPOSIT
BY CHARLES E. BROWN
April 23, 1917

[illegible]

SCALE 1"=100'



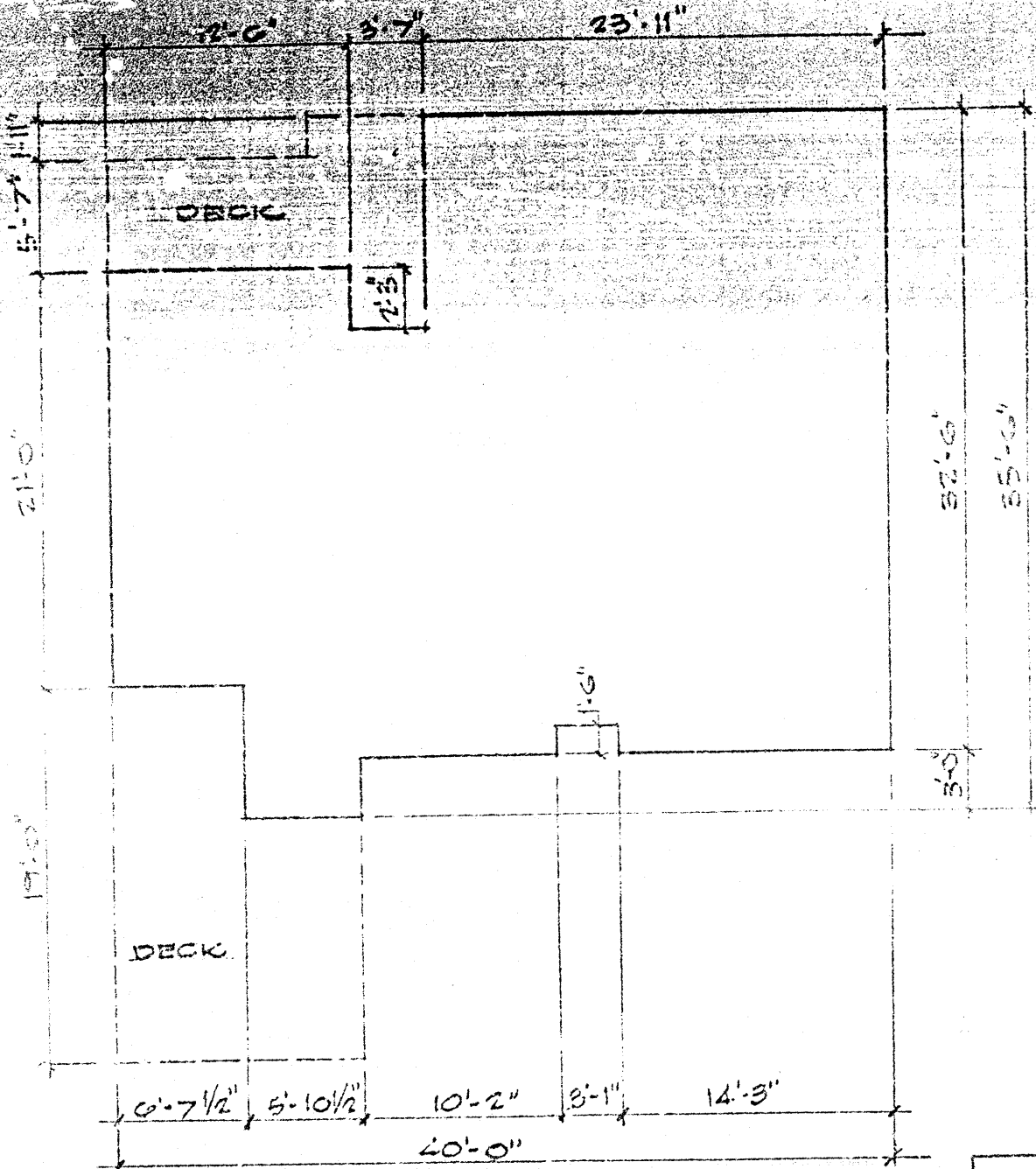
