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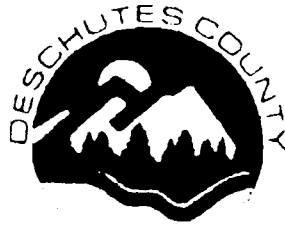
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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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After Recording Return to:
The Highlands at Broken Top Community Association, Inc.
61999 Broken Top Drive
Bend, OR 97702
Attn: Deb Crowson

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR THE HIGHLANDS AT BROKEN TOP**

THIS FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS FOR THE HIGHLANDS AT BROKEN TOP (this "Amendment"), to be effective upon its recording in Deschutes County, Oregon, is made and executed on the date hereinafter set forth by Cascade Highlands LLC, an Oregon limited liability company ("Declarant"), successor in interest to Cascade Highlands Limited Partnership, an Oregon limited partnership.

WITNESSETH

Declarant's predecessor in interest executed that certain Declaration of Protective Covenants, Conditions and Restrictions for the Highlands at Broken Top, recorded September 29, 2003 in the real property records of Deschutes County, Oregon, at Volume 2003, Page 67685 (as amended from time to time, the "Declaration").

Pursuant to Section 12.4 of the Declaration and ORS 94.585, Declarant desires to amend the Declaration, on the terms and conditions contained herein.

NOW THEREFORE, Declarant hereby declares as follows:

1. Amendment. Section 9.10 of the Declaration is hereby amended and restated in its entirety as follows:

The City of Bend Fire Department (the "Fire Department") requires, and each Lot Owner shall construct, a water cistern holding a minimum of three thousand (3,000) gallons of water, which water is to be supplied by the Lot's on-site domestic water well. Declarant hereby advises each Lot Owner that 3,000 gallons is merely the minimum requirement established by the Fire Department for homes at The Highlands at Broken Top. Declarant strongly advises each Lot Owner to consult independently with the Fire Department regarding the appropriate size of the cistern for his or her particular home design; in many cases, a much larger cistern may be advisable. Each cistern must be equipped with a standpipe and connection in accordance with the Bend Fire

Department standards. The standpipe on each cistern must be accessible to fire department vehicles and equipment, and it shall be each Owner's obligation to obtain all necessary fire department approval of the location and design of his or her cistern and related equipment and facilities. Each Owner shall be solely responsible for the maintenance and repair of the cistern and standpipe on his or her Lot.

Due to City of Bend Fire Department regulations, fire sprinkler systems must be provided by the applicable Owner for structures built on Lots 19 and 20 in Phase I. While the Bend Fire Department has not required fire sprinkler systems on the remaining Lots in Phase I, Declarant highly recommends and encourages all Owners of Lots within The Highlands at Broken Top to install fire sprinkler systems in the structures they build on their respective Lot(s). Specifications for this requirement can be obtained from the DRC.

2. Declaration in Full Force and Effect. Except as modified hereby, the Declaration remains in full force and effect, unmodified.

IN WITNESS WHEREOF, the Declarant has caused this Amendment to be executed on its behalf, attested and its corporate seal to be hereunto affixed as of this ___ day of August 2004.

DECLARANT:

CASCADE HIGHLANDS LLC,
an Oregon limited liability company

By: [Signature]
Name: T. B. Dame
Title: Owner's Representative

STATE OF OREGON }
 }
COUNTY OF Multnomah }

The foregoing instrument was acknowledged before me the 26th day of August 2004, by T. B. Dame, the Owner's Representative of Cascade Highlands LLC, an Oregon limited liability company, on behalf of the company.

[Signature]
Notary Public, State of Oregon
My Commission Expires: 2/23/08

