

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2008-27767



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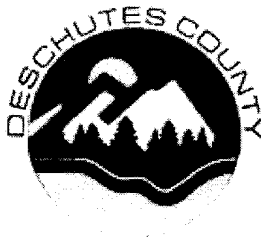
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# Deschutes County Clerk

## Certificate Page



If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct [give reason] \_\_\_\_\_  
previously recorded in Book \_\_\_\_\_ and Page \_\_\_\_\_,  
or as Fee Number \_\_\_\_\_.

41 ↓

**FIRST AMENDMENT TO THE  
DECLARATION OF  
COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR POINTS WEST**

Dated: May 27, 2008

**Recitals:**

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44  
KSM
- A.) Whereby the Declaration of Covenants, Conditions and Restrictions for Points West ("Declaration") was recorded on November 15, 2007 at 2007-59895 in Deschutes County, Oregon; ✓
- B.) Whereas no property subject to the Declaration has been conveyed and Declarant owns all of the property subject to the Declaration;
- C.) Whereas Declarant wishes to amend certain particulars of the existing recorded Declaration; and
- D.) Whereas the Declarant hereby amends the existing recorded Declaration as follows:

**Amendment:**

- 1.) Within the Recitals the 9<sup>th</sup> Paragraph, second sentence, to read: "There are various amenities located on the SMR Property including but not limited to tennis, stables and swimming which will be available to the Owners under a Shared Amenities Agreement between Declarant and the SMR AUO and shall only be to the extent that these amenities are controlled by the SMR AUO."
- 2.) Within the Recitals the 13<sup>th</sup> Paragraph to read: "Declarant has secured easements from the SMR AUO and Bhelm LLC across land owed in fee by each to allow the construction, development and maintenance of Alternative Water Facilities and Alternative Access. Such alternatives may carry acquisition, development, maintenance and construction costs including a payment of \$250,000 to Bhelm LLC for use of the Alternative Access route however, in the event of an Alternative Water Facility there shall only be the requirement to restore the land to an as is condition upon completion of the installation of the water system."
- 3.) Paragraph 1.26 to now read: ""Shared Amenities" shall mean the recreational facilities and open space located off of the Property at SMR, under the control of the SMR AUO which may include swimming pools, tennis courts and horse stables. Such amenities are controlled by the SMR AUO and are subject to change."

4.) Paragraph 4.8.1 Written Rental Agreement Required. To now read: "If tenancy is 30 days or longer then that tenant(s) shall be performed under a written rental or lease agreement specifying that: (i) the tenant shall be subject to all provisions of the Declaration, Bylaws and Rules and Regulations, and (ii) failure to comply with any provision of the Declaration, Bylaws and Rules and Regulations shall constitute a default under the rental agreement."

5.) Paragraph 4.8.2 Minimum Rental Period: Is hereby deleted in its entirety.

6.) Paragraph 4.8.3 Tenant Must be Given Documents. To now read: "If tenancy is 30 days or longer then Owner shall give that tenant(s) a copy of the Declaration, Bylaws and Rules and Regulations; and"

7.) Nothing within this Amendment shall be deemed to be a waiver or modification of any of the non amended provisions within the existing, recorded Declaration of Covenants, Conditions and Restrictions for Points West.

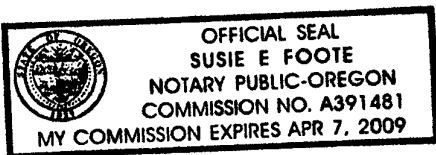
IN WITNESS WHEREOF, the undersigned being the Declarant here, has executed this instrument this 23rd day of June, 2008.

ARROWOOD DEVELOPMENT, LLC, an Oregon limited liability company

By: [Signature]  
Name: John P. Lietz  
Title: President

STATE OF OREGON )  
 ) ss  
County of Deschutes )

On this 23rd day of June, 2008, personally appeared John Lietz as President member of ARROWOOD DEVELOPMENT, LLC, and Oregon limited liability company, and acknowledged the foregoing instrument to be the voluntary act of said company.



[Signature: Susie E. Foote]  
NOTARY PUBLIC OF OREGON  
My commission Expires \_\_\_\_\_

IN WITNESS WHEREOF, the undersigned being the Delarant herein, has executed this instrument this 23rd day of June, 2008.

Bhelm, LLC an Oregon limited liability company  
By: [Signature]  
Name: Barry Helm  
Title: member

STATE OF OREGON            )  
  ) ss  
County of Deschutes        )

On this 23rd day of June, 2008, personally appeared Barry Helm as  
member of Bhelm, LLC, and Oregon limited liability company, and  
acknowledged the foregoing instrument to be the voluntary act of said company.

By Susie E. Foote  
Notary Public for Oregon