SITE PLAN



REGISTERED
PROFESSIONAL
LAND SURVEYOR

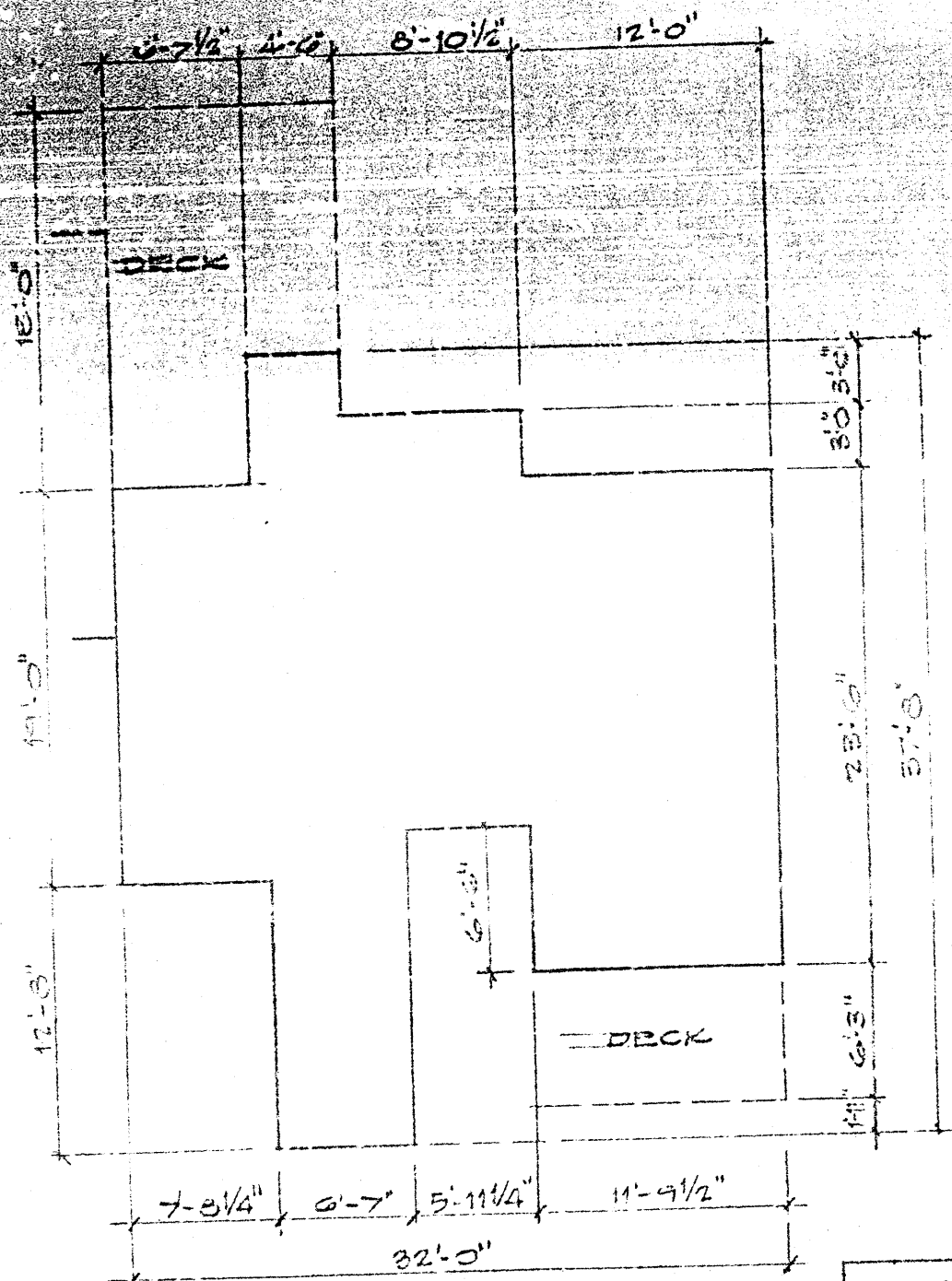
James E. B. ...

