

11878

AMENDMENT TO DECLARATION  
OF  
KITTYHAWK CONDOMINIUMS

That certain declaration of Kittyhawk Condominiums recorded on July 31, 1978 in Volume 279, page 338 of the Deed Records of Deschutes County, Oregon; amended by Amendment to Declaration recorded July 23, 1979 in Volume 303, 274 of the Deed Records of Deschutes County, Oregon; and as amended by the Supplemental Declaration recorded April 11, 1979 in Volume 279, page 675 of the Deed Records of Deschutes County, Oregon, is hereby amended as follows:

1. Paragraph 2, entitled Land Description, of said Declaration hereby is amended to read as follows:

PHASE I:

A tract of land containing 0.993 acres lying in the West 1/2 of Section 5, T.20S., R11E., W.M., Deschutes County, Oregon, described as follows: Commencing at the South 1/4 corner of Section 6, as marked by a brass cap; thence N 87°59'26" E 2648.54 feet to a brass cap at the southeast corner of said Section 6; thence N 05°32'06" E 2270.07 feet to the initial point of the plat of the South Great Hall Site marked by a 2" iron pipe set six inches below the surface of the ground; thence N 30°55'42" W 323.29 feet to the point of beginning; thence N 36°53'29" E 80.77 feet along the boundary of said South Great Hall Site; thence N 24°50'58" E 45.38 feet; thence leaving said boundary and going S 65°09'02" E 44.85 feet; thence N 87°45'33" E 180.18 feet; thence S 02°14'27" E 155.00 feet; thence S. 76°25'56" W 150.00 feet; thence S 59°59'04" W 30.76 feet; thence N 86°10'00" W 32.0 feet; thence N 03°50'00" W 70.00 feet; thence N 65°09'02" W 94.00 feet to the point of beginning.

PHASE II:

A tract of land containing 0.58 acres, located in the West 1/2 of Section 5, T.20S., R.11E., W.M., Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Initial Point for the recorded subdivision plat "South Great Hall Site", said point being also N 05°32'06" E a distance of 2270.07 feet from the Southwest corner of said Section 5; thence N 55°41'12" W along the southerly line of said subdivision a distance of 25.00 feet to the point of beginning; thence continuing along said Southerly line N 55°41'12" W distance of 184.79 feet; thence N 05°47'17" W along the Westerly line of said subdivision a distance of 132.45 feet; thence N 36°53'29" E along said Westerly line a distance of 34.12 feet; thence S 65°09'02" E a distance of 94.00 feet; thence S 03°50'00" E a distance of 70.00 feet; thence S 86°10'00" E a distance of 32.00 feet; thence N 59°59'04" E a distance of 30.76 feet; thence S 01°02'25" W a distance of 167.16 feet to the point of beginning.

Subject to a 20' easement for roadways and easements for utilities (including not by way of limitation water, sewer, electrical, telephone, cable) over, across and through that portion of the above described property for the benefit of Vacation Internationale, its successors and assigns, and Babler Brothers, Inc., its successors and assigns, as more particularly set forth in Exhibit A attached hereto, and

Together with a 20' easement for roadways and easements for utilities (including not by way of limitation water, sewer, electrical, telephone, cable) over, across and through a portion of the land described in Exhibit B attached hereto, said easement as more particularly set forth in Exhibit A attached hereto.

Said easements are the subject of that Reciprocal Easement Agreement dated April 11, 1981 between Vacation Internationale, Ltd., Babler Brothers, Inc. and Kittyhawk Home Owners Association.

2. Paragraph 5, entitled Common Elements, of said Declaration hereby is amended to read as follows:

General common elements consist of the land, decks which are not made a part of any unit, parking areas, driveways, passways, fences, grounds and the exterior walls and roofs of each building, which common elements are encumbered by the existing roadway easement benefiting Vacation Internationale and Babler Brothers, Inc., and together with an irrevocable 20' roadway easement over and through the land described in Exhibit "B" attached hereto and as further provided for in the Reciprocal Easement Agreement dated April 11, 1981 between Vacation Internationale, Babler Brothers, Inc., and Kittyhawk Landing Home Owners Association.

State of Oregon       )  
                              ) ss.  
County of Deschutes)

Each of us, the undersigned, respectively President and Secretary of the Association of Unit Owners of Kittyhawk Condominiums, hereby certify that the foregoing Amendment to the Declaration of Kittyhawk Condominiums was adopted by written ballot of the unit owners of one hundred percent (100%) of the condominium units at Kittyhawk Condominiums.

