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2006-49038



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WHEN RECORDED RETURN TO:

Alisha Alway
Jess Alway, Inc.
16983 Royal Coachman Drive
Sisters, Oregon 97759

**FIRST AMENDMENT TO THE
AMENDED PLANNED COMMUNITY SUBDIVISION
DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
MOUNTAIN RIVER ESTATES**

This First Amendment to the Amended Planned Community Subdivision Declaration of Covenants, Conditions and Restrictions for Mountain River Estates (the "Amendment") is made effective as of the 15th day of December, 2005 by Mountain River Estates Homeowners Association, Inc. (the "Association").

RECITALS

A. The Association was formed pursuant to the Amended Planned Community Subdivision Declaration of Covenants, Conditions and Restrictions for Mountain River Estates submitted by Jess Alway, Inc. (the "Declarant") and recorded May 6, 2004 as Document No. 2004-26371 in the records of Deschutes County, Oregon (the "Amended Declaration"). The Amended Declaration creates a Class Type 2 planned community on the property, as more particularly described in Exhibit A to this Amendment, which includes Lots 1 through 19 depicted in the plat of Mountain River Estates subdivision filed in the Plat Records of Deschutes County, Oregon (the "Property").

B. Pursuant to Oregon law and the terms and conditions of the Amended Declaration the Bylaws of Mountain River Estates Homeowners Association, Inc. (the "Bylaws"), the members of the Association were given proper notice of a meeting of the Association held on December 15, 2006. The Declarant called the meeting to order and, after establishing a quorum of members were present in person or by proxy, the Declarant called for a vote on the amendment contained herein. With the approval of more than seventy-five percent (75%) of the total votes of each class of members that were eligible to vote, the amendment contained herein was adopted and the Association hereby amends the Amended Declaration in the manner set forth below.

NOW, THEREFORE, Section 4.3(b) of the Amended Declaration (relating to Restrictions on Use of Property) is amended to read:

4.3(b) Use: No overnight parking shall be allowed for vehicles, trailers, trucks, campers, RVs, boats, boat trailers, snowmobiles or any other off road vehicles. This prohibition does not apply to (i) vehicles parking within the garage of the residence, (ii) one vehicle (provided such

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vehicle is not a trailer, commercial truck, camper, RV, boat, boat trailer, snowmobile or any other off road vehicle) parked within the driveway of the residence, and (iii) one vehicle (provided such vehicle is not a trailer, commercial truck, camper, RV, boat, boat trailer, snowmobile or any other off road vehicle) parked on the street directly in front of the owner's home. For purposes of this section, a "commercial truck" includes any truck with a Gross Vehicle Weight Rating over 10,000 pounds.

Mountain River Estates Homeowners Association, Inc.

By: Jess Alway, Inc., Declarant

By: Jess Alway, President

STATE OF OREGON)

) ss

County of Deschutes)

The foregoing instrument was acknowledged before me this 17 day of July, 2006 by Jess Alway, President of Jess Alway, Inc., Declarant of the Mountain River Estates Homeowners Association, Inc.

Traci Banick
Notary Public for Oregon
My Commission Expires: Dec. 10, 2007

