

2685

SUPPLEMENTAL DECLARATION OF UNIT OWNERSHIP
FOR SKI HOUSE II CONDOMINIUM SECTION
MT. BACHELOR VILLAGE
PHASES B AND C

WHEREAS by declaration dated February 1, 1977, recorded February 11, 1977, in Book 245, page 411, Deed Records of Deschutes County, Oregon (hereinafter referred to as the "Declaration"), Brooks Resources Corporation (hereinafter referred to as "Developer"), submitted certain property to the provisions of the Oregon Unit Ownership Law, and

WHEREAS the Declaration was amended to provide a plan of development permitting the annexation of additional land and the construction by Developer of additional units in the Ski House II Condominium Section, and

WHEREAS Developer desires to submit the property described in this supplemental declaration known as Ski House II Condominium Section, Mt. Bachelor Village, Phases B and C, together with all improvements now existing or hereafter to be constructed thereon, to the provisions, restrictions and limitations of the Oregon Unit Ownership Law, ORS 91.500 through ORS 91.671,

NOW, THEREFORE, it is declared as follows:

Section 1. Definitions.

The capitalized terms used herein shall have the same meanings assigned to those terms as set forth in Section 1 of the Declaration.

Section 2. Name of the Property.

The property subject to this supplemental declaration of unit

ownership for Ski House II Condominium Section, Mt. Bachelor Village, Phases B and C, shall be known by the name Ski House II Condominium Section, Mt. Bachelor Village.

Section 3. Description of the Property.

This supplemental declaration submits to the provisions, restrictions and limitations of the Oregon Unit Ownership Law and to the Amended Mt. Bachelor Village Charter, recorded May 27, 1981, in Book 341, page 529, Deed Records of Deschutes County, Oregon, the land owned in fee simple and described on Exhibit A attached hereto, the units hereinafter described and all other improvements now existing on such land and improvements constructed on the land included in Phase A subsequent to the recording of the Declaration which together shall constitute Phase B and Phase C of the Plan of Development.

Section 4. Unit Description.

There shall be a total in all phases of 40 units. The units shall be situated in five buildings with each building containing eight units. Phase A has been completed and consists of 24 units as described in the Declaration. Phase B has been completed and consists of eight units situated in one building located on the land described on Exhibit B. Phase C has been completed and consists of eight units situated in one building located on the land described on Exhibit C. Each building has two stories with four units on each story. Each building is of wood frame construction without basement and has a cedar shake roof, cedar board siding on the exterior walls and interior and

partition walls of gypsum wallboard and wood paneling. Each unit is bounded by the undecorated interior surfaces of its perimeter walls, ceilings and floors. Each unit includes a deck area as shown on the supplemental plat recorded concurrently herewith, bounded by the floor of the deck and a vertical plane rising from each edge of the deck to a height equal to the height of the interior ceiling which shall constitute the upper boundary of the deck area. Excluded from each second story unit shall be the chimney serving the unit immediately below, which chimney shall be a part of the unit immediately below. Each unit has an undivided $1/8$ th interest in the land occupied by the building on which the unit is located. The dimension, design and approximate area of each unit in Phase B and Phase C are shown on the supplemental plat recorded concurrently herewith.

Section 5. General Common Elements.

The general common elements consist of the land other than that portion of the land defined as limited common elements pursuant to Section 6, decks which are not part of any unit, pathways, driveways, fences, grounds, parking areas, utility and general storage areas, and improvements thereon that are not a part of a unit. Each unit will be entitled to an undivided $1/40$ th interest in the general common elements. The interests in the general common elements are allocated equally among the units. Such undivided interest in the common elements shall not be separated from the unit to which it appertains and shall be conveyed

or encumbered with the unit even though such interest is not expressly mentioned or described in the conveyance or other instrument.

The common elements shall remain undivided and no unit owner may bring any action for partition or division of any part thereof while the property is subject to this supplemental declaration. Any covenant to the contrary is void.

Section 6. Limited Common Elements.

The limited common elements are those common elements designated herein as reserved for the use and ownership of the owners of units in each building, and consisting of all those elements and components of each building not otherwise included in the units, including, but not limited to the foundations, columns, girders, beams, supports, main walls, roofs, staircases, installations of central services such as electricity, water, sewage, telephone and television wiring and electrical wiring and conduit, wood storage areas, excepting those portions of the foregoing which are included within the units, and all other elements of the building necessary or convenient to its existence, maintenance and safety, or normally in common use by the unit owners of the units contained in the individual building. The use of the limited common elements by an owner is restricted to those limited common elements that are part of the building that houses his unit. Each unit owner has an undivided 1/8th interest in the limited common elements of his building.

Section 7. Association Authority.

