

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2003-84758



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DESCHUTES COUNTY CLERK

CERTIFICATE PAGE



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**FIRST AMENDMENT TO
DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS
OF OTTER RUN**

THIS FIRST AMENDMENT is made this ____ day of December, 2003, by Otter Run Development LLC, an Oregon limited liability company ("Declarant").

OBJECTIVES

Declarant owns property located in the city of Bend, Deschutes County, Oregon, described on Exhibit A, attached hereto (the "Property"). Declarant plans to develop portions of the Property as a planned unit residential development, consisting of townhome units and single family dwellings to be known as Otter Run.

On January 29, 2003, Declarant recorded Declaration of Covenants, Conditions, and Restrictions of Otter Run (the "Declaration") in the real property records of Deschutes County, Oregon, at Book 2003 Page 6611, subjecting the Property to certain covenants, conditions, and restrictions.

As of the date of this Declaration, Declarant owns all of the property in Otter Run. Declarant desires to amend the Declaration on the terms set forth herein.

NOW, THEREFORE, Declarant hereby amends the Declaration as follows:

1. Section 1.2 of the Declaration is restated as follows:

1.2 "Building" means one of the residences situated on lots 1 through 22, Otter Run, which will consist of the number of townhome buildings and single family residences as determined by Declarant.

2. Section 6.1 is restated as follows:

6.1 Occupancy. No Owner shall occupy, use, or permit his Lot or Living Unit, or any part thereof, to be used for any purpose other than a private residence for the Owner, his family, or his guests, except that (a) each Owner shall be permitted to rent the Living Unit for periods of no shorter duration than 30 consecutive days when Owner is not in occupancy; (b) each Owner may operate from a Living Unit a home business (as defined in applicable land use ordinances); and (c) as a retreat location used by the Owners and employees and their families and guests. Nothing in this section shall be deemed to prohibit (x) activities relating to the sale of Living Units or (y) the right of Declarant or any contractor or homebuilder to construct Living Units on any Lot, to store construction materials and equipment on Lots in the normal course of construction. Declarant may use any Living Unit, whether owned or leased, as a sales office or model.

3. The following is amended to Section 3 of the Declaration:

Notwithstanding any provision in the Declaration, as amended:

RETURN TO: ALAN LAURIC - 1 -
64455 RESEARCH RD.
BEND, OR 97701

150902-0006/121203/PDXDOCS:1378246.4

(a) Each Lot is granted an easement over every other Lot to the extent necessary for the maintenance, repair, and improvement of the party wall connected to such Lot, along with any roofs, crickets, and eaves that cross property lines.

(b) An easement is hereby reserved in favor of the Declarant, and following the Turnover meeting described in Section 8 of the Declaration, in favor of the Association and its designees over and across each Lot for the purposes of maintaining and repairing any party walls, roofs, crickets, and eaves that cross property lines on any Lot. The Association may maintain and make such repairs at the cost of the adjoining Owners of any such party wall, roof, cricket, and eave if such Owners do not make necessary repairs within 60 days following written notice from the Association.

4. Except as modified by this amendment, the Declaration remains in full force and effect.

Declarant has executed this amendment the date first above written.

OTTER RUN DEVELOPMENT LLC

By: _____

Alan Laurie, Manager

STATE OF OREGON)

) SS

COUNTY OF DESCHUTES)

This instrument was acknowledged before me on Dec 10, 2003, by Alan Laurie as Manager of Otter Run Development LLC.

Linda Sinclair
Notary Public for Oregon

My commission expires: 12/21/2004


The foregoing Declaration is approved:



DECLARATION FOR OTTER RUN

RIVER BEND LIMITED PARTNERSHIP,
an Oregon Limited Partnership

By: The Bend Company, an Oregon corporation

By: 
William L. Smith, President

STATE OF OREGON)
) SS
COUNTY OF DESCHUTES)

This instrument was acknowledged before me on DECEMBER 11/03 by
William L. Smith as President of The Bend Company, the general partner of River Bend Limited
Partnership.