Executed this 27th day of October, 1981

Dianne Wenski  
President

David Klem  
Secretary

APPROVAL OF REAL ESTATE COMMISSIONER

Pursuant of ORS 91.521 (2), the undersigned Real Estate Commissioner of the State of Oregon hereby approves the foregoing amendment.

REAL ESTATE COMMISSIONER OF THE  
STATE OF OREGON

By Barbara Ramsey 12/2/81

State of Oregon        )  
County of Deschutes) ss.

Each of us, the undersigned, respectively President and Secretary of the Association of Unit Owners of Kitty Hawk Condominiums hereby certify that the roadway easement created in Paragraph 5 of the original declaration of Kitty Hawk Condominiums, Phase I, executed on July 31, 1978 and recorded in Volume 279, page 338 of the Deed Records of Deschutes County, Oregon is hereby abandoned and released by the Association of Unit Owners of Kitty Hawk Condominiums upon the written approval to do so by 100% of the Kitty Hawk Condominiums owners and that a new easement has been established by a Reciprocal Easement Agreement which was recorded on June 25, 1981 under fee number 30742 in the Deed Records of Deschutes County, Oregon.

Executed this 27th day of October, 1981

  
Lynne Veneski, President

  
Dan Kearns, Secretary

PROPERTY DESCRIPTION

## TRACT "A"

A tract of land containing 1.26 acres and being a portion of the Plat of "South Great Hall Site" located in the West 1/2 of Section 5, Township 20 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon and is more particularly described as follows:

Commencing at the Southwest corner of said Section 5; thence North 05°32'06" East a distance of 2270.07 feet to the initial point for the plat of "South Great Hall Site" and the point of beginning for this description; thence North 55°41'12" West a distance of 25.00 feet; thence North 01°02'25" East a distance of 167.16 feet; thence North 76°25'56" East a distance of 150.00 feet; thence North 02°14'27" West a distance of 155.00 feet; thence North 87°45'33" East a distance of 120.00 feet; thence South 15°05'44" East a distance of 169.35 feet to the Southerly line of the plat of "South Great Hall Site"; thence South 53°24'14" West along said Southerly line 356.42 feet to the point of beginning and terminus of this description.

## TRACT "B"

## PARCEL 1

A tract of land containing 0.57 acres and being a portion of the Plat of "South Great Hall Site" located in the West 1/2 of Section 5, Township 20 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon and is more particularly described as follows:

Commencing at the Southwest corner of said Section 5; thence North 05°32'06" East a distance of 2270.07 feet to the initial point for the plat of "South Great Hall Site"; thence North 08°25'11" East a distance of 372.67 feet to the point of beginning for this description; thence South 87°45'33" West a distance of 112.55 feet; thence North 65°09'02" West a distance of 44.85 feet to the Westerly line of the plat of "South Great Hall Site"; thence North 24°50'58" East along said Westerly line, 184.75 feet; thence North 05°37'23" West along said Westerly line 50.00 feet; thence North 82°41'26" East along said Westerly line 75.00 feet; thence South 01°25'56" East a distance of 241.47 feet to the point of beginning and terminus of this description.

## PARCEL 2

A tract of land containing 2.60 acres and being a portion of the Plat of "South Great Hall Site" located in the West 1/2 of Section 5, Township 20 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon and is more particularly described as follows:

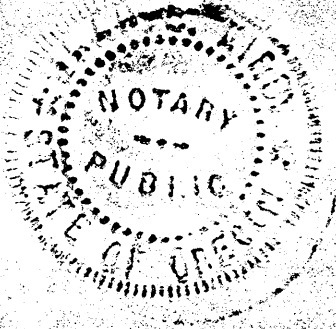
Commencing at the Southwest corner of said Section 5; thence North  $05^{\circ}32'06''$  East a distance of 2270.07 feet to the initial point for the plat of "South Great Hall Site"; thence North  $08^{\circ}25'11''$  East a distance of 372.67 feet; thence North  $87^{\circ}45'33''$  East a distance of 117.63 feet to the point of beginning for this description; thence North  $01^{\circ}25'56''$  West a distance of 220.07 feet; thence North  $80^{\circ}21'30''$  East a distance of 131.36 feet; thence North  $63^{\circ}09'42''$  East a distance of 140.65 feet; thence South  $72^{\circ}46'20''$  East a distance of 119.23 feet to the Easterly line of the plat of "South Great Hall Site" thence South  $16^{\circ}20'05''$  West along said Easterly line 449.03 feet; thence South  $89^{\circ}58'36''$  West along said Easterly line 123.00 feet; thence North  $15^{\circ}05'44''$  West a distance of 169.35 feet; thence South  $87^{\circ}45'33''$  West a distance of 70.00 feet to the point of beginning and terminus for this description.

