



3
**SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS SUBMITTING
RIVER'S EDGE VILLAGE PHASE IX TO THE DECLARATION OF
UPPER RIVER'S EDGE**

By instrument dated September 14, 1997, and recorded September 17, 1997, in Book 462 at Page 897, Official Records of Deschutes County, Oregon, THE RIVERHOUSE PARTNERSHIP, an Oregon partnership, established the Declaration of Covenants, Conditions and Restrictions for Upper River's Edge (the "Declaration").

The Declaration for Upper River's Edge contemplated that developer would, at any time during the term of the Declaration, add all or a portion of any land now or hereafter owned by Declarant to the Property which was covered by said Declaration.

River's Edge Investments, L.L.C. is the successor in interest to The Riverhouse Partnership and is hereinafter referred to as "Declarant".

Declarant now wishes to subject the area known as River's Edge Village Phase IX to the Declarations of Covenants, Conditions and Restrictions for Upper River's Edge, to annex such Property to Upper River's Edge and to make provisions for the conditions upon which such Property may be used.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

SECTION 1. DEFINITIONS

1.1 INCORPORATION BY REFERENCE: Each of the terms defined in Article 1 of the Declaration for Upper River's Edge shall have the meanings set forth in such Article 1.

1.2 The "Property" shall mean River's Edge Village Phase IX, City of Bend, Deschutes County, Oregon, according to the official

1 - Supplemental Declaration (RSL:RIVERSED.254)

65

BRYANT, LOVLIE & JARVIS, PC
ATTORNEYS AT LAW, ESTABLISHED 1915

591 SW Mill View Way PO Box 1151 Bend, Oregon 97709-1151 (541) 382-4331 fax (541) 389-3386 www.bryantlovlienjarvis.com
24 SW Fifth Street PO Box 650 Madras, Oregon 97741 (541) 475-2757 fax (541) 475-2962

plat thereof.

1.3 Declaration of Covenants, Conditions and Restrictions for Upper River's Edge shall mean that certain document entitled "Declaration of Covenants, Conditions and Restrictions for Upper River's Edge" dated September 14, 1997 , recorded September 17, 1997, in Book 462, Page 897, Official Records of Deschutes County, Oregon.

1.4 "River's Edge Village Phase IX", shall mean the area described in Paragraph 1.2 above.

**SECTION 2. SUBJECTION OF RIVER'S EDGE VILLAGE PHASE IX, TO
THE DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR UPPER RIVER'S EDGE**

2.1 **ANNEXATION:** Declarant hereby declares that River's Edge Village Phase IX shall be part of that certain residential community known as Upper River's Edge, as referred to in the Declaration of Covenants, Conditions and Restrictions for Upper River's Edge.

2.2 **DECLARATION OF RESTRICTIONS:** The covenants and conditions set forth in Articles I through XIII, inclusive, of the Declaration of Covenants, Conditions and Restrictions for Upper River's Edge shall be applicable within the Property except as may be restricted in this instrument. The Property shall be held, conveyed, hypothecated, encumbered, used, occupied and improved only in accordance with the provisions made in this instrument and the Declaration for Upper River's Edge.

SECTION 3. MISCELLANEOUS

3.1 **AMENDMENT AND REPEAL:** Any provision of this Supplemental Declaration at any time may be amended or repealed. The provision may be added by any of the methods provided in the Declaration for Upper River's Edge.

3.2 **DURATION:** The covenants and provisions contained herein shall continue to remain in full force and effect in accordance with the Declaration for Upper River's Edge.

2 - Supplemental Declaration (RSL:RIVERSED.254)

3.3 ATTORNEY FEES: In the event any party shall bring any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the party not prevailing shall pay to the prevailing party all costs and expenses incurred by it in connection with such suit or action, such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or other proceedings, including any bankruptcy or arbitration proceeding.

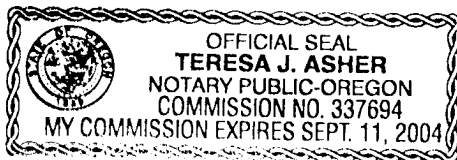
IN WITNESS WHEREOF, RIVER'S EDGE INVESTMENTS, L.L.C., has executed this Supplemental Declaration this 23 day of July, 2002.

RIVER'S EDGE INVESTMENTS, L.L.C.,
Successor in Interest to The
Riverhouse Partnership

By: Wayne Russell
Its: Partner

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 23 day of July, 2002 by Wayne Russell, who stated that he is the Partner of River's Edge Investments, L.L.C. and is authorized to execute the foregoing instrument on behalf of the limited liability company.



Teresa Asher
Notary Public for Oregon
My Commission Expires: 9/11/04

3 - Supplemental Declaration (RSL:RIVERSED.254)