

98-35374

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**SUPPLEMENTAL DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS SUMMITTING
RIVER'S EDGE VILLAGE PHASE VI TO THE
DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS
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.

Declarant now wishes to subject the area known as River's Edge Village Phase VI to the Declarations of Covenant, 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 VI, City of Bend, Deschutes County, Oregon, according to the official plat thereof.

1 - Supplemental Declaration (RSL:RIVERHOUSE.026)

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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 VI", shall mean the area described in Paragraph 1.2 above.

SECTION 2. SUBJECTION OF RIVER'S EDGE VILLAGE PHASE VI, 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 VI shall be part of that certain 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 XII, 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 Article X of the Declaration for Upper River's Edge.

2 - Supplemental Declaration (RSL:RIVERHOUSE.026)

Bryant Lovien ■ Jarvis

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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, THE RIVERHOUSE PARTNERSHIP has executed this Supplemental Declaration this 24 day of August, 1998.

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

By: Wayne Purcell
Its: _____

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 4 day of August, 1998 by Wayne Purcell, who stated that he is the member of River's Edge Investments, L.L.C., and is authorized to execute the foregoing instrument on behalf of the limited liability company.



[Signature]
Notary Public for Oregon
My Commission Expires: 4-16-02

3 - Supplemental Declaration (RSL:RIVERHOUSE.026)

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STATE OF OREGON)
COUNTY OF DESCHUTES) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND
RECORDER OF CONVEYANCES, IN AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY:

98 AUG 11 PH 3:35

MARY SUE PENHOLLOW
COUNTY CLERK

BY: T. Lee DEPUTY

NO. 9S-35374 FEE 25

DESCHUTES COUNTY OFFICIAL RECORDS