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\$20.00 \$11.00 \$10.00 \$5.00

AFTER RECORDING, RETURN TO:

Ms. Lesley Edwards  
Resort Resources, Inc.  
P.O. Box 1466  
Bend, OR 97709

WPK

**DECLARATION ANNEXING PHASE 1  
OF HIGHLAND RIDGE HOMESITES  
TO  
THE RIDGE AT EAGLE CREST**

THIS DECLARATION is made this 12<sup>th</sup> day of February, 2002, by EAGLE CREST, INC., an Oregon corporation, successor to Eagle Ridge Partners Ltd., ("Declarant").

**RECITALS**

A. Declarant is the Declarant under that certain Declaration of Protective Covenants, Conditions, Restrictions and Easements for The Ridge at Eagle Crest, dated June 5, 1996 and recorded June 5, 1996 in the records of Deschutes County, Oregon, as Document No. 96-20423 (the "Master Declaration").

B. The Master Declaration provides that additional properties may be annexed to The Ridge at Eagle Crest pursuant to the provisions of Section 2.2 of the Master Declaration. Declarant wishes to annex certain real property described in the plat of Ridge at Eagle Crest 36 (the "Additional Property") to the Master Declaration upon the terms and conditions set forth in this Declaration and to designate the Additional Property as Phase 1 of the Highland Ridge Homesites Project.

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

1. **DEFINITIONS.** As used in this Declaration, the terms set forth below shall have the following meanings:

1.1 **Additional Property.** Additional Property means all the real property within the plat of Ridge at Eagle Crest 36, with the exception of Common Lot "E", Lot 109 and Developer Lot "J".

1.2 **Master Declaration.** Master Declaration means the Declaration of Protective Covenants, Conditions, Restrictions and Easements for The Ridge at Eagle Crest, dated June 5, 1996 and recorded June 5, 1996 in the records of Deschutes County, Oregon, as Document No. 96-20423.

1.3 **Incorporation by Reference.** Except as otherwise specifically provided in this Declaration, each of the terms defined in Article 1 of the Master Declaration shall have the meanings set forth in such Article.

2. **ANNEXATION.** The Additional Property is hereby annexed to The Ridge at Eagle Crest and made subject to the Master Declaration on the terms and conditions set forth in this Declaration.

3. **PROJECT.** Highland Ridge Homesites is hereby declared to be a Project for purposes of the Master Declaration and the Additional Property shall be a Project Parcel for purposes of the Master Declaration.

4. **LAND CLASSIFICATION.** The Additional Property is included in one or another of the following classifications:

4.1 **Residential Lots.** All platted numbered lots, with the exception of Lot 109 and Developer's Lot "J", within the Additional Property shall be Residential Lots as defined in Section 1.34 of the Master Declaration.

4.2 **Common Areas.** Eagle Crest Boulevard, Juniper Glen Circle, Sundance Ridge Drive, Sundance Ridge Court, Bitterbrush Court, William Lyche Drive, Common Lot "A", Common Lot "B", Common Lot "C", and Common Lot "D" as shown on the plat of Ridge at Eagle Crest 36, shall be Common Areas as defined in Section 1.8 of the Master Declaration.

4.3 **Common Easement Areas.** The 10-foot Public Path Easement area over Lot 7, Lot 8, Lot 33, Lot 34, Lot 42, Lot 43, Lot 52, Lot 53, Lot 56, Lot 57, Lot 64, Lot 65, Lot 102 and Lot 103, as shown on the plat of Ridge at Eagle Crest 36, shall be Common Easement Areas as an access easement for the use and benefit of all Lots within The Ridge at Eagle Crest as defined in Section 1.9 of the Master Declaration.

4.4 **Other Classifications.** There are no Limited Common Areas, Project Common Areas or Public Areas in the Additional Property.

5. **MASTER DECLARATION.** The Additional Property shall be subject to all of the terms and provisions of the Master Declaration.

