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DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2004-10404



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After recording, return to:

NNP-RiverRim, LLC  
c/o Newland Communities, LLC  
16701 S.E. McGillivray Blvd., Suite 150  
Vancouver, Washington 98683



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## FIRST AMENDMENT TO

## PLANNED COMMUNITY SUBDIVISION

## DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS

FOR

RIVERRIM

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or effect of this document.

THIS FIRST AMENDMENT ("First Amendment") TO PLANNED COMMUNITY SUBDIVISION DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RIVERRIM (the "Declaration") is made this 23rd day of February, 2004, by NNP-RIVERRIM, LLC, a Delaware limited liability company duly authorized to transact business in the State of Oregon ("Declarant"). This First Amendment is made with reference to the following recitals and these recitals shall constitute an integral part thereof. Capitalized terms not defined in this First Amendment shall have the meanings given to them in the Declaration.

### RECITALS

A. The Declaration being amended herewith is dated April 19, 2002, and was recorded April 25, 2002, in the Official Records of Deschutes County, Oregon, at Recorder's Fee No. 2002-22719. The real property initially subject to the Declaration is described in Exhibit A which is attached to the Declaration, which includes and identifies the first phase to be developed as RiverRim P.U.D., Phase 1, recorded as Document No. 2002/22708 in Plat Book F 110, Page F 125, Official Records of Deschutes County, Oregon, excepting therefrom Common O of said plat of RiverRim P.U.D., Phase 1 ("Phase 1").

B. Phase 1 includes a tract designated as Common M. Phase 1 also includes lots platted as Lot 37 and Lot 38. The Bend Metropolitan Parks and Recreation District (the

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DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR RIVERRIM  
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"District") desired to acquire Common M and Lot 37 and Lot 38 for use in perpetuity as a neighborhood public park for the benefit of the residents of the District. For this purpose, the Declarant donated Common M to the District, the District purchased Lot 37 and Lot 38, and the District agreed to purchase the park improvements to be constructed at the Declarant's expense, with the Declarant to be reimbursed from SDC improvement fees collected by the District. The foregoing plan to develop an SDC funded neighborhood park on Common M, Lot 37 and Lot 38, was not planned for the Properties when the Declaration was recorded. The plan for an SDC funded neighborhood park was incorporated into a Park Development Agreement entered into between the District and the Declarant on August 31, 2003. Section 2.6 of the Declaration (Withdrawal of Property) provides in part that the Declarant reserves the right to amend the Declaration unilaterally at any time during the Class B Control Period, without prior notice and without the consent of any Person, for the purpose of removing certain portions of the Properties then owned by the Declarant as a result of any changes whatsoever in the plans for the Properties desired to be effected by the Declarant, provided such withdrawal is not unequivocally contrary to the overall, uniform scheme of development for the Properties.

C. Declarant declares that the Class B Control Period is currently in effect, that the establishment of a neighborhood park on Common M, Lot 37 and Lot 38 constitutes a change in the plans for the Properties desired to be affected by the Declarant from the time the Declaration was recorded, and that the withdrawal of Common M, Lot 37 and Lot 38 from the Properties is not unequivocally contrary to the overall, uniform scheme of development for the Properties.

### **WITHDRAWAL**


NOW, THEREFORE, Declarant hereby adopts the following Amendment to the Declaration:

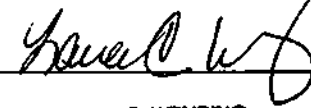
1. **Withdrawal.** Pursuant to Section 2.6 of the Declaration, Declarant hereby withdraws from the Properties, and particularly withdraws from Phase 1, Common M, Lot 37 and Lot 38. For purposes of this Declaration, this withdrawal shall be deemed effective as of the date of recording of the Declaration. The platted Lots 37 and 38 shall be deemed not to constitute Units under the Declaration. Common M shall be deemed not to constitute Common Area under the Declaration. For purposes of the Declaration, Phase 1 shall be deemed to exclude Tract M, Lot 37 and Lot 38. The statement in Section 2.1 of the Declaration stating that the initial development in Phase 1 will consist of approximately 162 single family units shall be deemed amended to approximately 160 single family units. All of the references to Phase 1 in the Declaration shall be deemed amended accordingly.

2. **Effectiveness.** This First Amendment shall not be effective until recorded in the Official Records of Deschutes County, Oregon.

IN WITNESS WHEREOF, the undersigned Declarant has executed this First Amendment as of the date first written above.

8 NNP-RIVERRIM, LLC,  
a Delaware limited liability company

By:   
Davis Wood, Jr. Vice President

By:   
Name: LAURA C. WENDING  
VICE PRESIDENT  
Title: \_\_\_\_\_

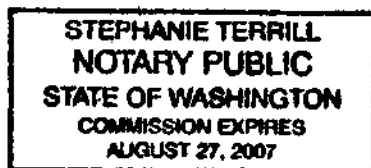
STATE OF WASHINGTON )

) ss.

County of Clark )

I certify that I know or have satisfactory evidence that Davis Wood, Jr. is the person who appeared before me, and said person acknowledged that he signed this instrument, on oath stated that he was authorized to execute this instrument and acknowledged it as Vice President of NNP-RIVERRIM, LLC, a Delaware limited liability company, to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

DATED: February 23, 2004.



Stephanie Terrill  
Notary Public in and for the State of Washington  
Residing at: Vancouver, WA  
My appointment expires: 8-27-07

STATE OF CALIFORNIA )

) ss.

County of SAN DIEGO

On February 25, 2004, before me, M.A. Miller,  
notary public, personally appeared LAURA C. WENDING, personally  
known to me ~~(or proved to me on the basis of satisfactory evidence)~~ to be the person(s) whose  
name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/she/they  
executed the same in his/her/their authorized capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or entity upon behalf of which the person(s)  
acted, executed the instrument.

WITNESS my hand and official seal

Signature

M.A. Miller