OREGON
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3 23

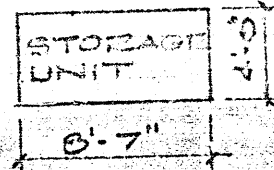


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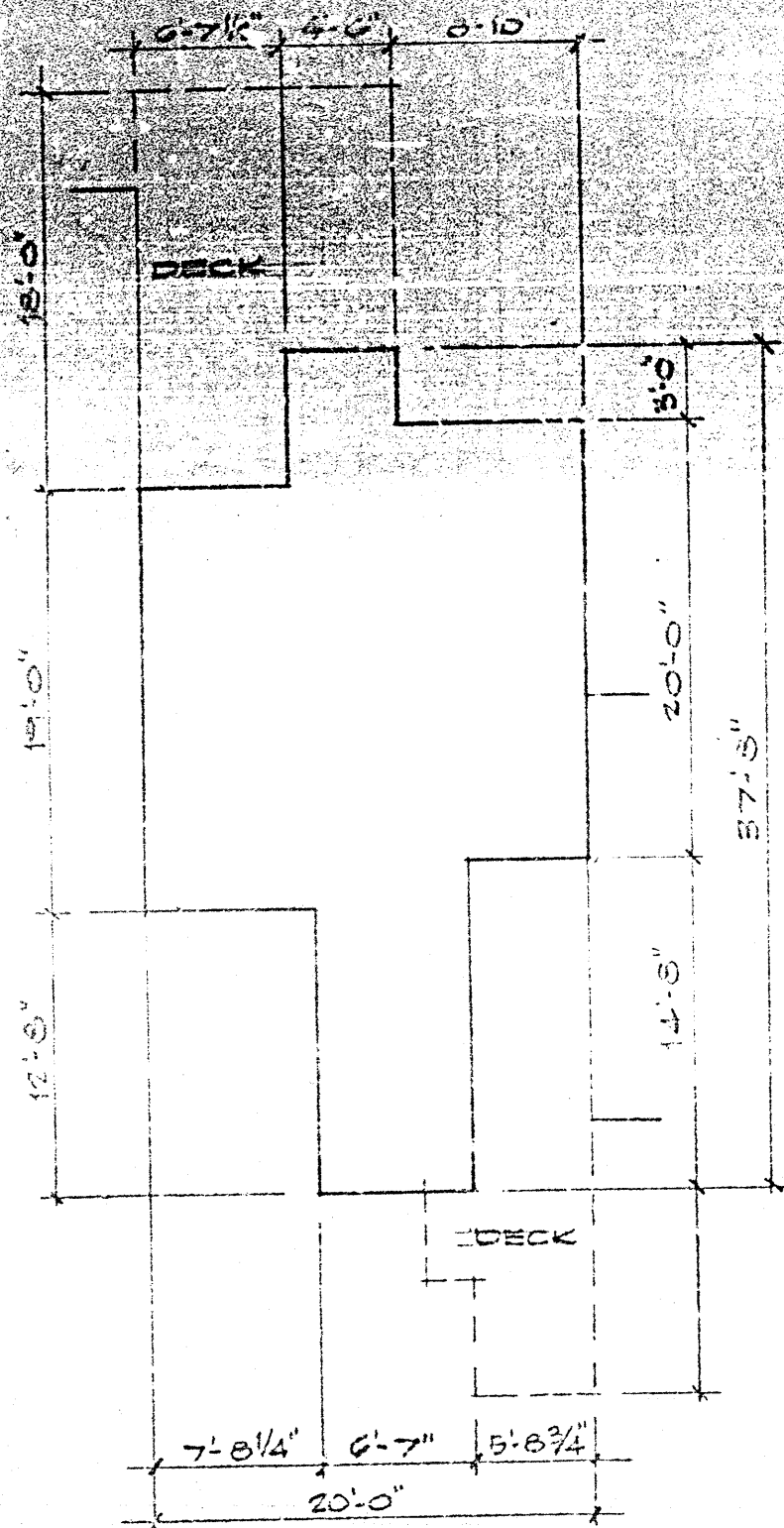
GOLF COURSE CONDOMINIUMS
BLACK BUTTE RANCH OREG.