6. **RIGHT OF ENTRY.** In addition to any easements shown on the recorded plat and as set forth herein and in the Master Declaration, the Additional Property shall be subject to an easement for the benefit of utility service providers and their agents or employees to access all parts of the Owner's Lot and the Common Areas on which utility services may be located, for the purpose of operating, maintaining or constructing such facilities, inspecting the condition of pipes and facilities, and completing repairs. The Owner will be given advance notice if possible. In the case of an emergency, as determined solely by the utility service provider, no prior notice will be required. No such entry shall be deemed to constitute a trespass or otherwise create any right of action in the Owner of such Lot.

7. **ADDITIONAL RESTRICTIONS.** The Additional Property shall be subject to the following additional restrictions:

7.1 **Minimum Dwelling Size.** On a Residential Lot that is less than 12,000 square feet in size, no dwelling intended or used as the primary dwelling may be constructed or maintained unless the interior floor area of such dwelling (excluding garage) contains at least 1,600 square feet. Further, no dwelling intended or used as a primary dwelling on Residential Lots 48 – 108, inclusive, may be constructed or maintained unless the interior floor area of such dwelling (excluding garage) contains at least 2,200 square feet. On all other Residential Lots in the Additional Property, no dwelling intended for use as a primary dwelling may be constructed or maintained unless the interior floor area of such dwelling (excluding garage) contains at least 1,800 square feet. The maximum permissible interior floor area shall be limited only by constraints of the building site area and other reasonable limitations as may be established by the Architectural Review Committee.

7.2 **Architectural Review.** Separate Design Guidelines may be established for Highland Ridge Homesites as adopted from time to time by the Architectural Review Committee.

8. **EASEMENT RESERVED.** Declarant reserves a perpetual easement and right-of-way for access across the common area roadways in the Property for the benefit of Developer's Lot "J" and Lot 109, Ridge at Eagle Crest 36, Deschutes County, Oregon, (the "Benefited Property") and neither the Declarant nor the owners of the Benefited Property will be required to share in the costs of maintaining the common area roadways. Owners of the Benefited Property do not have the right to use any other common areas within the Property.

9. **AMENDMENT.** This Declaration may be amended by Declarant at any time prior to the closing of the sale of the first Lot in the Additional Property. Thereafter, this Declaration may only be amended by the vote or written consent of Owners owning not less than seventy-five percent (75%) of the Lots within Highland Ridge Homesites, together with the written consent of the Class B member of the Association, or if a Project Association has been established, the written consent of the Class B member of the Project Association for Highland Ridge Homesites, if such Class B membership has not been terminated. Any such Amendment shall become effective only upon recordation in the Deed Records of Deschutes County, Oregon, of a certificate of the President or Secretary of the Association, or of the Project Association if a Project Association has been established, setting forth in full the amendments so approved and certifying that the Amendment has been approved in the manner required by this Declaration. In no event shall such an Amendment create, limit or diminish special Declarant rights without Declarant's written consent.

10. **BINDING EFFECT.** The Additional Property, including all Lots and Common Areas therein, shall be held, conveyed, hypothecated, encumbered, used, occupied, and improved only in accordance with the provisions of the Master Declaration, as modified by this instrument, which easements, covenants, restrictions, and charges shall run with the Additional Property and shall be binding upon all parties having or acquiring any right, title or interest in the Additional Property, or any part thereof, and shall inure to the benefit of each Owner thereof.

IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first set forth above.

EAGLE CREST, INC.,  
an Oregon corporation

By *Ann Miller*  
Its *Asst Secretary*

STATE OF OREGON            )  
  )ss.  
County of Deschutes        )

