

78209-23 2/82

85-26702
AMENDMENT TO THE DECLARATIONS
SUBMITTING THE PRIVATE WAY
TO THE
MT. BACHELOR VILLAGE CHARTER

0110 1240

WHEREAS, BROOKS RESOURCES CORPORATION, as Developer, executed a Declaration Establishing a Private Way and Submitting the Private Way to the Mt. Bachelor Village Charter dated February 24, 1982, and recorded in Volume 354, Page 205, Deed Records, Deschutes County, Oregon, and

WHEREAS, BROOKS RESOURCES CORPORATION, as Developer, executed a Declaration Establishing a Private Way and Submitting the Private Way to the Mt. Bachelor Village Charter dated June 2, 1982, and recorded in Volume 357, Page 821, Deed Records, Deschutes County, Oregon, and

WHEREAS, BROOKS RESOURCES CORPORATION as the Developer and MT. BACHELOR VILLAGE ASSOCIATION, formed pursuant to the Mt. Bachelor Village Charter and which has primary responsibility for the maintenance of said private way desire to amend said Declarations to provide for the maintenance of Mt. Bachelor Village Drive,

NOW, THEREFORE, the above described Declarations are hereby amended as follows:

1. Section IV(a) of that certain Declaration recorded in Volume 354, Page 205 is hereby amended to read as follows:

"(a) The association shall repair, maintain or cause to be repaired and maintained the roadway and the entrance area described on Exhibit A

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attached hereto, including the landscaping around the entrance of the roadway, at all times in a good, clean, safe and attractive condition. The cost of such maintenance, repair and landscaping shall be borne by the association provided, however, that these costs will be reduced in the event that any other person shall be required by subsequent declaration, deed, or agreement to pay a portion of the maintenance, repair and landscaping of said road and entrance way. The cost shall include the total of all items of the cost and expense necessarily expended for the repair, maintenance, and landscaping of the entrance way determined in accordance with generally accepted accounting principles.

2. Section IV as amended above and Section V of that certain Declaration dated February 24, 1982, and recorded in Volume 354, Page 207, are hereby made a part of that certain Declaration dated June 2, 1982, and recorded in Volume 357, Page 821.

3. All other terms and conditions of the above described Declarations shall remain in full force and effect.

IN WITNESS WHEREOF, BROOKS RESOURCES CORPORATION and MT. BACHELOR VILLAGE ASSOCIATION have caused this Amended Declaration to be executed this 9th day of July, 1985.

BROOKS RESOURCES CORPORATION

By Michael P. Hollern
Michael P. Hollern, President

MT. BACHELOR VILLAGE ASSOCIATION

By Howard K. Fyke
President

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STATE OF OREGON, County of Deschutes: ss.

NOTARY The foregoing instrument was acknowledged before me this 27th day of July, 1985, by MICHAEL P. HOLLERN, President of BROOKS RESOURCES CORPORATION, an Oregon corporation, on behalf of the corporation.

Paul A. Buchanan
NOTARY PUBLIC FOR OREGON
My Commission Expires: 1/22/87

STATE OF OREGON, County of Deschutes: ss.

NOTARY The foregoing instrument was acknowledged before me this 1st day of Nov, 1985, by Harold K. Hopkins, President of MT. BACHELOR VILLAGE ASSOCIATION, an Oregon corporation, on behalf of the corporation.

James L. Bland
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/16/88

EXHIBIT "A"

South Entrance Area
Mt. Bachelor Village

JOB NO.	01070471
BY	A.K.
DATE	10/31/85
CKD. BY	SMH

PROPERTY DESCRIPTION

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A parcel of land containing 1.09 acre more or less, located in a portion of Section 7, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon being more particularly described as follows:

Beginning at a point on the easterly right-of-way line of Century Drive from which a 3" Brass Cap marking the North One-Quarter corner of said Section 7 bears North 39°20'10" East a distance of 3007.01 feet and from which a 3" Brass Cap marking the "INTIAL POINT" of Ski House III Subdivision, Mt. Bachelor Village bears North 52°52'53" East a distance of 1235.31 feet; thence leaving said right-of-way South 26°57'11" East a distance of 105.23 feet; thence following the arc of a 35.00 foot radius curve to the left a distance of 55.94 feet (chord bears South 02°51'21" East 50.17 feet); thence South 48°38'28" East a distance of 28.12 feet; thence South 56°52'03" West a distance of 272.19 feet; thence North 33°07'57" West a distance of 162.62 feet to a point on the Easterly right-of-way of Century Drive. Thence along said easterly right-of-way of Century Drive the following 3 bearings and distances and 1 curve:

North 56°52'03" East a distance of 165.59 feet;
North 33°07'57" East a distance of 10.00 feet;
North 56°52'03" East a distance of 18.63 feet;
following the arc of 1950.06 foot radius curve to the left a distance of 97.12 feet (chord bears North 55°26'27" East 97.11 feet) to the Point of Beginning.

EXCEPT THEREFROM: A portion of Mt. Bachelor Drive, containing 0.19 acres more or less, located in a portion of Section 7, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon being more particularly described as follows: .

Beginning at a point on the northerly right-of-way line of Mt. Bachelor Drive from which a 3" Brass Cap marking the North one-quarter corner of said Section 7 bears North 36°44'15" East a distance of 3140.60 feet and from which a 3" Brass Cap marking the "INTIAL POINT" of Ski House III Subdivision, Mt. Bachelor Village bears North 45°38'04" East a distance of 1339.39 feet; thence South 56°52'03" West a distance of 56.19 feet to the southerly right-of-way line of Mt. Bachelor Drive; thence along said southerly right-of-way line the following 1 curve and 1 bearing and distance:

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following the arc of a 308.32 foot radius curve right a distance of 132.66 feet (chord bears North 45°27'34" West 131.64 feet);
North 33°08'02" West a distance of 34.02 feet to the easterly right-of-way line of Century Drive;

thence said easterly right-of-way line North 56°52'03" East a distance of 50.00 feet to the northerly right-of-way line of Mt. Bachelor Drive; thence following said northerly right-of-way line the following 1 bearing and distance and 1 curve:

South 33°08'02" East a distance of 34.02 feet;
following the arc of a 258.32 foot radius curve left a distance of 134.62 feet (chord bears South 48°03'48" East 133.10 feet) to the Point of Beginning, the terminus of this description.

The net area of this description is 0.90 acre (1.09 acre less 0.19 acre)

SUBJECT TO: All easements, restrictions, and rights-of-way of record and those common and apparent on the land.

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:

1985 NOV 19 AM 11:51

MARY SUE PENHOLLOW
COUNTY CLERK

BY: P. L. [Signature] DEPUTY
NO. 85-26702 FEE 21
DESCHUTES COUNTY OFFICIAL RECORDS