

SUPPLEMENT TO PROTECTIVE COVENANTS

FOR MT. VISTA, A SUBDIVISION OF

DESCHUTES COUNTY, OREGON

(Declarants: David E. Petersen, Kurt Stelk, and Mary Hopkins, Architectural Control
Committee)

The following supplemental covenants pertain to that portion of Section 10, Township 18 South, Range 12, East of the Willamette Meridian, platted and filed of record as "Mt. Vista" a subdivision of Deschutes County, State of Oregon; and subject Mt. Vista to the following protective covenants, restrictions, and conditions:

ARTICLE I

Section 2. (b) Roofs shall have not less than a 4 in 12 pitch and be covered with wood shakes, wood shingles, earth tone concrete, earth tone clay tiles, or ARC 80 shingles.

ARTICLE IV

ENFORCEMENT

4.1 FUNCTION OF ACC. The ACC shall exercise the functions for which it is given responsibility in any Mt. Vista declaration, covenant, or plan as originally written or as subsequently amended or supplemented. Generally, the ACC will be responsible for the approval of plans and specifications for the development of private areas and for the promulgation and enforcement of its rules and regulations governing use and maintenance of private areas and improvements thereon.

4.2 ENFORCEMENT. Except as otherwise provided in the protective covenants, restrictions, and conditions for Mt. Vista, the ACC shall have power to act in order to enforce the protective

Following recording, return to:

Supplement

MERRILL, O'SULLIVAN, MacRITCHIE & PETERSEN
1070 N.W. BOND, SUITE 303
BEND, OREGON 97701
(503) 389-1770

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covenants. The ACC may render its decisions by written instrument setting forth the action taken by its members consenting thereto.

4.3 ACTION. The ACC shall consider and act upon all matters properly submitted to it pursuant to any covenant, condition, or restriction which requires the ACC to act.

4.4 NONWAIVER. Consent by the ACC to any matter proposed to it or within its jurisdiction shall not be deemed to constitute a precedent or waiver impairing its right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent.

4.5 REMEDIES. In discharging its responsibilities, the ACC shall have all of the remedies available to it under Oregon law and equity to include injunctive relief and damages.

4.6 ATTORNEY'S FEES. In the event suit or action is brought by any owner to enforce any of the terms of these protective covenants, it is agreed that the prevailing party shall be entitled to a reasonable attorney fee to be fixed by the trial and appellate courts in addition to costs.

4.7 LIABILITY. Neither the ACC nor any member thereof shall be liable to any property owner of Mt. Vista Subdivision for any damages, loss, or prejudice suffered or claimed on account of any action or failure to act of the ACC or a member thereof provided that only the member, in accordance with actual knowledge possessed by him or her, has acted in good faith.

The preceding covenants have been reviewed and voted on by the property owners in Mt. Vista Subdivision. The vote resulted in

approval of the supplemented covenants contained herein by a majority vote of the owners.

IN WITNESS WHEREOF, the Architectural Control Committee, representing the owners of Mt. Vista Subdivision, have caused this instrument to be executed for recording in order to supplement the protective covenants, restrictions, and conditions for Mt. Vista.

David E. Petersen
DAVID E. PETERSEN

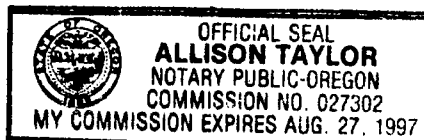
Mary Hopkins
MARY HOPKINS

Kurt Stelk
KURT STELK

STATE OF OREGON)
) ss.
County of Deschutes)

SUBSCRIBED and SWORN TO before me this 1st day of August, 1994,

by DAVID E. PETERSEN.

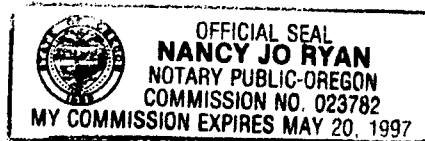


Allison Taylor
Notary Public for Oregon

STATE OF OREGON)
) ss.
County of Deschutes)

SUBSCRIBED and SWORN TO before me this 27th day of July, 1994,

by MARY HOPKINS.



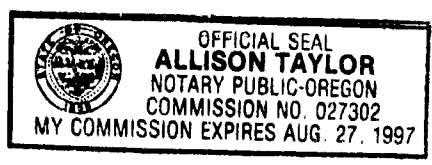
Nancy Jo Ryan
Notary Public for Oregon

347 - 1844

STATE OF OREGON)
) ss.)
County of Deschutes)

SUBSCRIBED and SWORN TO before me this 1st day of August, 1994,
by KURT STELK.

Allison Taylor
Notary Public for Oregon



STATE OF OREGON)
COUNTY OF DESCHUTES) ss.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

94 AUG -3 PM 3:13
MARY SUE PENHOLLOW
COUNTY CLERK

BY M. Butko DEPUTY
NO. 94-30418 FEE 20.00
DESCHUTES COUNTY OFFICIAL RECORDS

Supplement