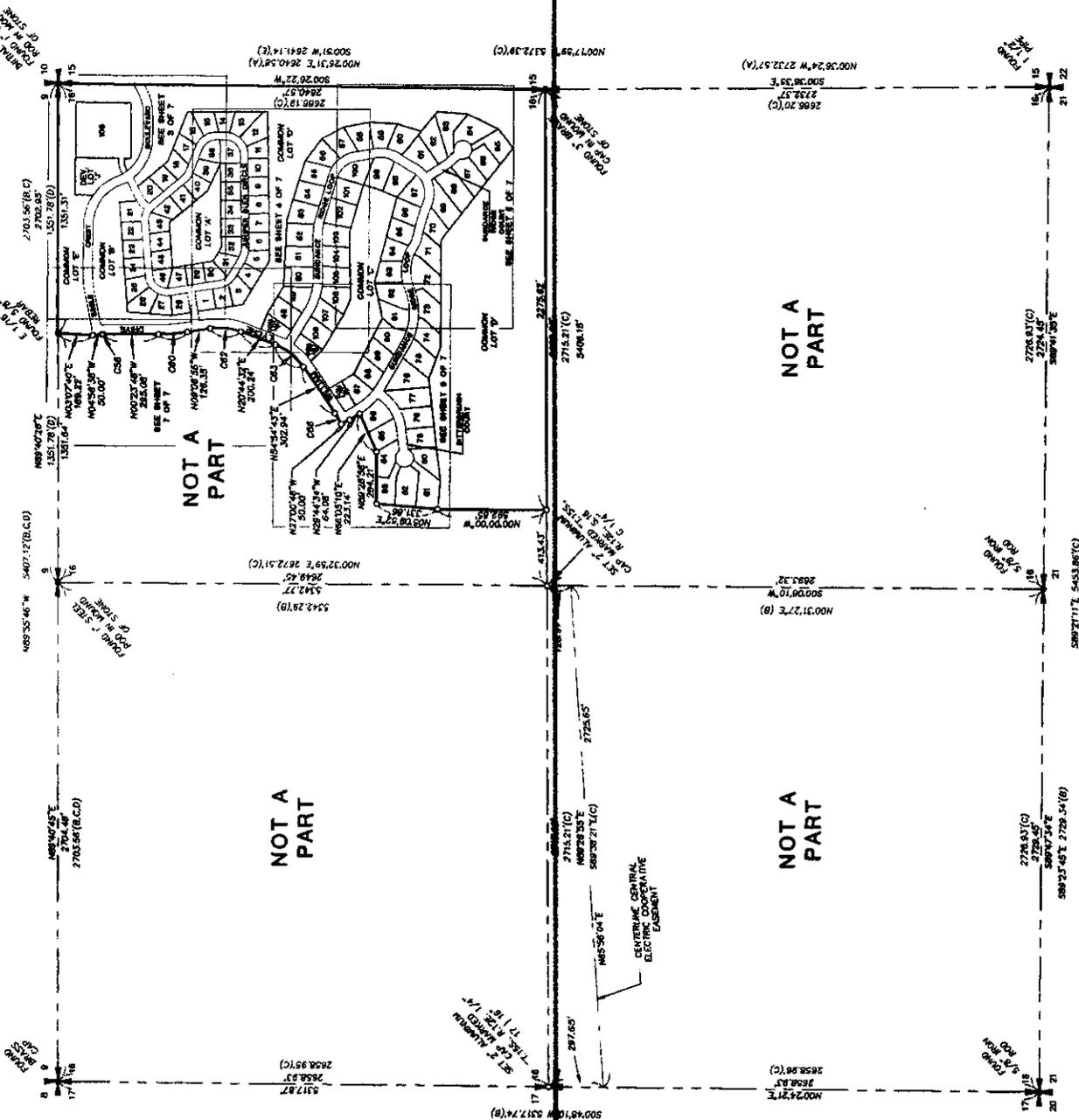
The foregoing instrument was acknowledged before me this 12<sup>th</sup> day of February, 2002, by Laura Miller, Asst Secretary of Eagle Crest, Inc., an Oregon corporation.



