



AFTER RECORDING, RETURN TO:

Awbrey Park Homeowners' Association, Inc.
296 SW Columbia, Suite A
Bend OR 97702
Attn: Jade Mayer

**DECLARATION OF ANNEXATION TO
AWBREY PARK
(River Park Estates)**

THIS DECLARATION OF ANNEXATION TO AWBREY PARK is made as of this 18th day of August, 2004, by **BROOKS RESOURCES CORPORATION**, an Oregon corporation ("Declarant") and **ELK HORN DEVELOPMENT LLC**, an Oregon limited liability company ("Owner").

Declarant is the Declarant under the Declaration of Covenants, Conditions, Restrictions for AWBREY PARK, PHASE ONE, recorded on December 11, 2003 in the Records of Deschutes County, Oregon, in Volume 2003 Page 84437, Deschutes County Official Records, and the Bylaws of Awbrey Park Homeowners' Association, Inc., recorded on December 11, 2003 in Volume 2003, Page 84438, Deschutes County Official Records (the "**Declaration**").

Owner is the Owner of the property platted as River Park Estates. Pursuant to Section 10.1 of the Declaration, Declarant wishes to annex such property to Awbrey Park as Additional Property and subject the same to the Declaration.

NOW, THEREFORE, Declarant hereby declares as follows:

1. **PROPERTY ANNEXED.** Declarant hereby declares that all of the property described below shall be annexed to Awbrey Park and the Declaration as Additional Property and that such property is held and shall be held, conveyed, hypothecated, encumbered, used, occupied and improved subject to the Declaration and this Annexation:

RIVER PARK ESTATES, County of Deschutes, State of Oregon

2. **LAND CLASSIFICATIONS.** All of the land within the Additional Property annexed hereby is included in one or another of the following classifications:

2.1 Lots, which consist of Lots 1 through 9 of the Additional Property;

- 2.2 Common Areas. There are no common areas shown on the Plat of the Additional Property.
- 2.3 Common Maintenance Area. An Association easement located on Lot 1 for landscape and River Park Estates entry sign maintenance.
- 2.4 Public Areas, which shall be each of the streets shown on the Plat of the Additional Property.

3 **RESTRICTIONS ON USE.**

- 3.1 The following provisions and limitations shall apply to the Improvements (as defined in the Declaration) of Lots 1 - 9:
- 3.1.1 New residential construction on Lots 1 through 9, when performed by Pahlisch Homes Inc., shall be excluded from the Architectural Review Requirements as listed in Section 5 of the Declaration.
- 3.1.2 New residential construction on Lots 1 through 9, when performed by any builder other than Pahlisch Homes Inc shall be required to meet all Architectural Review Requirements as listed in Section 5 of the Declaration.
- 3.2 Each of the Lots in the Additional Property shall be subject to the use restrictions set forth in the Declaration and in this Annexation Document.

IN WITNESS WHEREOF, Declarant and Owner have executed this Declaration of Annexation as of the day first written above.

BROOKS RESOURCES CORPORATION, an
Oregon corporation

By: _____

Kirk Schueler
Kirk Schueler, President

STATE OF OREGON)
)ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 18th day of August, 2004, by Kirk Schueler, President of Brooks Resources Corporation, an Oregon corporation, on its behalf, as Declarant.



Shannon M. Turner
Notary Public for Oregon
My Commission Expires: February 23, 2008

ELK HORN DEVELOPMENT LLC, an Oregon
limited liability company

By: *Dennis Pahlisch*
Dennis Pahlisch, Member

STATE OF OREGON)
)ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 25 day of
August, 2004, by Dennis Pahlisch, Member of Elk Horn Development LLC, an
Oregon limited liability company, on its behalf.



Nancy E. Kowalski
Notary Public for Oregon
My Commission Expires: 10-18-2007