#### TRACT "C"

A parcel of land containing 1.675 acres lying in the west one-half of Section 5, T20S, R11E, W.M., Deschutes County, Oregon, described as follows: commencing at the south one-quarter corner of Section 6, T20S, R11E, W.M.; thence N  $87^{\circ}59'26''$  E along the south line of said section 2648.53 feet to the southeast corner of said section; thence N  $05^{\circ}32'06''$  E 2270.07 feet; thence N  $08^{\circ}25'11''$  E 372.67 feet to the point of beginning; thence N  $01^{\circ}25'56''$  W 241.47 feet; thence N  $82^{\circ}41'26''$  E 250.80 feet; thence N  $03^{\circ}04'15''$  W 117.99 feet; thence N  $57^{\circ}37'17''$  E 72.82 feet; thence N  $84^{\circ}22'54''$  E 236.46 feet to the westerly right of way of a 60 foot road known as Meadow Village; thence S  $16^{\circ}20'05''$  W along the westerly right of way of said road 186.00 feet; thence N  $72^{\circ}46'20''$  W 119.23 feet; thence S  $63^{\circ}09'42''$  W 140.65 feet; thence S  $80^{\circ}21'30''$  W 131.36 feet; thence S  $01^{\circ}25'56''$  E 220.07 feet; thence S  $87^{\circ}45'33''$  W 107.63 feet to the point of beginning.

STATE OF Oregon       )  
                                  ) ss.  
COUNTY OF Deschutes )

On this 11th day of April, 1981, before me personally appeared Mr. Ronald Veneski and Mr. Dan Kearns, who being duly sworn, on oath did say that they are the President and Secretary/Treasurer respectively of the Kitty Hawk Condominium Home Owner's Association, and that the instrument was signed on behalf of the Association by authority of its Board of Directors and members, and that they acknowledged the instrument to be the Association's voluntary act and deed.



Jean E. Kirby  
Notary Public in and for the State  
of Oregon, residing at Sunriver.  
My commission expires 4/10/85.



EXHIBIT A  
ROADWAY EASEMENT DESCRIPTION

A tract of land containing 0.71 acres, more or less, located in the West  $\frac{1}{4}$  of Section 5, T.20S., R.11 E., W.M., Deschutes County, Oregon, being more particularly described as follows:

Commencing at the Southwest corner of said Section 5; thence North  $05^{\circ}32'06''$  East 2270.07 feet to the initial point for the plat of "South Great Hall Site"; thence North  $55^{\circ}41'12''$  West 25.00 feet to the Southeast corner of the plat of "Kitty Hawk Condominiums Phase II"; thence North  $01^{\circ}02'25''$  East along the Easterly line of said plat 113.49 feet to the point of beginning for this description; thence continuing North  $01^{\circ}02'25''$  East along said Easterly line 53.68 feet to the Southerly line of the plat of "Kitty Hawk Condominiums Phase I"; thence North  $76^{\circ}25'55''$  East along said Southerly line 17.00 feet; thence leaving said Southerly line South  $28^{\circ}00'00''$  East 22.69 feet; thence North  $62^{\circ}00'00''$  East 47.85 feet; thence on the arc of an 80.00 foot radius curve to the left 64.93 feet, the chord of which bears North  $38^{\circ}45'00''$  East 63.16 feet; thence on the arc of an 86.03 foot radius curve to the left 78.31 feet, the chord of which bears North  $10^{\circ}34'35''$  West 75.63 feet; thence on the arc of a 50.00 foot radius curve to the right 53.62 feet, the chord of which bears North  $05^{\circ}55'43''$  West 51.09 feet; thence on the arc of a 5.00 foot radius curve to the left 10.21 feet, the chord of which bears North  $33^{\circ}43'23''$  West 8.53 feet; thence South  $87^{\circ}45'33''$  West 12.90 feet; thence North  $01^{\circ}25'53''$  West 20.00 feet; thence North  $87^{\circ}45'33''$  East 61.60 feet; thence on the arc of a 50.00 foot radius curve to the right 40.54 feet, the chord of which bears South  $69^{\circ}00'50''$  East 39.44 feet; thence on the arc of a 20.00 foot radius curve to the left 34.28 feet, the chord of which bears North  $85^{\circ}06'24''$  East 30.24 feet; thence North  $36^{\circ}00'00''$  East 26.43 feet; thence on the arc of a 262.00 foot radius curve to the left 98.31 feet, the chord of which bears North  $25^{\circ}15'00''$  East 97.74 feet; thence North  $14^{\circ}30'00''$  East 53.96 feet; thence on the arc of a 170.00 foot radius curve to the right 73.57 feet, the chord of which bears North  $26^{\circ}53'57''$  East 73.01 feet; thence on the arc of a 5.00 foot radius curve to the left 11.92 feet, the chord of which bears North  $29^{\circ}00'20''$  West 9.29 feet; thence South  $82^{\circ}41'26''$  West 234.58 feet; thence North  $01^{\circ}25'56''$  West 20.11 feet; thence North  $82^{\circ}41'26''$  East 249.11 feet; thence on the arc of a 140.00 foot radius curve to the left 47.72 feet, the chord of which bears North  $72^{\circ}55'34''$  East 47.49 feet; thence North  $63^{\circ}09'42''$  East 75.70 feet; thence on the arc of a 64.00 foot radius curve to the right 49.22 feet, the chord of which bears North  $85^{\circ}11'41''$  East 48.02 feet; thence South  $72^{\circ}46'20''$  East 88.50 feet to the Westerly right-of-way line of Meadow Road; thence South  $16^{\circ}20'05''$  West along said right-of-way line 20.00 feet; thence leaving said right-of-way line North  $72^{\circ}46'20''$  West 88.81 feet; thence on the arc of a 44.00 foot radius curve to the left 33.84 feet, the chord of which bears South  $85^{\circ}11'41''$  West 33.01 feet; thence