*Lesley D. Edwards*  
Notary Public for Oregon  
My commission expires: 6/13/2003



**RIDGE AT EAGLE CREST 36**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,  
 TOWNSHIP 15 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
 DESCHUTES COUNTY, OREGON, DECEMBER, 2001



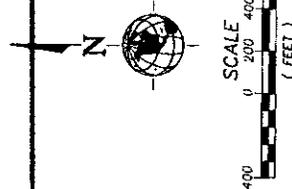
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C58	102.00	15.37	15.41	N02.23.48"W	0.814.97
C59	272.00	8.85	8.85	S07.46.47"E	0.222.34
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C61	272.00	8.85	8.85	S07.46.47"E	0.222.34
C62	272.00	8.85	8.85	N07.46.47"E	0.222.34

**LEGEND**

- PLAT BOUNDARY
- FOUND MONUMENT AS NOTED
- SET 5/8"X3" REBAR WITH YELLOW PLASTIC CAP MARKED "WHIP PACIFIC" UNLESS NOTED OTHERWISE
- ⊕ SET 3/8"X15" REBAR WITH ALUMINUM CAP MARKED "WHIP PACIFIC"
- SF SQUARE FEET

**REFERENCES**

- EAGLE RIDGE BOUNDARY SURVEY BY WHIP PACIFIC, DESCHUTES COUNTY SURVEYOR'S FILE CS0003A.
- SURVEY FOR KEY TV BY POEY & ASSOCIATES, DESCHUTES COUNTY SURVEYOR'S FILE CS0003A.
- PLAT OF SURVEY FOR KEY TV INC. BY ROBERT DANFORTH, DESCHUTES COUNTY SURVEYOR'S FILE CS19A3.
- SURVEY OF SECTIONS 9 AND 10, T15S, R12E, M14, BY E.G. MANSFIELD, DESCHUTES COUNTY SURVEYOR'S FILE CS0076R.
- SURVEY OF SECTIONS 15, T15S, R12E, M14, BY B. OSBURN SWAN, DESCHUTES COUNTY SURVEYOR'S FILE CS0008.



REGISTERED PROFESSIONAL LAND SURVEYOR  
 JULY 19, 1984  
 BRIAN W. REEVES  
 OREGON REG. NO. 48277  
 RECEIVED DATE: 12-31-02

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE PLAT FILED IN THE DESCHUTES COUNTY CLERK'S OFFICE.  
 F.W. [Signature]

**WHIP PACIFIC**  
 1000 N. BROADWAY, SUITE C-100  
 TACOMA, WASHINGTON 98403  
 TEL: (206) 465-1000 FAX: (206) 465-1000  
 WWW.WHIPPACIFIC.COM