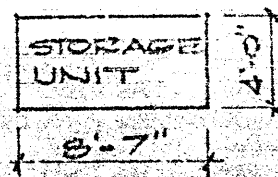
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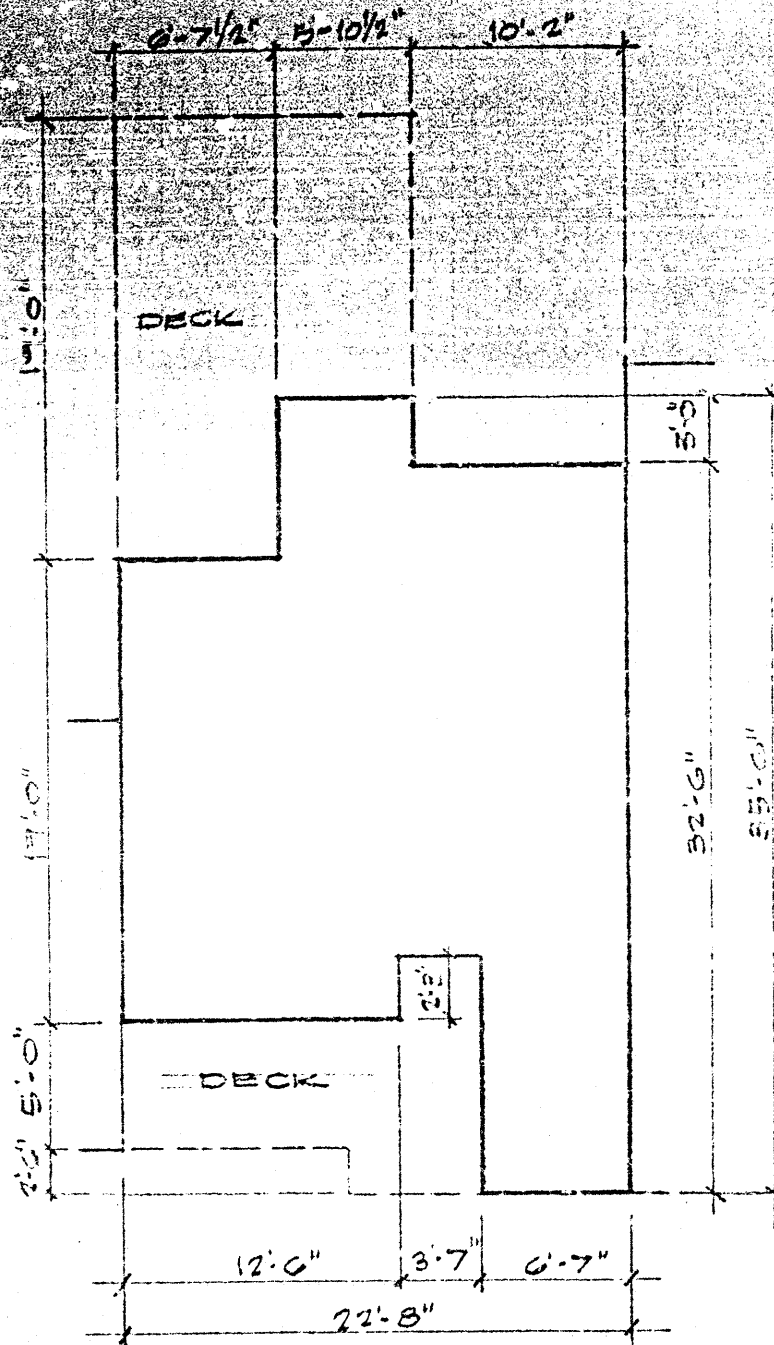
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BLACK BUTTE RANCH OREG,