The Ski House II Condominium Association does not have the authority pursuant to ORS 91.527(5) to grant easements, rights of way, licenses and other similar interests affecting the common elements.

Section 8. Incorporation by Reference.

Except as otherwise set forth herein, the provisions of the Declaration are hereby incorporated herein by reference.

IN WITNESS WHEREOF Developer has executed this supplemental declaration of unit ownership this 8th day of July, 1981.

BROOKS RESOURCES CORPORATION

By William L. [Signature]

Oscar B. Bratter
Deschutes County Assessor

[Signature]
Deschutes County Tax Collector

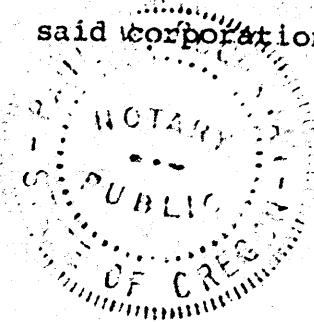
The foregoing supplemental declaration of unit ownership is approved pursuant to ORS 91.512 this 17th day of July, 1981.

by Barbara Kam
Real Estate Commissioner of Oregon



STATE OF OREGON)
) SS
COUNTY OF DESCHUTES)

The foregoing instrument was acknowledged before me this
8th day of July, 1981, by William L. Smith, President
of Brooks Resources Corporation, an Oregon corporation, on behalf of
said corporation.



Paul H. Buchanan
Notary Public for Oregon
My commission expires: 1-22-83

That portion of the Northwest one-quarter of Section 7, Township 18 South, Range 12 East of the Willamette Meridian, City of Bend, Deschutes County, Oregon described as follows:

Parcel 1:

Beginning at the most Northerly corner of Ski House II Condominium Section, Mt. Bachelor Village, as described and contained in the Declaration thereof recorded February 2, 1977 in Volume 245, Page 411 of Deschutes County Deed Records, from which a 1/2" iron rod marking the Northwest corner of Section 7, Township 18 South, Range 12 East, W.M., bears N 75° 48' 10" W a distance of 2572.52 feet and from which a 1" drill steel marking the North 1/4 corner of said Section 7 bears N 10° 32' 22" E a distance of 628.27 feet: thence N 87° 33' 27" E 15.24 feet: thence following the arc of a 180.97 foot radius curve left 80.33 feet (chord bears S 15° 14' 20" E 80.16 feet): thence S 28° 02' 07" E 108.92 feet; thence following the arc of a 159.29 foot radius curve right 84.40 feet (chord bears S 12° 51' 21" E 83.42 feet): thence S 02° 19' 25" W 116.28 feet; thence following the arc of 30.00 foot radius curve right 27.30 feet (chord bears S 28° 23' 49" W 26.37 feet): thence following the arc of a 373.42 foot radius curve right 44.01 feet (chord bears S 57° 30' 43" W 43.99 feet): thence S 61° 13' 23" W 31.89 feet; thence following the arc of a 159.90 foot radius curve right 68.13 feet (chord bears S 73° 25' 48" W 67.62 feet); thence S 85° 38' 13" W 83.54 feet: thence N 08° 13' 38" E 38.07 feet to a point on the Easterly boundary of Ski House II Condominium Section, Mt. Bachelor Village: thence following the said plat boundary the following two courses and distances: N 64° 46' 32" E 120.21 feet (Record N 64° 46' 05" E per plat); N 24° 27' 36" E (Record N 24° 29' 56" E per plat) 85.25 feet: thence leaving said plat boundary N 29° 13' 20" W 14.87 feet: thence N 60° 46' 40" E 17.58 feet to a point on the Easterly boundary of said plat; thence following the said Easterly boundary the following two courses and distances: N 01° 01' 32" W 194.56 feet: N 21° 26' 11" W 80.96 feet to the point of beginning.

Parcel 2:

Beginning at a point from which the "initial point" of Ski House II Condominium Section, Mt. Bachelor Village bears S 65° 22' 23" W 312.38 feet and from which a 5/8" iron rod marking the most Northerly corner of said plat bears N 11° 53' 50" E 214.12 feet and from which a 1/2" iron rod marking the Northwest corner of said Section 7 bears N 71° 03' 52" W 2589.97 feet: thence N 27° 58' 19" E 37.52 feet: thence N 62° 01' 41" W 7.00 feet: thence N 27° 58' 19" E 37.52 feet: thence S 62° 01' 41" E 40.00 feet: thence S 27° 58' 19" W 14.89 feet: thence N 62° 01' 41" W 7.15 feet: thence S 27° 58' 19" W 7.75 feet: thence S 62° 01' 41" E 7.15 feet: thence S 27° 58' 19" W 14.89 feet: thence S 62° 01' 41" E 7.00 feet: thence S 27° 58' 19" W 14.89 feet: thence N 62° 01' 41" W 7.15 feet: thence S 27° 58' 19" W 7.75 feet: thence S 62° 01' 41" E 7.15 feet: thence S 27° 58' 19" W 14.89 feet: thence N 62° 01' 41" W 40.00 feet to the point of beginning.

