

VOL: 1999 PAGE: 43020
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



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Printed: 09/02/1999 15:59:15

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

I hereby certify that the attached instrument was received and duly recorded in Deschutes County records:

DATE AND TIME: Sep. 2, 1999; 3:58 p.m.

RECEIPT NO: 10806

DOCUMENT TYPE: ByLaws,
Declarations

FEE PAID: \$40.00

NUMBER OF PAGES: 7

A handwritten signature in cursive script, reading "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

**SUPPLEMENTAL DECLARATION FOR
POWDER VILLAGE CONDOMINIUM
STAGE 5**

WHEREAS by declaration dated August 26, 1995, recorded September 22, 1995, as document number 95-33458, the official records of Deschutes County, Oregon (such declaration and all recorded amendments and supplements thereto are hereinafter referred to as the "Declaration"), Aspen Powder L.L.C. (hereinafter referred to as "Declarant"), submitted certain property to the provisions of the Oregon Condominium Act, and

WHEREAS the Declaration provides a plan of development permitting the construction by Declarant of additional units in the Powder Village Condominium, and

WHEREAS Declarant desires to reclassify a portion of the non-withdrawable variable property included in Powder Village Condominium,

NOW, THEREFORE, it is declared as follows:

Section 1. Definitions.

The capitalized terms used herein shall have the same meanings assigned to those terms as set forth in the Declaration.

Section 2. Name of the Property.

The property subject to this supplemental declaration for Powder Village Condominium, Stage 5, shall be known by the name Powder Village Condominium.

Section 3. Description of the Property.

This supplemental declaration reclassifies non-withdrawable variable property Y described on Exhibit A attached hereto. Such non-withdrawable variable property is

After Recording Return to:
The Pennbrook Company, Attn: Holly Polis
869 NW Wall St., Ste. 204
Bend, OR 97701

reclassified as units, general common elements, and limited common elements as hereinafter described and as more particularly shown on the supplemental plat being recorded concurrently herewith.

Section 4. Unit Description.

There shall be a total in all stages of not more than 88 units. The units shall be situated in eleven buildings containing eight units each. Stage 1 has been completed and consists of 56 units as described in the Declaration. Stage 2 has been completed and consists of 8 units situated in 1 building. Stage 3 has been completed and consists of 8 units situated in 1 building. Stage 4 has been completed and consists of 8 units situated in 1 building. Stage 5 has been completed and consists of 8 units situated in one building. Each building is a two-story frame structure. A general description of the units and their approximate area is attached hereto marked Exhibit B. The dimensions, designation, and location of each unit are shown in the supplemental plat filed simultaneously herewith and made a part of this Supplemental Declaration as if fully set forth herein. The units shall be bounded by the undecorated surface of the interior perimeter walls, floors, and ceilings, exclusive of any common elements. All doors, door frames, windows, window frames, and nonloadbearing walls within a unit are part of the unit.

Section 5. Common Elements.

a. The general common elements shall consist of all portions of the property not part of a unit or a limited common

element, including all the above-described property; all foundations, columns, girders, beams, and supports; all stairs and corridors, except stairs within units having more than one story; all exterior walls of the buildings in which the units are situated and all walls and partitions separating units from other units; parking areas, driveways, walkways, landscaping, recreational and other facilities, and utilities and all the appurtenances thereto.

b. The limited common elements shall consist of two decks or balconies adjacent to each unit, whose use is restricted to each respective appurtenant unit.

Section 6. Interest in Common Elements.

Each unit shall have a 1/88th interest in the common elements.

Section 7. Common Expenses.

The percentage of common expenses charged to each unit shall be as follows:

<u>Two-Bedroom</u>	<u>One-Bedroom</u>	<u>No Bedroom</u>
1.239228	1.077584	1.077584

The allocation of common expenses is based upon Declarant's estimate that the common expenses attributable to each two-bedroom unit will be approximately 15 percent greater than the common expenses attributable to each one-bedroom and no bedroom unit.

Section 8. Incorporation by Reference.

Except as otherwise set forth herein, the provisions of the Declaration are hereby incorporated by reference.

99-43020-5

STATE OF OREGON)
) SS
COUNTY OF Deschutes)

This instrument was acknowledged before me on June 25, 1999, by Julie Ann Carnagey as Vice President of Bank of the Cascades.

Elizabeth Ann Wills
Notary Public for Oregon
My commission expires: 6-21-02

The foregoing Supplemental Declaration for Powder Village Condominium Stage 5 is approved pursuant to ORS 100.110 this 24 day of JUNE, 1999.

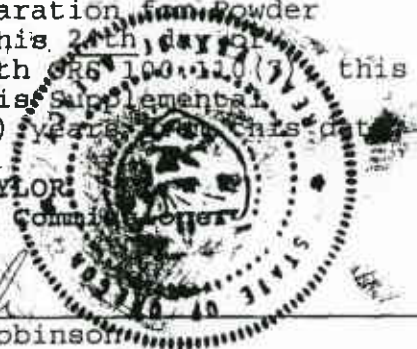


Eric Worell
Deschutes County Assessor
Marty Wayne
Carolyn Banker (Chief Deputy)
Deschutes County Tax Collector

The foregoing Supplemental Declaration for Powder Village Condominium Stage 5 is approved this 24th day of August, 1999, and in accordance with ORS 100.110 (2) 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 Marge Robinson
Marge Robinson



99.43020-6

EXHIBIT A
POWDER VILLAGE CONDOMINIUM,
STAGE 5

PROPERTY DESCRIPTION

A parcel of land containing 0.452 Acres, more or less, located in a portion of Nonwithdrawable Variable Property "Y" of Powder Village Condominium in a portion of Parcel 2, MP-83-2 in the Southeast One-Quarter (se1/4) of Section 5, Township 20 South, Range 11 East, Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 5/8" iron rod with a plastic cap stamped "HWA" marking the southwest corner of said Parcel 2, MP-83-2, also being the southwest corner of said Nonwithdrawable Variable Property "Y"; thence along the westerly boundary line of said Parcel 2 and said Nonwithdrawable Variable Property "Y" North 00° 05' 39" East a distance of 166.00 feet to the northwest corner of said Nonwithdrawable Variable Property "Y"; thence leaving said westerly boundary line along the northerly boundary line of said Nonwithdrawable Variable Property "Y" the following two courses:

North 89° 35' 40" East a distance of 104.23 feet;
South 58° 13' 29" East a distance of 22.07 feet to the northwest corner of Powder Village Condominium, Stage 4;

thence along the westerly boundary line of said Powder Village Condominium, Stage 4 the following three courses:

South 00° 42' 21" West a distance of 70.05 feet;
North 89° 17' 39" West a distance of 6.19 feet;
South 00° 22' 23" West a distance of 84.33 feet to a point on the southerly boundary line of said Section 5 lying thereon South 89° 35' 40" West a distance of 494.31 feet from a 3" brass cap stamped "Initial Point Business Park LS 1068 David Evans Assoc." marking the southeast corner of said Parcel 2, MP-83-2;

thence along said southerly boundary line of said Section 5 the following two courses:

South 89° 35' 40" West a distance of 22.35 feet;
South 89° 35' 30" West a distance of 93.32 feet to the "Point of Beginning," the terminus of this description.

Subject to: all easements, restrictions and rights-of-way of record and those common and apparent on the land.

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EXHIBIT B

General Description of Units

Units K-1 through K-8 are two-bedroom, two-bath units
of approximately 874 square feet.