UNIT NO. 94

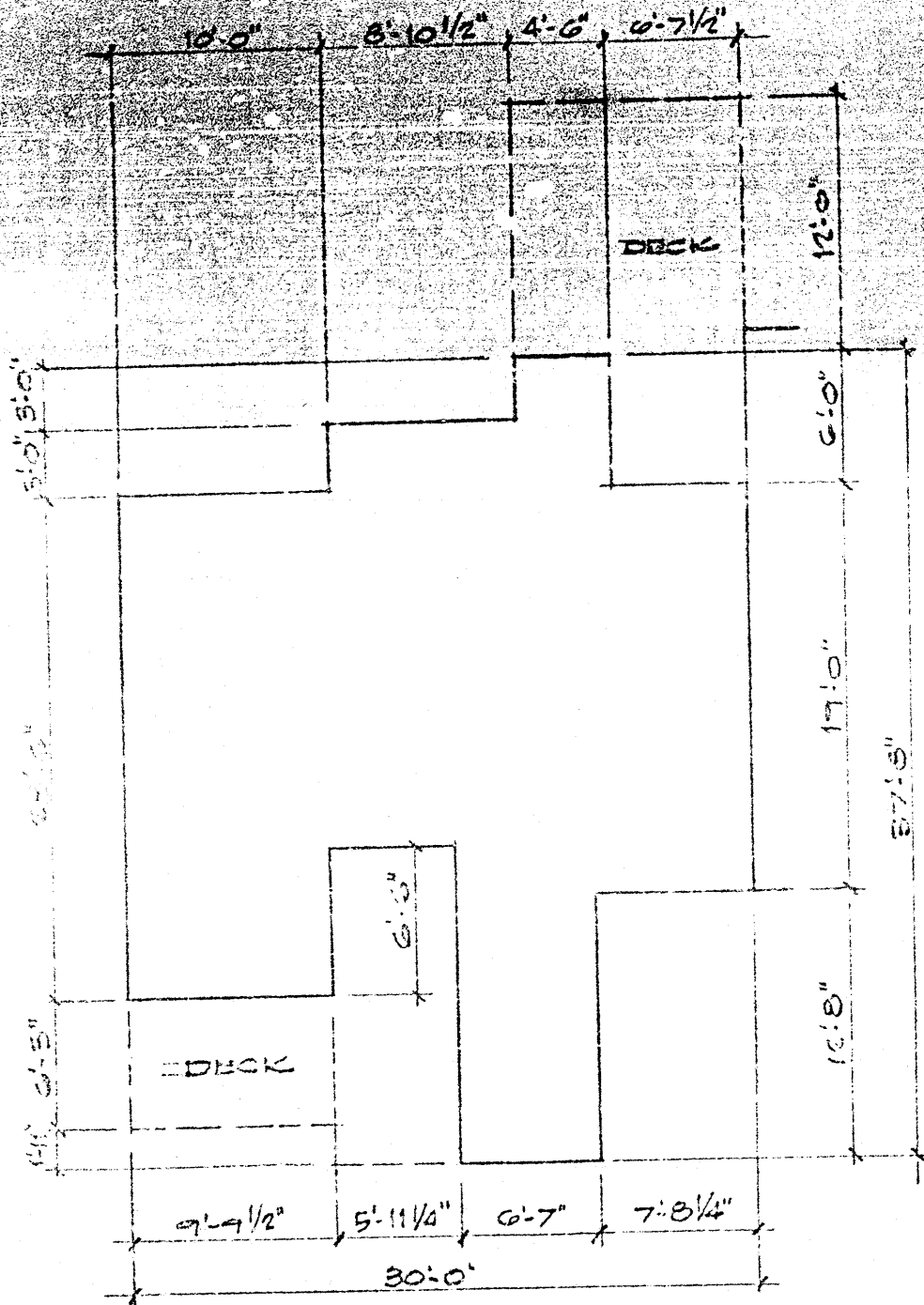


GOLF COURSE CONDOMINIUM
BLACK BUTTE RANCH OREG

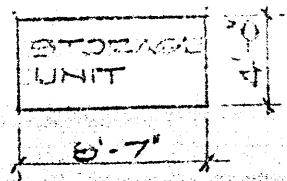