PROPERTY DESCRIPTION

A parcel of land containing 0.066 acres, more or less, located in a portion of the Northwest one-quarter 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 point from which a 3" Brass Cap marking the "Initial Point" of SKI HOUSE II CONDOMINIUM SECTION, MT. BACHELOR VILLAGE, as described and contained in the Declaration thereof recorded February 11, 1977, in Volume 245, page 411 of Deschutes County Deed Records bears South 87° 23' 31" West a distance of 423.90 feet, and from which a 5/8" iron rod marking the most northerly corner of said plat bears North 16° 32' 52" West a distance of 334.88 feet, and from which a 1/2" iron rod marking the Northwest corner of said Section 7 bears North 69° 48' 52" West a distance of 2753.78 feet; thence South 60° 46' 40" West a distance of 40.00 feet; thence North 29° 13' 20" West a distance of 14.89 feet; thence North 50° 46' 40" East a distance of 7.15 feet; thence North 29° 13' 20" West a distance of 7.75 feet; thence South 60° 46' 40" West a distance of 7.15 feet; thence North 29° 13' 20" West a distance of 14.89 feet; thence South 60° 46' 40" West a distance of 7.00 feet; thence North 29° 13' 20" West a distance of 14.89 feet; thence North 60° 46' 40" East a distance of 7.15 feet; thence North 29° 13' 20" West a distance of 7.75 feet; thence South 60° 46' 40" West a distance of 7.15 feet; thence North 29° 13' 20" West a distance of 14.37 feet; thence North 60° 46' 40" East a distance of 40.00 feet; thence South 29° 13' 20" East a distance of 37.52 feet; thence North 60° 46' 40" East a distance of 7.00 feet; thence South 29° 13' 20" East a distance of 37.52 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.

The above description is based upon a survey by Century West Engineering Corporation, performed in July of 1980. Sectional information is based upon a survey by Century West Engineering Corporation of Sections 5, 6, and 7, Township 18 South, Range 12 East, Willamette Meridian, dated May 1, 1979, on file with the Deschutes County Surveyor.

EXHIBIT B

PROPERTY DESCRIPTION

A parcel of land containing 0.066 acres, more or less, located in a portion of the Northwest one-quarter 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 point from which a 3" Brass Cap marking the "Initial Point" of SKI HOUSE II CONDOMINIUM SECTION, MT. BACHELOR VILLAGE, as described and contained in the Declaration thereof recorded February 11, 1977, in Volume 245, page 411 of Deschutes County Deed Records, bears South 65° 22' 23" West a distance of 312.38 feet, and from which a 5/8" iron rod marking the most northerly corner of said plat bears North 11° 53' 50" East a distance of 214.12 feet, and from which a 1/2" iron rod marking the Northwest corner of said Section 7 bears North 71° 03' 52" West a distance of 2589.97 feet; thence North 27° 58' 19" East a distance of 37.52 feet; thence North 62° 01' 41" West a distance of 7.00 feet; thence North 27° 58' 19" East a distance of 37.52 feet; thence South 62° 01' 41" East a distance of 40.00 feet; thence South 27° 58' 19" West a distance of 14.39 feet; thence North 62° 01' 41" West a distance of 7.15 feet; thence South 27° 58' 19" West a distance of 7.75 feet; thence South 62° 01' 41" East a distance of 7.15 feet; thence South 27° 58' 19" West a distance of 14.39 feet; thence South 62° 01' 41" East a distance of 7.00 feet; thence South 27° 58' 19" West a distance of 14.39 feet; thence North 62° 01' 41" West a distance of 7.15 feet; thence South 27° 58' 19" West a distance of 7.75 feet; thence South 62° 01' 41" East a distance of 7.15 feet; thence South 27° 58' 19" West a distance of 14.39 feet; thence North 62° 01' 41" West a distance of 40.00 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.

The above description is based upon a survey by Century West Engineering Corporation performed in July of 1980. Sectional information is based upon a survey by Century West Engineering Corporation of Sections 5, 6, and 7, Township 18 South, Range 12 East, Willamette Meridian, dated May 1, 1979, on file with the Deschutes County Surveyor.

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STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 4 day of Aug A.D. 1981 at 3:03 o'clock P. M., and recorded in Book 345 on Page 379 Records of Deeds

ROSEMARY PATTERSON

County Clerk

By Rhonda Lutz Deputy

Brooks Resources
P.O. Box 6119
Bend, OR 97701