

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF DESCHUTES

271 - 2742

1
2 ROY MILLER; CHARLES H. PERROT;
and JEAN E. ANNIS,

CASE NO: 90-CV-0197-TM

3
4 Plaintiff,
5 vs.

ORDER AND JUDGMENT OF
DISMISSAL AND FOR
APPROVAL OF STIPULATION

6 OREGON WATER WONDERLAND PROPERTY
7 OWNERS ASSOCIATION, an unincor-
8 porated association; and PAT KLUM,
9 MICHAEL SHOFSTALL, EVERETT TURNER,
10 JOHN GIBSON, and ROGER R. BERG,
11 individually and as Directors;
12 OREGON WATER WONDERLAND PROPERTY
13 OWNERS ASSOCIATION, UNIT I,
14 an Oregon Non-profit Corporation,

15 Defendants.

16

17 THIS MATTER having come before the Court upon Stipulation of
18 the parties, and it appearing to the Court that the parties have
19 settled their dispute, and the Court being fully advised in the
20 premise; now, therefore,

21 THE COURT ORDERS AND ADJUDGES as follows:

22 1. That the Stipulation be and the same is hereby
23 approved.

24 2. The parties are ordered to comply with the Stipulation.

25 3. That this matter be dismissed with prejudice without
26 costs or fees to either party.

DATED this 20th day of July, 1992.

Joseph J. Thalhop
CIRCUIT COURT JUDGE
Pro Tem

CERTIFIED TRUE COPY, OF THE ORIGINAL
DATED THIS 27 DAY OF July, 19 92
CIRCUIT AND DISTRICT COURTS,
DESCHUTES COUNTY,
STATE OF OREGON

BY: *C. Entwistle*

1 - Order and Judgment
Page

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TELEPHONE 388-1010

*Refer to
Roy M. Miller
53407 B.G. River Dr.
Bend, Ore. 97707*

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

ROY MILLER; CHARLES H. PERROT;
and JEAN E. ANNIS,

Plaintiff,

vs.

OREGON WATER WONDERLAND PROPERTY
OWNERS ASSOCIATION, an unincor-
porated association; and PAT KLUM,
MICHAEL SHOFSTALL, EVERETT TURNER,
JOHN GIBSON, and ROGER R. BERG,
individually and as Directors;
OREGON WATER WONDERLAND PROPERTY
OWNERS ASSOCIATION, UNIT I,
an Oregon Non-profit Corporation,

Defendants.

CASE NO: 90-CV-0197-TM

STIPULATION

COMES NOW the parties and stipulate as follows:

WHEREAS Plaintiffs are the owners of certain lots in a
subdivision known as Oregon Water Wonderland which is administrated
by Defendant Oregon Water Wonderland property Owners Association
Unit 1, hereafter Association.

WHEREAS the parties have had a disagreement as to the
effectiveness of past actions of Defendant Association and its
predecessor by and through their respective Boards of Directors.

WHEREAS developer of Oregon Water Wonderland established
certain Building and Use Restrictions which were recorded at the
time of the creation of the subdivision.

WHEREAS over the years there have been various amendments to
the Articles of Association that were prepared in conjunction with
Building and Use Restrictions.

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1 WHEREAS such amendments have resulted in, among other things,
2 the dissolution of Oregon Water Wonderland Property Owners
3 Association, an unincorporated association, and the creation of two
4 separate entities: Oregon Water Wonderland Property Owners
5 Association, Unit 1, (one of the Defendants herein), and Oregon
6 Water Wonderland Property Owners Association, Unit 2, and the
7 subsequent incorporation of each of such entities;

8 WHEREAS the validity of some or all of the actions of the
9 Association and its predecessors has been disputed by Plaintiffs,
10 in part because the Bylaws of the Association are alleged to be in
11 conflict with the aforesaid Building and Use Restrictions;

12 WHEREAS it is now the desire of the parties to amend these
13 Bylaws and Articles of Incorporation and to remove any conflicts
14 that may exist with the Building and Use Restrictions.

15 NOW, THEREFORE, in consideration of the mutual promises
16 entered herein it is hereby agreed as follows:

- 17 1. That the above recitals are incorporated herein as if set
18 forth in full.
- 19 2. The cause of action filed by Plaintiffs be dismissed with
20 prejudice.
- 21 3. That the Articles of Incorporation be and hereby are
22 amended in conformance with Exhibit A, attached hereto and made a
23 part hereof.
- 24 4. That the Bylaws for such Association be and hereby are
25 amended in conformance with Exhibit B attached hereto and made a
26 part hereof.

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1 5. The parties acknowledge that if no annual meeting should
2 take place so as to approve the Amended Articles and Bylaws these
3 amendments shall become effective on the date of the directors
4 approval.

5 6. That the parties acknowledge that the Building and Use
6 Restrictions have recording priority. That the Defendants agree to
7 act in the future in conformance with the Building and Use
8 Restrictions and will take no action in conflict therewith.

9 7. This Stipulation shall not be construed as an admission
10 of any liability or wrong doing on behalf of the Association or its
11 predecessors. This Stipulation is intended to and does hereby
12 resolve any and all disputes, claims and causes of actions which
13 the Plaintiffs may have against the Association and its
14 predecessors which may arise from the allegations set forth in
15 Plaintiffs' complaint as amended.

16 8. That the parties agree to execute all documents necessary
17 to effectuate the purposes of this Stipulation.

18 9. This Stipulation may be executed in counterparts.

Oregon Water Wonderland
Property Owners Association,
Unit 1, an unincorporated
association, by its Board
of Directors.

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19 Roy Miller
20 Roy Miller
21 Dated: 6/24/92

22 Charles H. Perrott
23 Charles H. Perrott
24 Dated: 30 June 1992

25 Jean E. Annis
26 Jean E. Annis
Dated: 6/29/92

Pat Klum
Dated: _____

Michael Skofstall
Dated: 7-15-92

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APPROVED:

Dated: _____

Ray A. Babb
Ray A. Babb
Attorney for Plaintiffs

Everett Turner
Everett Turner
Dated: 7-13-92

John Gibson
John Gibson
Dated: 7/13/92

Roger R. Berg
Roger R. Berg
Dated: _____

APPROVED:
Dated: _____

Jim Slothower
Jim Slothower
Attorney for all defendants
except Home Incorporated Associates

STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

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

92 JUL 27 PM 2:03

[Signature] DEPUTY

NO. 92-24-113 FEE 25
DESCHUTES COUNTY OFFICIAL RECORDS

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