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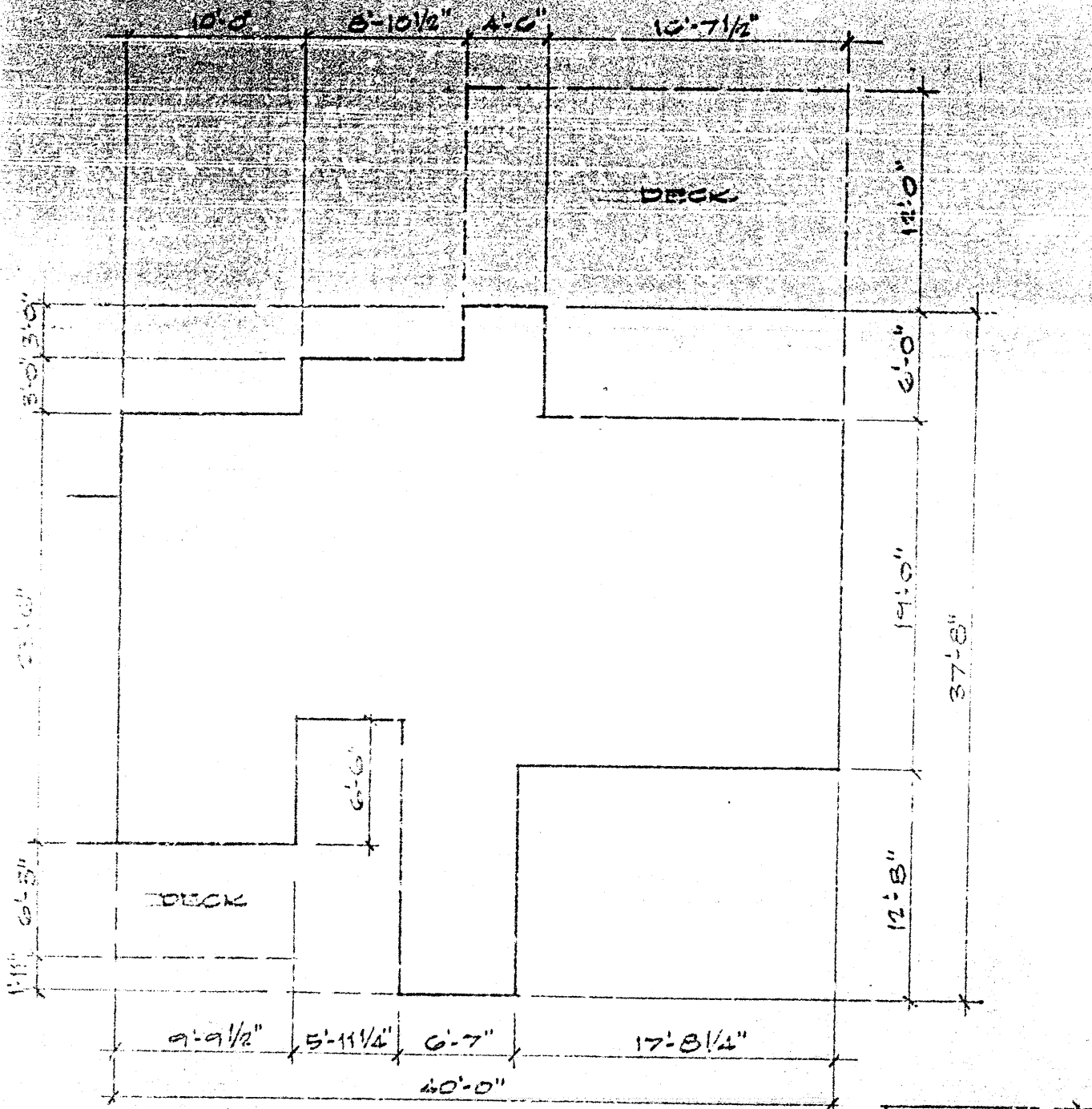
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BLACK BUTTE RANCH OREG.