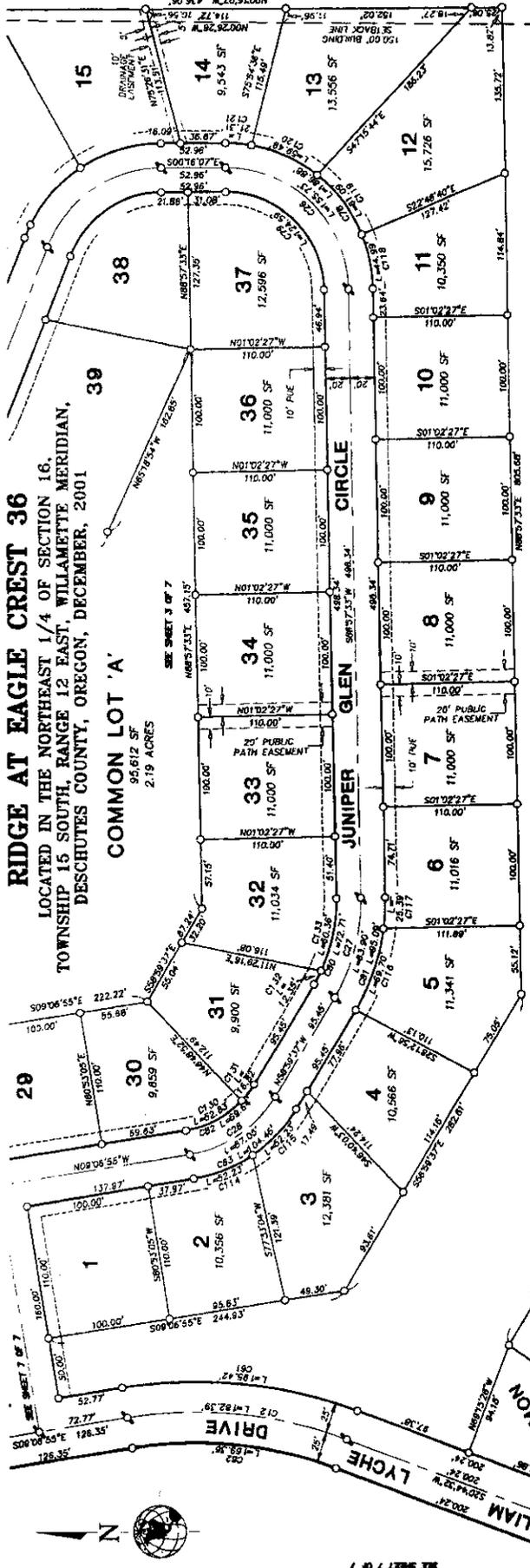


**RIDGE AT EAGLE CREST 36**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,  
 TOWNSHIP 15 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
 DESCHUTES COUNTY, OREGON, DECEMBER, 2001

**COMMON LOT 'A'**  
 95,612 SF  
 2.19 ACRES

**COMMON LOT 'D'**  
 1,681,058 SF  
 38.59 ACRES

**COMMON LOT 'C'**  
 201,902 SF  
 4.64 ACRES



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 B. W. Reeves

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
 B. W. Reeves  
 OREGON  
 JULY 19, 1984  
 B. W. Reeves  
 GENERAL DATE: 12-31-02

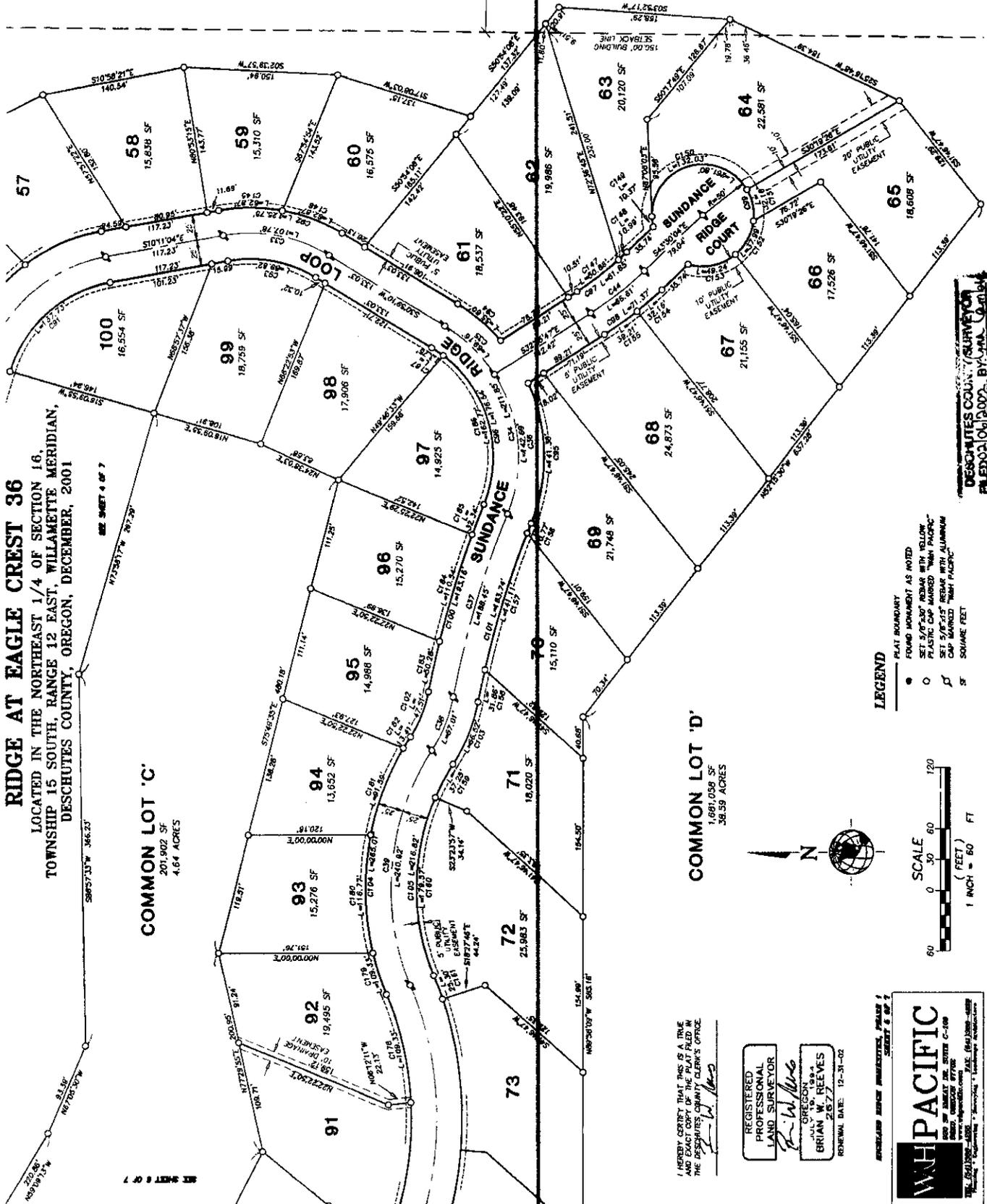
**LEGEND**  
 PLAT BOUNDARY  
 FOUND MONUMENT AS NOTED  
 SET 5/8" DIA REBAR WITH YELLOW  
 PLASTIC CAP MARKED "WHP" PACIFIC"  
 SET 5/8" DIA REBAR WITH ALUMINUM  
 CAP MARKED "WHP" PACIFIC"  
 SQUARE FEET

