

After Recording, Return to:  
Gary D. Cole  
c/o Ball Janik LLP  
101 SW Main St., Suite 1100  
Portland, Oregon 97204-3219

**98-06852**

Declarant: OSPREY POINTE MARKETING L.L.C.  
an Oregon limited liability company

**SUPPLEMENTAL DECLARATION  
OF OSPREY POINTE CONDOMINIUMS**

This SUPPLEMENTAL DECLARATION OF OSPREY POINTE CONDOMINIUMS (this "Supplemental Declaration"), to be effective upon its recording in the deed records of Deschutes County, Oregon pursuant to the provisions of the Oregon Condominium Act, is made and executed this 27<sup>th</sup> day of January, 1998, by Osprey Pointe Marketing L.L.C., an Oregon limited liability company ("Developer").

**Recitals:**

A. Developer previously executed that certain Declaration of Osprey Pointe Condominiums, dated July 2, 1997 and recorded on September 17, 1997, at Book 462, Page 1137, Deschutes County Records, as amended by an Amended and Restated Declaration of Osprey Pointe Condominiums, dated September 18, 1997 and recorded on December 12, 1997, at Book 472, Page 2615, Deschutes County Records (as so amended and restated, the "Original Declaration"). The Original Declaration provided for the inclusion in Osprey Pointe Condominiums of certain variable property, including the variable property legally described on the attached Exhibit A (the "Additional Property"). Developer has the right, pursuant to Section 14 of the Original Declaration, to reclassify the Additional Property by recordation of a supplemental declaration and plat.

B. Developer now desires to reclassify the Additional Property as Units and Limited Common Elements (as such terms are defined in the Original Declaration) on the terms and conditions contained in this Supplemental Declaration.

**Declarations:**

1. **Definitions.** Except to the extent set forth in this Supplemental Declaration, capitalized terms used herein shall have the meaning given to such terms in the Original Declaration.

2. **Property Subject to Reclassification.** The Additional Property hereby reclassified pursuant to the provisions of the Act is the land legally described on the attached Exhibit A, together with all easements, rights, and appurtenances belonging thereto and all improvements now existing or hereafter constructed on such land.

### 3. Units.

3.1 General Descriptions of Buildings. The Additional Property shall contain two separate buildings that constitute two additional units (the "Additional Units"). The Additional Units are situated on generally level sites. The Additional Units are of wood construction with one or two stories. The roofs of the Additional Units are of tile construction.

3.2 General Description, Location, and Designation of Additional Units. The approximate area, dimensions, designation, and location of the Additional Units are shown on a supplemental plat of the Additional Property which is being recorded in the deed records of Deschutes County, Oregon concurrently with this Supplemental Declaration and any revisions of such plats subsequently recorded (the "Supplemental Plat").

3.3 Boundaries of Units. Each Additional Unit shall be bounded in the same manner described in Section 4.3 of the Original Declaration with respect to Units.

4. Developer's Interest in Limited Common Elements. Each Unit Owner, whether of an Additional Unit or of a Unit created pursuant to the Original Declaration, shall be entitled to an equal undivided percentage ownership interest in the Common Elements determined by the ratio which the number of Units (including the Additional Units) owned by each Owner bears to the total number of Units (including the Additional Units) then in existence, as shown on the Plans, this Supplemental Declaration, and any other Supplemental Declarations. The minimum undivided interest in the Limited Common Elements allocated to any one Unit created pursuant to the Original Declaration upon completion of development of the Condominium is 4.3478 percent. The general location of the Limited Common Elements on the Additional Property (the "Additional Limited Common Elements") is shown on the Supplemental Plat. The Additional Limited Common Elements consist of all parts of the Additional Property other than the Additional Units and include, without limitation, landscaping, driveways, walkways, and exterior lighting fixtures that are not attached to the Additional Units, as well as of pipes, ducts, conduits, wires, and other utility installations which are within areas shown as Limited Common Elements on the Supplemental Plat and which serve the Additional Units. The use of the Additional Limited Common Elements is reserved on an exclusive basis for the Additional Units.

5. General Common Elements. The Additional Property contains no general common elements.

6. Effect of Original Declaration. The Additional Property, the Additional Units, and the Additional Limited Common Elements shall be governed by the provisions of the Original Declaration and shall be treated for all purposes as forming part of, respectively, the Property, the Units, and the Limited Common Elements. This Supplemental Declaration may be amended only in accordance with the provisions set forth in Section 29 of the Original Declaration with respect to amendment of the Original Declaration. Amendment of any of the provisions of this Supplemental Declaration shall also require the prior written approval of at least 51% of those holders of first Mortgages on Units (based upon one vote for each first Mortgage held) who have given notice to the Association requesting notification of any proposed

action that requires the consent of a specified percentage of eligible Mortgagees. The Original Declaration, as supplemented by this Supplemental Declaration, remains in full force and effect.

7. Severability. Each provision of this Supplemental Declaration and the Original Declaration shall be deemed independent and severable, and the validity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provision of this Supplemental Declaration or the Original Declaration.

IN WITNESS WHEREOF, Developer has caused this Supplemental Declaration to be executed this 12<sup>th</sup> day of January, 1998.

Developer: OSPREY POINTE MARKETING L.L.C., an  
Oregon limited liability company

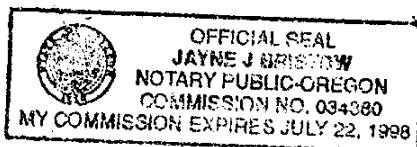
By: Sunriver Resort Limited Partnership, a  
Delaware limited partnership, a member

By: Lowe Sunriver, Inc., a California  
corporation, General Partner

By: Charles S. Peck  
Charles S. Peck, President

STATE OF OREGON           )  
                                          ) ss.  
County of Deschutes       )

The foregoing instrument was acknowledged before me on this 12<sup>th</sup> day of January, 1998, by Charles S. Peck, who is the President of Lowe Sunriver, Inc., a California corporation, General Partner of Sunriver Resort Limited Partnership, a Delaware limited partnership, member of Osprey Pointe Marketing L.L.C., an Oregon limited liability company, on behalf of the limited liability company.



Jayne J. Bristow  
Notary Public for Oregon

My Commission Expires: 7/22/98

Tim Wood  
County Assessor

Maureen Shyne

by Maureen Shyne, Chief Deputy

County Tax Collector

The foregoing Supplemental Declaration is approved pursuant to ORS 100.110 this 19 day of February, 1998 and in accordance with ORS 100.110(7), this approval shall automatically expire if this Supplemental Declaration is not recorded within two (2) years from this date.

SCOTT W TAYLOR

Real Estate Commissioner

By: Steven K. Mayfield

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EXHIBIT A

Legal Description of Additional Property

Nonwithdrawable Variable Parcels M and N, OSPREY  
POINTE CONDOMINIUMS, Deschutes County, 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:

98 FEB 20 PM 4:07

MARY SUE PENHOLLOW  
COUNTY CLERK

BY. T. Moore DEPUTY  
NO. 98-06852 FEE 20.00  
DESCHUTES COUNTY OFFICIAL RECORDS