

BROOKS RESOURCES CORPORATION DECLARATION  
SUBJECTING COMMON AREA TO THE  
AMENDED MT. BACHELOR VILLAGE CHARTER

THIS DECLARATION is made and executed this 8<sup>th</sup> day of July, 1983, by Brooks Resources Corporation, an Oregon corporation, the "Developer," and THE MT. BACHELOR VILLAGE ASSOCIATION, an Oregon non-profit corporation, the "Association," to subject the property herein to the Amended Mt. Bachelor Village Charter and to certain covenants, conditions, and restrictions.

By instrument recorded May 27, 1981, in Book 341, Page 529, of the records of Deeds of Deschutes County, Oregon, the "Developer" has established the Amended Mt. Bachelor Village Charter.

The Amended Mt. Bachelor Village Charter contemplates that the Developer may from time to time within Mt. Bachelor Village subject certain real property to the Charter.

Developer and Association now wish to subject to the Charter the real property described in Section 1.2 below and desires to make provision for the conditions upon which such property may be used.

SECTION 1. Definitions. When used herein the following terms shall have the following meanings:

1.1 All definitions contained in the Charter, Section 1, will apply to this Declaration.

Additionally:

Bend Title Company

1.2 "The Property" will mean that certain property described in Exhibit "A" attached hereto and by this reference incorporated herein.

**SECTION 2. Subjection to Charter.**

2.1 Pursuant to Section 2.1 of the Amended Mt. Bachelor Village Charter, Developer and Association hereby declare that the property described in Exhibit "A" shall be subject to the Charter on the following terms:

- (a) The property described in Exhibit "A" shall be common area as described in the Amended Mt. Bachelor Village Charter.
- (b) This common area will be subject to Section 4.4 of the Charter.

**SECTION 3. Miscellaneous.**

3.1 Construction; Severability; Number; Captions. This declaration shall be construed as an entire document to accomplish the purposes stated in the introductory paragraphs of this declaration. Nevertheless, each provision of this declaration shall be deemed independent and severable, and the invalidity or partial invalidity of any provision shall not affect the validity or enforceability of the remaining part of that or any other provisions.

As used herein the singular shall include the plural and the plural the singular. The masculine and neuter shall each

include the masculine, feminine and neuter, as the context requires. All captions used herein are intended solely for the convenience of reference and shall in no way limit any of the provisions of this declaration.

IN WITNESS WHEREOF, Brooks Resources Corporation and The Mt. Bachelor Village Association have executed this declaration the day and year first above written.

BROOKS RESOURCES CORPORATION

By William L. Smith  
William L. Smith, President

THE MT. BACHELOR VILLAGE ASSOCIATION

By Harold T. Bates CHAIRMAN

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me this day of July, 1983, by William L. Smith, President of Brooks Resources Corporation, an Oregon corporation, on behalf of the corporation.



Paul H. Buchanan  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1/23/87

STATE OF OREGON, County of Deschutes: ss.

The foregoing instrument was acknowledged before me this day of July, 1983, by Harold T. Bates of THE MT. BACHELOR VILLAGE ASSOCIATION, an Oregon non-profit corporation, on behalf of the corporation.



Harold T. Bates  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 3/29/87

EXHIBIT A  
BROOKS RESOURCES CORPORATION DECLARATION SUBJECTING  
COMMON AREA TO THE AMENDED  
MT. BACHELOR VILLAGE CHARTER

Pool Area at Mt. Bachelor Village

JOB NO.	000110446
BY	C.W.H.
DATE	7/1/83
CHKD. BY	[Signature]

PROPERTY DESCRIPTION

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A parcel of land containing 0.629 acres, more or less, located in a portion of the Northwest One-Quarter (NW1/4) of Section 7, Township 18 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a 3" brass cap in a 2 1/2" iron pipe marking the "Initial Point" of the plat of Ski House III Subdivision, Mt. Bachelor Village, from which a 3" brass cap in a 2 1/2" iron pipe marking the North One-Quarter corner of said Section 7 bears North 30° 14' 06" East a distance of 1,829.09 feet; thence following the southeasterly line of Ski House Condominium Section, Mt. Bachelor Village, North 47° 08' 22" East a distance of 201.63 feet; thence leaving said line South 39° 29' 33" East a distance of 73.10 feet; thence following a line 5.00 feet distant from, northwesterly of and parallel with the northwesterly right-of-way line of Mt. Bachelor Drive the following course and distance and one curve:

South 24° 38' 12" West a distance of 197.96 feet;  
following the arc of a 324.86 foot radius curve right 42.07 feet (chord bears South 28° 20' 48" West 42.04 feet) to a point on the northeasterly line of Ski House III Subdivision, Mount Bachelor Village;

thence following the northeasterly lines of said Ski House III plat the following five courses and distances:

North 68° 40' 54" West a distance of 95.13 feet;  
North 21° 19' 06" East a distance of 59.30 feet;  
North 68° 40' 54" West a distance of 20.00 feet;  
North 21° 19' 06" East a distance of 35.00 feet;  
North 68° 40' 54" West a distance of 25.00 feet to the Point of Beginning, the terminus of this description.

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

STATE OF OREGON ) ss.  
COUNTY OF DESCHUTES )

I, MARY SUE PERKINS, COUNTY CLERK AND  
RECORDS & COVENANCES, do hereby certify that the within  
instrument was recorded this day:

1983 JUL 27 PM 3:49

MARY SUE PERKINS  
COUNTY CLERK

BY: [Signature] DEPUTY

NO. 83-12376 RE 11

DESCHUTES COUNTY OFFICIAL RECORDS