COMMON LOT 'D'  
 1,681,058 SF  
 38.59 ACRES

COMMON LOT 'C'  
 201,902 SF  
 4.64 ACRES



**WHPACIFIC**  
 WILSON HOLDINGS, INC.  
 2000 SW ANKENY AVE. SUITE C-100  
 PORTLAND, OREGON 97201  
 TEL: (503) 253-4661 FAX: (503) 253-4662  
 E-MAIL: whp@wheeler.com



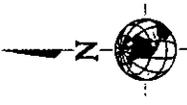
**RIDGE AT EAGLE CREST 36**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,  
 TOWNSHIP 15 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
 DESCHUTES COUNTY, OREGON, DECEMBER, 2001

**COMMON LOT 'C'**  
 201,902 SF  
 4.64 ACRES

**COMMON LOT 'D'**  
 1,681,059 SF  
 38.39 ACRES

**LEGEND**

- FLAT BOUNDARY
- FOUND MONUMENT AS NOTED
- SET 5/8" X 3/4" REBAR WITH YELLOW PLASTIC CAP MARKED "WHP PACIFIC"
- SET 5/8" X 3/4" REBAR WITH ALUMINUM CAP MARKED "WEST PACIFIC"
- SF SQUARE FEET



I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE PLAT FILED IN THE DESCHUTES COUNTY CLERK'S OFFICE.

