

AFTER RECORDING, RETURN TO:

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2004-42157



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After Recording Return to:
River Wild Townhomes
Homeowners' Association, Inc.
19717 SW Mt. Bachelor Drive
Bend, OR 97702 Bachelor
ATTN: Diane Wilcox

**FIRST AMENDMENT TO DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS
FOR RIVER WILD TOWNHOMES**

THIS FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AMENDMENT AND RESTRICTIONS FOR RIVER WILD TOWNHOMES (this "Amendment") is made and entered into effective this 24 day of JUNE, 2004, by Mount Bachelor Village Corporation, an Oregon corporation ("Declarant") and the River Wild Townhomes Homeowners' Association, Inc., an Oregon nonprofit corporation (the "Association").

Recitals:

Declarant caused to be recorded that certain Declaration of Covenants, Conditions and Restrictions for River Wild Townhomes dated May 24, 2004, and recorded on May 24, 2004 as Document No. 2004-30468 and the Bylaws of River Wild Townhomes Homeowners' Association, dated May 24, 2004 and recorded May 24, 2004 as Document No. 2004-30469, both in the deed records of ^{Deschutes} Clackamas County, Oregon (the "Declaration"). Pursuant to Section 10.3 of the Declaration, Declarant and the Association desire to amend the Declaration as provided herein, to provide for indemnification of the City of Bend for failure to properly design, locate, construct, repair or maintain certain improvements on the Lots.

Capitalized terms not defined herein shall have the meaning given in the Declaration.

The Declaration is hereby amended as follows:

1. Grant of Easement. Section 10.5 is hereby deleted and replaced with the following language:

"Section 10.5 City Approval of Certain Amendments; Indemnification

Those portions of Section 4.3 pertaining to the exteriors of Building Structures and all of Sections 4.4B, 8.1, 8.2, 10.5, and 10.4 of this Declaration shall not be amended without the prior written consent of the City of Bend, Oregon.

The Owner(s) of the Lot(s) or, with respect to the Association's failure to fulfill its obligations under Section 4.3, the Association, shall hold harmless, defend and indemnify the

City of Bend, its elected and appointed officials, officers, agents, employees and volunteers (collectively, the "Indemnified Parties") against all claims, demands, actions and suits (including reasonable attorneys' fees and costs) brought against the Indemnified Parties arising out of the failure to properly design, locate, construct, repair or maintain those portions of the Lots referred to in Sections 4.3, 4.4.B, 8.1 and 8.2."

2. Effect of Amendment. Except as expressly amended hereby, the Declaration remains unamended and in full force and effect.

3. Certification. The undersigned President and Secretary of the Association certify that this Amendment has been approved in the manner required by Section 10.3 of the Declaration and ORS 94.590.

IN WITNESS WHEREOF, the undersigned have executed this Amendment this 24th day of June, 2004.

ASSOCIATION:

**RIVER WILD TOWNHOMES
HOMEOWNERS' ASSOCIATION, INC., an
Oregon nonprofit corporation**

By: [Signature]
Its: President

By: [Signature]
Its: Secretary

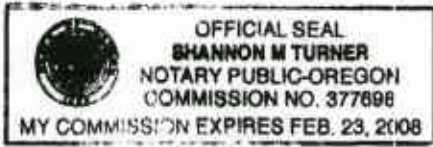
DECLARANT:

**MOUNT BACHELOR VILLAGE
CORPORATION, an Oregon corporation**

By: [Signature]
Its: President & General Mgr.

STATE OF OREGON)
) ss.
County of Deschutes)

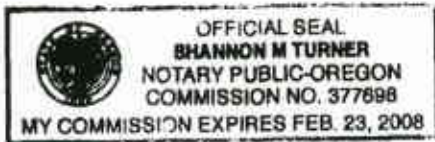
The foregoing instrument was acknowledged before me on this 24th day of June, 2004, by Diane Wilcox, who is the Vice President/General Mgr. of the Mount Bachelor Village Corporation, an Oregon corporation, on behalf of the corporation.



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

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 24th day of June, 2004, by Kirk Schueler, who is the President of River Wild Townhomes Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.



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

STATE OF OREGON)
) ss.
County of Deschutes)

The foregoing instrument was acknowledged before me on this 24th day of June, 2004, by Diane Wilcox, who is the Secretary of River Wild Townhomes Homeowners' Association, Inc., an Oregon nonprofit corporation, on behalf of the corporation.



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

The City of Bend, Oregon, consents to the foregoing amendment to Section 10.5 of the Declaration of Covenants, Conditions and Restrictions for River Wild Townhomes.

CITY OF BEND, OREGON, an
Oregon municipal corporation

By: Larry Ellmwood
Its: Assistant Building Official

DATED: June 29, 2004