South 63°09'42" West 75.70 feet; thence on the arc of a 150.00 foot radius curve to the left 127.40 feet, the chord of which bears South 38°49'51" West 123.60 feet; thence South 14°30'00" West 53.96 feet; thence on the arc of a 282.00 foot radius curve to the right 105.82 feet, the chord of which bears South 25°15'00" West 105.20 feet; thence South 36°00'00" West 140.00 feet; thence on the arc of a 138.25 foot radius curve to the left 49.47 feet, the chord of which bears South 25°45'00" West 49.20 feet; thence on the arc of a 100.00 foot radius curve to the right 81.16 feet; the chord of which bears South 38°45'00" West 78.95 feet; thence South 62°00'00" West 90.37 feet to the point of beginning and terminus of this description.

#### WATER LINE EASEMENT DESCRIPTION

A strip of land 20 feet in width lying 10 feet on either side of following described centerline located in the West ½ of Section 5, T.20S., R.11E., W.M., Deschutes County, Oregon.

Commencing at the Southwest corner of said Section 5; thence North 05°32'06" East 2270.07 feet to the initial point for the plat of "South Great Hall Site"; thence North 55°41'12" West 25.00 feet to the Southeast corner of the plat of "Kitty Hawk Condominiums Phase II"; thence North 01°02'25" East along the Easterly line of said plat 19.00 feet to the point of beginning for the centerline being described; thence North 83°00'00" East 22.00 feet; thence North 08°23'31" West 78.07 feet; thence on the arc of a 2126.27 foot radius curve to the left 196.06 feet, the chord of which bears North 38°38'29" East 195.99 feet; thence North 36°00'00" East 165.13 feet; thence on the arc of a 280.00 foot radius curve to the left 215.03 feet, the chord of which bears North 14°00'00" East 209.78 feet; thence North 08°00'00" West 33.72 feet to the North line of the plat of "South Great Hall Site" and the terminus of the centerline being described.

#### SEWER LINE EASEMENT DESCRIPTION

A strip of land 20 feet in width lying 10 feet on either side of following described centerline located in the West ½ of Section 5, T.20S., R.11E., W.M., Deschutes County, Oregon.

Commencing at the Southwest corner of said Section 5; thence North 05°32'06" East 2270.07 feet to the initial point for the plat of "South Great Hall Site"; thence North 55°41'12" West 25.00 feet to the Southeast corner of the plat of "Kitty Hawk Condominiums Phase II"; thence North 01°02'25" East along the Easterly line of said plat 147.19 feet to the point of beginning for the centerline being described; thence North 65°09'04" East 192.62 feet to a point to be herein after designated point "A"; thence South 38°26'03" East 82.16 feet to the intersection with the centerline of an easement for a sewer line shown on the plat of "South Great Hall Site"; also beginning at the aforementioned point "A"; thence North 42°12'56" East 58.32 feet to intersection with the aforementioned centerline of the sewer line shown on said plat and being the terminus of the centerline being described.

11878

STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 7 day of Dec A.D. 1981 at 3:30 o'clock P M., and recorded in Book 351 on Page 257 Records of Deschutes

ROSEMARY PATTERSON  
County Clerk

By Rhenda Lant Deputy

Return to: Charle

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