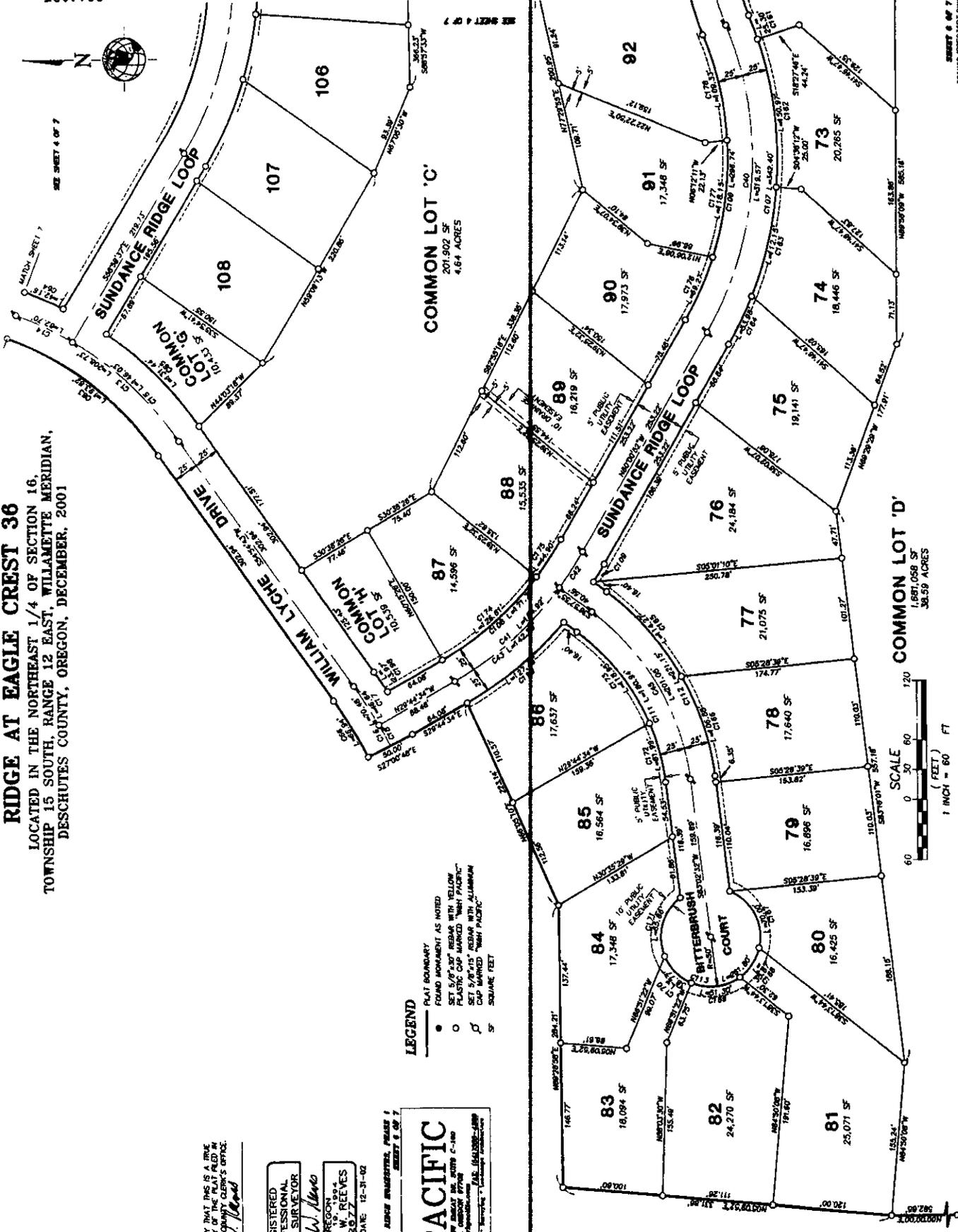
REGISTERED PROFESSIONAL LAND SURVEYOR  
 BRIAN W. REEVES  
 OREGON  
 LICENSE NO. 2677  
 RENEWAL DATE: 12-31-02

REGISTERED SURVEY INSTRUMENTS, PLATS & SHEETS 5 OF 7

**WHPACIFIC**  
 200 W MARKET DR. SUITE C-100  
 PORTLAND, OREGON 97201  
 TEL: (503) 253-4000 FAX: (503) 253-4000  
 www.whpacific.com

DESCHUTES COUNTY SURVEYOR  
 FILED 03/04/02 BY MAIL

**RIDGE AT EAGLE CREST 36**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,  
 TOWNSHIP 15 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
 DESCHUTES COUNTY, OREGON, DECEMBER, 2001



**LEGEND**

- PLAT BOUNDARY AS NOTED
- SET 5/8" CAP MARKED WITH YELLOW
- SET 5/8" CAP MARKED WITH RED
- SET 5/8" CAP MARKED WITH ALUMINUM
- CAP MARKED "W&PACIFIC"
- SQUARE FEET

I HEREBY CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF THE PLAT FILED IN THE PUBLIC RECORDS OF DESCHUTES COUNTY, OREGON.

