

BROOKS RESOURCES CORPORATION
DECLARATION
ESTABLISHING A PRIVATE WAY
AND
SUBMITTING THE PRIVATE WAY
TO THE
MT. BACHELOR VILLAGE CHARTER

This declaration is made and executed this 2nd day of June, 1982, by BROOKS RESOURCES CORPORATION, an Oregon corporation, the "Developer", to subject the property described herein to the Mt. Bachelor Village Charter, and to certain covenants and restrictions.

By instrument dated April 8, 1974, and recorded May 8, 1974, in Volume 205, page 976, of the Records of Deeds of Deschutes County, Oregon, the Developer has established the Mt. Bachelor Village Charter which was amended and superceded by an instrument dated May 22, 1981, and recorded May 27, 1981, in Volume 341, Page 529 of the Records of Deeds of Deschutes County, Oregon.

Developer has constructed an access road for the Mt. Bachelor Village and, Developer now wishes to subject the property described herein to the Mt. Bachelor Village Charter as a private way.

GRAY, FANCHER, HOLMES & HURLEY
Attorneys at Law
40 N.W. Greenwood Ave. - P. O. Box 1151
Bend, Oregon

SECTION I
DEFINITIONS

When used herein the following terms shall have the following meanings:

1.1 Each of the terms defined in Section I of the Amended Mt. Bachelor Village Charter shall have the meanings set forth in such Section I.

SECTION II
SUBJECTION TO THE CHARTER

2.1 Pursuant to Section 2.1 of the Amended Mt. Bachelor Village Charter, Developer hereby declares the property described herein to be subject to the Charter on the following terms:

(a) All property described herein shall be a private way as defined in the Charter, and each unit owner and each resident of Mt. Bachelor Village is granted a non-exclusive easement to use said private way as more fully set forth in the Charter.

(b) Developer hereby reserves the right to locate, construct, maintain, and repair a pedestrian and bicycle path and easement on, over, and across the property described herein including the right to dedicate the pedestrian and bicycle path and easement to public use in a location to be determined by the Developer.

(c) Developer hereby reserves the right to grant a non-exclusive easement for access on, over, and across the property described herein to such other persons as Developer shall determine can be benefited thereby, even though such persons may not be unit owners or residents of Mt. Bachelor Village.

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SECTION III

PROPERTY DESCRIPTION

The following described property is hereby submitted to the terms of the Charter as set forth above:

A 50.00 foot wide strip of land located in the Northwest one-quarter of Section 7, Township 18 South, Range 12 East, Willamette Meridian, Deschutes County, Oregon, lying 25.00 feet on each side of the following described centerline:

Beginning at a point on the southeasterly line of the Plat of Ski House Condominium Section, Mt. Bachelor Village from which a 3" Brass Cap marking the "Initial Point" of said plat bears North 29° 34' 07" East a distance of 435.62 feet and from which a 1" drill steel marking the North one-quarter corner of said Section 7 bears North 26° 12' 22" East a distance of 1488.63 feet; thence South 53° 28' 51" East a distance of 4.62 feet; thence following the arc of a 38.74 foot radius curve right 52.82 feet (chord bears South 14° 25' 20" East 48.82 feet); thence South 24° 38' 12" West a distance of 337.01 feet; thence following the arc of a 354.86 foot radius curve right 139.84 feet (chord bears South 33° 55' 34" West 138.94 feet); thence South 47° 12' 57" West a distance of 247.29 feet; thence following the arc of a 991.54 foot radius curve left 235.05 feet (chord bears South 40° 25' 29" West 234.50 feet); thence South 31° 38' 00" West a distance of 115.42 feet; thence following the arc of a 566.89 foot radius curve right 356.72 feet (chord bears South 51° 39' 38" West 350.87 feet); thence South 69° 41' 15" West a distance of 56.84 feet; thence following the arc of a 283.32 foot radius curve right 381.64 feet (chord bears North 71° 43' 22" West 353.43 feet); thence North 33° 06' 00" West a distance of 54.01 feet to a point on the southeasterly right-of-way line of the Cascade Lakes Highway (also commonly known as Century Drive) the terminus of this centerline, the said terminus point bears South 40° 14' 30" West a distance of 3139.29 feet from the said North one-quarter corner of said Section 7.

SUBJECT TO: All easements, restrictions, and rights-of-way of record.

IN WITNESS WHEREOF, BROOKS RESOURCES CORPORATION has

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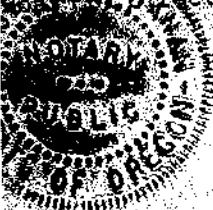
caused this Declaration to be executed the day and year first above written.

BROOKS RESOURCES CORPORATION

By [Signature]
W. L. SMITH, President

STATE OF OREGON, County of Deschutes: ss.

Personally appeared the above-named W. L. SMITH, who, being first duly sworn, stated that he is the President of BROOKS RESOURCES CORPORATION and that the foregoing instrument was signed on behalf of said corporation by authority of its Board of Directors. BEFORE ME:



[Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: Jan. 22, 1983

22890

STATE OF OREGON

County of Deschutes

I hereby certify that the within instrument of writing was received for Record the 3 day of June A.D. 1982 at 2:17 o'clock P.M. and recorded in Book 357 on Page 821. Recorded of [Signature]

ROSEMARY PATTERSON
County Clerk

By [Signature] Deputy

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