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2002-39128



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Sharon R. Smith  
BRYANT LOVLIE & JARVIS, P.C.  
P.O. Box 1151  
Bend, Oregon 97709

**SUPPLEMENTAL DECLARATION SUBMITTING  
PINES AT PILOT BUTTE LOTS 41 THROUGH 65 TO THE  
PLANNED COMMUNITY SUBDIVISION DECLARATION  
FOR  
PINES AT PILOT BUTTE**

By instrument dated June 26, 2001, and recorded July 17, 2001, at 2001-34487, Official Records of Deschutes County, Oregon, JOHNSON MCCLEAN, L.L.C., an Oregon Limited Liability Company, established the Planned Community Subdivision Declaration for Pines at Pilot Butte (the "Declaration").

The Declaration for Pines at Pilot Butte contemplated that developer would, at any time during the term of the Declaration, add all or a portion of any land now or hereafter owned by Declarant to the Property which was covered by said Declaration.

MCCLEAN DEVELOPMENT, INC. is the successor in interest to JOHNSON MCCLEAN, L.L.C. and is hereinafter referred to as "Declarant".

Declarant now wishes to subject the area known as Pines at Pilot Butte - Lots 41 through 65 (the "Property") to the Planned Community Subdivision Declaration for Pines at Pilot Butte, to annex such Property to Pines at Pilot Butte and to make provisions for the conditions upon which such Property may be used.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

**1 - SUPPLEMENTAL DECLARATION**

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**BRYANT, LOVLIE & JARVIS, PC**  
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com  
24 SW Fifth Street PO Box 650 Madras, Oregon 97541 (541) 475-2757 fax (541) 475-2962

**SECTION 1. SUBSECTION OF PINES AT PILOT BUTTE LOTS 41 THROUGH 65, TO THE PLANNED COMMUNITY SUBDIVISION DECLARATION FOR PINES AT PILOT BUTTE**

**1.1 ANNEXATION:** Declarant hereby declares that Pines at Pilot Butte Lots 41 through 65 shall be part of that certain residential community known as Pines at Pilot Butte, as referred to in the Planned Community Subdivision Declaration for Pines at Pilot Butte.

**1.2 DECLARATION OF RESTRICTIONS:** The covenants and conditions set forth in Articles I through XI, inclusive, of the Planned Community Subdivision Declaration for Pines at Pilot Butte shall be applicable within the Property except as may be restricted in this instrument. The Property shall be held, conveyed, hypothecated, encumbered, used, occupied and improved only in accordance with the provisions made in this instrument and the Planned Community Subdivision Declaration for Pines at Pilot Butte.

**SECTION 2. MISCELLANEOUS**

**2.1 AMENDMENT AND REPEAL:** Any provision of this Supplemental Declaration at any time may be amended or repealed. The provision may be added by any of the methods provided in the Planned Community Subdivision Declaration for Pines at Pilot Butte.

**2.2 DURATION:** The covenants and provisions contained herein shall continue to remain in full force and effect in accordance with the Planned Community Subdivision Declaration for Pines at Pilot Butte.

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**2 - SUPPLEMENTAL DECLARATION**

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**2.3 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, MCCLEAN DEVELOPMENT, INC, has executed this Supplemental Declaration this 19<sup>th</sup> day of July, 2002.

DECLARANT:

MCCLEAN DEVELOPMENT, INC.



By: JOHN MCCLEAN

Its: PRESIDENT

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of July, 2002 by JOHN MCCLEAN, who stated that he is the President of MCCLEAN DEVELOPMENT, INC. and is authorized to execute the foregoing instrument on behalf of the corporation.



Notary Public for Oregon

My Commission Expires: June 15, 2006



3 - SUPPLEMENTAL DECLARATION

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