

25-  
Pd by Fred Ast  
Ret

525 - 0825

98-55319

**After Recording Return To:**

Richard M. Fernández  
c/o Ball Janik LLP  
101 SW Main St. Suite 1100  
Portland OR 97204-3219

**AMENDMENT TO THIRD SUPPLEMENTAL DECLARATION OF  
OSPREY POINTE CONDOMINIUMS**

Recitals:

This Amendment to the Third Supplemental Declaration of Osprey Pointe Condominiums (this "Amendment"), to be effective on its recording in the deed records of Deschutes County, Oregon, pursuant to the provisions of the Oregon Condominium Act, is made and executed this 23<sup>RD</sup> day of October, 1998 by Osprey Pointe Marketing L.L.C., an Oregon limited liability company ("Declarant").

Declarant has created a residential condominium known as Osprey Pointe Condominiums, pursuant to a 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"), and supplemented by a Supplemental Declaration of Osprey Pointe Condominiums dated January 12, 1998 and recorded on April 28, 1998, at Book 491, Page 73, Deschutes County Records (the "Third Supplemental Declaration"). Capitalized terms used in this Amendment and not otherwise defined shall have the meanings given in the Original Declaration. Declarant now desires to changes the method of allocation of undivided interest in the Common Elements from a percentage to a fractional interest (without thereby changing the allocation itself). Declarant further wishes to provide a statement of the method of labelling each parcel of Variable Property depicted on the Supplemental Plat. Declarant desires to amend the Third Supplemental Declaration to authorize and give effect to such changes.

Amendments:

1. Declarations.

1.1 Section 2 is modified as follows:

Property Subject to Reclassification. The Variable Property hereby reclassified pursuant to the provisions of the Act is the land legally described on the attached Exhibit A, labelled alphabetically as Nonwithdrawable Variable Parcels "O" and "P," together with all

easements, rights, and appurtenances belonging thereto and all improvements now existing or hereafter constructed on such land.

2. Interest in Common Elements.

2.1 Section 4 is modified in part as follows:

Owners' Interest in 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 fractional ownership interest in the Common Elements of 1/11th, determined by the ratio that 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 Common Elements allocated to any one Unit created pursuant to the Original Declaration upon completion of development of the Condominium is 1/23rd.

3. Effect of Amendment. Except as expressly set forth herein, the Third Supplemental Declaration remains unamended and in full force and effect.

IN WITNESS WHEREOF, Declarant has caused this Amendment to the Third Supplemental Declaration of Osprey Pointe Condominiums to be executed this 23<sup>RD</sup> day of October, 1998.

Declarant:

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

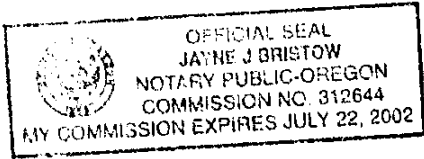
By: Sunriver Resort Limited Partnership, a  
Delaware limited partnership, a member

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

By:   
Thomas P. Luersen, President

STATE OF OREGON )  
County of Deschutes ) ss.

On this 23<sup>RD</sup> day of October, 1998, personally appeared before me Thomas P. Luersen, who being duly sworn did say that he is a Vice 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, and acknowledged that the foregoing instrument is the free act and deed of said limited liability company.



Jayne J. Bristow  
Notary Public for OREGON  
My Commission Expires: 7/22/2002

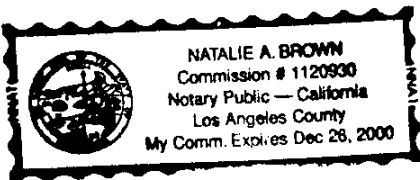
The undersigned officers of Osprey Pointe Condominiums Owners' Association hereby certify that this Amendment to the Third Supplemental Declaration of Osprey Pointe Condominiums has been adopted in accordance with the Original Declaration and the Bylaws of Osprey Pointe Condominiums Owners' Association, as applicable, and the provisions of ORS 100.135, by virtue of the execution of this instrument by Owners holding at least 75 percent of the voting power of the Association.

[Signature]  
Chairman

[Signature]  
Secretary

California  
STATE OF OREGON )  
County of Los Angeles ) ss.

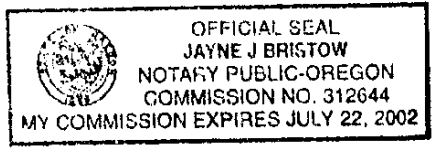
The foregoing instrument was acknowledged before me on this 27<sup>th</sup> day of October, 1998, by Charles S. Peck, who is the Chairman of Osprey Pointe Condominiums Owners' Association, on behalf of the association.



Natalie A. Brown  
Notary Public for Oregon California  
My Commission Expires: Dec 26, 2000

STATE OF OREGON )  
 ) ss.  
County of Deschutes )

The foregoing instrument was acknowledged before me on this 22<sup>nd</sup> day of October, 1998, by Andrew Blair, who is the Secretary of Osprey Pointe Condominiums Owners' Association, on behalf of the association.



Jayne J. Bristow  
Notary Public for Oregon  
My Commission Expires: 7/22/2002

Tim Morrell  
County Assessor

The foregoing Amendment to the Third Supplemental Declaration of Osprey Pointe Condominiums is approved pursuant to ORS 100.110 this 20 day of November, 1998 and in accordance with ORS 100.110(7), this approval shall automatically expire if this Amendment to the Third Supplemental Declaration of Osprey Pointe Condominiums is not recorded within two (2) years from this date.

SCOTT W. TAYLOR  
Real Estate Commissioner

By Marge Robinson

STATE OF OREGON ) ss.  
COUNTY OF DESCHUTES )  
I, MARY SUE FENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:  
98 DEC -7 PH 4: 01  
MARY SUE FENHOLLOW  
COUNTY CLERK

BY: Mary Sue Fenhollow DEPUTY  
NO. 98-55319 FEE 25-  
DESCHUTES COUNTY OFFICIAL RECORDS