

98-37351

**DECLARATIONS, RESTRICTIONS, PROTECTIVE
COVENANTS AND CONDITIONS
STONEBROOK, PHASE V**

By instrument dated April 28, 1992, and recorded April 29, 1992, in Book 263 at Page 2035, Official Records of Deschutes County, Oregon, PMI PROPERTIES, established the Declarations, Restrictions, Protective Covenants and Conditions for STONEBROOK.

The Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook contemplated that developer would, at any time during the term of the Declaration, add all or a portion of any land now or hereafter owned by Declarant to the Property which was covered by said Declaration.

Babcock Bros., Inc., an Oregon corporation, is the successor in interest to the Declarant and is hereinafter referred to as the "Declarant".

Declarant now wishes to subject the area known as Stonebrook, Phase V to the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook, to annex such Property to Stonebrook and to make provisions for the conditions upon which such Property may be used.

NOW, THEREFORE, Declarant does hereby declare and provide as follows:

SECTION 1. DEFINITIONS

1.1 INCORPORATION BY REFERENCE: Each of the terms defined in Article 1 of the Declarations for Stonebrook shall have the meanings set forth in such Article 1.

1.2 The "Property" shall mean Stonebrook, Phase V, as described in Exhibit "A" attached hereto.

1.3 Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook shall mean that certain document entitled "Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook" dated April 28, 1992, and recorded April 29, 1992, in Book 263 at Page 2035, Official Records of Deschutes County, Oregon.

1.4 "Stonebrook, Phase V", shall mean the area described on Exhibit "A" attached hereto.

1.5 "Declarant" is the successor declarant Babcock Bros., Inc., an Oregon corporation.

1 - SUPPLEMENTAL DECLARATION

P:\DATA\ISL\CLIENTS\A-B\BABCOCK.027

Return to: Hickman Williams & Associates Inc
805 SW Industrial Way Ste 10
Bend, OR 97702
Bryant Lovien ■ Jarvis
ATTORNEYS AT LAW
40 N.W. Greenwood • P.O. Box 1151 • Bend, Oregon 97709-1151 • (541) 382-4331 • Fax (541) 389-3386

SECTION 2. SUBJECTION OF STONEBROOK, PHASE IV, TO THE DECLARATIONS, RESTRICTIONS, PROTECTIVE COVENANTS AND CONDITIONS FOR Stonebrook

2.1 ANNEXATION: Declarant hereby declares that Stonebrook, Phase V, shall be part of that certain residential community known as Stonebrook as referred to the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook.

2.2 DECLARATION OF RESTRICTIONS: The covenants and conditions set forth in Articles I through XI, inclusive, of the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook shall be applicable within the Property except as may be restricted in this instrument. The Property shall be held, conveyed, hypothecated, encumbered, used, occupied and improved only in accordance with the provisions made in this instrument and the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook.

SECTION 3. MISCELLANEOUS

3.1 AMENDMENT AND REPEAL: Any provision of this Declaration at any time may be amended or repealed. The provision may be added by any of the methods provided in the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook.

3.2 DURATION: The covenants and provisions contained herein shall continue to remain in full force and effect in accordance with Article XI of the Declarations, Restrictions, Protective Covenants and Conditions for Stonebrook.

3.3 ATTORNEY FEES: In the event any party shall bring any suit or action to enforce this Declaration, or to collect any money due hereunder or to foreclose a lien, the party not prevailing shall pay to the prevailing party all costs and expenses incurred by it in connection with such suit or action, such amount as the court may determine to be reasonable as attorneys' fees at trial and upon any appeal or petition for review thereof or other proceedings, including any bankruptcy or arbitration proceeding.

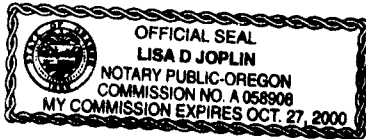
IN WITNESS WHEREOF, BABCOCK BROS., INC. have executed this Declaration this 13 day of August, 1998.

BABCOCK BROS., INC.

By: Kon Gam
Its: SECRETARY / ATTORNEY

STATE OF OREGON, County of Deschutes, ss:

The foregoing instrument was acknowledged before me this 13 day of August, 1998, by Kentbrook, who stated that he is the sec. of res. of Babcock Bros., Inc., an Oregon corporation, and that he is authorized to execute the foregoing instrument on behalf of the corporation.



Lisa D. Joplin
 Notary Public for Oregon
 My Commission Expires: Oct 27, 2000

Hickman, Williams & Associates, Inc.

Surveyors ♦ Engineers ♦ Planners

508 - 2614

STONEBROOK, PHASE V

BOUNDARY DESCRIPTION

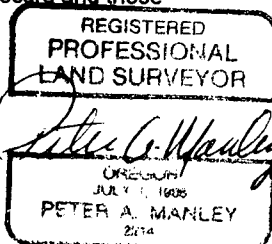
A parcel of land located in a portion of the Southeast One-Quarter (SE1/4) of Section 22, Township 17 South, Range 12 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at a 5/8" iron rod with yellow plastic cap marked "OMAN PLS 702" marking the northeast corner of that parcel surveyed per Boundary Survey for the Stonebrook Subdivision by Gary Hickman as filed on January 1, 1991 in the office of the Deschutes County Surveyor (CS# 02693), said point falling South 89°00'23" West, 1300.40 feet from a 3" brass cap marking the North One-Quarter Corner of said Section 22; thence along the east line of said survey South 18°25'20" East, 227.20 feet to a 5/8" iron rod with yellow plastic cap marked "HWA" marking the northeast corner of the plat of Stonebrook, Phase III by Philip Baldner as recorded on May 26, 1995 in Cabinet D, Pages 125-126 of plats in the office of the Deschutes County Clerk; thence leaving said east line and along the north line of said plat the following four courses:

South 71°34'40" West, 130.00 feet;
South 18°25'20" East, 23.80 feet;
South 79°59'58" West, 82.22 feet;
South 79°33'39" West, 205.00 feet to a 5/8" iron rod with yellow plastic cap marked "HWA" marking the southeast corner of the plat of Stonebrook, Phase IV by Peter Manley as filed on March 29, 1998 in Cabinet D, Pages 589-591 of plats in the office of the Deschutes County Clerk;

thence leaving said north line and along the east line of said plat of Stonebrook, Phase IV North 10°37'02" West, 264.09 feet to a 5/8" iron rod with yellow plastic cap marked "HWA" marking the northeast corner of said plat; thence leaving said east line and along the north line of said Boundary Survey for Stonebrook Subdivision North 79°16'33" East, 381.92 feet to the point of beginning, the terminus of this description.

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



Historical Mill A Building ♦ 805 SW Industrial Way, Suite 10 ♦ Bend, Oregon 97702-1093 ♦ (541) 389-9351 ♦ FAX (541) 388-5416

ENR 12-31-98

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:

98 AUG 24 PM 2:42

MARY SUE PENHOLLOW
COUNTY CLERK

BY:  DEPUTY

NO. 98-37351 FEE \$0 -
DESCHUTES COUNTY OFFICIAL RECORDS