UNIT NO 96

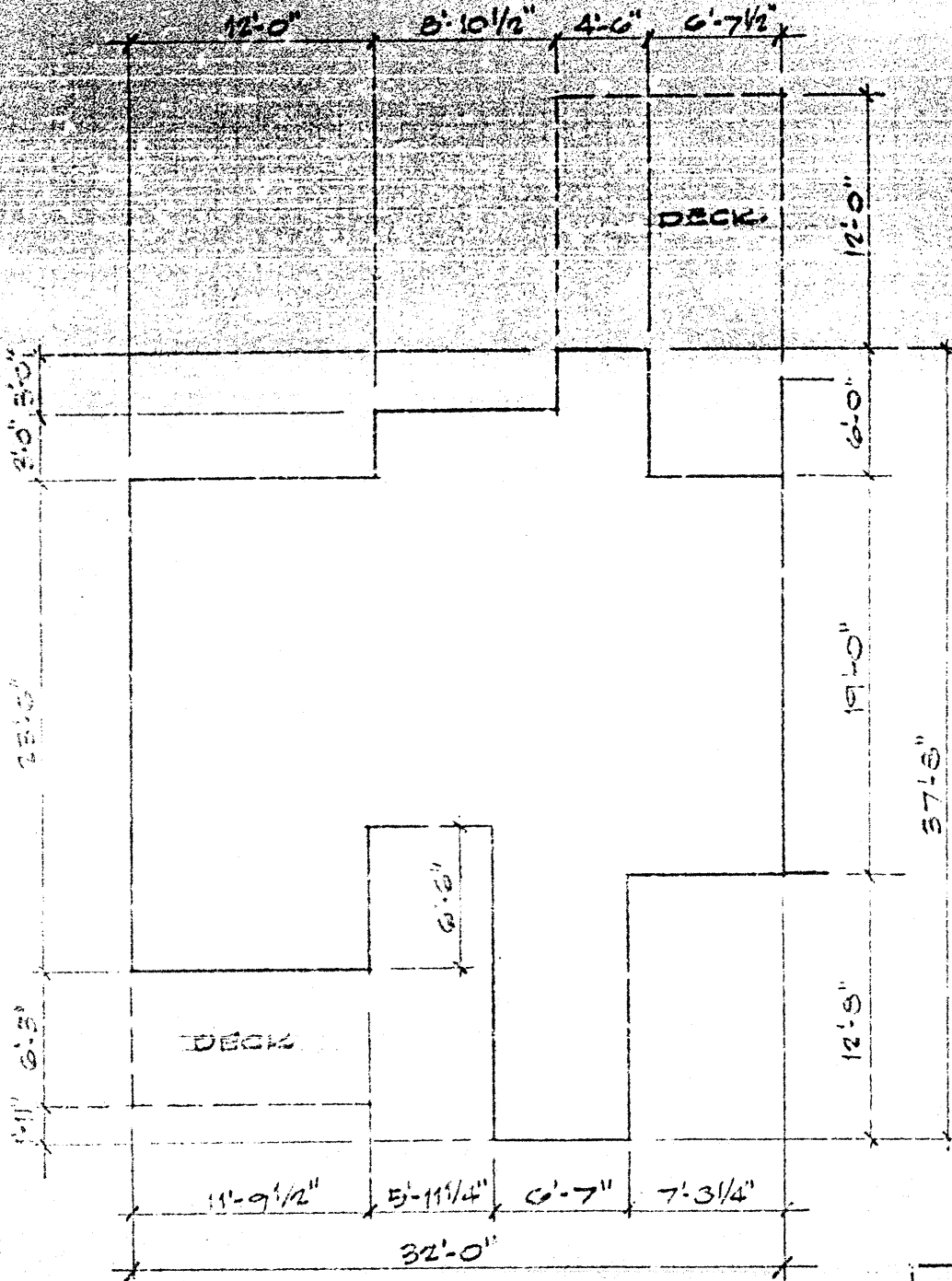


GOLF COURSE CONDOMINIUMS
BLACK BUTTE RANCH OREG.



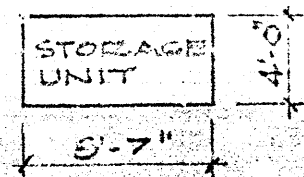
UNIT NO 97

GOLF COURSE CONDOMINIUMS
BLACK BUTTE RANCH OREGON



UNIT NO. 98

GOLF COURSE CONDOMINIUMS
BLACK BUTTE RANCH OREG.



AMENDED
GOLF COURSE CONDOMINIUM SECTION
APPENDIX A

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
86		.0625	.0434	.0357
87		.0625	.0434	.0357
88		.0625	.0434	.0357
89		.0625	.0434	.0357
90		.0625	.0434	.0357
91		.0625	.0434	.0357
92			.0434	.0357
93			.0434	.0357
94			.0434	.0357
95			.0434	.0357
96			.0434	.0357
97			.0434	.0357
98			.0434	.0357

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STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 16th day of July A.D. 1973 at 2:10 o'clock P.M., and recorded in Book 177 on Page 240 Records of Desch

ROSEMARY PATTERSON

County Clerk

By R. Batterson Deputy
Clark