*Brian W. Reeves*

REGISTERED PROFESSIONAL LAND SURVEYOR

*Brian W. Reeves*

OREGON 1989  
 BRIAN W. REEVES  
 20777

RENEWAL DATE 12-31-02

REGISTERED LAND SURVEYOR, PLAT # 1, SHEET 2 OF 7

**W&PACIFIC**

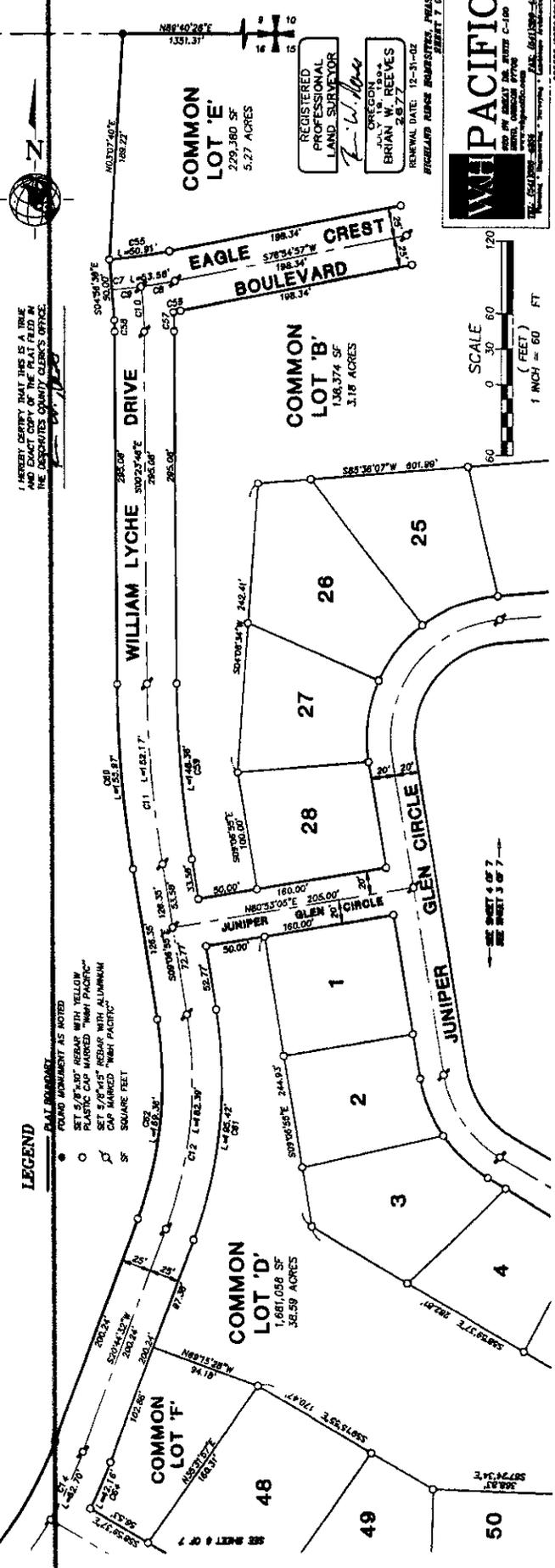
100 W. BROAD ST., SUITE 200, ASTORIA, OR 97103  
 TEL: 325-1100 FAX: 325-1101  
 WWW.WANDPACIFIC.COM

DESCHUTES COUNTY SURVEYOR  
 FILED 02/16/2002 BY: [Signature]

**RIDGE AT EAGLE CREST 36**  
 LOCATED IN THE NORTHEAST 1/4 OF SECTION 16,  
 TOWNSHIP 15 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN,  
 DESCHUTES COUNTY, OREGON, DECEMBER, 2001

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C100	170.00	194.92	182.77	S89°52'31"E	89°52'31"

DESCHUTES COUNTY SURVEYOR  
 FILED 12-15-2001 BY LAM



**WHIPACIFIC**  
 REGISTERED PROFESSIONAL LAND SURVEYOR  
 BRIAN W. REEVES  
 OREGON  
 LICENSE NO. 2877  
 RENEWAL DATE: 12-31-02  
 REGISTERED NURSE INVESTIGATOR, PHASE 1  
 REG. 1 OF 1