Sharon A. Mitchell
Notary Public for Oregon
My commission expires: JUNE 30, 2006

EXHIBIT A

A PARCEL OF LAND LOCATED IN THE NORTHWEST ONE-QUARTER (NW 1/4) OF SECTION 5, IN TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, CITY OF BEND, DESCHUTES COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE "INITIAL POINT" MARKING THE WESTERLY END OF THAT CERTAIN COURSE IN THE NORTHERLY BOUNDARY OF LOT 11 SHOWN AS "N66°25'39"W, 213.93' " ON THE PLAT OF NORTHSIDE TERRACE AS FILED ON JUNE 30, 1998 IN PLAT CABINET E PAGES 60-64 IN THE OFFICE OF THE DESCHUTES COUNTY CLERK, THENCE ALONG THE BOUNDARY OF SAID LOT 11 BY THE FOLLOWING EIGHTEEN COURSES:

SOUTH 66°25'39" EAST, 213.93 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; BEING ALSO THE BEGINNING OF A CURVE, CONCAVE NORTHERLY, HAVING A RADIUS OF 300.00 FEET; THENCE, EASTERLY ALONG SAID CURVE AN ARC LENGTH OF 78.86 FEET, THROUGH A CENTRAL ANGLE OF 15°03'37" TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS SOUTH 73°59'37"EAST, 78.63 FEET; THENCE, SOUTH 81°29'38" EAST, 112.98 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; THENCE, SOUTH 08°35'12" WEST, 19.02 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5.00 FEET; THENCE, SOUTHEASTERLY ALONG SAID CURVE AN ARC LENGTH OF 7.89 FEET, THROUGH A CENTRAL ANGLE OF 90°24'42" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS SOUTH 37°29'56" EAST, 7.10 FEET; THENCE, SOUTH 81°40'41" EAST, 11.89 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; THENCE, SOUTH 02°11'42" EAST, 35.24 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; BEING ALSO THE BEGINNING OF A CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 500.00 FEET; THENCE, SOUTHERLY ALONG SAID CURVE AN ARC LENGTH OF 74.27 FEET THROUGH A CENTRAL ANGLE OF 8°30'37" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS SOUTH 06°17'24" EAST, 74.20 FEET; THENCE, SOUTH 11°05'05" EAST, 34.07 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; THENCE, SOUTH 72°14'11" WEST, 123.50 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; BEING ALSO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 150.00 FEET; THENCE, WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 81.80 FEET THROUGH A CENTRAL ANGLE OF 31°14'41" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; THE CHORD OF SAID CURVE BEARS SOUTH 86°11'23" WEST, 80.79 FEET; THENCE, SOUTH 70°45'31" WEST, 94.49 FEET TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA"; BEING ALSO THE BEGINNING OF A CURVE, CONCAVE

NORTHERLY, HAVING A RADIUS OF 50.00 FEET; THENCE, WESTERLY ALONG SAID CURVE AN ARC LENGTH OF 66.63 FEET THROUGH A CENTRAL ANGLE OF 76°21'23" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS NORTH 71°14'51" WEST, 61.81 FEET; BEING ALSO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 1000.00 FEET; THENCE, NORTHWESTERLY ALONG SAID CURVE AN ARC LENGTH OF 340.14 FEET THROUGH A CENTRAL ANGLE OF 19°29'19" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS NORTH 42°40'57" WEST, 338.51 FEET; BEING ALSO THE BEGINNING OF A REVERSE CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 40.00 FEET; THENCE, NORTHERLY ALONG SAID CURVE AN ARC LENGTH OF 90.56 FEET THROUGH A CENTRAL ANGLE OF 129°42'38" TO A 5/8" IRON ROD WITH YELLOW PLASTIC CAP MARKED "HWA", THE CHORD OF SAID CURVE BEARS NORTH 12°37'08" EAST, 72.42 FEET; THENCE, NORTH 77°42'46" EAST, 126.25 FEET TO A 5/8" IRON ROD; THENCE, SOUTH 67°32'37" EAST, 21.47 FEET TO A 5/8" IRON ROD; THENCE, NORTH 23°32'35" EAST, 9.41 FEET TO THE INITIAL POINT OF THIS DESCRIPTION. CONTAINING 127,322 SQUARE FEET (2.92 ACRES), MORE OR LESS.