



After recording, return to:

Sharon R. Smith  
Bryant Lovlien & Jarvis, PC  
PO Box 880  
Bend, Oregon 97709

**AMENDMENT TO  
DECLARATION OF COVENANTS,  
CONDITIONS & RESTRICTIONS FOR  
NORTHCREST SUBDIVISION**

By instrument recorded November 14, 2006, in Volume 2006 at Page 75188, Official Records of Deschutes County, Oregon, The Hollman Company, established the Declaration of Covenants, Conditions & Restrictions for Northcrest Subdivision. By instrument recorded January 30, 2007 in Volume 2007 at Page 06261, Official Records of Deschutes County, Oregon, The Hollman Company supplemented the Declaration annexing property know as Northcrest Subdivision Phase II (also known as Southcrest).

Section 16.2 of the Declaration of Covenant, Conditions & Restrictions for Northcrest Subdivision as supplemented gives the Declarant the authority to make amendments to the Declaration of Covenants, Conditions & Restrictions for Northcrest Subdivision "upon the affirmative vote or written consent, or any combination thereof, of at least a majority of the Class A members and the consent of the Declarant."

Declarant now wishes to amend the Declaration of Covenants, Conditions & Restrictions for Northcrest Subdivision.

**NOW, THEREFORE**, Declarant and the only Class A members do now hereby declare and provide as follows:

**SECTION 1. The following section replaces the existing Section 8.5 titled Date of Commencement of Annual Assessments.**

**8.5.4 Date of Commencement of Annual Assessments.** Lots owned by Declarant shall not be subject to Annual Assessments or Special Assessments until such time as the Lot is occupied for residential use or conveyed to a person other than Declarant whichever occurs first, except that Annual Assessments for the Reserve Fund described in Section 8.1.2 shall begin accruing for all Lots, including Lots owned by Declarant, from the date the Lot becomes subject to this Declaration. Declarant, may defer payment of the portion of the Annual Assessments for the Reserve Fund for a Lot until the date the Lot is conveyed to a person other than Declarant, or a successor Declarant, but not beyond the date of the Turnover Meeting or, if no Turnover Meeting is held, the date the Owners assumed administrative control of the Association. The books and records of the Association shall reflect the amount owing from Declarant for all reserve assessments.

**SECTION 2. Exhibit A attached to this Amendment replaces the existing Exhibit A in order to include all real property now included in this subdivision.**

**SECTION 3. MISCELLANEOUS**

**3.1 AMENDMENT AND REPEAL:** Any provision of this Declaration at any time may be amended, modified, added to or repealed. The provision may be added by any of the methods provided in the Declaration of Covenants, Conditions and Restrictions for Northcrest Subdivision.

**3.2 DURATION:** The covenants and provisions contained herein shall continue to remain in full force and effect in accordance with Section 16.1 of the Declaration of Covenants, Conditions & Restrictions for Northcrest Subdivision.

**3.3 ATTORNEY FEES:** In the event any party shall bring any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the party not prevailing shall pay to the prevailing party all costs and expenses incurred by it in connection with such suit or action, such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or other proceedings, including any bankruptcy or arbitration proceeding.

**IN WITNESS WHEREOF,** The Hollman Company and Lava Crest Development, LLC have executed this Amended Declaration this 9 day of April, 2007.

Declarant

THE HOLLMAN COMPANY

  
BY: GERALD L. VEENKER  
ITS: President

Class A Member

LAVA CREST DEVELOPMENT, LLC

  
BY: DARRIN KELLEHER  
ITS: President

STATE OF OREGON, County of Deschutes) ss.

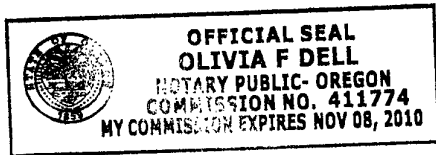
The foregoing instrument was acknowledged before me this 9 day of April, 2007, by Gerald L. Veenker, as President of The Hollman Company, Declarant.



Olivia F Dell  
Notary Public for Oregon  
My Commission Expires: Nov 8 2010

STATE OF OREGON, County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 9 day of April, 2007, by Darrin Kelleher, as President of Lava Crest Development, Class A member.



Olivia F Dell  
Notary Public for Oregon  
My Commission Expires: Nov 8 2010

Class A Member: Daboyz LLC.



---

BY: DARRIN KELLEHER  
ITS: Managing Member

Class A Member: John Straussman



---

BY: JOHN STRAUSSMAN

Class A Member: Brett Kelleher



---

BY: BRETT KELLEHER

STATE OF OREGON, County of Deschutes) ss.

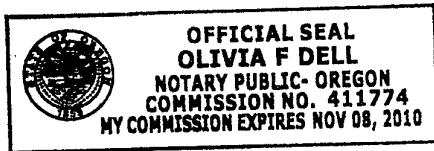
The foregoing instrument was acknowledged before me this 12 day of April, 2007, by Darrin Kelleher as Managing Member of Daboyz LLC.



Olivia F Dell  
Notary Public for Oregon  
My Commission Expires: Nov. 8 2010

STATE OF OREGON, County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 12 day of April, 2007, by Brett Kelleher.



Olivia F Dell  
Notary Public for Oregon  
My Commission Expires: Nov 8 2010

STATE OF OREGON, County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 11<sup>th</sup> day of April, 2007, by John Straussman.



Betty E Jaqua  
Notary Public for Oregon  
My Commission Expires: 05/15/2010

**EXHIBIT A**

**PLAT RECORDING NOS: 2006-75186 AND 2007-03254**

**NORTHCREST SUBDIVISION LOCATED IN THE EAST 1/2 OF SECTION 16  
T.17 S., R. 12 E., W.M., CITY OF BEND DESCHUTES COUNTY, OREGON**

**SOUTHCREST SUBDIVISION, ALSO KNOWN AS PHASE II OF NORTHCREST  
SUBDIVISION, LOCATED IN THE SOUTH EAST 1/4 OF SECTION 16 T.17 S., R. 12 E.,  
W.M., CITY OF BEND DESCHUTES COUNTY, OREGON**