

512 - 2514

Pal By 2/10
AFTER RECORDING, RETURN TO:

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

9S-41832

**DECLARATION ANNEXING PHASE 7
OF EAGLE RIDGE HOMESITES
TO
THE RIDGE AT EAGLE CREST**

THIS DECLARATION is made this 21st day of September, 1998, 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 the real property described in the plat of Ridge at Eagle Crest 19, (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 7 of the Eagle Ridge Homesite Project.

C. Declarant was or is the owner of the Additional Property and has conveyed and intends to convey Residential Lots as defined herein subject to the Master Declaration and the Amended Declaration.

D. Paragraph 6 of the Declaration provides that the Declarant may amend the Annexation Declaration at any time prior to the closing of the sales of the first lot in the Additional Property. The Declarant confirms that lot sales have not occurred in the Additional Property

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 19.

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.** The Additional Property shall be Phase 7 of the Project known as Eagle Ridge Homesites.

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

4.1 **Residential Lots.** All platted numbered lots within the Additional Property shall be Residential Lots as defined in Section 1.34 of the Master Declaration.

4.2 **Common Areas.** Avocet Court, Goshawk Court, Goshawk Drive, Tanager Drive and Nutcracker Drive as shown on the plat of Ridge at Eagle Crest 19 shall be Common Areas as defined in Section 1.8 of the Master Declaration.

4.3 **Other Classifications.** There are no Common Easement Areas, 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 except that Section 7.16 (Minimum Dwelling Size) shall not be applicable to the Additional Property.

6. **AMENDMENT.** Section 4 of 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 as provided in Article 14 of the Master Declaration.

7. **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.

8. ADDITIONAL RESTRICTIONS.

8.1 Minimum Dwelling Size. No dwelling intended or used as the primary dwelling on a Residential Lot that is 12,000 square feet in size or larger may be constructed or maintained unless the interior floor area of such dwelling (excluding garage) contains at least 1,800 square feet. On a Residential Lot that is under 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. 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.

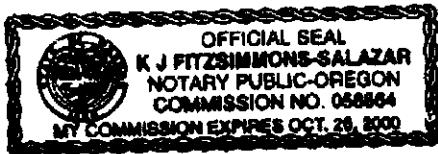
IN WITNESS WHEREOF, Declarant has executed this Declaration as of the day and year first set forth above.

EAGLE CREST, INC.,
an Oregon corporation

By *Lauri Miller*
As *Assistant Secretary*

STATE OF OREGON)
)ss.
County of Deschutes)

The foregoing instrument was acknowledged before me this 21st day of September, 1998, by Lauri Miller, Assistant Secretary of Eagle Crest, Inc., an Oregon corporation.



K J Fitzsimmons-Salazar
Notary Public for Oregon
My commission expires: 10/29/2000

STATE OF OREGON) ss.
COUNTY OF DESCHUTES)

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 SEP 21 AM 9:13

MARY SUE PENHOLLOW
COUNTY CLERK

BY: *A. Moore* DEPUTY

98-41832 FEE 22.00

DESCHUTES COUNTY OFFICIAL RECORDS